

**CHATTEN-BROWN & CARSTENS**

2200 PACIFIC COAST HIGHWAY

SUITE 318

HERMOSA BEACH, CA 90254

[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

TELEPHONE: (310) 798-2400

FACSIMILE: (310) 798-2402

E-MAIL:

[ACM@CBCEARTHLAW.COM](mailto:ACM@CBCEARTHLAW.COM)

September 29, 2014

***Via Overnight Mail and Email [adam.villani@lacity.org](mailto:adam.villani@lacity.org)***

Mr. Adam Villani  
City of Los Angeles, Department of City Planning  
6262 Van Nuys Blvd, Room 351  
Van Nuys, CA 91401

Re: Studio City Senior Living Center Draft Environmental Impact Report  
SCH No. 2002031028  
ENV-2001-1196-EIR

Dear Mr. Villani:

On behalf of the Studio City Residents Association (“SCRA”) and Save L.A. River Open Space (“SLAROS”), we submit these comments on the draft environmental impact report for the Studio City Senior Living Center (“Project”). These comments are also supported by the Federation of Hillside and Canyon Associations, Inc. Located at 4141 Whitsett Avenue, the Project site is known as Weddington Golf and Tennis and consists of 16.1 acres currently occupied by a golf course, a driving range, putting green, clubhouse and tennis courts, plus right-of-way lands owned by Los Angeles County (“County”) adjacent to the Los Angeles River. The Studio City Senior Living Center Project would demolish 16 existing tennis courts at Weddington Golf and Tennis and replace them with 200 condominium units in six, four-story buildings, a total of 336,000 square feet of new development. (DEIR p. II-20.) The Project requires a zone change and a general plan amendment since it would be prohibited under the existing zoning and land use designation. The Project also relies on the use of County right-of-way land, requiring County approval.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass’n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report

(EIR) process is the “heart of CEQA” and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.) SCRA and SLAROS are concerned that the draft environmental impact report (“DEIR”) fails to adequately disclose, analyze, and mitigate many of the Project’s significant adverse environmental impacts.

In the early 1970s, the Project site was down-zoned from residential zoning to its current agricultural (A1-1XL) zoning pursuant to an agreement among the landowners, operators, and the City of Los Angeles and County of Los Angeles to permanently maintain the Project site as recreational open space with specific height restrictions. Consistent with that agreement, the Project site is designated as open space on the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, which comprises the applicable land use element of the City’s General Plan. The Project is inconsistent with the Community Plan and zoning designation for the site.

The Project marks a significant change in the character of the neighborhood, where residential buildings are smaller and shorter, resulting in significant aesthetic and land use impacts due to the inclusion of six 45 foot tall buildings. Under current zoning in the extra limited height district, building height on the site is limited to 30 feet. It would generate large amounts of traffic from the 200 units, all of which would enter a 613-space subterranean parking structure located on Valleyheart Drive, requiring an extension of this roadway. Additionally, Weddington Golf and Tennis is one of only a few facilities providing low-cost, public access to tennis courts in the area and is one of the few tennis facilities that can be booked for tournaments. Its courts are used by nearby schools for team practice and are heavily used by others in the community.

SCRA and SLAROS recognize that quality senior housing is a laudable goal, but one that should not be accomplished by destroying the existing unique recreational open space in the San Fernando Valley, especially along the Los Angeles River. The Valley’s park acreage is already far behind the National Recreation and Park Association’s recommended average of 6 to 10 acres of accessible park space per 1,000 residents. This is the last remaining unprotected open space along the 22 miles of the Los Angeles River in the San Fernando Valley, and creating a greenway of parks, trails, habitat and visitor-serving amenities is an important priority for the City and County. Moreover, as discussed below, alternative locations for senior housing – locations that are already zoned for such uses and that would avoid the significant environmental impacts of the Project – are available. Further, it must be emphasized that the Project is not a low income senior housing community, but rather an upscale, for-profit residential development. Thus it does not provide the type of housing the Regional Housing Needs Allotment has found lacking in the Los Angeles area.

The Project site is also adjacent to the Los Angeles River Greenway Trail and Habitat Restoration site ("L.A. River Greenway Trail"). The L.A. River Greenway Trail will provide public access to the L.A. River, recreational opportunities and the restoration of native habitat as mitigation for I-405 Sepulveda Pass freeway widening project. This project has been approved and funded and will begin construction in June 2015. The DEIR completely fails to disclose the L.A. River Greenway Trail will be located immediately adjacent to the Project site and the entrance for this trail will be on the street the Project proposes to extend and use as the sole access point for the 200 residential units and the majority of those using the golf course. Thus, the DEIR's analysis fails to consider the Project's impacts on this important public trail and natural open space land along the Los Angeles River.

The DEIR admits the Project would have significant adverse impacts with regard to construction noise and air quality. Additionally, the Project would have significant adverse impacts related to aesthetics, biological, land use, recreation, hydrology, traffic, and other impact areas that are neither disclosed nor mitigated in the DEIR. Significant new information must be added to the EIR to allow it serve as an adequate informational document. The DEIR will need to be recirculated for public comments once that significant new information is included, to provide the public disclosure required by CEQA. (Pub. Resources Code § 21092.1.) Significant new information must also be added to the EIR to allow it to serve as an adequate informational document, as required by CEQA.

SCRA and SLAROS urge the City to adopt an alternative that would reduce the impacts the Project on the City of Los Angeles, and that would retain or expand open space and recreational opportunities for City residents. One possible alternative is the L.A. River Natural Park Alternative. If implemented, the L.A. River Natural Park Alternative would retain the majority of the existing tennis facilities, the driving range, clubhouse and a golf putting green, while providing desperately need parkland, creating native wetlands, increasing available habitat along the Los Angeles River, expanding permeable surfaces and filtration to improve river water quality, improving recreation opportunities in the San Fernando Valley, and contributing to the realization of the Emerald Necklace vision of the Los Angeles River. The L.A. River Natural Park Alternative would serve as an anchor for the L.A. River Greenway Trail, which is a key link in the L.A. River Trail in the San Fernando Valley. By eliminating residential uses at the site and relocating them to other available and properly zoned parcels in the area, the Park Alternative would dramatically reduce the Project's impacts related to traffic and circulation, aesthetics, air quality, greenhouse gas production, and land use. This alternative, which would reduce the Project's significant adverse impacts, protect as much of the site's current uses as possible, create multiple environmental benefits, and take into account the unique value of the site's location on the Los Angeles River and the

site's role in providing L.A. River regional public access and connectivity to the Los Angeles River Greenway Trail, must be adopted if feasible. (Pub Resources Code §21002.)

Due to the length of this letter, we provide this table of contents:

<b><u>TABLE OF CONTENTS</u></b>		<b>Page No</b>
I.	The DEIR's Alternatives Is Inadequate.....	8
A.	Offsite Alternatives Must be Analyzed.....	8
B.	The DEIR Cannot Rely on Project Objectives to Reject Alternatives.....	11
1.	Overly Narrow Project Objectives Improperly Commit the City to a General Plan Amendment and Zone Change .....	11
2.	The Proposed Project Does Not Meet Project Objectives .....	12
C.	No Project Alternative Is Feasible .....	12
D.	Alternative B Would Have Significant Adverse Impacts .....	12
E.	The L.A. River Natural Park Alternative/Alternative D .....	13
1.	The L.A. River Natural Park Alternative Would Provide Numerous Benefits.....	13
2.	The L.A. River Natural Park Alternative Is Financially Feasible.....	15
3.	When Project Impacts Are Properly Disclosed and the L.A. River Natural Park Alternative is Correctly Described, This Alternative Would Substantially Lessen Project Impacts.....	17
a.	Description of Alternative.....	18
b.	Analysis of L.A. River Natural Park Aesthetic Impacts.....	20
c.	Analysis of L.A. River Natural Park Air Quality Impacts.....	21
d.	Analysis of L.A. River Natural Park Biological Impacts.....	22
e.	Analysis of L.A. River Natural Park Cultural Resource Impacts.....	23

f.	Analysis of L.A. River Natural Park Geology, Soils, and Seismicity Impacts.....	24
g.	Analysis of L.A. River Natural Park Greenhouse Gas Emissions.....	25
h.	Analysis of L.A. River Natural Park Hydrology and Water Quality Impacts.....	26
i.	Analysis of L.A. River Natural Park Planning and Land Use Impacts.....	26
j.	Analysis of L.A. River Natural Park Noise Impacts.....	27
k.	Analysis of L.A. River Natural Park Parks and Recreation Impacts.....	27
l.	Analysis of L.A. River Natural Park Transportation Impacts.....	27
m.	Analysis of L.A. River Natural Park Utilities Impacts.....	29
4.	The Los Angeles Natural Park Alternative Would Meet Project Objectives.....	29
II.	The EIR Fails to Disclose and Analyze the Project’s Impacts on the L.A. River Greenway Trail.....	30
III.	The Project Description is Misleading. ....	32
IV.	The DEIR Fails to Adequately and Accurately Analyze and Mitigate the Project’s Impacts.....	33
A.	The DEIR Inadequately Analyzes the Project’s Significant Aesthetic Impacts. ....	33
1.	The DEIR’s Description of Existing Buildings is Misleading and Obscures the Project’s Significant Aesthetic Impact. ....	33
2.	The Massive Project Will Cause a Significant Change in the Site’s Visual Character.....	34
3.	The DEIR Fails to Disclose and Mitigate the Project’s Significant Aesthetic Impacts on Recreational Facilities, the Los Angeles River, and Views of the Hollywood Hills.....	36
B.	The Project May Have Undisclosed Impacts on Biological Resources.....	38

1.	The Project’s Nighttime Lighting Could Adversely Impact Biological Resources Along the Los Angeles River Corridor.....	38
2.	The Biological Survey is Outdated and Excludes the Active Portions of the Project Site. ....	40
3.	The DEIR’s Disclosures and Analysis Regarding Tree Removal are Inadequate .....	41
C.	Adverse Construction-related Air Quality Impacts are not Fully Disclosed or Mitigated. ....	42
D.	The DEIR Fails to Mitigate the Project’s Admitted Contributions to Greenhouse Gas Emissions. ....	45
E.	Land Use Would Be Negatively Impacted.....	47
1.	The DEIR Must Analyze the Project’s Consistency With Existing Plans and Zoning. ....	47
2.	The Project Would Be Inconsistent With Numerous Community Plan Policies Regarding Preservation of Park and Recreational Areas and Minimizing Impacts to the River. ....	47
3.	The Project Is Inconsistent with the Los Angeles River Revitalization Plan. ....	48
4.	The DEIR Fails to Consider the Project’s Lack of Consistency With the Los Angeles River Master Plan and Los Angeles 2010 Bicycle Plan.....	51
5.	The Project is Inconsistent With SCAG Regional Policy.....	51
6.	The DEIR Fails to Analyze the Project’s Compatibility With the Adjacent Los Angeles River Greenway Trail and Habitat Restoration.....	52
F.	Public Services Would Be Impacted.....	52
1.	Fire Services .....	52

2.	School Services .....	52
G.	The Removal of 16 Tennis Courts Will Have Significant and Unmitigated Impacts on Recreation in Studio City. ....	53
H.	The Transportation/Traffic Analysis is Inadequate. ....	55
1.	The DEIR Relies on a Hypothetical Traffic Baseline.....	55
2.	The DEIR Fails to Analyze Potentially Significant Construction Traffic Impacts. ....	56
3.	Further Analysis is Required for Intersection of Whitsett Avenue and Valleyheart Drive.....	56
4.	The DEIR Fails to Adequately Mitigate Pedestrian Access Impacts.....	56
5.	Secondary Parking Impacts on Surrounding Neighborhoods Must Be Considered. ....	57
I.	The DEIR’s Analysis of Cultural Resources Fails to Provide Adequate Information Regarding the Project’s Impacts. ....	57
J.	The DEIR Fails to Provide Adequate Information Regarding the Project’s Geotechnical Impacts. ....	58
K.	The DEIR Improperly Defers Analysis and Mitigation of Hydrology and Water Quality Impacts. ....	59
1.	The DEIR Fails to Disclose Proposed Mitigation For Increased Runoff is Infeasible.....	59
2.	The DEIR Fails to Address Golf Course Runoff. ....	62
3.	The DEIR Fails to Analyze Runoff from Valleyheart Drive.....	62
4.	The DEIR Fails to Adequately Analyze Cumulative Water Quality and Flooding Impacts. ....	62
L.	Water Supply Impacts. ....	63
1.	The DEIR Fails to Consider the Impacts of Dewatering on Water Supply.....	63
2.	The DEIR Fails to Consider Water and Wastewater Line Capacity.....	63

3.	Construction Water Usage Must Be Assessed.....	64
M.	Noise Impacts are Inadequately Analyzed.....	64
N.	The List of Related Projects Fails to Include Several Recently Proposed Cumulative Projects.....	66
O.	Project Design Features Are Mitigation Measures.....	66
	Conclusion.....	67

**I. The DEIR’s Alternatives Is Inadequate.**

The EIR is the heart of CEQA, and the mitigation and alternatives discussion forms the core of the EIR. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.) The DEIR’s alternatives analysis relies on improperly narrow project objectives, fails to provide adequate information and comparative data regarding the Project and alternatives and fails to analyze potentially feasible alternatives that could substantially lessen the Project’s impacts. Further, as discussed in section III below, the DEIR fails to disclose numerous Project impacts. Only when impacts are properly disclosed can the merit of alternatives truly be assessed.

**A. Offsite Alternatives Must Be Analyzed.**

The EIR should evaluate moving the proposed residential development to another location. An analysis of alternative sites is an important consideration under CEQA. “The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.” (CEQA Guidelines § 15126.6.) As discussed in detail below, many of the Project’s impacts were not disclosed in the DEIR. Many of these impacts are directly related to the Project’s location on a site that is designated for open space and recreational uses and that is adjacent to the Los Angeles River. Thus, the consideration of alternative sites is of particular importance. The Guidelines take a narrow view of what constraints would render an alternative site infeasible (for example, the lack of extractable resources on a site for a resource extraction project). (Guidelines §15126.6(f)(2)(B).) Furthermore, California Courts have endorsed the use of rigorous off site alternatives analyses. (See, for example, *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553 [upholding EIR in part because of adequate analysis of an off site alternative] and *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4<sup>th</sup> 1437 [EIR found inadequate for failure to assess an offsite alternative that would have reduced impacts].)

Consideration of alternative sites is also particularly important because the

proposed Project is inconsistent with the City's existing plans, policies and zoning. (*Mira Mar Mobile Cmty. v. City of Oceanside* 92004) 119 Cal. App. 4th 477, 492.) Expert treatises on CEQA confirms: "A proposal to change a site's land use designation raises issues that make consideration of alternative sites particularly relevant. A proposed change in allowed uses raises a policy question of whether the site is appropriate for the new use. Resolution of this question depends on a comparison of the advantages and disadvantages of the site with other sites that are or could be designated for the same use." (Kostka and Zischke *Practice Under the California Environmental Quality Act* Vol. 1, § 15.26, p. 756.) Here, the Project requires a zone change and a General Plan amendment to change the land use from open space to medium density residential, making consideration of off-site alternatives particularly relevant. There is no inherent need for the applicant to develop its proposed residential facility on the site of the existing tennis courts, and SCRA and SLAROS are confident that the worthwhile apparent goal of the Project -- i.e., development of quality senior housing -- can be accomplished at other locations in and around Studio City.

The DEIR identifies several locations that would allow for construction of the senior housing Project on existing recreational and open space areas, but improperly rejects these alternative sites because the applicant does not own them and because they would not eliminate significant impacts. That the applicant does not own the alternative site is not an adequate basis for rejecting their consideration in the DEIR. (*Save Round Valley Alliance v. Cnty. of Inyo* (2007) 157 Cal. App. 4th 1437.)

Additionally, the DEIR fails to disclose numerous potentially significant impacts associated with development at the proposed Project site, impacts that would be avoided if the Project were moved to a different location. Moreover, the two impacts acknowledged by the DEIR to be significant-construction air quality impacts and construction noise impacts-are also directly related to the location of the Project. Because of the cramped size of the site, the parking for the Project would require construction of a 20-foot-deep subterranean parking garage in an area with historic high water table of zero feet. (DEIR Appendix D, Geotechnical Report p. 5.) The construction impacts are due in large part to the pile driving and other machinery required to excavate for this subterranean parking garage and the air pollution that would be emitted by excavating and hauling 82,000 cubic yards of fill to construct the subterranean parking garage due to the inadequacy of this fill for development. The DEIR fails to assess whether other sites would eliminate these construction impacts.

Further, the DEIR improperly limits the consideration of alternative sites by requiring alternative sites to include recreational uses. The Project is the development of 200 senior housing units on a site that is adjacent to a golf course. The golf course and related golf facilities are a private business and would not be integrated into the Project;

in fact, the developer is requesting a subdivision to permanently divide the senior housing lot needed for the Project from the golf course lot. The golf course does not provide usable open space for the residents of the senior housing. Moreover, none of the Project objectives require the senior housing be developed on a site that is currently being used for recreational uses. The developer has claimed there is a need for senior housing in this area, a claim which as discussed below is not supported by evidence. However, assuming there is a need for senior housing in this area, the goal of providing recreational opportunities for the community would be better served by developing the Project on a site that is already zoned for multi-family residential uses, because it would protect the adjacent Los Angeles River Greenway Trail and Habitat Restoration area and would no longer eliminate the heavily used tennis courts at the Project site.

The EIR should consider other alternative sites that are already zoned for multi-family residential housing. There are many sites in Studio City zoned R-3 (multi-family residential) that are underutilized or are not at maximum capacity. The existing buildings on these sites could be demolished and rebuilt as senior housing, most likely with less expense and fewer impacts than obtaining a General Plan amendment, a zone change, and lot split. demolishing 16 tennis courts and constructing a massive subterranean parking garage in an area of with high water tables and unstable fill. Also by building on underutilized lots, the applicant may be able to use the City's Density Bonus Ordinance by including affordable housing units. Properties along streets such as Aqua Vista and Moorpark are zoned R-3, but are currently underutilized with low density housing built in the 1960s. Sites along these streets should be considered as alternative sites for the senior housing development.

One specific site provides an excellent alternative site for senior housing; it is a large vacant R-3 zoned lot located on the east side of Laurel Canyon Boulevard, just north of Valleyheart Drive. This site is a short, walkable distance from the Valleyheart Greenway, the Los Angeles River, and Moorpark Park and would provide residents with easy access to recreational opportunities. The site is closer to commercial areas than the Project site, including to a grocery store. This alternative site is also located near health services on Laurel Canyon Boulevard, meeting the Community Plans recommendation to locate senior housing near health care services. This site is located on a DASH and Metro bus route, providing readily available public transportation for seniors. The apartments previously located on this site were demolished approximately four years ago, and the lot has remained vacant ever since. Thus, development of this site would not require the removal of any existing building or recreational facility.

This site and other existing R-3 sites in the Studio City area could, on their own or in combination, provide the senior housing deemed to be necessary by the Project objectives. They would also allow for the protection of the Los Angeles River Greenway

Trail's entrance, would likely not require the massive amount of fill removal necessary at the proposed Project site, and would preserve the tennis center, providing necessary recreational uses for the community. Thus, these proposed off-site alternatives must be analyzed in a recirculated DEIR.

**B. The DEIR's Project Objectives Cannot Be Used to Reject Alternatives.**

**1. Overly Narrow Project Objectives Improperly Commit the City to a General Plan Amendment and Zone Change.**

The Project objectives identified by the DEIR require the Project to include residential development, improperly limiting consideration of alternatives. Two of the project objectives require the construction of a residential development on the Project site; another requires high density development, and several others set goals for providing housing. To allow the dense residential development on the site proposed by the Project, the General Plan must be amended and the site must be rezoned. By including project objectives that presuppose the site must include residential development, the DEIR improperly rejects any alternative that would not include residential development. These overly narrow project objectives foreclose feasible uses of the site that comply with existing zoning and land use designations. "[A] lead agency may not give a project's purpose an artificially narrow definition" and thereby circumscribe the alternatives analysis. (*In re Bay Delta Prog. Environmental Impact Report Coord. Proceedings* (2008) 43 Cal. 4th 1143, 1166.) The willingness of the applicant to accept a feasible alternative is no more relevant than the financial ability of the applicant to complete the alternative. (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 601.)

Additionally, by including objectives in the DEIR that would reject any alternative that does not include residential development, the City is pre-committed to the Project as proposed. The City cannot rely on the project objectives to pre-commit to a change in zoning and land use designations prior to environmental review. Moreover, "[c]ase-by-case reconsideration of regional land-use policies, in the context of a project-specific EIR, is the very antithesis of that goal." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 572 -573.)

The DEIR also claims that senior housing is needed in this area. That is not true. There are numerous senior housing developments in Studio City and the surrounding area, many of which have a significant number of vacancies. The following have been identified as providing senior housing: North Hollywood Senior Arts Colony; Inn on the Boulevard; Royal Bellingham; Gardens at Park Balboa; Village at Sherman Oaks; Belmont Village in Sherman Oaks; Sunrise of Studio City; Valley Village Senior

Apartments; Piedmont Senior Apartments; Retirement Living; and Park Plaza Senior Apartments.

Less than a mile north of the Project site, at 12629 Riverside Drive, a condominium complex for senior housing was constructed approximately three years ago. There was inadequate demand for senior housing condos and the complex was subsequently converted into non age-restricted rentals. Evidence does not support the DEIR's claims that new senior housing is needed. Thus, an alternative's failure to provide senior housing is an inadequate basis for rejecting the alternative.

## **2. The Proposed Project Does Not Meet Project Objectives.**

Further, the Project itself fails to achieve several of the Project objectives. The objectives require a proposal to maintain as many recreational/open space uses on the Project site as possible. Instead, the Project authorizes demolition of the most popular recreational use on the site. As discussed in section IV.A.1 below, the Project is not compatible or consistent with the existing density and character of the neighborhood as required by the project objectives. Although the project objectives require compliance with the River Improvement Overlay District Private Development Guidelines, the Project fails to achieve this objective as discussed in section IV.E.3 below. The project objectives further require a project to promote connectivity with the Los Angeles River. Instead, the Project inhibits public access to the Los Angeles River Greenway Trail and Habitat Restoration area located adjacent to the Project site and makes the entrance to this trail unsafe. (Section II.)

### **C. No Project Alternative Is Feasible.**

The DEIR improperly dismisses the No Project alternative by relying on the overly narrow project objectives that commit the City to a change in land use and zoning for the Project site. The No Project alternative would meet all of the project objectives that do not require a change to residential uses at the Project site. The No Project alternative would meet the recreation focused project objectives. Additionally, without the extension of Valleyheart Drive and the construction of a massive subterranean parking garage on that street, the L.A. River Greenway Trail would not be impacted and connectivity to the River from this site could be achieved.

Further, this alternative is financially feasible because the Project site is already producing a reasonable return in its operation as a golf course and tennis center.

### **D. Alternative B Would Have Significant Adverse Impacts.**

The DEIR improperly, and without evidentiary basis, considers Alternative B to be the environmentally superior alternative, second only to the No Project alternative. Alternative B would retain a portion of the golf course and relocate a number of the tennis courts to allow construction of a 250-unit apartment building. This alternative would have numerous undisclosed impacts and would fail to meet the recreational and Los Angeles River focused project objectives, similar to the proposed Project. When impacts are properly analyzed, Alternative B would likely have substantially greater impacts than the Project as it would include a greater number of vehicle trips and the associated air quality and greenhouse gas impacts from an additional 50 residential units. It would also move the tennis courts to the west side of the property, increasing impacts on the single family homes located on Bellaire Street and Valley Spring Lane. Additionally, the DEIR fails to discuss whether it would be feasible to operate a five hole golf course. Further, the DEIR does not support its conclusion that the size of the residential building would be the same for the 250 unit development in Alternative B as it would be for the Project's 200 unit development.

**E. The Los Angeles River Natural Park Alternative/Alternative D.**

**1. The Los Angeles River Natural Park Alternative Would Provide Numerous Benefits.**

SCRA, SLAROS, the Santa Monica Mountains Conservancy, the Chair of the California State Senate Committee on Natural Resources and Water and many others urged the City to consider a Multi-Use Project Alternative. SCRA's 2008 scoping comments proposed an alternative that combines a multi-acre Los Angeles riverfront park along the regional Los Angeles River Greenway with native habitat designed for runoff catchment, filtration and treatment systems to improve water quality in the Los Angeles River and assist in achieving State regulatory requirements and water quality improvement goals for the L.A. River. It also provides trail, habitat and open space lands immediately adjacent to the Los Angeles River. The Project site is the only remaining undeveloped site along 22 miles of the Los Angeles River in the San Fernando Valley where these recreational, biological, and water quality goals can be attained.

The Santa Monica Mountains Conservancy, a state agency, SCRA and SLAROS funded the development of the L.A. River Natural Park Plan, including technical feasibility studies of the hydrology, hydraulic and water quality components and of the L.A. River regional public access components. The plan and technical feasibility studies were conducted by Community Conservation Solutions, Mia Lehrer and Associates Landscape Architects, BlueGreen Consulting and Psomas Engineering. (See <http://www.conservationsolutions.org/larnp.html>, incorporated by reference.) The L.A.

River Natural Park Alternative is a L.A. River-oriented multi-benefit water quality improvement project that would: improve water quality in the L.A. River by creating and restoring native habitats and constructing multiple Best Management Practices (BMPs) that naturally capture and clean polluted urban runoff from 200 acres of the surrounding urbanized area; store and reuse both stormwater and dry weather runoff for irrigation; provide valuable new local water supplies; provide regional natural open space and other recreational facilities; provide ample off-site public parking, links to public transit and regional bicycle networks; and establish an L.A. River Gateway providing bicycle and pedestrian-friendly regional public access to the L.A. River. The L.A. River Natural Park Alternative would retain the existing driving range, putting green and most of the tennis facilities, and would connect the Project site to the L.A. River Greenway Trail with public walking trails, viewing terraces, and ADA-compliant access. The L.A. River Natural Park would serve as a unique and vitally-needed regional hub for public access to the L.A. River and includes use of the existing 391-car public parking garage 500 yards downstream, which is accessed by the existing, improved sections of the L.A. River Trail. The parking garage would serve as a regional L.A. River parking facility and bicycle hub, providing bike rental and storage and links to the City's existing and planned regional bicycle network. This alternative would provide the full range of native habitats necessary to sustain species biodiversity of plants, birds and animals, including open water, marsh, riparian and upland habitats, which would be engineered to naturally remove sediment, trash, debris, fertilizers, heavy metals, suspended solids, bacteria, oil and grease and pesticides. The L.A. River Natural Park would also include walking trails, a visitor center, interpretive signage, shade structures and solar power generated on site to make the project "grid-neutral".

This alternative's combination of urban runoff BMPs are intended to help meet regional water quality improvement goals and regulatory requirements set by the California Regional Water Quality Control Board-Los Angeles Region ("Regional Water Board") for the Los Angeles River. The L.A. River Natural Park is also designed to provide multiple public benefits, as encouraged by the Regional Water Board. The U.S. Clean Water Act sets standards to protect both human health and marine and aquatic life and waterways that do not meet these standards are listed as impaired. This alternative is designed to target specific pollutants of concern for which the L.A. River is listed as impaired under Section 303(d) of the U.S. Clean Water Act. All of the L.A. River is in violation of the U.S. Clean Water Act, with nearly 100 different pollutants in concentrations above both state and federal standards. The untreated stormwater and dry weather runoff flowing into the L.A. River in urban areas is carried downstream to Los Angeles County's beaches, bays and coastal waters, where it causes a long list of serious problems including: adverse impacts to both human health and marine and aquatic life; beach closures; serious economic impacts through damaging tourism; and prevents the County from meeting water quality objectives mandated by the U.S. Clean Water Act and

enforced by the Regional Water Board.

The 16-acre Project site provides a unique and unparalleled opportunity to effectively address both serious regional water quality problems, Los Angeles Riverfront-compatible recreational open space needs in the San Fernando Valley, native habitat restoration and furthering the goals of the City of Los Angeles' Los Angeles River Revitalization Master Plan ("LARRMP"). The site is the last remaining unprotected open space along 22 miles of the L.A. River in the San Fernando Valley. The site links to existing and planned trails and greenways along key tributaries of the L.A. River, including the Tujunga Wash, Pacoima Wash and Arroyo Seco. The site is located in an area with very limited storm drains, which currently suffers from chronic flooding and which drains polluted runoff year-round directly into L.A. River without treatment of any kind. The site is the only place in the San Fernando Valley where a gateway to the L.A. River can be established to serve communities throughout the Valley. The site is an important part of the City of Los Angeles' plans for a regional and linked system of trails, greenways, riverside parks and river-related visitor amenities, as clearly expressed in the City's Los Angeles River Revitalization Master Plan.

## **2. The L.A. River Natural Park Alternative is Financially Feasible.**

As of SCRA's 2008 scoping letter, over \$100 million in public funds had been invested along the 51-mile length of the Los Angeles River to protect precious river-front lands, develop the regional L.A. River Trail, provide public access and recreational opportunities, develop multi-use recreation, open space and water quality improvement projects along the Los Angeles River to advance regional water quality objectives. As of 2008, California State Parks alone had spent over \$70 million on acquisition of lands on the L.A. River since 2001. The voter-approved California Proposition 84 earmarks funds for multi-benefit projects along the Los Angeles River that combine park, trail-related and water quality improvements.

Additional local funding for multiple benefit, natural habitat water quality improvement projects is available through the City of Los Angeles' Proposition O. If approved by voters, California Proposition 1, the Water Bond on the November 2014 state ballot, earmarks \$98 million specifically for water-related projects in Los Angeles and Ventura Counties, as well as \$30 million to the Santa Monica Mountains Conservancy and \$100 million the State Coastal Conservancy for multi-benefit water quality, water supply and watershed protection and restoration projects. The jurisdiction of both agencies includes the Project site. Proposition 1 includes an additional \$200 million for multi-benefit stormwater management projects. Thus, public funds are available now and more are likely to be available in the very near future that can be directed to the acquisition of the project site and implementation of the L.A. River

#### Natural Park Alternative.

Further, the Urban Waters Federal Partnership is working to secure federal funding for this park project stating that “The 16-acre Los Angeles River Natural Park project will be one of the most significant River revitalization projects in this area and has been prioritized by the Urban Waters Federal Partnership in its Los Angeles River Work Plan to receive targeted support from the federal government to expedite its implementation.” (Attachment 1, letter from Urban Waters Federal Partnership; see also <http://www.urbanwaters.gov/la/pdf/Workplan-LA-2014.pdf> at page 10, incorporated by reference.) Thus, implementation of the L.A. River Natural Park Alternative is feasible.

The L.A. River Natural Park Alternative is also consistent with the spirit of Alternative 20 in the Los Angeles River Ecosystem Restoration Feasibility Study, which was selected by the Army Corps of Engineers in May 2014. Alternative 20 is the most ambitious of the river restoration plans, and will remove concrete, widen the river, and provide connectivity to parkland along 11 miles of the Los Angeles River between Griffith Park and downtown Los Angeles. The Study originally included the San Fernando Valley. The Army Corps of Engineers has committed to funding 50 percent of the \$1.08 billion restoration, with the City of Los Angeles responsible for the other half. The L.A. River Natural Park Alternative would create a restored riverside habitat, and extend the system of parkland along the L.A. River in the San Fernando Valley.

Indeed, there are several examples of this type of multi-benefit water quality improvement project completed and underway in the Los Angeles area, further demonstrating the feasibility of such an alternative. Projects that maximize the capacity of parkland and natural habitat to capture, detain, clean, infiltrate, store and/or re-use stormwater and urban runoff, while providing restored native habitat, recreational opportunities and green open space include:

- Marsh Street Park, Los Angeles;
- Tujunga Wash Greenway and Stream Restoration Project (See [http://www.werf.org/liveablecommunities/studies\\_la\\_ca.htm](http://www.werf.org/liveablecommunities/studies_la_ca.htm));
- Aliso/Limekiln Creeks, Northridge; and
- Pacoima Wash Mountain Parkway, San Fernando Valley
- South Los Angeles Wetlands Park, Los Angeles (See <http://www.kcet.org/socal/departures/columns/la-river/wetlands-opens-in-south-los-angeles.html>, <http://www.lapropo.org/sitefiles/lariver.htm>);
- Augustus F. Hawkins Natural Park, Los Angeles (See [http://www.pps.org/great\\_public\\_spaces/one?public\\_place\\_id=545](http://www.pps.org/great_public_spaces/one?public_place_id=545).)
- Bimini Slough Ecology Park, Los Angeles;
- Tree People Open Charter Elementary School Project, San Fernando Valley

- Penmar Water Quality Improvement Project, Venice and Santa Monica (See <http://www.lapropo.org/sitefiles/Penmar/intro.htm>.)

**3. When Project Impacts Are Properly Disclosed and the L.A. River Natural Park Alternative is Correctly Described, This Alternative Would Substantially Lessen Project Impacts.**

By creating a public park, habitat and open space, restoring a complex of native habitats in an ecosystem-focused design, creating walking trails on site that link to the L.A. River Greenway Trail, creating a bicycle-friendly site and bicycle hub at the nearby parking garage, and by increasing connectivity with the Los Angeles River, the L.A. River Natural Park Alternative would dramatically increase the available public recreation opportunities in the area, while removing the significant impacts on land use presented by the Studio City Senior Living Center Project, but not disclosed in the DEIR. (See section II.) As described below, the L.A. River Greenway Trail Project has already been approved and funded, which will extend recreational trails, create over five miles of continuous L.A. River trail and promote connectivity to parks and green spaces along the Los Angeles River through the San Fernando Valley. A rendering of the Los Angeles Greenway Trail is available on the website of the organization Community Conservation Solutions, and shows the L.A. River Greenway Trail's route between the Weddington Golf and Tennis site and the Los Angeles River. This document is also attached. (Attachment 2, also available at: [http://www.conservationsolutions.org/pdf/LARiver/CCS\\_LAR-Greenway\\_2014.pdf](http://www.conservationsolutions.org/pdf/LARiver/CCS_LAR-Greenway_2014.pdf), incorporated by reference.) Construction on this portion of the Trail will begin in June 2015. The L.A. River Natural Park Alternative would accommodate and directly connect to the planned L.A. River Greenway Trail and would provide additional passive recreational space where residents and families from throughout the region will be able to come to escape the Valley's urban congestion, walk in a natural setting, and breathe fresh air along the L.A. River water in the City of Los Angeles.

The DEIR's analysis of the L.A. River Natural Park Alternative is rife with factual errors. SCRA submitted the L.A. River Natural Park Plan and associated technical feasibility studies to the City; however, it appears these documents were largely ignored in the preparation of the alternatives analysis. Nearly every conclusion in the analysis is derived from an incorrect portrayal of the L.A. River Natural Park plan, and is not substantiated by either facts or actual analysis. Because the applicant's description of the L.A. River Natural Park Plan is full of so many errors, the conclusions reached regarding potential impacts compared to potential impacts of the Project are not substantiated.

The L.A. River Natural Park alternative would install a shallow stream, lake and

associated wetlands habitats, would include only one small building for a visitor center, would retain most of the tennis courts, the driving range, putting green, and historic clubhouse, and has ample off-site public parking for visitors, who would walk to the site on the L.A. River Trail. Despite this, the DEIR incorrectly portrays this water quality improvement, native habitat restoration and L.A. River public access project –on a par with the Project’s proposed multi-family residential project with 200 units, six four-story buildings, and 624 cars per day. This is not logical, nor is it supported by fact.

The Project will excavate 82,000 cubic yards of soil to build a 20-25 foot deep, approximately 135,000 square foot subterranean garage with 613 parking spaces and for the foundations and associated infrastructure of the six four-story buildings proposed for the site. In contrast, the L.A. River Natural Park needs only to excavate to a depth of three feet for the subsurface detention that would be installed underneath the existing driving range (with a footprint of 2.7 acres), from three to six feet deep for the open water habitats, six inches to three feet deep for the marsh habitat, and one foot deep for the wet pond (with an area of 250 feet by 120 feet). The open water and marsh habitats combined comprise between less than half an acre. One small building would be built to serve as a visitor center.

Following is a list of the numerous errors included in the DEIR’s analysis of Alternative D-the L.A. River Natural Park Plan, and questions that must be answered in order to provide “sufficient information” about this alternative “to allow meaningful evaluation, analysis, and comparison with the proposed project.” (CEQA Guidelines § 15126.6(d).)

**a. Description of Alternative.**

The L.A. River Natural Park Plan for the Weddington Golf and Tennis site is a river-oriented native habitat restoration and park that would be created to: 1) address polluted stormwater and dry weather runoff from the site and the surrounding urbanized area, which currently contribute to the L.A. River’s multiple violations of the U.S. Clean Water Act; 2) store and re-use this precious runoff resource; 3) improve water quality in the L.A. River through the creation of a natural wetlands system that uses the natural functions of plants and soil to naturally capture, filter and clean runoff; 4) restore a complex of native habitats in a natural ecosystem; 5) establish an L.A. River Regional Public Access Hub and Trailhead to provide public access to the L.A. River Greenway Trail; and 6) provide ample public parking by linking to the 391-car public parking car garage 500 yards away along the L.A. River for visitor parking and bicycle connections. The DEIR fails to include numerous key components of the L.A. River Natural Park in its description of the alternative and also fails to discuss why these components are environmentally and regionally significant.

The DEIR also erroneously states that the existing driving range and tennis court facilities would be removed, reconfigured, relocated and reconstructed. This is incorrect. A subsurface detention basin to store treated runoff for later re-use would be installed under the existing driving range in its existing location. The tennis courts would not be moved. Four tennis courts would be removed, leaving a total of 12 courts. The putting green would also remain in the L.A. River Natural Park.

The DEIR's description of this alternative also fails to acknowledge that the L.A. River visitor center, natural habitat and the link to the off-site parking garage are essential visitor-serving elements that provide regional public access to the L.A. River, educational and interpretive amenities, and parking.

The DEIR also states that re-zoning would be required for this alternative. The need for re-zoning is not an adequate basis upon which to reject a less impactful alternative, particularly when the Project itself requires re-zoning *and* a general plan amendment. Moreover, while Open Space zoning would more fully represent the uses included in the L.A. River Natural Park alternative, it appears all the uses would be allowed under A1 zoning.

The DEIR states that it used conceptual drawings to perform their analysis of the L.A. River Natural Park's impacts. The DEIR must also rely upon the written technical studies included in the L.A. River Natural Park Plan. These are: Hydrology, Hydraulic and Water Quality Components and L.A. River Regional Public Access Feasibility Analysis. The Los Angeles River Natural Park Plan was also prepared by Community Conservation Solutions, who is not identified in the DEIR, and was based on the L.A. River Natural Park Vision and Concept Design developed by Community Conservation Solutions and BlueGreen Consulting in 2008.

The DEIR portrays the L.A. River Natural Park as being supported by "local stakeholder organizations in the community." This statement minimizes the actual support, is incomplete and is therefore misleading. The L.A. River Natural Park is strongly supported by national, state and regional leaders and organizations, including:

- Urban Waters Federal Partnership, a project of the U.S. Environmental Protection Agency
- U.S. Congressman Brad Sherman
- Urban Waters Federal Partnership
- Santa Monica Mountains Conservancy, a state agency
- State Senator Fran Pavley, Chair, Senate Committee on Natural Resources and Water

- State Senator Carol Liu
- L.A. City Councilmember Paul Krekorian
- L.A. City Councilmember Paul Koretz
- L.A. City Councilmember Tom La Bonge
- Trust for Public Land
- Council for Watershed Health
- Friends of the LA River
- North East Trees
- San Fernando Valley Audubon Society
- Sierra Club – San Fernando Valley Group/Angeles Chapter
- Village Gardeners
- United States Tennis Association-Southern California
- Campbell Hall
- City of Burbank, Park, Recreation and Community Services Board
- Sherman Oaks Homeowners Association
- Valley Village Homeowners Association
- Studio City Homeowners Association
- Mid –Town North Hollywood Neighborhood Council
- Studio City Neighborhood Council
- Valley Village Neighborhood Council
- Studio City Residents Association
- Studio City Beautification Association

**b. Analysis of L.A. River Natural Park Aesthetic Impacts.**

The DEIR incorrectly states “This alternative ....would consist completely of recreational and water treatment facilities.” It is incorrect and misleading to characterize the natural “treatment train” of multiple urban runoff BMPs as “water treatment facilities.” As clearly described in the Technical Memorandum prepared by Psomas, stormwater and dry weather would be captured and treated through a combination of carefully designed and engineered natural habitats, with the primary BMP being the constructed wetland. Furthermore, the L.A. River Natural Park Plan clearly states that it includes the following important multiple benefits: water quality improvements and water reuse; L.A. River regional public access; natural habitat and open space; L.A. River trail improvements; installation of solar panels for energy efficiency; a link to regional bicycle transportation network; driving range, putting green and regional tennis facilities; and preservation of historic clubhouse.

The DEIR finds the L.A. River Natural Park Alternative may adversely alter the

visual character of the Project site based on the incorrect claim that this alternative “would likely eliminate much of the mature trees....on the golf course.” (DEIR p. V-57.)

The L.A. River Natural Park Vision & Concept Design (2008), included in DEIR Appendix D, clearly states that “The function of the site as a green oasis in the San Fernando Valley will be retained. The groves of large evergreen trees which surround the site will be retained.” (see Appendix P, p. 22 rendering showing existing tree canopy will remain.) While some of the less visible non-native trees in the middle of the golf course would have to be removed to allow installation of the wetlands and associated native habitats, there is no need to remove the trees surrounding the site. Furthermore, the plan also clearly states that numerous species of native shrubs and trees would be planted throughout the site, which would create an urban forest on the site. The L.A. River Natural Park Plan states that “Dense planting of certain species....may be desirable in the final design.” (Appendix P.) In addition, the conceptual drawings that the DEIR claims to have used in its analysis clearly show both existing and new mature trees and a lush, green landscaped site. (see also Appendix P, technical memorandum pp. H-17 to 18 identifying targeted vegetation species.)

Therefore, the DEIR’s conclusion of potentially significant aesthetic impact has no basis. In fact, the L.A. River Natural Park would result in significant improvements to the character and aesthetics of the site by creating a lush natural area.

### **c. Analysis of L.A. River Natural Park Air Quality Impacts.**

The DEIR does not provide any evidence or analysis to support the conclusions related to air quality impacts and construction emissions of the L.A. River Natural Park. The statements of opinion included in the DEIR do not constitute substantial evidence. Due to the lack of the required comparative analysis, SCRA and SLAROS have the following questions:

- What is the basis for the statement that the L.A. River Natural Park Plan will “...undertake(s) major grading over the entire Project Site”?
- What is the basis for the statement that “...the grading will be more substantial than under the proposed Project”?
- How did the DEIR calculate the grading footprint and amount of grading for the L.A. River Natural Park alternative?

- How did the DEIR calculate the amount of grading required for the Project excavation and construction?

It is difficult to see how any standard mathematical calculations could justify the DEIR's conclusion regarding air quality impacts due to construction, or a conclusion of a "larger grading footprint". The L.A. River Natural Park Plan only needs to excavate a small portion of the site, and the plan includes the depths and area needed for each of the habitat components that would serve as natural water treatment BMPs. These depths are stated as being primarily between one to three feet deep, with only a small area of four to six feet in depth for the forebay, channels and deep pools portion of the constructed wetland and the wet pond. This grading is a very small fraction of the grading required for Project's 25 feet excavation depths and 82,000 cubic yards of soil removal required. Moreover, a significant portion of the soil to be removed to create the constructed wetlands and wet pond could be used on-site to create the associated uplands habitat. Thus, the L.A. River Natural Park alternative would require minimal off-site hauling of fill.

Additionally, as set forth below, traffic expert Tom Brohard reviewed the DEIR's assessment of trip generation from this alternative. He found the DEIR relies on an incorrect trip generation rate for the uses included in this alternative and thus greatly overestimates the associated traffic. The DEIR's assessment of the L.A. River Natural Park alternative's operational air quality impacts, which rely on the incorrect trip generation rates, is also an incorrect overestimation.

#### **d. Analysis of L.A. River Natural Park Biological Impacts.**

The L.A. River Natural Park would create and restore a complex of native habitats, which would in turn support a rich bio-diversity of native invertebrates, amphibians, insects, butterflies, birds and small mammals, providing the necessary variety of habitats needed for food, shelter, mating and nesting. This native habitat would connect with the restored native habitat on the adjacent L.A. River Greenway Trail, with other native habitat in the nearby Santa Monica Mountains, and with native habitat being restored along the Tujunga Wash. In contrast, the existing site contains no habitat, consisting entirely of non-native grass, ornamental trees and a few shrubs, which provide almost no habitat for native species.

Referring to the ornamental trees and other non-native vegetation currently on site as "habitat area" is incorrect. Removal of this habitat should not be considered a biological impact. Additionally, the parakeets and squirrels referred to in the analysis are not species of special concern and impacts to these species should not be considered significant under CEQA.

As previously discussed, the applicant incorrectly states that "...the majority of the estimated 400 mature trees onsite [would] be removed." What is the basis for this statement?

The applicant further incorrectly states that "It is not likely that any of the mature trees lining Bellaire Avenue and Valley Spring Lane ....would be retained." As discussed above, the L.A. River Natural Park Alternative clearly plans to retain these mature trees on the boundary of the site.

What is the basis for the statement that "the extent of construction activity would be somewhat longer and greater for the L.A. River Natural Park Alternative than for the proposed Project"?

The DEIR refers to "other wildlife species in the surrounding area" that would allegedly be disturbed by this alternative. What species is the DEIR referring to?

**e. Analysis of L.A. River Natural Park Cultural Resource Impacts.**

The DEIR claims that the "driving range, clubhouse, golf ball light standards would be demolished" to support its claim that L.A. River Natural Park Alternative would have significant adverse cultural resource impacts. (DEIR p. V-59.) This statement is inaccurate. The L.A. River Natural Park Plan clearly states that the driving range would be retained and integrated with underground water storage through a subsurface detention basin as part of the runoff capture and "treatment train". The subsurface detention basin would not affect the driving range, except during construction. This alternative would also preserve the historic clubhouse and putting green and the golf ball light standards could be preserved in the regional river public access staging area or elsewhere on the site. (See Appendix P, p. 20.) With the retention of the driving range, clubhouse and golf ball light standards, and the continued use of the site for recreation, the site may remain California Register eligible under this alternative.

The discussion of cultural resources again includes the incorrect claim that "The tennis courts would also be removed." (DEIR p. V-59.) As previously discussed, the L.A. River Natural Park Plan would retain 12 of the 16 tennis courts. What is the basis for the DEIR's statement that "...strong design ties to the golf course would most likely be incompatible with the natural environment and river setting envisioned under the L.A. River Natural Park" ?

The DEIR again claims the L.A. River Natural Park Alternative "would involve substantially more grading and excavation than....the proposed Project", that could

potentially disrupt historical, archeological and paleontological artifacts. As discussed above, this alternative would include much shallower grading and excavation than the Project. Thus, these impacts are more likely to occur with the proposed Project.

**f. Analysis of L.A. River Natural Park Geology, Soils and Seismicity Impacts.**

The DEIR claims that implementation of the L.A. River Natural Park Alternative would “require the entire site to be graded and large amounts of soil to be excavated, imported, exported, and compacted.” As discussed above this is factually inaccurate and clear disproven by the technical feasibility studies provided in Appendix P.

The DEIR also claims that “substantially more geotechnical engineering would be required to implement the water basins and infiltration systems.” This fails to acknowledge that infiltration is not planned for this alternative. The Technical Memorandum prepared by Psomas for the Hydrology, Hydraulic and Water Quality components of the L.A. River Natural Park Plan specifically state that “the infiltration potential of the site cannot be determined at this time; therefore, we shall assume that [the sub-surface detention/retention basin] would be detention facilities.” The Site Schematic prepared by Psomas clearly labels the BMPs as “detention” and “retention/detention”—not infiltration. The DEIR must revise its analysis and disclose what facts it relies upon to support the conclusion that this alternative would required more geotechnical engineering, in particular as compared to the substantial engineering required to construct the Project’s subterranean parking garage.

The applicant concludes that the geological impacts associated with both scenarios would be within the same impact tier. Given the dramatic difference between the proposed Project and the L.A. River Natural Park Plan, this is not a reasonable conclusion and the DEIR fails to provide evidentiary support.

The DEIR’s analysis also raises several questions:

- What is the basis for the conclusion that additional Mitigation Measures and site engineering are needed for the L.A. River Natural Park to “ensure that the water infiltration devices do not compromise the existing geology and soils underneath the Project Site”?
- How would a shallow wetlands and associated riparian and upland habitats “compromise existing geology and soils underneath the Project site”? Since there is no infiltration included in the L.A. River Natural Park Alternative, it is difficult to understand how the DEIR reaches this conclusion.

**g. Analysis of L.A. River Natural Park Greenhouse Gas Emissions.**

The DEIR states that “the L.A. River Natural Park Alternative would likely have similar or greater greenhouse gas emission impacts in comparison to the proposed Project.” (DEIR p. V-61.) However, the DEIR’s assessment of the alternative’s greenhouse gas emissions are either incorrect or based on assumptions with no actual facts cited, thus this conclusion has no basis.

The DEIR states that “additional grading would be required on the Project Site to demolish all existing uses...” under this alternative. As previously discussed, the L.A. River Natural Park will not demolish all existing uses, and this is clearly described in the L.A. River Natural Park Plan. Also as previously discussed, the DEIR lacks a factual basis to support its claim that the L.A. River Natural Park will require more grading and include a longer period of more intensive construction.

The DEIR states that “operation of the L.A. River Natural Park would emit a similar level of greenhouse gases as existing conditions. The DEIR includes no comparative data to support this conclusion. The DEIR incorrectly states that “Additional greenhouse gas emissions may come from...water filtration machinery, as well as... traffic to and from the park.” As set forth above, the L.A. River Natural Park is a series of BMPs that use soils and plants to naturally capture, filter and treat runoff and remove pollutants. Also as previously discussed, visitor parking is not located at the site. Since visitors would park at the public parking garage and walk to the site, the DEIR’s statement that “greenhouse gas emission impacts from the water filtration machinery and regional visitors may “even out” with the impacts from the permanent residents of the proposed Project...” is without support.

In addition to lacking data to support an increase in greenhouse gas production from this alternative as compared to the Project, the DEIR also fails to consider the ability of this alternative to sequester carbon. The existing golf course is primarily grass, which provides no carbon sequestration benefits. The L.A. River Natural Park alternative would replace much of the grass with a complex of natural habitats that include many different native species of trees and shrubs. The L.A. River Natural Park would help reduce greenhouse gas emissions consistent with the California Global Warming Solutions Act of 2006 by using a native ecosystem model to maximize carbon sequestration. Native trees and plants maximize canopy coverage and have long life-spans, so carbon sequestration can continue for many decades to come.

To correctly analyze air quality impacts, the a revised and recirculated DEIR needs to calculate and compare the carbon sequestration benefits and estimated amount of

greenhouse gas emission of both the L.A. River Natural Park Alternative and the proposed Project.

**h. Analysis of L.A. River Natural Park Hydrology and Water Quality Impacts.**

The L.A. River Natural Park Plan is very specific in its description of how this alternative would capture, filter and treat stormwater and urban runoff both from the site itself and from 200 surrounding urban acres. In contrast, the DEIR never describes or provides any specifics whatsoever about how the proposed Project would handle runoff from the Project, and merely promises to comply with applicable regulatory and other requirements. Based on this, what are the specific hydrological and water quality impacts to which the DEIR refers in concluding that the L.A. River Natural Park would have a slightly greater hydrological impact during construction than the proposed Project?

**i. Analysis of L.A. River Natural Park Planning and Land Use Impacts.**

The L.A. River Natural Park Alternative is consistent with the L.A. River Greenway Trail Project and is designed to connect to the Trail. This eliminates a significant adverse land use impact presented by the Studio City Senior Living Center Project wherein the Project's sole driveway for 624 cars per day and its fire lane could infringe upon the entrance to the L.A. River Greenway Trail and the native habitat that are part of this greenway. The L.A. River Natural Park Alternative is also consistent with the spirit of Alternative 20 in the Los Angeles River Ecosystem Restoration Feasibility Study, which was selected by the Army Corps of Engineers in May 2014.

In reviewing this alternative's land use impacts, the DEIR confuses conventional map symbols and a map key denoting the past and present use of the Weddington golf course with the actual written Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan ("Community Plan"), claiming that the identification on the Community Plan's map of the existing Weddington Golf Course constitutes a community plan designation of "Private Golf Course". The L.A. River Natural Park's removal of a portion of the golf course does make this alternative inconsistent with the Community Plan. It also does not require a general plan amendment to remove the symbol. Further, this alternative retains the driving range and putting green, thus it could still be labeled for golf uses. Moreover, the Project itself requires a major general plan amendment to convert the site from open space to residential uses. Thus, the proposed Project has more significant land use impacts than the alternative.

The DEIR also states that re-zoning may be required for this alternative. The need

for re-zoning is not an adequate basis upon which to reject a less impactful alternative, particularly when the Project itself requires re-zoning *and* a general plan amendment. Moreover, while Open Space zoning would more fully represent the uses included in the L.A. River Natural Park alternative, it appears all the uses would be allowed under A1 zoning.

**j. Analysis of L.A. River Natural Park Noise Impacts.**

Without any facts or analysis, the DEIR claims the L.A. River Natural Park Alternative “may have greater noise impacts in comparison to the proposed Project related to construction.” What is the factual basis for this conclusion? As discussed previously, there is no support for the claim this alternative would require more grading and more intensive construction activities.

Since none of the perimeter trees will be removed and would serve as a visual and sound barrier, what are the specific sources of noise impacts mentioned on receptors on Bellaire Avenue and Valley Spring Lane?

The DEIR again incorrectly describes traffic to the site under the L.A. River Natural Park Alternative, and as a result, reaches erroneous conclusions about noise impacts. Since visitors to the L.A. River Natural Park will arrive by foot, as clearly described in the plan and technical studies, how will “traffic from visitors to the site versus the residential/recreational traffic generated by the proposed Project be comparable and similar”? How would traffic on Whitsett Avenue that will be related to the L.A. River Natural Park, when the parking garage is located on Ventura Boulevard?

How can native habitat, walking trails and pedestrian visitors compare to the noise produced by the proposed Project’s 624 cars per day, 340 residents, and associated services required to support the senior residents and maintain six four-story buildings, a subterranean parking garage, and landscaped grounds?

**k. Analysis of L.A. River Natural Park Parks and Recreation Impacts.**

The DEIR incorrectly states that the site is 21 acres in analyzing the L.A. River Natural Park’s impacts. The site is actually 16.1 acres, as disclosed elsewhere in the DEIR.

**l. Analysis of L.A. River Natural Park Transportation Impacts.**

The DEIR argues that the L.A. River Natural Park Alternative would have greater traffic and parking impacts than the proposed 200-unit condominium development, based on the use of the wrong trip generation coefficient and on the incorrect assumption

that Park attendees would arrive by car and park onsite. (DEIR p. V-68.) On the contrary, Park attendees could arrive on foot or by bike, since this alternative would serve as a hub for bicycling activity. As parking for this alternative would be provided by an existing parking garage within walking distance of the site, few traffic impacts would occur.

Moreover, traffic engineer Tom Brohard has reviewed the traffic analysis of the Park Alternative provided in the DEIR and found that it relies on an incorrect ITE land use category for trip generation. (Attachment 3.) The DEIR uses trip rates for Multipurpose Recreation Facilities, which does not accurately reflect what is proposed for the Park Alternative. The definition of the Multipurpose Recreational Facility land use indicates these facilities "...contain two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, and golf driving ranges." The only one these land uses that would be included in the Park Alternative is a driving range, thus it does not meet the definition of containing two or more of the listed uses. The Park Alternative should have instead been analyzed using trip rates associated with ITE Land Use 417, Regional Park, as this most closely reflects what is being proposed as it is proposed to include biking and hiking trails and picnic facilities. (Attachment 3, ITE Land Use definitions.) The trip rates for Regional Park are significantly lower than for Multipurpose Recreational Facilities. Using the correct trip rates, the Park Alternative would generate less traffic than the Project.

The traffic analysis of the L.A. River Natural Park Alternative also raises the following questions:

- What is the basis for the trip generation assumptions of 500 visitors on weekdays and 1,000 visitors on weekends to the L.A. River Natural Park?
- What is the trip generation for other existing L.A. River-front parks and trails?
- Do any L.A. River parks in the San Fernando Valley generate this level of regular, on-going use?
- Why is it assumed that all visitors to the park would arrive in private cars when the site is located on a number of bus routes and is part of the City's regional bikeway network?
- What is the basis for the assumption that all visitors in cars will drive on Whitsett Avenue? The parking garage can be more easily accessed from the Laurel Canyon off-ramp from the 101 freeway, and this approach makes it

easier for cars to turn right into the parking garage, instead of having to turn left off of Ventura Boulevard.

- What is the basis for the assumption that there will be “altered traffic distribution on smaller streets in the Project area” with this alternative?

The DEIR describes potential mitigation measures that the Los Angeles Department of Transportation (“L.A. DOT”) might require for this alternative. Did the applicant send the L.A. River Natural Park Plan to the L.A. DOT? Did the L.A. DOT review the plan and provide comments? SCRA and SLAROS requested traffic expert Tom Brohard to review the need for mitigation for this alternative. As discussed above, he found the traffic impacts were greatly overstated for this alternative, thus mitigation may not be required. Further, he found that even at the excessive trip generation rates relied upon by the DEIR, this alternative could mitigate traffic impacts by simply restriping Ventura Boulevard at Whitsett Avenue to add a turn lane. (Attachment 3.)

#### **m. Analysis of L.A. River Natural Park Utilities Impacts.**

The DEIR claims that the L.A. River Natural Park would be within the same impact level tier as the proposed Project, but provides no metrics or analysis to support this claim. How can the energy usage from the L.A. River Natural Park, which will include solar panels to achieve grid-neutrality, be in the same impact level tier as a 200-unit, six four-story building development with 340 residents, 613-car subterranean garage?

#### **4. The Los Angeles Natural Park Alternative Would Meet Project Objectives.**

SCRA and SLAROS understand that the alternatives considered in the EIR should meet “most of the basic project objectives” (CEQA Guidelines §15126.6(a)(f).), and that several of the Project objectives center around the provision of residential units. As discussed above, this is an improper project objective as it would commit the City to a land use and zone change at the site before environmental review. Additionally, SCRA and SLAROS have above identified at least one nearby parcel that could be used to satisfy the City’s objective of providing additional residential units, for seniors if desired. Unlike the Project site, which was zoned A1-1XL to retain the existing open space and limit the height of structures, this parcel is already zoned to accommodate condominium construction.

The Park Alternative would also better satisfy Project objectives to “maintain as

many recreational/open space uses on the Project Site as possible” and to “incorporate design elements that further the City’s goals toward ‘green’ development and walkability, and that comply with the City’s efforts to reinvent and promote connectivity to the Los Angeles River through the River Improvement Overlay (RIO) District Guidelines.” (DEIR p. II-11.)

## **II. The EIR Fails to Disclose and Analyze the Project’s Impacts on the L.A. River Greenway Trail.**

When complete, the L.A. River Greenway Trail will provide public access, recreation, walking and bicycle trails and restored native wildlife habitat along the entire 51-mile length of the Los Angeles River. Of importance to consideration of the Studio City Senior Living Center project is a one-half-mile section of the L.A. River Greenway Trail that is currently under development along the southern border of the Project site within the County owned land along the Los Angeles River. Also known as the L.A. River Greenway Trail and Habitat Restoration, the project will remove non-native trees and restore native habitat to one half -mile of the banks of the Los Angeles River between Whitsett and Coldwater Canyon Avenues within the Los Angeles River right-of-way. This one-half mile section of the Trail will create over five miles of continuous river trail in the San Fernando Valley by linking existing river trail segments. The restoration will plant over 4,000 native trees, tree-sized shrubs, smaller shrubs, and other plants along the L.A. River Greenway Trail and along the river’s banks. Viewing areas for public use, a walking trail, a natural bioswale for runoff capture, treatment and water quality improvement, and erosion are included, as are interpretive displays, a Native Habitat Walk and River Viewing Area, and benches. When complete, the Trail will provide a natural canopy and extend the habitat corridor along the Los Angeles River with nesting and foraging grounds for resident and migratory birds, all while providing public access, recreation, and exercise opportunities for Angelenos. The L.A. River Greenway Trail will link to an existing 391-space public parking garage located 500 yards downstream on an existing portion of the L.A. River Greenway Trail. This section of the Trail would also sequester at least 20,000 pounds of carbon per year to reduce atmospheric greenhouse gases.

Four different Applicant-State Agreements and Applicant-Los Angeles County Agreement granting funding for the L.A. River Greenway Trail project were executed between in March 2012 and April 2014, and funds are being dispersed. The Trail project began in April 2012 and will be completed by April 2016. (Attachment 4.)

Despite proposing development directly adjacent to the L.A. River Greenway Trail, the DEIR completely excludes consideration of the Project’s impacts on this important public L.A. River project. As proposed, the Studio City Senior Living Center

Project will cause irreparable harm to the L.A. River Greenway Trail between Coldwater Canyon and Whitsett Avenues that cannot be mitigated. The Senior Living Center Project encroaches into both the City's 40 to 50-foot –wide right-of-way for Valleyheart Drive and the County's 150-foot-wide right-of-way for the L.A. River. (DEIR p. II-13.) Construction of the Project's driveway would impede the L.A. River Greenway Trail's pedestrian entrance and, with the Project's daily 624 cars, render the Trail's entrance dangerous for the public accessing the trail. As this section of the Greenway Trail will be developed within the County's right-of-way, the Project will significantly and negatively impact this fully-approved and funded Trail project. The DEIR must be revised to disclose whether the Project's driveway and other improvements will encroach upon the Trail project and to formulate alternatives that respect the boundaries of this already-approved L.A. River Greenway Trail project.

The L.A. River Greenway Trail is included in the San Gabriel and Los Angeles Rivers Watershed and Open Space Plan, the L.A. County Los Angeles River Master Plan, the City of Los Angeles L.A. River Revitalization Master Plan, and the Santa Monica Mountains Conservancy's plan for restoration and development of the L.A. River Natural Park site. All of these plans identify the Los Angeles River right-of-way and available adjacent areas for conversion to native habitat, natural open space, river-side walking trails and public access.

Additionally, the L.A. River Greenway Trail project has been approved as mitigation for Caltrans' I-405 Sepulveda Pass Widening Project. Thus, interference with the L.A. River Greenway Trail would prevent Caltrans from satisfying its mitigation obligations under the California Environmental Quality Act. Specifically, the L.A. River Greenway Trail will mitigate the freeway project's removal of trees and vegetation through the state's Environmental Enhancement and Mitigation Program. Due to limited space within the I-405 right-of-way, mitigation for the freeway project must be conducted off-site. The Trail would "mitigate trees removed and wildlife habitat impacted...restoring a sustainable forest that maximizes carbon sequestration, creating a regional amenity and extending the L.A. River Greenway" within a nearby area of the San Fernando Valley. (Attachment 5, Community Conservation Solutions Grant Application.) The restored native habitat and wildlife corridor would also help mitigate impacts to wildlife movement, nesting and foraging sites caused by the freeway project's construction of a new Skirball Center Drive overcrossing and the new Getty Center on-ramp.

To the extent that the Studio City Senior Living Project interferes with the implementation or success of the L.A. River Greenway Trail, this interference will not only have significant adverse impacts on the Trail – causing significant impacts on aesthetics, air quality and greenhouse gas emissions, biological resources, land use, and

recreation that require mitigation in the EIR for this Project – but it will also have significant adverse impacts relating to those impacts of the I-405 Sepulveda Pass widening project that are no longer being mitigated through implementation of the native habitat restoration along the Trail. The impacts the L.A. River Greenway Trail native habitat restoration area is required to mitigate include the removal of 37 acres of vegetation and native plants, including 115 mature trees, as well as the disturbance of 49 acres of soil and four years of construction-generated air pollution. The Project will destroy portions of and degrade the quality of the mitigation habitat. The DEIR must disclose and mitigate these impacts.

The DEIR must be revised to analyze the Project’s potential impact to the L.A. River Greenway Trail and to modify the Project or develop alternatives to avoid impacts to the Trail’s pedestrian entrance and to the section of the Trail that would abut the Project site. This revised DEIR must be circulated to the public and decisionmakers before the Project may be lawfully approved.

### **III. The Project Description is Misleading.**

Every EIR must set forth a project description that is sufficient to allow an adequate evaluation and review of the project’s environmental impacts. (CEQA Guidelines § 15124.) “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192 93; accord *San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) “[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.)

As discussed in detail below, the DEIR omits significant information about the Project and misrepresents how the Project will function. For example, the DEIR relies heavily on the use of infiltration to deal with the likely significant flooding and water quality impacts associated with the Project. However, the DEIR fails to disclose that infiltration is not viable on the Project site. The DEIR also completely ignores the adjacent L.A. River Greenway Trail, assuming the Project will be able to provide an access to the L.A. River that will not be available. Additionally, the Project description and analysis assume that the Project will provide senior housing. However, due to the market forces described above, it is likely that the Project will not provide age-restricted housing. The Project is designed to provide enough parking for market rate non age-restricted condominiums, which require more parking spaces per unit than senior housing. Thus, it appears the Project proponent is already considering developing units

that are not restricted to senior housing. Further, the DEIR fails to provide a discussion of the County boundary with the Project site and how and if the Project proponent could obtain approval from the County to use portions of the County right-of-way for this private development. An accurate description of the Project must be included in a revised DEIR.

**IV. The DEIR Fails to Adequately and Accurately Analyze and Mitigate the Project's Impacts.**

**A. The DEIR Inadequately Analyzes the Project's Significant Aesthetic Impacts.**

**1. The DEIR's Description of Existing Buildings is Misleading and Obscures the Project's Significant Aesthetic Impact.**

The DEIR's description of existing development surrounding the Project site overstates the height of existing buildings, thereby understating the Project's aesthetic impacts. The DEIR claims that most area streets are developed with one to four story "multi-family residential buildings that are merely interspersed with one-and two-story single family dwellings." (DEIR p. IV.A-2.) Based on this, the DEIR finds that "the height and massing of the Project would be consistent with surrounding multi-family residential buildings...As the Project would incorporate many of the architectural elements that are present...the Project would appear as a continuation of existing background features." (DEIR p. IV.A-38.) The result, according to the DEIR, is less than significant impacts to either visual character (DEIR p. IV.A-35) or existing viewsheds (DEIR p. IV.A-38). In reality, with the exception of the new four-story building located at 4110 Whitsett Avenue and a new three and four story building one block away at 4202 Whitsett Avenue, almost all existing development is three stories in height or less. From north to south, the block of Whitsett Avenue across from the fire station and Weddington Golf and Tennis consists of:

<b>Address on Whitsett Ave</b>	<b>Height of Existing Building</b>
4032	1-story church
4068	2.5-story
4100	3-story
4104-4106 1/2	1-story in front-2 story at rear
4108	2.5-story beige
4110	4-story (must be 45')
4112	1-story house

4138	3.5-story
4148	2.5-story

The next block north contains a two-story apartment building located at 4209 Whitsett Avenue. Thus, it is misleading for the DEIR's description of the neighborhood to focus on "notable structures" in the area such as the five-story hotel associated with the Sportsmen's Lodge Event Center, a four-story office complex, or the four-story Hallmark Channel building, all of which are located across the Los Angeles River on Ventura Boulevard and subject to different zoning restrictions than the Project site. Since these buildings are not located near the Project, they are not included in the 20 views of the existing facility and neighborhood provided in the DEIR. (DEIR p. IV.A-4 to 24.)

In contrast to the existing neighborhood, which is mostly single and two-story buildings, all six residential buildings proposed for the Project would be four stories tall and up to 45 feet in height. (DEIR p. II-24.) Including heating and air conditioning units and required screening, the buildings may be even taller. The DEIR admits that two buildings would be visible from Whitsett Avenue, with the remaining buildings visible from the "back" and from the Los Angeles River. (DEIR p. II-24.) Even so, the DEIR determines that the Project will not have significant aesthetic impacts, claiming that the Project's buildings "would be similar in size and mass to several existing multi-family residential buildings across the street from the Project site." (DEIR p. IV.A-32.) While two buildings in the area reach the height of the proposed Project, these buildings are irregular and stand out in the neighborhood. Neither of these buildings are as large as the proposed Project, which will have *six* of these buildings. Thus, the Project's larger massing and scale will prevent it from blending into the neighborhood as claimed in the text of the DEIR. The renderings included in the DEIR clearly depict the Project's prominence, how massive it is in compared to existing buildings, and how it will dominate the skyline when viewed from and across the Los Angeles River. (Fig. IV.A-23, Fig. IV.A-26, Fig. IV.A-28.)

Even if the Project incorporates architectural features of existing buildings on Whitsett Avenue, the Project's large size and the fact that it consists of six separate buildings will prevent it from merely appearing as a continuation of the existing background. Thus, the DEIR's conclusion that the Project will blend in and avoid impacts lacks substantial evidence. The Project will result in a significant change in the visual character of the site, which must be acknowledged, analyzed, and mitigated in the DEIR.

## **2. The Massive Project Will Cause a Significant Change in the Site's Visual Character.**

The DEIR also misconstrues the baseline for the analysis of aesthetic impacts. The DEIR must compare the existing conditions – Weddington Golf and Tennis, which is largely screened from view by tall trees and lush foliage – to the Project. The Project is the removal of the tennis courts and at least nine heritage trees and replacement with six 45-foot-tall condominium buildings. Thus, no matter how well the Project is designed to blend with existing residential development, its implementation will cause significant changes to the site's visual character. (*Compare* Photos 1-2 at DEIR p. IV.A-4 and 5 [existing Whitsett Avenue views] *with* with Fig. IV.A-23 at DEIR p. IV.A-39 [narrow view of Project view on Whitsett Ave].) The impact of this change in visual character is even greater than depicted in the DEIR's renderings, as the rendering contained in Figure IV.A-23 shows only a narrow view of one Project building instead of an expansive view of the street that would be more easily compared to Photos 1 and 2 that depict existing conditions. The change in character will also be greater upon implementation because it is unlikely that the Project will actually be able to retain the trees contained in Figure IV.A-23 that screen the Project from view. This is a change in the visual character of the site, which must be acknowledged, analyzed, and mitigated in the DEIR. It is not.

The Project will also clearly damage the visual quality of views toward the Project site. Replacement of what is currently functional open space (i.e. the tennis courts) with large structures, coupled with the removal of nine mature trees and an unknown number of younger trees, could substantially degrade the existing visual quality of the site and its surroundings. Right now, as depicted in Photo #1 and Photo #2 (see also Photos 3-10), views of the Project site from the street are dominated by the row of perimeter trees, vegetated fencing, and shrubbery that shields views of the parking lot. (DEIR pp. IV.A-4 to 11.) In fact, the tennis courts are almost completely screened from street views by foliage, "heavy tree cover", and the existing fire station. (DEIR p. IV.A-35.) By contrast, the DEIR explains, "The [Project] buildings would be taller than all existing development on the Project Site, with the exception of the driving range fence" and some trees. (*Ibid.*) At 45 feet in height, the Project buildings would be over three times the height of the tennis court fencing. The DEIR states that "the impact on visual character of constructing new uses and structures on the Project site would be less-than-significant" in part because "landscaping will be provided and trees will be planted," but the analysis and these measures fail to take into account the decades of diminished views that must pass before replacement and screening trees reach maturity. Seven mature trees will be removed from the Whitsett Avenue frontage of the site alone. (DEIR p. IV.A-34.) Further, even though the Project renderings rely on screening of existing trees, some of these trees are located so near to Project buildings that they are unlikely to be retained. (Fig. IV.A-23 at DEIR p. IV.A-39.) All vegetation and roots will be removed from areas

subject to grading and excavation. The DEIR fails to comprehensively address any significant aesthetic effects of the Project, as required. (*See Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597.)

Additionally, the Project's massive and out-of-character scale conflict with planning goals and objectives of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan that encourage "preserving and enhancing the positive characteristics of existing uses, which provide the foundation for community identity, such as *scale, height, bulk, setback, and appearance.*" (DEIR p. IV.A-227, emphasis added.) The Project also fails to preserve and enhance "the positive characteristics of existing residential neighborhoods" with "compatible new housing opportunities" as directed by the Community Plan. (*Ibid.*) This results in the Project's failure to comply with Objective 1-3 of the Community Plan, "To preserve and enhance...integrity of existing single and multi-family neighborhoods;" Policy 1-3.1, "Seek a high degree of compatibility...for new infill development to protect the character and scale of existing residential neighborhoods;" and Policy 1-3.2, "Consider factors such as neighborhood character and identity, compatibility on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed." (DEIR p. IV.A-27.) The Project is too large and is neither compatible nor enhancing of the existing neighborhood. While this is never acknowledged in the DEIR, it is well-demonstrated by the rendering contained in Figure IV.A-44. Finally, the Project will block views of the Santa Monica Mountains/Hollywood Hills from the north, which is incompatible with Policy 1-3.3 of the Community Plan, "Preserve existing views in hillside areas." (DEIR p. IV.A-27.)

### **3. The DEIR Fails to Disclose and Mitigate the Project's Significant Aesthetic Impacts on Recreational Facilities, the Los Angeles River, and Views of the Valley and Hollywood Hills.**

The DEIR acknowledges that the City is currently seeking establishment of a Los Angeles River Improvement Overlay District that would include the Project site. The purpose of this overlay district "is to assure that development within river-adjacent areas" contributes "to the overall environmental and ecological health of the City's watersheds and the L.A. River." (DEIR p. IV.A-30.) While the DEIR claims that if the overlay is approved, the Project would implement any requirements of the overlay, none of these requirements are laid out in the DEIR. (DEIR IV.A-31.) No assurance is provided that this will ever occur. Moreover, once the Project's approvals are granted, it may be too late to adopt an alternative or redesign the Project in a manner consistent with the Los Angeles River Improvement Overlay District. Thus, the overlay requirements and policies should be disclosed in the DEIR, the Project should be analyzed for compliance with those policies, and the Project should be redesigned if necessary. This information

should be circulated to the public and decisionmakers in a recirculated DEIR.

However, even without this information, it is clear that the imposition of 45-foot-tall buildings and the removal of mature trees will harm the views of those recreating along and in the Los Angeles River. Instead of views of open space, trees, vegetation, and recreational uses behind 12-foot-tall windscreen fencing, walkers along the Los Angeles River Greenway Trail – already approved and funded through the Project site – will be treated to views of towering condominium units and the shadows cast by them. As depicted in Figure IV.A-26 (at DEIR p. IV.A-42), the Project’s buildings will dominate views north across the Los Angeles River. (See also Fig. IV.A-28 at DEIR p. IV.A-44 for a larger view.) The Project will be even more dominant when viewed from the northern side of the Los Angeles River Greenway Trail, eliminating any association with nature or feeling of escape from the urban environment. In particular, building 6 will be constructed immediately adjacent to the Trail and habitat restoration. Together, buildings 5 and 6 will result in a solid wall of development, 45 feet high. CEQA requires disclosure, analysis, and mitigation of impacts to views from public trails. (*Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 402-403.) The DEIR fails to undertake this analysis, instead stating, “No public views are currently available from the south of the Project site within the Los Angeles River right-of-way, as public access to this area is currently restricted.” (DEIR p. IV.A-36.) The analysis is inaccurate and inadequate.

Although not disclosed, the Project would have significant aesthetic impacts on the existing recreational facilities located at the Project site. Currently, there is a largely unobstructed and expansive view of the Santa Monica Mountains from the golf course and tennis courts. (DEIR p. IV.A-25.) The aesthetic effect is enjoyable and protected by Community Plan Policy 1-3.3. The Project would entirely remove views from the tennis facilities, and would block many views from the golf course and driving range with 45-foot-tall buildings. The resulting aesthetic effect would be cramped and imposing. In addition, the Project’s four-story buildings would cast shadows over a recreational area currently enjoying year-round sunshine. The Project would also remove at least nine mature trees protected by the City’s Tree Preservation Ordinance and replace them with views of 45-foot-tall buildings, another aesthetic impact not considered or adequately mitigated by the DEIR. The DEIR concludes that the new development would be “buffered from the existing golf course and driving range uses by greenery, hedging, fencing, and existing stands of tall trees on the Project site,” and claims that Project landscaping will prevent visual impacts, but this conclusion lacks supporting substantial evidence. (DEIR p. IV.A-33.) Instead, the Project will remove mature trees. Any replacement trees or shrubbery screening will require decades to reach the heights of the 45-foot-tall condominium buildings, if such heights are ever reached. This significant impact on the visual character of views from recreational facilities must be disclosed.

The DEIR also admits that the Project will obscure treasured views of the Hollywood Hills from Whitsett Avenue, an impact for which no mitigation is provided. The Project would also obstruct views of the valley from Studio City hillside areas.

CEQA requires the City to select a feasible alternative that substantially lessens or avoids the Project's significant impacts. Here, all of the Project's impacts on visual character and all of its potential impacts on views of and from the Los Angeles River, as well as views of the Hollywood Hills would be eliminated by selection of the Park Alternative. Under the alternative, the Project's buildings would not be constructed on-site, and views of the Project site would remain screened by dense vegetation and trees. Views from the Los Angeles River Greenway Trail and from the river itself would remain views of trees, shrubs, and active recreation.

**B. The Project May Have Undisclosed Impacts on Biological Resources.**

**1. The Project's Nighttime Lighting Could Adversely Impact Biological Resources Along the Los Angeles River Corridor.**

The Project will remove tennis courts that are not lighted after 9 p.m. and replace them with 200 condominium units that include nighttime and all-night safety lighting, thereby introducing 24-hour light conditions to an area that was previously dark. This is especially important because the tennis courts border the Los Angeles River, and the DEIR admits that nearby trees provide nesting and foraging habitat. (DEIR p. IV.C-1.) Many species depend on darkness for foraging and predator avoidance. (See <http://www.darksky.org/assets/documents/PG2-wildlife-bw.pdf>.) For other species, changes in day length regulate physiological and behavioral processes such as migration and reproduction, and these natural processes would be disrupted by the artificial extension of daylight that would accompany the Project's external light sources:

A season's photoperiod is the only consistent factor in the natural environment. Therefore, many species of plants and animals rely on the length of the day to indicate the proper season for mating, molting, and other life cycle activities. This photoperiodic sensitivity is often so acute that many species can detect discrepancies in natural light as short as one minute. Reproduction cycles are most often disrupted when artificial light at night interferes with species' natural detection systems. Trees have been known to bud prematurely; some flowers cease blooming. Artificial light also can cause animals such as squirrels and robins to mate out of season. Changes in plant and animal reproductive activity can create difficulty in finding food and increase chances of starvation.

(*Ibid.*) Despite this, the DEIR entirely fails to address the Project's potential impacts on biological resources caused by nighttime lighting because the DEIR concludes that the Project has no potential to cause biological impacts at all. (DEIR p. IV.C-15.) The DEIR bases this conclusion on the premise that the "Development Site is largely void of suitable habitat," due to the presence of tennis courts and the site's human activity.

(*Ibid.*) On the contrary, the DEIR admits the Project site hosts special status species, and that shrub vegetation exists around the tennis courts. Moreover, the adverse impacts on wildlife caused by light spill would extend beyond the tennis courts to the trees being retained on the golf course portion of the site.

Additionally, even if the DEIR were to conclude that light from the Project would be similar to existing conditions, its conclusions would lack support. For example, in the aesthetic analysis, the DEIR finds that "[l]ighting from the Project would not significantly increase the intensity of existing nighttime illumination on the Project Site." (DEIR p. IV.A-45.) SCRA and SLAROS dispute this. In any case, the DEIR contains no discussion of the expanded hours of nighttime lighting the Project would bring. There is a significant difference between the site being dark for the 8 or 9 hours between 9 p.m. and sunrise and the site providing no darkness whatsoever. While the City could claim that the DEIR addresses this impact through compliance measures, project design features, and mitigation, these measures are vague and lack standards or any assurance that nighttime lighting impacts will be eliminated. The compliance measure merely states, "Exterior lighting shall be directed onsite to minimize nighttime lighting illumination and light spillover onto neighboring properties." (DEIR p. IV.A-48.) Without a standard, a promise to "minimize" light is insufficiently protective of wildlife. The promise to prevent light spillover onto neighboring properties is similarly unhelpful, since affected wildlife inhabit and visit the subject property. PDF AES-1 requires the Project to "include an exterior lighting design that will minimize nighttime illumination." (DEIR p. IV.A-49.) Again, this PDF lacks enforceable standards such as a maximum level of lighting or a time at which all exterior lighting must be extinguished. No mitigation measures addressing nighttime lighting are part of the Project. Accordingly, there is no guarantee that exterior lights will be turned off at 9 p.m. (the same time the tennis court lights are turned off), and it is unrealistic to expect that residents will close their windows to avoid light spill from interior sources. Thus, it is likely that significant impacts will occur to birds and other species utilizing the area surrounding the Project that have not been mitigated. These impacts will also affect native plantings and habitat restoration along the Los Angeles River Greenway Trail, which will pass along the Valleyheart right-of-way along the southern edge of the Project. Even small impacts to degraded resources such as the wetlands can be significant, especially since such impacts may reduce the effectiveness or likelihood of restoration. The EIR fails entirely to acknowledge the Greenway Project or to disclose its potential impacts on habitat

restoration.

Along these same lines, the EIR fails to discuss the fact that the six, four-story buildings the Project would construct are taller than nearby trees used for nesting and foraging. If this height differential will make the trees less desirable for the five special status bird species identified onsite, the migrating birds that use the site, and species that will use the site after the improvement of the Los Angeles Greenway Trail and native vegetation planting, this must be disclosed and mitigated.

## **2. The Biological Survey is Outdated and Excludes the Active Portions of the Project Site.**

The DEIR's biological analysis is based upon a survey conducted in 2007 and 2008. (DEIR p. IV.C-1.) The EIR claims that, due to the fully developed nature of the Project site, it is reasonable to conclude that conditions have not changed in any substantial way since 2008. (*Ibid.*) However, the EIR fails to support this statement. The lack of changes to the Project site itself over the last seven years does not necessarily mean that migration patterns or wildlife are exactly the same. On the contrary, the species present today may differ from those present in 2007 and 2008 due to changes to the area around the Project site, climatic changes, and other factors. For example, portions of the Los Angeles River Greenway Trail have been implemented, resulting in an increased presence of native plantings that may attract more native wildlife to the area and the river corridor. The EIR should update the biological survey to account for these changes.

Additionally, despite the presence of shrubbery and other vegetation along the perimeter of the tennis courts, the DEIR notes that the tennis court area "was not part of the official biological survey." (DEIR p. IV.C-2; p. IV.C-9.) The DEIR justifies this exclusion based on the intense levels of human activity at the tennis courts. However, this level of activity only occurs during the day, and terminates by 9 p.m. Nocturnal species could, and likely do, use the site. Since the Project area was not surveyed for birds, even though birds may inhabit shrubs, the DEIR's conclusion that the Project would not remove any potential nesting habitat and that no impacts to birds would occur lacks substantial evidence. (DEIR p. IV.C-11.) This conclusion is also contradicted by the DEIR's disclosure that the Project would remove at least nine trees with trunks that exceed eight inches in diameter. (DEIR p. IV.C-12.)

By limiting its scope to only certain portions of the Project site, DEIR's biological analysis fails to disclose, analyze, or mitigate the Project's potential impacts on bird species of special concern that frequent the Los Angeles River corridor. In particular, the DEIR fails to acknowledge the American white pelican, double crested cormorant,

osprey, northern harrier, sharp-shinned hawk, Coopers hawk, merlin, California gull, Vaux's swift, loggerhead shrike, yellow warbler, yellow-breasted chat, and tri-colored blackbird, all of which are identified as present in the Los Angeles River corridor in the Los Angeles River Revitalization Master Plan. Even if these species frequent the river and not the Project site, the Project's potential to impact these species during construction and operation adjacent to the river must be analyzed. The Project's increases in noise, light, and other forms of human influence will reach the river.

### **3. The DEIR's Disclosures and Analysis Regarding Tree Removal are Inadequate.**

The DEIR admits that onsite vegetation "provide[s] suitable nesting and foraging habitat for native bird species," regardless of whether the vegetation itself is native. (DEIR p. IV.C-1.) The Project site hosts five species of birds listed by the California Department of Fish and Wildlife as special-status species. These species include Allen's hummingbird, Cooper's hawk, hermit warbler, Nuttall's woodpecker, and the rufous hummingbird. (DEIR p. IV.C-4.) While the DEIR claims these species are only of interest when nesting, it also discloses that Allen's hummingbird, Cooper's hawk, Nuttall's woodpecker, and rufous hummingbirds have the potential to nest onsite. (DEIR pp. IV.C-4, 5, 6.)

The Project would remove nine trees large enough to trigger the City's Tree Protection Ordinance, including Aleppo pines, Montebello Ash, Mexican fan palm, Queensland umbrella tree, a Benjamin fig, and an orange tree. (DEIR p. IV.C-12.) Despite the DEIR's admission that these trees provide suitable nesting and foraging space for special status species, the DEIR claims that the tree removal will have no significant biological impacts because the removal of nine trees out of approximately 430 on the entire Project site is only two percent of the total tree coverage. (*Ibid.*) Since the DEIR never discloses the number of smaller trees that would be removed for the Project, the two percent estimate compares apples to oranges. More accurately, the Project would remove 19 percent of the total "of size" trees on the 16-acre Project site. (DEIR p. IV.C-12.) The removal of nearly one in every five trees on the well-vegetated site is likely significant. The DEIR's omission of the likely biological impacts must be remedied, and the revised DEIR must be recirculated.

The DEIR claims that any impacts of tree removal will be remedied by a compliance measure that requires replacement of "of size" trees at a 1:1 ratio. (DEIR p. IV.C-13.) While the measure properly specifies the size of the replacement trees, the replacement species are not determined. Moreover, since the sizes of the trees being removed are never disclosed in the DEIR, decisionmakers and the public are left unable to determine if a 15-gallon, 24" box, or 36" box tree is sufficient mitigation. More

information about the “of size” trees is included in Appendix J to the DEIR, but even the appendix does not clearly describe the sizes of the trees being removed. In any case, burying information in an appendix has been found to frustrate the legally required informational purposes of an EIR. (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.) It must also be noted that the Project’s tree survey was last updated in 2011 and specifically notes that additional trees may have exceeded the eight-inch diameter threshold since that time. (Appendix J, p. 2.) The tree survey should be updated to account for tree growth since 2011.

Finally, the DEIR’s mitigation measures to avoid impacts caused by tree removal are inadequate. For example, MM BIO-1 requires a 50-foot buffer from construction activities around trees with active nests during the nesting season. The California Department of Fish and Wildlife typically requires a larger buffer of 300 to 500 feet for such activities, with larger buffers reserved for raptors such as the Cooper’s hawk which is found onsite. The mitigation measure should be modified to include larger buffers and to prohibit construction activities that could disturb nests during the nesting season.

MM BIO-2 states that if any trees not discussed in the EIR must be removed for the Project, “the Project Applicant or developer shall preserve the trees, if healthy, for replanting elsewhere onsite, to the extent possible.” (DEIR p. IV.C-4.) Since it will be left up to the developer to determine if removed trees are healthy, or if it is possible to relocate trees, this language provides no assurance that trees will actually be relocated. The mitigation measure should be reworded to remove the qualifying language, “if healthy” and “to the extent possible”, and to provide for replacement trees if the trees removed cannot be relocated or do not survive relocation.

MM BIO-3 provides guidelines for species selection of replacement trees. SCRA and SLAROS appreciate that the applicant will be following the recommendations of the California Invasive Plant Council and urge the City to revise the DEIR to make its recommendations mandatory. Trees on the avoidance and discouraged lists should be prohibited.

The Project’s potential but undisclosed impacts on biological resources could be avoided completely with the City’s selection of the Park Alternative. The Park Alternative would not remove any vegetation or of-size trees from the site, and it would retain the existing lights of the tennis courts, as well as their 9 p.m. shut off time.

**C. Adverse Construction-related Air Quality Impacts are not Fully Disclosed or Mitigated.**

CEQA requires environmental review of a Project’s potentially adverse impacts on

human beings. (Guidelines § 15065 subd. (a)(2).) The DEIR fails to adequately take into account the toxic air contaminant and diesel particulate impacts that would be associated with the 7,688 truck trips required to remove existing fill dirt from the Project site to excavate foundations and the subterranean parking garage. Using the CalEEMod model, the DEIR acknowledges that the grading phase of Project construction will exceed the South Coast Air Quality Management District's (SCAQMD) localized thresholds for particulate matter of both 10 and 2.5 microns. (DEIR p. IV.B-21.)

Exceedances of these standards may affect the health of those living nearby, in particular sensitive receptors such as children, the elderly, and those suffering from chronic respiratory conditions such as asthma. (DEIR p. IV.B-9, 11.) Particulate matter consists both of dust and of noxious substances like diesel particulate matter. Ultra fine particulate matter causes cardiovascular and neuron damage.<sup>1</sup> The finer the particles, the deeper they are able to penetrate human lungs. (DEIR p. IV.B-5.) Diesel particulate matter causes both long term and acute effects. In addition to particles, diesel particulate matter contains toxic gases such as acetaldehyde, acrolein, benzene, 1,3-butadiene, formaldehyde and polycyclic aromatic hydrocarbons.<sup>2</sup> Common acute impacts include irritation to the eyes, nose, throat, and lungs, as well as neurological effects. (*Ibid.*) Exposure to diesel particulate matter also causes nausea and coughing, and may trigger asthma attacks. (*Ibid.*) Long term exposures to diesel exhaust are correlated with increases in lung cancer, emphysema, and heart conditions. Consequently, diesel particulate matter was declared a toxic air contaminant by the California Air Resources Board in 1998.<sup>3</sup> According to the Air Resources Board, "Diesel particulate matter may cause cancer, premature death, and other health problems."<sup>4</sup> According to the Air Resources Board, these other health problems include asthma, bronchitis, and heart disease.<sup>5</sup>

Despite concluding that the Project would exceed SCAQMD thresholds designed to protect human health, and specifically the threshold that includes diesel particulate matter, the DEIR fails to undertake any real analysis of the Project's toxic air

---

1 See <http://www.arb.ca.gov/research/health/healthup/jan03.pdf>; see also <http://ehp03.niehs.nih.gov/article/fetchArticle.action?articleURI=info%3Adoi%2F10.1289%2Fehp.1002973>, both incorporated by reference.

2 See <http://www.epa.gov/NE/eco/airtox/diesel.html>, herein incorporated by reference.

3 See <http://www.arb.ca.gov/enf/hdvp/ccdet/saej1667.htm>.

4 *Ibid.*; see also,

<http://www.arb.ca.gov/ch/communities/ra/westoakland/documents/factsheet0308.pdf>.

5 Miller et al., Long Term Exposure to Air Pollution and Incidence of Cardiovascular Events in Women, *New England Journal of Medicine*, 356:5 (2007) 447-458, available at <http://burningissues.org/car-www/pdfs/miller-women-cv-NEJM4-2007.pdf>, herein incorporated; see also [http://www.ehib.org/page.jsp?page\\_key=90#pm\\_health](http://www.ehib.org/page.jsp?page_key=90#pm_health).

contaminant (TAC) emissions. Diesel particulate matter is a TAC. More than 90 percent of the particles in diesel exhaust are ultra fine particles, which are easily inhaled into the lungs.<sup>6</sup> The DEIR's full analysis of potential impacts of TACs is as follows:

The majority of heavy-duty construction equipment activity would take place over a six-month period during demolition and site preparation activity. These short-term emissions would not substantially contribute to a significant construction health risk. No residual emissions and corresponding individual cancer risk are anticipated after construction. Therefore, the proposed Project would result in a less-than-significant impact related to construction TAC emissions.

(DEIR p. IV.B-22.) In short, the DEIR assumes that because Project grading will be complete in six months, no impact could possibly occur. The DEIR contains no support for this statement. Moreover, this conclusion is contradicted by the DEIR's earlier discussion of acute impacts associated with short term exposures to diesel particulate matter: asthma attacks, irritation, and neurological symptoms. (DEIR p. IV.B-5.) Actual analysis is required.

California appellate courts have held that an EIR must include analysis that correlates a Project's significant and adverse air quality impacts with anticipated impacts on human health. In *Sierra Club v. County of Fresno* (2014) 226 Cal.App.4th 704, the Court held that a recitation of the health impacts caused by certain pollutants and a disclosure of Project-generated emissions failed to satisfy CEQA. (Id. at 744.) Specifically, the Court noted, "Despite the inclusion of this information, the ... EIR was short on analysis. It did not correlate the additional tons per year of emission that would be generated by the project (i.e., the adverse air quality impacts) to adverse human health impacts that could be expected to result from those emissions." (*Ibid.*) It was not enough that, "the reader can infer from the provided information that the project will make air quality and human health worse. Although the better/worse dichotomy is a useful starting point for analyzing adverse environmental impacts, including those to human health, more information is needed to understand that adverse impact." (*Ibid.*) The DEIR must be revised to include an analysis of the Project's potential health impacts.

During this revision, the DEIR's air quality analysis must be revised to account for replacement fill and to analyze impacts on haul routes (and sensitive receptors near those routes) that will be used by the Project's diesel trucks. The DEIR's inputs into the model do not account for a single truckload of replacement fill at any point during Project

---

<sup>6</sup> Matsuoka, Hricko, et al. Global Trade Impacts: Addressing the Health, Social, and Environmental Consequences of Moving International Freight Through Our Communities, March 2011, p. 17, available at <http://departments.oxxy.edu/uepi/>, herein incorporated.

construction. (DEIR p. IV.B-17.) The DEIR also fails to disclose the haul route that will be utilized during the Project's 7,688 diesel truck trips, which will also be subject to diesel particulate matter emissions. Since the Project is located near several thoroughfares connecting to regional freeways, it is likely that these truck trips will also cause cumulative air quality impacts.

Finally, the DEIR incorrectly concludes that the Project's localized construction impacts on air quality are significant and unavoidable. (DEIR p. IV.B-31.) However, since the Project's exceedances of particulate matter thresholds would not occur without excavation and grading associated with the Project, they could be substantially lessened or completely avoided by selection of the Park Alternative. The Park Alternative would eliminate alterations to the tennis facilities, and particulate matter-emitting construction and grading would be limited to building trails and view platforms to connect the Project site to the Los Angeles River and Los Angeles River Greenway Trail. As CEQA requires the City to carefully consider alternatives that substantially lessen the Project's significant impacts, SCRA and SLAROS urge the City to approve the Park Alternative.

**D. The DEIR Fails to Mitigate the Project's Admitted Contributions to Greenhouse Gas Emissions.**

CEQA requires an EIR to disclose, analyze, and mitigate a project's greenhouse gas emissions. While it appears that the DEIR attempted to quantify the Project's likely greenhouse gas emissions, the DEIR is incorrect that because the Project will not likely exceed a nonbinding threshold of 10,000 metric tons of carbon dioxide equivalent emissions annually it does not need to mitigate its potential emissions. Regardless of the threshold of significance that is eventually adopted by the South Coast Air Quality Management District or the City of Los Angeles, the Project's construction and operation will generate greenhouse gases. According to the Intergovernmental Panel on Climate Change, the earth has already warmed considerably, meaning that every contribution to global greenhouse gas emissions has an adverse impact related to climate change. The Project's impact will be significant. Likely based on its erroneous claim that the Project's impacts on greenhouse gas emissions will not be significant, the Project contains no compliance measures, project design features, or mitigation measures specifically directed toward reducing the Project's contributions to greenhouse gases. CEQA requires the inclusion of concrete and enforceable mitigation measures in an EIR. The DEIR contains only vague statements about the Project's consistency with Climate Action Team strategies. These are limited to denials that certain strategies would apply to the Project and:

- Planting of new landscape trees on Lot 2;
- Compliance with the City's Green Building Code;

- Roofing “that serves to reduce unwanted heat absorption”;
- Bicycle racks and lockers;
- Landscaping that includes, but does not seem limited to, drought-tolerant and native plants; and
- LEED Certification, although the level is not specified.

In fact, the DEIR denies that the Project should include energy reduction strategies that are included in nearly every EIR prepared in the State of California. With regard to energy efficiency appliances, the DEIR states, “There are no current requirements to use energy efficient appliances in dwelling units and it is at the discretion of the owner of the Project.” (DEIR p. IV.F-12.) In another section of the chart discussing Climate Action Team strategies, the DEIR concludes, “The use of energy efficient appliances within each dwelling unit is not required and will be determined at a later point.” The requirement that all appliances in a project be Energy Star rated or greater is widespread in EIRs, which provides conclusive evidence that this measure is feasible. Even with the Project’s compliance measures and project design features, it will increase energy use by 4.98 million kilowatt hours per year (kWh). Far more mitigation is required.

Other mitigation measures commonly included in residential developments to reduce greenhouse gas emissions through energy and water conservation that must be incorporated into the Project in a meaningful way include:

- Use of only native and drought-tolerant landscaping in the Project;
- Use of ultra low flush toilets and low-flow (1.5 gallon per minute) shower heads;
- Specific “cool roof” or “green roof” technologies;
- Photovoltaic rooftop or other onsite solar power generation;
- Solar water heating for the Project’s pool;
- Use of only Energy Star or more efficient water heaters, refrigerators, washers, dryers, and other appliances;
- Specific requirements to maximize the use of natural lighting;
- Passive heating and cooling systems;
- Provision of natural gas for heating;
- Electrical hookups in the garage for the charging of electrical vehicles; and
- Automatic off-switches to reduce energy wasted by lights accidentally left on.

Los Angeles has taken center stage in its quest to become a leader in greenhouse gas reduction, but the failure to incorporate even common mitigation measures to reduce energy consumption in the City’s EIR demonstrates how far the City still needs to go. Concrete and enforceable measures to reduce the Project’s contributions to greenhouse gas emissions must be included in a recirculated DEIR.

**E. Land Use Would Be Negatively Impacted.**

**1. The DEIR Must Analyze the Project's Consistency With Existing Plans and Zoning.**

The Project is inconsistent with the existing open space zoning and General Plan designation for the site and would result in the loss of 4.44 acres of valuable recreational space in the City as well as the loss of the last remaining open space on the Los Angeles River in the entire San Fernando Valley. The effect of this loss would be devastating and cannot be mitigated. Los Angeles is among the most open space-starved cities in the country; it has less than one-quarter the national average of parkland per 1,000 residents and ranking 45 out of 60 major cities in the U.S. (Attachment 6, Daily Breeze article regarding park space ranking, also available at: [www.dailybreeze.com/lifestyle/20140531/los-angeles-ranks-45th-out-of-60-us-cities-in-park-space](http://www.dailybreeze.com/lifestyle/20140531/los-angeles-ranks-45th-out-of-60-us-cities-in-park-space).)

Instead of disclosing the significant land use impacts that would result from the Project, the DEIR improperly finds the Project consistent with the *proposed* General Plan amendment and zone change. CEQA requires an EIR analyze a project's impacts as compared to the *existing* baseline conditions. (CEQA Guidelines § 15125.) Thus, the DEIR should have compared the Project to the existing open space General Plan land use designation for the site and the existing agricultural zoning for the site. The Project is clearly inconsistent with these existing designations and this land use inconsistency must be disclosed as a significant Project impact.

**2. The Project Would Be Inconsistent With Numerous Community Plan Policies Regarding Preservation of Park and Recreational Areas and Minimizing Impacts to the River.**

The importance of preserving the remaining open space was made clear in the Community Plan for this area. The Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan ("Community Plan") acknowledges that in this area: "The community parks serve a much wider interest range due to the lack of sites in the hillside areas of the plan area. While the existing parks satisfy the needs of the current residents, the community is still deficient in the number of neighborhood parks." (Community Plan p. III-11.)

Objective 4-1 of the Community Plan requires development "To conserve, maintain and better utilize existing recreation and park facilities which promote the recreational experience. Policy 4-1.1 furthers this objective, stating: "Preserve the existing recreational facilities and park space."

Objective 5-1 of the Community Plan is “To preserve existing open space resources and where possible develop new open space.” The Project would eliminate existing open space uses in violation of this objective. Policy 5-1.1 encourages “the retention of passive and visual open space which provides a balance to the urban development of the Plan Area.” The existing site provides large amounts of green space that would no longer be visible from Whitsett Avenue or along portions of the Los Angeles River Greenway Trail due to the development of six 45 foot buildings in place of the existing tennis courts.

The Community Plan also includes several policies directed at properties adjacent to the Los Angeles River, such as the Project site. Policy 4-1.2 states: “Increase accessibility to The Los Angeles River.” Policy 2-5.1 requires “that future development of properties located along the Los Angeles River be designed with river access features.” The Project would instead inhibit access to the River by providing the sole entrance to the proposed 200 units adjacent to the pedestrian entrance to the Los Angeles River Greenway Trail. The intersection of Whitsett Avenue and Valleyheart Drive is unsignalized and would become a dangerous access point to this important River trail and habitat restoration area.

Further, the DEIR assumes the Community Plan demonstrates a need for senior housing. That is not true. The Community Plan provides guidance for where senior housing should be located (p. IV-2), but does not include policies requiring the preservation and expansion of senior housing. Conversely, the Community Plan does include the above-identified policies requiring the preservation and expansion of open space, parks and recreational uses.

### **3. The Project Is Inconsistent with the Los Angeles River Revitalization Plan.**

The Project site is located adjacent to the Los Angeles River. For more than a decade, the River has been the focus of significant planning efforts and financial investment of well over \$100 million by federal, state, regional, and local agencies, including the National Park Service, the California Department of Parks and Recreation, the State Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Transportation, the Los Angeles County Department of Public Works (“DPW”), the Mountains Recreation and Conservation Authority, the Rivers and Mountains Conservancy, and the many municipalities (including the City of Los Angeles) which lie along its 51-mile course. Numerous political leaders and citizen groups see continued revitalization of the Los Angeles River corridor as a key to the economic and environmental enhancement of Los Angeles and a thread which would provide our City with a greater sense of community.

The City of Los Angeles has approved and adopted the Los Angeles River Revitalization Master Plan (“LARRMP”) as the regional vision and guide for development and improvement of multi-benefit projects along the Los Angeles River in the City of Los Angeles. The overall goal of this plan is to “transform the City’s 32-mile stretch of the River into an “emerald necklace” of parks, walkways, and bike paths, as well as providing better connections to the neighboring communities, protect wildlife, promoting the health of the river...” The goals of this plan include renewal of the River’s environmental qualities; facilitating ecological restoration; making the River green and accessible; reconnecting communities to the River and to each other; establishing environmentally sensitive urban design; development of land use and development guidelines for the River and adjacent lands that will foster appropriate river-adjacent development to enhance and improve the River and surrounding communities; providing public access to the River; and improving water quality in the River by developing multi-purpose solutions to support habitat, recreation and infiltration.

Instead of analyzing the Project’s consistency, or lack thereof, with the policies and recommendations included in the LARRMP, the DEIR relies solely on an analysis of whether the Project would comply with the draft River Improvement Overlay. As discussed below, this analysis is inadequate and inaccurate. Further, it fails to address the Project’s inconsistencies with the LARRMP.

The LARRMP emphasizes the need to preserve and foster riverfront continuity by developing and improving lands immediately adjacent to the Los Angeles River for publicly-oriented and river-appropriate and compatible uses. Constructing a new street and primary site access, ingress and egress as called for in the proposed development plans immediately adjacent to the Los Angeles River would preclude the use of the Los Angeles River for the types of multi-benefit, public access, connectivity and riverfront compatible uses called for in the Los Angeles River Master Plan, and would preclude optimizing the site’s proximity to and frontage along the Los Angeles River. The LARRP promotes active recreation uses, such as the existing tennis courts, adjacent to the River. (LARRP p. 3-13.) It does not promote or encourage the development of private residential developments on river adjacent sites. The LARRP also encourages increases in open space near the River. (Recommendation 5.7.) The Project would instead eliminate River-adjacent open space.

The LARRMP promotes visibility of the Los Angeles River. (Recommendation 5.12.) Instead, the Project would build six 45-foot-tall buildings that block views of the river from several locations across the golf course (DEIR Figure IV.A-27) and from the Hollywood Hills (DEIR Figure IV.A-28).

A key strategy of the LARRP is to link larger “nodes” of open space along the Los Angeles River -- both existing parcels and future-acquired property -- with a continuous Greenway of parkland, trails and restored natural habitat lands. The Los Angeles River Greenway Trail and Habitat Restoration is being developed adjacent to the Project site from Coldwater Canyon to Whitsett Avenue in furtherance of this strategy. The DEIR completely ignores the adjacent Greenway Trail and includes no enhancements or protections of connectivity to the Los Angeles River despite the LARRMP goal of connecting trails to existing recreational areas such as the Project. (LARRMP p. 5-2.)

The DEIR instead relies on an inaccurate analysis of the Project’s compliance with the River Implementation Overlay (“RIO”) Property Improvement Guidelines to support its claim that the Project complies with the LARRMP. First, while the City approved the RIO in August, it is our understanding the Property Improvement Guidelines are still in draft form and have not been finalized, whereas the LARRMP is an approved Master Plan. The DEIR cannot rely on this draft document as the basis of a finding of consistency with the approved plan. (*Cnty. of Amador v. El Dorado Cnty. Water Agency* (1999) 76 Cal. App. 4th 931, 949-950.)

Additionally, the DEIR provides a link to the City’s website containing the RIO and the Property Improvement Guidelines. (DEIR p. IV.H-8.) The Property Improvement Guidelines found at this link ([http://cityplanning.lacity.org/code\\_studies/RioProject/LARIO/Section5.pdf](http://cityplanning.lacity.org/code_studies/RioProject/LARIO/Section5.pdf)), are very different from the Property Improvement Guidelines the DEIR relies upon to assess the Project (DEIR Appendix H). The EIR must disclose to the public why it used a different set of guidelines from the ones to which it provided a link. Using the version of the Property Improvement Guidelines provided in the website link, the Project would be required to achieve a combined 20 points under the Watershed, Urban Design and Mobility categories. This version includes stricter requirements regarding the treatment of runoff (must treat 100 percent of the 85<sup>th</sup> percentile storm) and the Project would not be able to meet these requirements. Under these guidelines, the Project would not be able to achieve the required 20 points.

The Project is also unable to achieve the RIO requirements when accurately analyzed under the set of guidelines included in Appendix H. This set of guidelines requires the Project to achieve 10 points for watershed, 5 points for urban design and 5 points for mobility. (DEIR p. IV.H-43.) As discussed in the Section IV.K.1, infiltration, biofiltering and water retention are not feasible treatment options on the Project site. Thus, the 3 points Appendix H awards the Project for diverting runoff must be eliminated. The Project Design Features only require the Project to include native trees and eliminate non-native and invasive species “when feasible.” Thus use of native species of trees is not certain and the 3 points for this item should be removed. The

Project is also improperly awarded 2 points for utilizing gray water or stormwater for irrigation. The Project has provided no information on how the use of this type of water would or could be accomplished; moreover, the geotechnical report shows it to be infeasible. Based on an accurate assessment, the Project should have been awarded only 8 points for watershed, falling short of the requirements in this set of guidelines. Although it appears the Project would be able to achieve the required 5 points for urban design, the DEIR improperly awards the Project points for creating convenient access to the River. The Project will instead make access to the Los Angeles River Greenway Trail more hazardous for pedestrians. The Project also fails to achieve the required 5 points for mobility. The DEIR awards the Project a point for providing lockers when the Project includes only bike parking spaces, not locker facilities for bicyclists. Thus, the Project should receive only a maximum of 4 points for mobility under these guidelines.

**4. The DEIR Fails to Consider the Project's Lack of Consistency With the Los Angeles River Master Plan and Los Angeles 2010 Bicycle Plan.**

The Los Angeles County Board of Supervisors adopted the Los Angeles River Master Plan (the "River Master Plan"), administered by DPW, which advocates environmental enhancement and recreational development along the River. ([http://ladpw.org/wmd/watershed/LA/LA\\_River\\_Plan.cfm](http://ladpw.org/wmd/watershed/LA/LA_River_Plan.cfm).) The DEIR fails to analyze whether the Project, which is adjacent to and encroaches onto County land, would be consistent with the River Master Plan. Since the Project includes the development of private residential development adjacent to the Los Angeles River, it should be considered inconsistent with this plan.

The DEIR also fails to analyze the Project's consistency with the Los Angeles 2010 Bicycle Plan. The DEIR should have considered whether the Valleyheart Drive extension required for the Project would be designed to accommodate cyclists. It should also consider whether the added vehicles at the intersection of Whitsett Avenue and Valleyheart Drive, which is controlled only by stop signs, would result in a safety hazard for cyclists.

**5. The Project is Inconsistent With SCAG Regional Policy.**

The Project would be inconsistent with the Southern California Association Governments Regional policies. Policy OSN-14 requires the avoidance or mitigation of impacts to open space. The Project instead eliminates open space. The Project is also inconsistent with OSC-9, which sets a goal of enhancing the region's parks and trails because it eliminates an opportunity for a park and ignores impacts to the Los Angeles River Greenway Trail.

**6. The DEIR Fails to Analyze the Project's Compatibility With the Adjacent Los Angeles River Greenway Trail and Habitat Restoration.**

All of the Project's ingress and egress is off of an extension of Valleyheart Drive at Whitsett Avenue, immediately adjacent to the LA River Greenway Trail's entrance. The DEIR must analyze whether the use of this roadway as the sole access point is compatible with the Los Angeles River Greenway Trail. The DEIR must also analyze whether private residential development is compatible with the Trail.

**F. Public Services Would Be Impacted.**

**1. Fire Services.**

Separate from the Project's impacts on fire response due to the influx of 340 new residents, the DEIR fails to analyze the Project's impacts on fire department response times due to the age of the likely residents. A large senior citizen population would be expected to have a greater number of fire and paramedic calls than the general population, and the DEIR must discuss how the Project will mitigate any impacts it might have on the station's ability to adequately serve its service area. Notably, the DEIR contains no information on the average fire department response times for the area surrounding the Project site.

Additionally, the DEIR must discuss how it will prevent the Project from increasing illegal parking along the Valleyheart right-of-way that often prevents the fire department from being able to enter the firehouse from the rear. The construction of an additional 200 residential units will likely exacerbate this problem, especially if Valleyheart is the Project and the 617-space parking garage's only entrance. This would cause a significant adverse impact on the provision of fire services that would require mitigation in the EIR.

**2. School Services.**

The Project could also have a significant impact on public services in the form of parks by demolishing 16 tennis courts. While these tennis courts are not City facilities, they are heavily used by the Studio City community and nearby schools, thereby relieving the City of even greater stress on its inadequate facilities. If the Project demolishes these 16 courts, impacts will surely increase on public facilities, especially on the numerous schools that rely on the courts at Weddington Golf and Tennis to enhance their school facilities. Demolition of these courts will therefore reduce recreational and physical education offerings at these schools, a significant impact on public services available to those in the Studio City community. The impacts of demolishing the 16

tennis courts are discussed in greater detail in Section G. below.

**G. The Removal of 16 Tennis Courts Will Have Significant and Unmitigated Impacts on Recreation in Studio City.**

For decades, the Project site has housed Weddington Golf and Tennis, a recreational facility consisting of a 9-hole golf course, lighted driving range, putting green, 16 lighted tennis courts, and clubhouse, all of which are open to the public and charge low fees. The golf and tennis facilities are extraordinarily well-operated and maintained, and are used by tens of thousands of residents throughout the City and greater Los Angeles region. The DEIR recognizes, “Although there are many exclusive private golf and tennis facilities in the City of Los Angeles, there are a limited number of privately-owned facilities that are open to the public.” (DEIR p. IV.L-9.)

Weddington Golf and Tennis is one of only a few facilities providing low-cost access to tennis courts in the area. (DEIR p. IV.L-4.) The facility is heavily used by the community. According to reservation sheet data previously submitted to the City by SCRA, 250 people use the tennis courts each day, for a total of 90,000 people per year. More recent data, gathered by the Tennis Media Group, shows a significant increase in usage, with 3,285 children and adults using the tennis courts weekly. (Attachment 7.) The tennis courts at Weddington Golf and Tennis may be “block-booked” for use by teams, leagues, and children’s programs. For that reason, the courts are home to the tennis teams from Harvard-Westlake, Buckley, Oakwood, and Notre Dame High Schools both as primary practice facilities and for league competition. Through Tennis Pro Zone Academy, the courts are also used by nearby schools including Carpenter Community Charter School, Colfax Charter Elementary School, Walter Reed Middle School, Campbell Hall, St. Francis de Sales School, Dixie Canyon Elementary School, Laurel Hall School, Curtis School, Adat Ari El, and Sherman Oaks Elementary School. The courts are also home to two of the City’s largest tennis leagues, the Los Angeles Tennis Association and the Van Nuys/Sherman Oaks Racquet Club. The Southern California Tennis Association considers the courts an important regional resource. Moreover, with the loss of the Racquet Centre at Ventura Boulevard and Vineland Avenue to development several years ago, these courts are the last remaining tennis facility in the area, a fact that is acknowledged by the DEIR. (DEIR p. IV.L-4; p. IV.L-9.) Four of the courts at Weddington Golf and Tennis have already been removed to accommodate the construction of the fire station. Although the existing golf course, driving range, and clubhouse would be retained, the replacement of these publicly-available tennis courts with six condominium towers will have significant adverse impacts on recreation that are neither disclosed nor mitigated in the DEIR.

The reconfiguration of the golf course and the driving range to accommodate the

Project's residential towers would also present adverse impacts on recreation. The Project would move the southern driving range fence 21 feet north, requiring the removal of three of the existing 24 driving range tees. (DEIR pp. II-19-20.) This reduces the driving range's capacity to serve users by 12.5 percent. The Project would also shorten two of the golf course's nine greens. Hole number five would be shortened by 25 feet and hole number six by 90 feet. (DEIR p. II-19.) These reductions reduce the appeal and recreational value of the golf course, which is well-known for its low cost and public access. These reductions may induce demand for new City facilities, the construction of which would have significant adverse impacts.

Even though the Project will replace heavily-used recreational facilities with residences and reduce the size and accessibility of other recreational facilities, the DEIR concludes that the Project will not have significant impacts on recreation. (DEIR p. IV.L-10.) Accordingly, the DEIR provides no mitigation for the Project's reduction in publicly-accessible golf and tennis facilities. The DEIR's flawed conclusion is based upon the premise that the Project will impact only private facilities and will therefore have no impact on the City's provision of public facilities. (DEIR p. IV.L-10.) But CEQA does not require an analysis of whether the Project reduces the number of tennis courts located in City parks; it requires an analysis of whether the Project will cause a need for new recreational facilities. (DEIR p. IV.L-8.) Removal of these courts will induce demand for more publicly-accessible tennis courts. Further, this impact should be assessed on a local, Studio City and community level, not on whether the Project affects the tennis court inventory of the entire City of Los Angeles.

The DEIR's conclusions also rely on the existence of seven pay tennis court complexes within a ten-mile radius of Studio City. (DEIR p. IV.L-3, p. IV.L-10.) First, this ten-mile radius includes several complexes that will not serve the Studio City community. Tennis courts located outside of the San Fernando Valley in Pacific Palisades, Griffith Park, Cheviot Hills, and Westwood are hardly local, even without factoring in the City's notorious traffic. They cannot feasibly be used by students for daily team practice and are unlikely to be used by Studio City residents on a regular basis. The removal of these 16 tennis courts will have a detrimental impact on Studio City. Second, several of the possible replacement facilities consist of only two to four courts and are too small to accommodate team or league play. (See Attachment 7.) As the DEIR does not discuss whether these facilities permit block-booking, or whether they have capacity for additional schools or leagues, substantial evidence does not support a conclusion that they can substitute for the courts proposed for removal at Weddington.

The DEIR also admits that the City has not yet met its Public Recreation Plan goals of providing one tennis court for 10,000 residents or for the provision of community and neighborhood parks. (DEIR p. IV.L-10.) The Project would remove 16

heavily-used private tennis courts that help to offset the City's recreational deficiencies in Studio City. (Note: The DEIR does not acknowledge the Weddington tennis courts' contribution to meeting City needs, while at the same time relying on the remaining golf facility to render the Project's 0.68 acres of park demand "negligible". (DEIR p. IV.L-10).) While the DEIR attempts to address the recreational needs of the Project's residents, no effort is made to replace the community recreational amenities that will be removed by the Project. Therefore, the Project will have significant impacts on recreation that must be disclosed and mitigated in a revised DEIR.

As discussed above, the DEIR also fails entirely to analyze the Project's consistency with the section of the L.A. River Greenway Trail, a portion of which is already funded and being constructed along the southern border of the Project site. If the Project will interfere with the construction of the Trail's public promenades, access points, bike facilities, or other recreational features, these conflicts must be disclosed and mitigated in a revised DEIR. Additionally, this revised DEIR must analyze the adverse impacts that the Project will have on the Trail due to shade and shadow impacts. Other impacts that must be disclosed include converting Trail views from those of people playing tennis through dense recreation to six, dense condominium buildings. These Projects will all reduce the recreational value of the L.A. River Greenway Trail, a significant recreational impact that is not disclosed in the DEIR.

#### **H. The Transportation/Traffic Analysis is Inadequate.**

Traffic expert Tom Brohard has reviewed the DEIR's analysis of the Project's traffic impacts, finding many inadequacies and inaccuracies in the analysis. A copy of Mr. Brohard's report is included with this letter as Attachment 3. Below is a summary of his comments.

##### **1. The DEIR Relies on a Hypothetical Traffic Baseline.**

CEQA requires an assessment of the Project's impacts as compared to the baseline conditions. An EIR should use the existing conditions as the baseline instead of hypothetical conditions, unless substantial evidence shows an existing conditions analysis would be misleading or without informational value. (*Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal. 4th 439.)

The DEIR fails to use the actual and easily measurable existing trips generated at the Project site as the baseline for analysis. Instead, the DEIR compares the trips generated by the Project to the number of trips it is predicted the existing use would generate based on ITE generation rates. It is standard practice to count the trips from the existing use on the site (Attachment 3, p. 2), but the DEIR fails to do so.

**2. The DEIR Fails to Analyze Potentially Significant Construction Traffic Impacts.**

The construction of the Project would require the hauling of 82,000 cubic yards of fill. This will require 102 20-cubic yard double-bottom dirt hauling trucks to enter and exit the site each weekday for a period of four months. (Attachment 1, pp. 2-3.) The DEIR's analysis of construction traffic failed to consider the traffic impacts associated with the hauling of fill.

The DEIR also improperly defers analysis of a haul route for the Project. The numerous truck trips required to haul this massive amount of fill could have a significant traffic impact on the surrounding community. The DEIR provides no reason why the location of the haul route could not be assessed at this time, as required by CEQA's public disclosure provisions.

**3. Further Analysis is Required for Intersection of Whitsett Avenue and Valleyheart Drive.**

All vehicle access to and from the 200 senior units together with all employee parking and parking for up to 113 golfers will occur at the intersection of Whitsett Avenue and Valleyheart Drive. There is also a fire station at the corner of these streets that adds additional vehicles to the intersection. Despite this, the DEIR and traffic report failed to assess whether a traffic signal or other roadway improvements would be warranted at this location. Mr. Brohard's assessment found that when the trips generated by the Project and the trips generated by the fire station were both considered, a signal would be warranted. (Attachment 1, pp. 2-3.) Restriping of this intersection should also be considered to accommodate all of the additional vehicles at this already congested intersection.

**4. The DEIR Fails to Adequately Mitigate Pedestrian Access Impacts.**

The DEIR includes mitigation measures to provide a high visibility crosswalk and signage across the west side of Valleyheart Drive and across Valley Spring Lane. However, high visibility crosswalks provide limited benefits at intersections such as these that are stop sign controlled. Additionally, allowable signage would be limited as it cannot interfere with the existing stop signs.

Further, no mitigation is provided to allow for crossing of Whitsett Avenue to reach the transit stop located on the east side of that street. This is particularly significant given that there will be many pedestrians crossing Whitsett Avenue to access the Los Angeles River Greenway Trail at the same location this Project adds numerous new

vehicles. These pedestrian safety impacts must be analyzed.

## **5. Secondary Parking Impacts on Surrounding Neighborhoods Must Be Considered.**

The Project includes parking for those using the golf course on the bottom level of the subterranean parking garage located under the senior housing buildings. It is likely golfers will find this parking to be inconvenient and will instead look for surface level parking on Valley Spring Lane or in the residential area north of the Project site. (Attachment 1, p. 4.) The impacts of additional traffic and golfers parking on Valley Spring Lane and in residential neighborhoods must be analyzed and mitigation must be included to reduce the potential impact.

### **I. The DEIR's Analysis of Cultural Resources Fails to Provide Adequate Information Regarding the Project's Impacts.**

The DEIR fails as an informational document because it is completely devoid of an analysis of the Project's potential to impact paleontological or archaeological resources. Appendix E of the DEIR analyzes only the historic significance of the Weddington Golf and Tennis Club; it does not assess the potential for impacts to paleontological or archeological resources. The DEIR must be revised to analyze whether there it is possible the site contains Native American or other archaeological or paleontological resources and if there is a possibility, mitigation must be included. The discovery of such resources is common throughout Los Angeles, particularly in sites such as this that are close to water resources. (See Attachment 8, excerpt of Caltrans EIR for the I-710 Corridor, which finds that all sedimentary rock has the potential to contain fossils and that "these deposits are well-formed along the Los Angeles River.")

The DEIR acknowledges the Weddington Golf and Tennis Club appears to be eligible for listing on the California Register of Historic Places. (DEIR VI.D-15.) However, it fails to adequately and accurately analyze the Project's impacts on this historic resource. The parking lot for the Weddington Golf and Tennis Club includes eight golf ball shaped light standards that are deemed to be character-defining features of the resource. The removal of character-defining features is a significant impact to a historic resource. (DEIR IV.D-21.) The Project would remove an undisclosed number of these light standards. The DEIR finds the removal to be a less than significant impact because any light standards that are removed would be relocated. The DEIR lacks support for its claim that the impact has been mitigated to a less than significant level. The number of light standards to be removed is unknown as is the location of relocation. Of the 92 parking spaces in the existing parking lot where the light standards are located, 70 spaces will be eliminated to make room for the massive Project. That more than 75

percent of the parking lot will be eliminated provides a strong indication that the majority of the light standards will be removed from their current location along Whitsett Avenue. The entire site is in use and there does not appear to be any location where these light standards could be relocated. Further, the importance of the light standards is due in part to the highly visible location along Whitsett Avenue and the fact that there are eight of these identical light standards lined up next to each other. Moving them to another location would impact the integrity of this feature and could be in a much less publically visible location. These impacts must be disclosed and analyzed.

The DEIR also concludes that demolition of the tennis courts would not be a significant impact to an historic resource because the tennis courts were constructed later than the golf course. The Weddington Golf and Tennis Center was found to be an historic resource in large part due to its local significance as a community recreation center. Appendix E, the Historical Resources Report, found the tennis courts have the potential to become significant resources because they reflect the evolution of the property as a community recreation center. The DEIR fails to disclose the potential significance of the tennis center. By removing a recreational feature of the site currently open to the community, and replacing it with 336,000 square feet of private residential development, the Project would significantly alter the use of the site. Since the use of the site is the basis for the determination that it is an historic resource, this change in use is significant. Crowding six, 45 foot tall buildings onto the Project site will also take away from the setting of this resource.

**J. The DEIR Fails to Provide Adequate Information Regarding the Project's Geotechnical Impacts.**

The geotechnical analysis raises more questions than it answers. The following questions must be addressed in a revised DEIR.

- Why does the DEIR conclude no dewatering would be required once the parking garage has been constructed?
- What groundwater levels are expected during storm events?
- What impacts will the massive excavation required for the parking garage have on the Los Angeles River channel wall?
- Where would water that is pumped from the site be disposed? The geotechnical report concludes infiltration is not feasible at the site, thus it cannot be disposed of through infiltration.
- Where would the Project obtain the necessary imported fill?
  - What are the traffic, air quality, and climate change impacts associated with the importing of substantial amounts of fill?

CEQA requires an EIR analyze the hazards and hazardous materials impacts of a project. (CEQA Guidelines Appendix G, VIII.) The DEIR does not include a Phase 1 assessment or any other analysis to determine whether there are any hazardous substances present in the soil. Due to the massive amount of fill required to be removed, such an assessment is required.

**K. The DEIR Improperly Defers Analysis and Mitigation of Hydrology and Water Quality Impacts.**

The Project is located on the banks of the Los Angeles River; therefore, potential water quality impacts from Project site runoff during construction and operation of the Project must be carefully analyzed and fully disclosed in the EIR. Untreated urban runoff – both stormwater and dry weather runoff - from the Project could significantly impact the already degraded waters of the Los Angeles River and negatively impact federally-mandated regional efforts to prevent polluted runoff from flowing into the Los Angeles River.

Development of the Project would substantially increase runoff and pollutant loading, which the EIR should address. Pollutant loading from traffic on Valleyheart Drive immediately adjacent to the L.A. River could also cause significant water quality impacts. Flooding is already a problem in the surrounding areas, which have limited or no storm drains. The Project could increase the flooding potential and severity.

As discussed in the alternative sections, alternatives to the proposed Project that allow for a multi-benefit project at this unique site adjacent to the Los Angeles River could reduce the significant water quality and recreational impacts of the proposed Project.

**1. The DEIR Fails to Disclose Proposed Mitigation For Increased Runoff is Infeasible.**

The DEIR does not provide the public and decision makers with the necessary information and analysis regarding stormwater and dry weather runoff capture and treatment at the Project site. The Project would create a significant amount of new runoff. The DEIR assumes the impact of the increased runoff would be reduced to a less than significant level, but fails to describe the methods to be used to achieve this, and further fails to disclose that the methods assumed to reduce the impact are likely infeasible.

The DEIR and the Hydrology and Water Quality Civil Narrative repeatedly assume the water quality impacts of this runoff will be addressed by infiltration. (PDF

HYD-1 and 2.) However, the geotechnical report has concluded that the Project site “would not be considered a candidate for stormwater infiltration.” (Appendix D, Geotechnical and Soils Report p. 42.) Moreover, the geotechnical report finds that infiltration “is not prudent engineering practice. Increasing the moisture content of a soil can cause it to lose internal shear strength and increase its compressibility, resulting in a change in the designed engineering properties.” (*Ibid.*) The DEIR must disclose that infiltration cannot be used to address the Project site’s runoff.

As a backup plan, the DEIR also relies on using graded landscaping and biofiltration trenches to filter runoff where possible. The DEIR improperly defers analysis of whether these methods are possible. There are no areas shown on the Project site plan for this type of filtration, and none are specified in the analysis. Further, the geotechnical report makes clear that this type of retention filtration is not feasible at the Project site. (Appendix D, Geotechnical and Soils Report p. 42 [“Drainage should not be allowed to pond anywhere on the site, and especially not against any foundation or retaining wall...Planters which are located within retaining wall backfill should be sealed to prevent moisture intrusion into the backfill.”].) Thus, none of the methods proposed for treating runoff onsite are available.

The DEIR also fails to adequately describe the Project’s subsurface elements and whether the massive subterranean parking garage and associated infrastructure would prevent the site from installing subsurface storm drains. Because the garage will likely be in a zone of constant saturation due to the historic high water table (DEIR Appendix D, Geotechnical Report p. 5), pumping will likely be necessary to protect the structure and the cars and people using it. The DEIR fails to adequately address this issue. Further, the Project will be unable to connect to any existing stormwater drains via surface flows. There is a drain on Whitsett Avenue, but this drain is located on the opposite side of Whitsett Avenue and it drains untreated into the Los Angeles River. There are no storm drains on Valleyheart Drive or in other surrounding drains to which this Project could connect.

Thus, it appears untreated dry weather runoff and significant volumes of untreated stormwater would be discharged from the Project site directly onto Valleyheart Drive and into the Los Angeles River, including substantial surface flow over steep banks and restored native habitat. This is a significant Project impact the DEIR fails to analyze. Instead, the DEIR simply assumes the Project will meet or exceed the requirement of all applicable stormwater management requirements. Specific mitigation measures must be developed now so that the feasibility of these measures can be assessed and properly disclosed.

The following questions need to be answered in a revised DEIR:

- Since infiltration is infeasible, on-site retention is not possible, no runoff can occur within five feet of buildings and there is no existing storm drain system to which the Project could connect, how will the Project comply with all of the applicable stormwater management requirements?
- How can waterproofed planters treat runoff? How much volume can these planters accommodate? How will the runoff volume that cannot be treated by the planters be treated to meet state, regional and local regulatory requirements?
- Even if infiltration were possible in the soil on the Project site, how would it be possible when a significant portion of the underground area of the site will contain a massive subterranean parking garage surrounded by compacted soil, foundations substantial enough to support six four-story buildings, and roads and fire lanes?
- What will the Project do to retain pollutants on site and prevent polluted runoff from entering the Los Angeles River? How will the Project comply with TMDLs and City LID requirements?
- If discharge of runoff to the Los Angeles River is intended to be subsurface discharge, how is this possible with the subterranean parking garage, building foundations, and other underground infrastructure associated with the Project?
- Additionally, such discharge would require penetration of the Los Angeles River channel wall. What impacts to the channel wall would result? How large would these penetrations need to be? Has the Army Corps of Engineers reviewed this proposal?
- What requirements does the Army Corps of Engineers have for the Project and any runoff from the Project that would flow into the Los Angeles River?
- Both surface and subsurface discharge of runoff to the Los Angeles River would pass on or through land along the Los Angeles River owned by the Los Angeles County Flood Control District (“LAFCD”). What requirements does the LAFCD have for the Project and any runoff from the Project that would flow on or through their property, or into the Los Angeles River?
- How would construction of the infrastructure required to discharge runoff into the Los Angeles River impact the Los Angeles River Greenway Trail and its restored native habitat?

## **2. The DEIR Fails to Address Golf Course Runoff.**

The DEIR also fails to address runoff from the golf course, which will be reconfigured as part of this Project. The golf course is currently out of compliance with current Los Angeles Regional Water Quality Control Board regulatory requirements for stormwater and dry weather runoff capture and treatment, improperly allowing the discharge of sediment, fertilizers, and other substances directly into the Los Angeles River via surface flows and two surface level drains. The Project is reconfiguring the golf course and must bring it into compliance. How does the Project propose to do this? What permits will be required? How will this impact the Los Angeles River Greenway Trail and its restored native habitat?

## **3. The DEIR Fails to Analyze Runoff from Valleyheart Drive.**

The Project includes the extension of Valleyheart Drive west to the entrance of the Project's subterranean parking garage. In extending this roadway, the Project will have to divert runoff from Valleyheart Drive and away from the entrance to the subterranean parking garage. The DEIR fails to provide any information regarding how this will be achieved and to where the runoff would be diverted. The runoff capture and treatment for this roadway must be disclosed in a revised DEIR.

## **4. The DEIR Fails to Adequately Analyze Cumulative Water Quality and Flooding Impacts.**

The DEIR fails to adequately analyze the Project's cumulative impacts. In analyzing cumulative impacts, the DEIR considers only what it defines as "Related Projects." These Related Projects are new future projects that have been approved or proposed for construction. This is only part of what is required in a cumulative impacts analysis. CEQA defines cumulative impacts as "the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." (CEQA Guidelines § 15355.) The DEIR improperly limits its consideration to probable future projects. By doing so, the DEIR fails to analyze the Project's impacts in conjunction with the impacts from existing projects.

The DEIR only looks at the water quality impacts that would result from the Project's runoff. It fails to consider the impacts of this runoff in combination with the existing adverse water quality conditions that are occurring. A project may have an impact that it is considered less than significant when analyzed on its own, but when it contributes to an existing significantly adverse condition, the incremental impact of the project should be considered significant. (*Kings Cnty. Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 721.)

Additionally, there are already significant flooding problems in the Project area. The attached photographs show flooding on the north side of the Project site and at the entrance to the Golf and Tennis center during the rainy season several years ago. (Attachment 9.) The Project could increase existing flooding impacts by directing flows onto Whitsett Avenue. The DEIR must analyze and mitigate this cumulative impact.

**L. Water Supply Impacts.**

**1. The DEIR Fails to Consider the Impacts of Dewatering on Water Supply.**

As discussed above, the Project's large subterranean parking garage will require a significant amount of dewatering. This water currently contributes to groundwater resources, but cannot do so once dewatering begins. This water will not be able to be returned to the groundwater elsewhere on the site because it has been determined infiltration is not viable.

The DEIR fails to consider the potential impacts to the City's groundwater supply that could result from the dewatering and lack of infiltration resulting from the Project. According to the DEIR, groundwater contributes 11 percent of the City's water supply. (DEIR p. IV.N2-2.) The Los Angeles Department of Water and Power states that the San Fernando groundwater basin supplies 15 percent of Los Angeles' domestic water needs. (See <http://wsoweb.ladwp.com/Aqueduct/historyoflaa/waterquality.htm>, incorporated by reference.) This is an important source of water for the City, particularly now when other supplies are limited due to the lengthy drought, which is expected to continue. The DEIR must be revised to analyze whether the dewatering of the site, coupled with the lack of infiltration, would reduce groundwater supplies in the San Fernando Valley.

**2. The DEIR Fails to Consider Water and Wastewater Line Capacity.**

The Project would increase water usage at the site 10 times over current usage during operation. (DEIR p. IV.N.2-14. ) This is likely an underestimation of water usage because it assumes landscaping will be watered with 50 percent recaptured water, but fails to provide any plan for or analysis of how this recapture could be accomplished on the site. As previously discussed, it is not viable to hold water on-site. The DEIR must be revised to provide a specific plan for how this recapture and reuse will occur within the constraints detailed in the geotechnical report.

Despite the massive increase in the water usage at the site, the DEIR fails to assess

whether the local water and wastewater lines have adequate capacity to supply the project. In a May 29, 2008 inter-departmental correspondence, the Bureau of Sanitation wrote the “sewer system *might* be able to accommodate the total flow for your proposed project” but that further information was required. As we learned with the recent massive water main ruptures near UCLA, in the San Fernando Valley and in Hollywood, the City’s aging water line infrastructure is in need of replacement. Considering the City’s decades-long schedule for replacing aging infrastructure, it is especially important for the DEIR to undertake a realistic analysis of the Project’s contribution to stress on the City’s water distribution system. The DEIR must assess whether the existing infrastructure is adequate to serve the Project.

### **3. Construction Water Usage Must Be Assessed.**

The DEIR fails to disclose the amount of water that would be used during Project construction. The DEIR claims it would be an insignificant amount, but watering is required for the massive amount of excavating that would take place during the construction of the subterranean parking garage. Construction would be over a two year period, with watering of the site required during much of the construction. Thus, this water usage could be significant and must be disclosed.

### **M. Noise Impacts are Inadequately Analyzed.**

The Project’s construction will introduce additional noise related to thousands of truck trips, demolition, excavation, and construction for approximately two years, which the DEIR admits will cause significant adverse impacts at three of the five sensitive receptor locations that were surveyed. (DEIR p. IV.I-12, 13.)

According to the City’s thresholds, the Project would have a significant impact on noise during operation if it would increase the ambient noise level at the property line by 3 dBA CNEL to or within the “normally unacceptable” category or if it would increase the ambient noise level by 5 dBA. (DEIR p. IV.I-10.) However, the DEIR never aggregates the Project’s operational noise sources to analyze whether the Project would exceed these thresholds. The DEIR admits that the Project’s vehicle trips would increase noise levels on Whittett Avenue by 0.1 dBA (DEIR p. IV.I-15), that heating and air conditioning equipment generates a noise level of 60 dBA Leq at 50 feet (DEIR p. IV.I-16), that the Project would include a playground and lap pool as well as recreational activities, and that the Project would include a 613-space subterranean parking garage. No estimate of noise emissions is provided for these portions of the Project. Instead, the DEIR dismisses the pool and playground noise as likely inaudible, and claims, without support, that the parking garage would be inaudible to nearby sensitive receptors. (DEIR p. IV.I-17.) However, the City’s standard is triggered if the Project increases noise levels

at the property line, not at the nearest sensitive receptors. Moreover, the parking garage will require ventilation, and it is likely that noise may be emitted through ventilation corridors. The DEIR must be revised to provide a noise analysis that actually discloses the Project's likely contributions to community noise.

The City's only other threshold applicable to operational noise levels provides that the Project's impacts would be considered significant if the Project's residential units were exposed to noise levels exceeding 45 dBA indoors. The DEIR failed to include any analysis of this impact based on the assumption that "[c]onventional construction, but with closed windows and fresh air supply system or air conditioning will normally suffice." (DEIR p. IV.I-17.) Since the Project will not require residents to keep windows closed at all times, it is unclear that this "conventional construction" will be sufficient to provide the necessary noise attenuation. The DEIR recognizes that the Project will place sensitive receptors (residents) next to an active fire station, but dismisses the potential impact "due to the temporary and necessary nature of fire engine sirens." (DEIR p. IV.I-17.) Considering that existing homes complain of fire station noise, this impact is likely significant.

The DEIR fails entirely to analyze whether the Project-induced increase in senior citizens at the Project site would have significant noise impacts due to increases in the number of fire and paramedic responses by the adjacent fire station.

The DEIR fails to analyze the Project's potential noise impacts on the L.A. River Greenway Trail. The DEIR's noise study failed to place a noise monitor along the Los Angeles River. As a result, the DEIR lacks substantial evidence to support a conclusion that construction noise impacts to the L.A. River Greenway Trail or to species residing within the restored habitat will not occur. As the DEIR notes that "pile driving activity would potentially occur during the construction process", the potential impacts of very loud, intermittent, and spontaneous bursts of noise on the restored habitat and nesting birds must be assessed. (DEIR p. IV.I-14.) According to the DEIR, unmitigated pile driving would increase ambient noise levels by up to 21 dBA at nearby homes. (DEIR p. IV.I-15.) The noise increase in the restored habitat and along the L.A. River Greenway Trail would be even greater, likely leading to significant impacts on recreation (for those attempting to use the Trail), on biological resources, and on land use compatibility. Unfortunately, the DEIR's biological resources analysis failed to perform a nesting survey along the LA River, so the potential impacts of construction noise on nesting birds, including species of special concern that frequent the L.A. River corridor, cannot even be estimated.

The DEIR must also analyze the potential noise impacts of Project operation on the L.A. River Greenway Trail and on wildlife inhabiting the habitat restoration. As

proposed, the Project's sole driveway and fire lane will be adjacent to the Trail along the Valleyheart Drive right-of-way. While the DEIR claims that the Project's 624 daily vehicle trips will result in only an insignificant 0.1 dBA increase in Leq, each individual trip will be much louder and will have the potential to disrupt passive and active recreation along the L.A. River Greenway Trail as well as wildlife nesting or foraging in the restored habitat. (DEIR p. IV.I-15.) It is also unclear if this estimate included the noise generated by the parking garage (alarms, tires squealing, etc.) as this driveway is allegedly the only route through which noise generated inside will be released. This potential impact must be addressed in a revised DEIR.

Finally, the Project's compliance and mitigation measures for noise impacts are vague and unenforceable. For example, the DEIR states that the Project will avoid construction impacts by complying with the City's noise ordinance, which prohibits construction activities after 9:00 p.m. (DEIR p. IV.I-20.) However, nothing in the DEIR prevents the Project's contractors from obtaining an after-construction permit. MM NOI-2, "Grading and construction contractors shall use quieter equipment as opposed to noisier equipment" is meaningless. Types of equipment, noise attenuation devices, or maximum noise emissions should be specified if these measures are to provide the noise reductions analyzed in the DEIR. MM NOI-5 states that caisson drilling should be utilized instead of pile driving. However, the DEIR's analysis leads a reader to believe that pile driving is necessary. The DEIR should include additional analysis regarding whether caisson drilling is feasible at the Project site.

**N. The List of Related Projects Fails to Include Several Recently Proposed Cumulative Projects.**

The DEIR relies on outdated data in its consideration of cumulative projects, failing to include several recent proposed developments. The gigantic Sportsmen's Lodge development is proposed less than a mile away at the corner of Coldwater Canyon and Ventura Boulevard. This project would add approximately 300,000 square feet of retail uses adjacent to the Sportsmen's Lodge. Harvard Westlake has proposed a large parking structure and athletic field development just south of Ventura Boulevard on Coldwater Canyon.

**O. Project Design Features Are Mitigation Measures.**

"The Project design and operational characteristics incorporate Project Design Features ("PDFs") *that minimize or avoid adverse impacts.*" (DEIR p. II-32.) However, the DEIR incorrectly concludes that "Because PDFs are already incorporated into the Project, they do not constitute mitigation measures..." (*Ibid.*) The Court of Appeal recently held that features such as these project design features must be considered

Mr. Adam Villani  
September 29, 2014  
Page 67 of 67

mitigation measures when they are relied upon to reduce a project's impacts. (*Lotus v. Dep't of Transp.* (2014) 223 Cal. App. 4th 645.) The City and Project proponent cannot avoid including these necessary measures in a mitigation, monitoring and reporting program simply by defining them as "project design features." The DEIR makes clear these measures are needed to reduce impacts and thus, they must be considered mitigation measures.

## **Conclusion**

The Studio City Senior Living Center Project would adversely impact the existing neighborhood and the Los Angeles River corridor, but the DEIR fails to disclose all of the Project's significant environmental impacts to the public and decisionmakers. "The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey." (*NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.) The DEIR should be revised to include additional analysis – and to include analysis of impacts where analysis is absent – as well as to include enforceable mitigation measures that will actually reduce the Project's significant impacts. Most importantly, the DEIR should include an accurate and thorough analysis of the Park Alternative, including the provision of residential units at nearby locations that are already zoned for such development. The revised DEIR should then be recirculated for the benefit of the community, decisionmakers, and the environment.

Thank you for your consideration of these comments. We look forward to reviewing the revisions to this draft environmental impact report.

Sincerely,



Amy Minter  
Michelle Black

- Attachment 1: Letter from Urban Waters
- Attachment 2: L.A. Greenway Trail Plan
- Attachment 3: Traffic Expert Review
- Attachment 4: L.A. Greenway Trail Schedule
- Attachment 5: L.A. Greenway Trail Grant Documents
- Attachment 6: Daily Breeze Article
- Attachment 7: Tennis Media Survey
- Attachment 8: Paleontology Information from I-710 Corridor EIR
- Attachment 9: Photographs of Flooding Near Project Site