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Mr. Jonathan Riker
Environmental Review Coordinator
Environmental Review Section
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Re: Notice of Preparation Comments
EAF: ENV-2005-2301-EIR
Project Name: Vesting Tentative Tract No. 61533
Project Location/Address: 22255 Mulholland Drive, Woodland Hills

Dear Mr. Riker:

I. INTRODUCTION AND PRELIMINARY COMMENTS.

This firm and the undersigned represent Save Oak Savanna (SOS). SOS is a community-based organization whose members include more than 250 residents in the community adjacent to the project location and the surrounding neighborhood.

This letter is in response to the Notice of Preparation/Environmental Impact Report (NOP) dated November 8, 2005 and sets forth SOS's initial comments concerning the above-referenced project (Project). SOS opposes the currently proposed building of 37 detached condominiums on the last six-acre area of old growth oaks in Woodland Hills. Among other things, the Project is inconsistent with the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan (General Plan) and the Mulholland Scenic Parkway Specific Plan (Specific Plan) with regard to density and community integrity. Moreover, the Project will seriously impact the viewshed which is protected by the Mulholland Specific Plan Ordinance, and will cause significant, unmitigable biological impacts.

As presently constituted, the Project cannot proceed without significant zone changes and amendments and/or exceptions to the General Plan and Specific Plan. The applicant is seeking City approval of the following discretionary approvals:

- Vesting Tentative Tract Map No. 61533 to authorize the 37-unit residential condominium development;

- Zone change from R-1 Single Family Residential to RD6-Restricted Density Multiple Dwelling zone;
- Specific Plan exception to permit encroachment into the protected viewshed of the Mulholland Scenic Parkway;
- Specific Plan height exception for single-family units on upslope within 100 feet of Mulholland Drive to exceed 15 feet and to allow single-family units on upslope pads within 500 feet of Mulholland Drive to exceed 30 feet in height; and
- Retaining wall adjustment to permit deviations from current limitations.

If approved, these zoning changes and exceptions will cause significant adverse environmental impacts to the neighboring communities. The DEIR should include alternatives for development which do not require such changes or exceptions.

II. REQUEST FOR NOTICE UNDER CEQA.

Under Public Resources Code sections 21104(a) and 21153, we hereby request that all notices related to the Project including, but not limited to, a Draft Environmental Impact Report (DEIR) and all other documents required under the California Environmental Quality Act (CEQA), be promptly forwarded to us.

III. SPECIFIC COMMENTS REGARDING THE PROJECT.

A. General Legal Standards Regarding EIRs.

Among other things, an EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “[i]dentify ways that environmental damage can be avoided or significantly reduced.” (Cal. Code of Regs., Title 14, § 15002(a)(2) (hereinafter Guidelines).)

The EIR’s “purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564.

“[T]he EIR is the heart of CEQA” and the integrity of the process is dependent on the adequacy of the EIR. County of Inyo v. Yorty (1973) 32 Cal.App.3d 795, 810. The Courts look for “adequacy, completeness and a good-faith effort at full disclosure.” (Guidelines, § 15151.)

The EIR must include analyses of all potentially significant environmental impacts and discuss project alternatives. (Pub. Resources Code § 21002.) CEQA requires that an EIR

analyze a reasonable range of alternatives to the proposed project. (Guidelines, § 15097, subd. (a).) The EIR must describe a range of alternatives that would “feasibly attain most of the basic objectives of the project but would avoid or substantially lessen . . . the significant effects of the project” (Pub. Resources Code § 21100, subd. (b)(2)(B)(4).)

This information is essential for informed decisionmaking and informed public participation which furthers the goals of the EIR process. Therefore, the EIR must include a fact-based analysis of whether the Project will conform to the adjacent and surrounding residential communities and the environmental impacts of the Project on such issues as air quality, drainage, flood control, traffic, noise, and biological resources. It is critical that this information is provided to the decisionmakers and the public so that all interested parties will be able to determine the significant impacts that the Project could have on the environment and character of the impacted neighborhoods.

B. Need For A Clear Project Description.

An accurate project description is necessary for an intelligent evaluation of the potential environmental, aesthetic and related effects of the Project. “[A]n 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 at 185, 199.

Among other things, the change from the natural form of the subject property to the artificial terrain resulting from grading 21,400 cubic yards of earth must be explained fully in the DEIR before any decisions about the Project’s impacts can be made. The DEIR must also address the issue of height because the developer has described the buildings as two stories “with a mezzanine” which will result in a height equivalent to a three-story building.

C. The Density Of The Proposed Project Is Inconsistent With the General Plan And Specific Plan.

The neighborhood adjacent to the Project which was established over 50 years ago and lies within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area consists of single family ranch-style homes. Many of these homes are single story and have spacious yards. They are zoned as Low Residential. For example, 37 of the houses adjacent to the Project site are zoned R-1 and RE-40. The aggregate lot area of these houses is approximately 12 acres.

The NOP states that the “resulting project would have less density than permitted by the proposed zoning” The Initial Study similarly states that “[a]lthough the project applicant is requesting a change of zoning from R-1 (One-Family Dwelling) to RD-6 (Restricted Density Multiple Dwellings) the resulting project would have less density than permitted by the proposed zoning.” This is an inaccurate characterization of the Project. The building footprint of the 37 detached 2-story condominium units will be approximately 2.9 acres of the 6.19-acre Project site.

(3.3 acres are reserved for impervious surfaces – driveways, patios, walkways – and private open space. Actually, there is uncertainty as to whether the developer’s proposal consists of 2-story or 3-story units as they have been described as “2 story with mezzanine.”) Thus, the Project will introduce high density housing to this Low Residential community. In effect, the Project will be four times more dense than the adjacent neighborhood, many of the condominium units will tower well above the existing homes, and the Project’s density, height and visual characteristics will be in stark contrast to the existing residential communities, based upon the existing zoning.

The proposed Project can be built only if the City of Los Angeles (City) approves both the rezoning of the property from R1-1 to RD6 and the Specific Plan exception which would permit the condominium units to be built 36-feet high.

The DEIR must analyze alternatives for a development which is zoned R1-1 and within the height building provisions permitted by the Specific Plan.

D. The Project Will Adversely Impact The Viewshed And Is Inconsistent With The Specific Plan.

The Specific Plan protects the scenic vistas in the communities adjacent to the Project both for residents in the vicinity and travelers on the public thoroughfares. The developer’s application for an exception to permit the Project to encroach into the protected viewshed and the height exception will significantly and permanently alter or eliminate these majestic views. The applicant focuses primarily on impacts visible from Mulholland Drive but does not consider those from San Feliciano Drive and on residential properties within the inner and outer corridor on the San Feliciano and DWP sides of the Project.

The DEIR should analyze alternatives which have a reduced impact on the viewshed. It should also identify the public benefit, if any, which will be served by developing a project which is inconsistent with the neighborhood integrity.

E. The DEIR Must Analyze The Traffic, Circulation and Parking Impacts Of The Project.

The streets and intersections in the residential neighborhoods adjacent to the Project are already congested. Specifically, there are major traffic and speeding problems on San Feliciano Drive. Mulholland Highway and Topanga Canyon are major access roads between Pacific Coast Highway and the 101 Freeway. San Feliciano Drive, in particular, has become a short-cut for motorists. Recently, two new stop signs have been installed in an attempt to prevent driving at excessive speeds. This, in part, was in response to traffic fatalities on San Feliciano Drive caused by speeding.

The DEIR must analyze and evaluate the traffic impacts and circulation issues that the Project will generate throughout the day, including noise, delay, and gridlock. There are also

significant safety issues connected with increased traffic which must be analyzed and considered. For example, the Project site is located across the street from a high school and is in close proximity to two elementary schools. How will the Project impact circulation vis-à-vis the schools, particularly at the heavy drop-off and pick-up times?

The Initial Study states “project impacts to area traffic would have no significant impacts on nearby roadways or intersection operations that might result in the interference with any adopted emergency response plan or emergency evacuation plan . . .” (Initial Study, IV.7.g. at page IV-19) and that “the proposed project would not result in inadequate emergency access.” (Initial Study, IV.15.e. at pages IV-35 through IV-36.) In fact, the increased traffic from the Project has the potential to significantly impact the fire and life safety response time for local residents which is already substantially compromised. Therefore, the DEIR must address this issue and alternatives should be proposed and evaluated, including, the possibility of having only one access road (Mulholland Drive) for the Project in order to mitigate increased congestion on San Feliciano Drive.

Additionally, the DEIR must analyze and consider the Project’s impact on parking. The Initial Study states that the Project “would comply with the City of Los Angeles Municipal Code Parking Regulation which requires single-family residences . . . to provide two parking spaces per dwelling unit.” (Initial Study IV.15.f. at page IV-36.) The study also indicates that 19 guest parking spaces, “at 0.50 guest parking space per unit” will be provided. (*Id.*) The study concludes that “impacts related to parking capacity will be less than significant.” (*Id.*) This conclusion is dismissive and unrealistic. The DEIR must analyze mitigation measures and alternatives with respect to parking issues because it is reasonable to anticipate that homeowners who own more than 2 vehicles and homeowners’ guests will be compelled to park on nearby streets which are not within the Project site.

F. The DEIR Must Analyze The Noise And Air Quality Impacts Of The Project.

The DEIR must analyze and consider both construction-related and operation-related noise and air quality impacts generated by the Project.

The construction-related noise analysis must measure the full spectrum of noise throughout the day. An average will not adequately characterize the noise levels and will mask the true nature of construction activity. The analysis must also consider truck hauling noise along potential hauling routes. Construction activity noise is often characterized by loud, single-event noise which has a greater adverse impact than the hourly average. Therefore, the DEIR should address the potential interference with sleep, including physiological responses, annoyance, and sleep loss from increased nighttime noise. Single-event noise should also be evaluated.

The construction emissions impact analysis must consider fugitive dust from earthmoving and grading and diesel particulate matter from off-road heavy equipment or on-road haul trucks.

Additionally, the air quality analysis should consider and provide for mitigation measures of emissions, including PM-10 and NOx, from other vehicles and machinery, including water trucks.

When analyzing the air quality impacts of the project during operation, the DEIR should consider long-term emissions throughout the year, including those caused by fireplaces and heating. The DEIR must also analyze the increase and severity of existing air quality violations and evaluate whether the Project will generate new air quality violations.

G. The DEIR Must Analyze The Biological Impacts Of The Project.

1. Oak Trees

As previously noted, the Project will be constructed on the last six-acre area of old growth oaks in Woodland Hills. These trees are protected under the Specific Plan and the California Oak Woodlands Law (Oak Law). (Pub. Resources Code § 21083.4, effective January 1, 2005.) The Oak Law sets forth California's first oak woodlands conservation standards under CEQA. The Oak Law provides for four mitigation alternatives to proportionally mitigate the significant impact to oak woodlands habitat. This statute also provides that the planting of new oaks shall not fulfill more than one-half of the mitigation requirements for the project. (Pub. Resources Code § 21093.4(b)(1)(c). The Oak Law protects oak trees which are 5 inches or more in diameter at chest height. (Pub. Resources Code § 21083.4(a).)

The Initial Study prepared by Christopher A. Joseph & Associates in August 2005 addresses only the City of Los Angeles Oak Tree Preservation Ordinance. (Initial Study, IV.4.a. at page IV-6; IV.4.e. at page IV-7 through IV-8.) It does not acknowledge the existence or significance of and the mitigation requirements under the Oak Law.

The Oak Law mandates, at a minimum, that the DEIR address the four mitigation alternatives set forth therein. The DEIR must comply with state law and not solely county standards. It should also analyze and consider the biological aspects of converting the subject oak woodlands to other uses. Moreover, how will the removal of the coast live oak trees cumulatively impact the adjacent communities and wildlife? The DEIR must also focus on the short-term and long-term impacts of the Project on the oak grove. Among other things, how will the extensive grading and retaining walls in excess of 8 feet affect the root system of the oaks?

2. Wildlife

The DEIR must also analyze any alternative designed to mitigate potentially significant impacts on the diverse wildlife species (*e.g.*, golden eagles, turkey vultures, owls, red-tailed hawks, bobcats, coyotes) and their habitat which is essential to their survival. The Project's impacts on wildlife corridors and any potential Environmentally Sensitive Habitat Areas (ESHAs), must also be disclosed and analyzed.

H. The DEIR Must Analyze The Potential Significant Impact Of Flooding.

The Initial Study generally states that “[a] significant impact may occur if the proposed project exposed people or structures to significant risk of loss or death caused by a seiche . . . or inundation . . .” (Initial Study, IV.8.i. at page IV-23.) It then states that flooding is not expected. It also provides that “[d]evelopment of the proposed project would result in 35.6 percent coverage of the site by impervious surfaces . . . [w]ith additional impervious surfaces, there would be a 5.2 cubic feet per second (cfs) net increase in runoff with development of the site However, the San Feliciano storm drain would accept the incremental increase in runoff.” (Initial Study, IV.8.e. at page IV-22.)

These statements disregard the fact that the existing storm drainage system in the vicinity of the Project is already overburdened. Flash floods and debris flow are not uncommon. The DEIR must analyze and evaluate the impact that this dense residential Project will have. This analysis should include issues of drainage, flooding, erosion, and overflow of water and debris from the Project site.

I. The DEIR Must Analyze The Cumulative Impacts Of All Closely Related, Past, Present, And Reasonably Foreseeable Future Projects.

The DEIR must identify the Project’s potentially significant effects – including cumulative effects – and propose mitigation measures and alternatives to reduce or avoid those impacts. (Pub. Resources Code § 21100, subd. (b)(2)(B)(5); Guidelines, §§ 15126, subd. (d), 15126.2, subd. (d), 15130, 15355.) Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. (Guidelines, § 15355(b); Pub. Resources Code § 21083.)

The number of “related projects” is uncertain as the Initial Study states in different sections that there are 24 and 27 such projects (Page II-24; Table II-4 at page II-26; IV.1.d. at page IV-1). The DEIR must clarify the number of “related projects” and address each of them and all other closely related past, present, and reasonably foreseeable probable future projects.

To the extent that the City is aware of other development proposals in the area that are in the planning and/or application stage but may not have reached the approval stage, the DEIR must also consider these projects as “related projects” in the cumulative impacts analysis. “A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker’s perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.” Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421, 431.

J. The Alternatives Analysis Must Include An Adequate Comparative Analysis.

CEQA mandates that avoidable significant environmental damage be substantially reduced and avoided if feasible. (Pub. Resources Code §§ 21002, 21100(b)(4), Guidelines §§ 15002, 15121, 15126.) The DEIR must contain a “reasonable range of alternatives to the project which (1) offer substantial environmental advantages over the project proposal . . . ; and (2) may be ‘feasibly accomplished in a successful manner’ considering the economic, environmental, social and technological factors involved.” Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 566. The DEIR’s alternatives analysis must contain “meaningful detail” even where significant effects will be lessened or eliminated by mitigation measures. Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 399-407.

IV. CONCLUSION.

SOS opposes the Project as proposed. We urge the City to require the DEIR to include alternatives for development that would not require rezoning of the property or approval of exceptions to the Mulholland Scenic Parkway Specific Plan. The DEIR should also include a development plan consistent with the surrounding neighborhood and one that maximizes the preservation of the existing open space and oak savanna, with minimal disruption of the wildlife and their habitat.

SOS requests that these comments on the NOP be considered and analyzed in the DEIR. Again, please ensure that I am put on the notice list for all events and actions related to this matter. Thank you.

Very truly yours,

ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM

RPS:aa
cc: SOS Officers