

**CHATTEN-BROWN & CARSTENS LLP**

2200 PACIFIC COAST HIGHWAY

SUITE 3318

HERMOSA BEACH, CALIFORNIA 90254

www.cbcearthlaw.com

TELEPHONE:(310) 798-2400

FACSIMILE: (310) 798-2402

E-MAIL:

MNB@CBCEARTHLAW.COM

August 7, 2014

*Via U.S. Mail and Facsimile (213) 978-1079*

Council of the City of Los Angeles  
Arts, Parks, Health, Aging and River Committee  
City Hall  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

Re: Appeal of certification of environmental impact report and approval for the Griffith Park Crystal Springs Ballfields Project; W.O. #E170110B; State Clearinghouse # 2013011012; Public Resources Code § 21151 (c)

Dear Honorable Members of the Arts, Parks, Health, Aging and River Committee:

Friends of Griffith Park, the Griffith J. Griffith Charitable Trust, and Sierra Club Angeles Chapter Griffith Park Task Force ("Appellants"), respectfully request your support in their May 2, 2014 appeal of the April 2, 2014 decision of the Board of Commissioners of the Los Angeles City Recreation and Parks Department to certify an environmental impact report (EIR) and approve the Griffith Park Crystal Springs Ballfields Project ("Project").

Appellants represent the interests of those who strive to protect the Park's biological and recreational values for future generations, based upon their respective organizations' missions and convictions. Appellants respectfully urge the City Council to rescind all Project approvals until the environmental impact report (EIR) has been revised to adequately disclose the Project's significant adverse impacts and until all feasible alternatives and mitigation measures have been adopted as required by the California Environmental Quality Act ("CEQA"). In this letter, Appellants address the cursory responses to their past correspondence contained in the July 3, 2014 staff report. While Appellants appreciate that the City has finally acknowledged their comments, it is unfortunate that these responses required the filing of an appeal and the passage of more than one year.

Appellants bring this appeal pursuant to section 21151 of the Public Resources Code, which provides, "If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report... that certification ... may be appealed to the

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agency's elected decisionmaking body, if any." The Board of Commissioners is not an elected decisionmaking body, and its determinations under the California Environmental Quality Act (CEQA) are appealable to the City's elected decisionmaking body, the City Council.

The grounds for Appellants' appeal are summarized below. Additional facts and greater detail in support of this appeal are set forth in Appellants' previously submitted comment letter, attached. (Attachment 1, Exhibits C-I.) These letters are hereby incorporated into this appeal.

**I. The EIR Fails to Disclose and Mitigate Recreational Impacts Caused by the Loss of the Crystal Springs Group Picnic Area.**

The Project would locate two new youth baseball fields on approximately four acres in the Crystal Springs picnic area of Griffith Park. The existing loop road would be converted into two cul-de-sacs. The Project would require the removal of thirty-three trees and the relocation of twelve trees, several of which are protected by Los Angeles City ordinances. The Project would also require the relocation of seven picnic tables that comprise one of the only large group picnic areas in Griffith Park. While, as the staff report notes, the picnic tables would be retained (A4), they would be condensed in a smaller area, thereby constraining the size of the groups that they may serve and likely ending the Park's ability to provide reservations for large group picnics. The staff report does not address the loss of space in the picnic area that would accompany the introduction of the new ball fields. Since picnicking is a low-cost recreational activity available to all Los Angeles families, the loss of these group picnic areas will have a significant recreational impact on Griffith Park and its ability to provide recreational opportunities to all Angelenos, which is not adequately disclosed or mitigated in the EIR.

**II. The Project Inadequately Analyzes and Mitigates Impacts to Biological Resources.**

The EIR's analysis of the Project's adverse impacts on biological resources is similarly deficient. The removal and relocation of at least 35 large trees would eliminate habitat for birds and other species that nest and forage in these trees or others adjacent to the Project site. Despite this, the EIR failed to identify potentially affected species, perform surveys, or provide any analysis of the extent of the Project's likely impacts due to removal of these trees. Instead, the EIR listed a few mitigation measures and declared the impact significant and unavoidable. However, without detailed analysis, there is no way to know whether the suggested mitigation will be effective or whether additional feasible mitigation exists. Appellants acknowledge that a technical study was performed,

but note that it fails to discuss in any detail the Project's tree removal-related impacts on species.

Beyond the removal of protected and native trees, the Project may also adversely impact wildlife due to increased human use of the Crystal Springs area, which provides habitat connectivity to the Los Angeles River and across Interstate 5 via an adjacent tunnel. The EIR did not disclose or analyze this tunnel and its importance to wildlife movement. Staff report comment A6 indicates that the tunnel's use would not be impacted because the Project would be located one-quarter of a mile away. However, the tunnel connects upland and lowland areas of the Park, and some, even if not all, impacted wildlife could be driven from the tunnel by construction or operation of the Project.

The EIR also failed to analyze or mitigate the Project's impacts due to nighttime lighting, claiming that the Project would not introduce any lighting sources. The staff report claims that this impact is speculative because the Project, as approved, does not currently provide for the installation of lighting. (Comment A7.) However, the Project approval does not prohibit such lighting, and baseball is frequently played at night during summer. CEQA requires the analysis of reasonable foreseeable future uses of a Project. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) Without mitigation prohibiting such lighting, the EIR's failure to analyze the potential environmental impacts of introducing additional nighttime lighting renders it deficient.

### **III. The EIR Improperly Rejected Alternative Sites and Configurations that Would Substantially Lessen the Project's Significant Adverse Impacts.**

Alternative sites and configurations were improperly rejected, even though alternative sites would substantially lessen the amount of group picnic space and protected trees lost by Project implementation. For example, the final EIR determined that placing one ball field at Crystal Springs and one at North Atwater Park would spread the Project's significant impacts without reducing them. However, the placement of only one field at each location would provide greater flexibility in the placement of the fields, resulting in the loss of fewer protected trees. This would also limit the Project's recreational impacts by reducing the amount of group picnic space impacted at Crystal Springs. Since this alternative would "substantially lessen" the Project's significant impacts on biological resources and recreation, the Commission's rejection of this feasible alternative violates CEQA. (Pub. Resources Code § 21002.) The final EIR failed entirely to respond to Appellants' suggestion of placing at least one ball field at Ferraro Fields. As described in Friends of Griffith Park's December 17, 2013 letter

(Attachment 1, Exhibit E), the Commission's rejection of the North Atwater alternative based on the noise the ball fields will introduce is unfounded. First, lower baseline noise levels (experienced at the North Atwater site) are safer for children using the Project than the higher baseline noise levels at Crystal Springs. Second, the higher noise levels at Crystal Springs will likely be abated by noise mitigation programs aimed at reducing Interstate 5 freeway noise. Once that occurs, the conclusion that Project noise will have a greater adverse impact on the North Atwater site will lack substantial evidence.

The staff report claims that separation of the baseball fields would not satisfy the Project's objectives, but this statement lacks support. (See, e.g., Comment A42.) The Project's objective is to provide two new baseball fields that would be available for youth programming. To construe the objectives with any greater specificity would prevent the consideration of alternatives and mitigation measures in violation of CEQA. (*In Re Bay Delta Coordinated Environmental Impact Report Proceedings* (2008) 43 Cal. 4th 1143, 1166 ["a lead agency may not give a project's purpose an artificially narrow definition"].) The staff report also claims that a youth recreational program is more likely to be successful if both fields are located side-by-side. Again, no support is provided for this statement. Typically, a participant in a youth baseball league plays for one team that practices and is coached separate from participants on other teams. There is no reason why the fields need to be co-located.

The Project may also violate the restrictions placed on Proposition K funding, since the baseball fields will be used by private organizations, such as Little League, that charge fees. This may result in the fields being inaccessible to the population the fields are meant to serve – at-risk youth. Consequently, the Project may fail to meet several of its objectives.

#### **IV. The Statement of Overriding Considerations is Not Supported by Substantial Evidence.**

Finally, as discussed further in Friends of Griffith Park's March 31, 2014 letter (Attachment 1, Exhibit I), the Statement of Overriding Considerations is not supported by substantial evidence as feasible alternatives and mitigation measures that could reduce the Project's significant impacts to protected trees were rejected. The purported benefit of providing access to high quality, affordable recreational programs to at-risk youth aged six to twelve may not occur because the Project is not required to provide any programming, let alone any that is affordable or directed at at-risk youth of the proper age group. No assurance is provided for the staff report's comment that "the City will ensure that reasonable open/public use hours are provided." (Comment A12.)

## Conclusion

The EIR also fails to adequately analyze the Project's potentially adverse traffic and parking impacts, and no baseline analysis of parking needs was conducted. Additional grounds for this appeal are detailed in the attached comment letters.

Friends of Griffith Park, the Griffith J. Griffith Charitable Trust, and the Sierra Club Griffith Park Task Force respectfully request the Committee's support of this appeal and a discussion about the importance of the Crystal Springs picnic area to the community.

Thank you for your consideration of this matter.

Sincerely,



Michelle N. Black

## Enclosures

### Attachment 1: May 2, 2014 Appeal Letter, with exhibits

- A. Report of General Manager No. 14-062, March 5, 2014
- B. Minutes of Board of Recreation and Park Commissioners, April 2, 2014
- C. Letter of Friends of Griffith Park to C. Santo Domingo, January 10, 2013
- D. Letter of Friends of Griffith Park to M. Martin, March 6, 2013
- E. Letter of Friends of Griffith Park to M. Martin, December 17, 2013
- F. Letter from Sierra Club – Angeles Chapter, Griffith Park Task Force to L. Alvarez, March 16, 2014
- G. Letter from Van Griffith and the Griffith Charitable Trust to Commissioners, March 23, 2014
- H. Letter from The Griffith J. Griffith Charitable Trust to L. Alvarez, March 24, 2014
- I. Letter from Friends of Griffith Park to M. Martin, March 31, 2014

ATTACHMENT 1

Griffith Park 5-2-14  
Ballfields

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FACSIMILE: (310) 798-2402

E-MAIL:

MNB@CBCEARTHLAW.COM

May 2, 2014

*Via Federal Express*

Ms. Holly L. Wolcott, Interim City Clerk  
200 N. Spring Street, Room 360  
Los Angeles, CA 90012

Board of Commissioners  
Los Angeles City Recreation and Parks Department  
221 N. Figueroa St. Suite 1510  
Los Angeles, CA 90012

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Dear Clerk:

On behalf of Friends of Griffith Park, the Griffith J. Griffith Charitable Trust, and Sierra Club Angeles Chapter Griffith Park Task Force ("Appellants"), we hereby appeal the April 2, 2014 decision of the Board of Commissioners of the Los Angeles City Recreation and Parks Department to certify an environmental impact report (EIR) and approve the Griffith Park Crystal Springs Ballfields Project ("Project"). Section 21151 of the Public Resources Code provides, "If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report... that certification ... may be appealed to the agency's elected decisionmaking body, if any." As the Board of Commissioners is not an elected decisionmaking body, its determinations under the California Environmental Quality Act (CEQA) are appealable to the City's elected decisionmaking body, the City Council. Appellants live near and recreate in Griffith Park and have a vested interest in protecting the Park's historic, biological, and recreational values. Appellants respectfully urge the City Council to deny approval of the Project until the environmental impact report (EIR) has been revised to adequately disclose the Project's significant adverse impacts and until all feasible alternatives and mitigation measures have been adopted as required by CEQA.



Ms. Holly L. Wolcott, Interim City Clerk  
May 2, 2014  
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The Project would locate two new youth baseball fields on approximately four acres in the Crystal Springs picnic area of Griffith Park. The existing loop road would be converted into two cul-de-sacs. The Project would require the removal of thirty-three trees and the relocation of twelve trees, several of which are protected by Los Angeles City ordinances. The Project would also require the relocation of seven picnic tables that comprise one of the only large group picnic areas in Griffith Park. While the picnic tables would be retained, they would be condensed in a smaller area, thereby constraining the size of the groups that they may serve and likely ending the ability to have reserved group picnics. Since picnicking is a low-cost recreational activity available to all Los Angeles families, the loss of these group picnic areas will have a significant recreational impact on Griffith Park and its ability to provide recreational opportunities to all Angelenos, which is not adequately disclosed or mitigated in the EIR.

The EIR's analysis of the Project's adverse impacts on biological resources is similarly deficient. The removal and relocation of at least 35 large trees would eliminate habitat for birds and other species that nest and forage in these trees or others adjacent to the Project site. Despite this, the EIR failed to identify potentially affected species, perform surveys, or provide any analysis of the extent of the Project's likely impacts. Instead, the EIR listed a few mitigation measures and declared the impact significant and unavoidable. However, without detailed analysis, there is no way to know whether the suggested mitigation will be effective or whether additional feasible mitigation exists. Beyond the removal of protected and native trees, the Project may also adversely impact wildlife due to increased human use of the Crystal Springs area, which provides habitat connectivity to the Los Angeles River and across Interstate 5 via an adjacent tunnel. The EIR did not disclose or analyze this tunnel and its importance to wildlife movement. The EIR also failed to analyze or mitigate the Project's impacts due to nighttime lighting, claiming that the Project would not introduce any lighting sources. However, the Project approval does not prohibit such lighting, and baseball is frequently played at night during summer. Without mitigation prohibiting such lighting, the EIR's failure to analyze the potential environmental impacts of introducing additional nighttime lighting renders it deficient.

Alternative sites and configurations were improperly rejected, even though alternative sites would substantially lessen the amount of group picnic space and protected trees lost by Project implementation. For example, the final EIR determined that placing one ball field at Crystal Springs and one at North Atwater Park would spread



the Project's significant impacts without reducing them. However, the placement of only one field at each location would provide greater flexibility in the placement of the fields, resulting in the loss of fewer protected trees. This would also limit the Project's recreational impacts by reducing the amount of group picnic space impacted at Crystal Springs. Since this alternative would "substantially lessen" the Project's significant impacts on biological resources and recreation, the Commission's rejection of this feasible alternative violates CEQA. (Pub. Resources Code § 21002.) The final EIR failed entirely to respond to Appellants' suggestion of placing at least one ball field at Ferraro Fields. As described in Friends of Griffith Park's December 17, 2013 letter (Exhibit E), the Commission's rejection of the North Atwater alternative based on the noise the ball fields will introduce is unfounded. First, lower baseline noise levels (experienced at the North Atwater site) are safer for children using the Project than the higher baseline noise levels at Crystal Springs. Second, the higher noise levels at Crystal Springs will likely be abated by noise mitigation programs aimed at reducing Interstate 5 freeway noise. Once that occurs, the conclusion that Project noise will have a greater adverse impact on the North Atwater site will lack substantial evidence.

The Project may also violate the restrictions placed on Proposition K funding, since the baseball fields will be used by private organizations, such as Little League, that charge fees. This may result in the fields being inaccessible to the population the fields are meant to serve – at-risk youth. Consequently, the Project may fail to meet several of its objectives.

Finally, as discussed further in Friends of Griffith Park's March 31, 2014 letter (Exhibit I), the Statement of Overriding Considerations is not supported by substantial evidence as feasible alternatives and mitigation measures that could reduce the Project's significant impacts to protected trees were rejected. The purported benefit of providing access to high quality, affordable recreational programs to at-risk youth aged six to twelve will not occur because the Project is not required to provide any programming, let alone any that is affordable or directed at at-risk youth of the proper age group.

The EIR also fails to adequately analyze the Project's potentially adverse traffic and parking impacts, and no baseline analysis of parking needs was conducted. Additional grounds for this appeal are detailed in the attached comment letters.

Friends of Griffith Park, the Griffith J. Griffith Charitable Trust, and the Sierra Club Griffith Park Task Force look forward to scheduling the hearing on this appeal and discussing the importance of the Crystal Springs picnic area with the City Council.

Ms. Holly L. Wolcott, Interim City Clerk  
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Page 4 of 3

Thank you for your consideration of this matter.

Sincerely,



Michelle N. Black

Exhibits:

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