

LYNN ALVAREZ
President

IRIS ZUÑIGA
Vice President

SYLVIA PATSAOURAS
MISTY M. SANFORD



ERIC GARCETTI
MAYOR

221 N. FIGUEROA STREET, SUITE 100
LOS ANGELES, CA 90012

(213) 202-2633
FAX - (213) 202-26

MICHAEL A. SHULL
General Manager

July 31, 2014

Los Angeles City Council
Room 395, City Hall
Los Angeles, CA 90012

Attention: Arts, Parks, Health and Aging Committee

Honorable City Council:

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPEAL OF CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT CASE NO. 14-061 (COUNCIL FILE NO. 14-0588)

On April 2, 2014, the Board of Recreation and Park Commissioners (Board) certified the Final Environmental Impact Report (EIR) for the Griffith Park Crystal Springs New Baseball Fields project in Council District 4 (Board Report 14-061). On May 2, 2014, the Office of the Clerk accepted an appeal to the City Council relative to the Board's action in certifying the Final EIR. This CEQA Section 21151(c) appeal was filed by The Friends of Griffith Park, the Griffith P. Griffith Charitable Trust, and the Sierra Club Angeles Chapter, Griffith Park Task Force (Chatten-Brown & Carstens, LLP, Representative).

The CEQA appeal requests that the City Council find that the certification of the Final EIR by the Board was not proper based on the requirements of the California Environmental Quality Act (CEQA). The Department of Public Works Bureau of Engineering staff has reviewed the appeal and the Final EIR and believes that the appeal does not present substantial evidence that the certification of the Final EIR was not proper based on the requirements of CEQA.

Therefore, it is the Department of Public Works Bureau of Engineering staff's recommendation that the Arts, Parks, Health and Aging Committee recommend that the City Council:

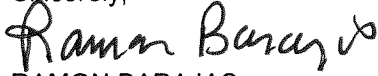
1. DENY the appeal filed by Friends of Griffith Park, the Griffith J. Griffith Charitable Trust, and Sierra Club Angeles Chapter Griffith Park Task Force, relative to the certification of the Final Environmental Impact Report by the Board of Recreation and Park Commissioners of the City of Los Angeles for the Griffith Park Crystal Springs New Baseball Fields project.
2. ADOPT the April 2, 2014, action of the Board of Recreation and Park Commissioners of the City of Los Angeles (Board) in which the Board:
 - a. Reviewed, considered, and certified the Final Environmental Impact Report (FEIR), prepared by the Department of Public Works Bureau of Engineering (BOE), on file in the Board Office and posted on the BOE website, http://eng.lacity.org/techdocs/emg/griffith_park_baseball_field.htm, for the proposed Griffith Park Crystal Springs - New Baseball Fields (W.O. #E170110B) project (proposed project); found that all potentially significant environmental effects of the proposed project have been properly disclosed and evaluated in compliance with the California Environmental Quality Act (CEQA) and the State and City CEQA Guidelines; and found that the FEIR reflects the Department of Recreation and Parks' independent judgment and analysis;
 - b. Reviewed, considered, and adopted the Mitigation Monitoring and Reporting Plan for the proposed project that specifies the mitigation measures to be implemented in accordance with the CEQA Guidelines (Section 15407(d)), and monitoring requirements for those measures;



- c. Adopted the Findings of Fact and the Statement of Overriding Considerations for the proposed project;
3. CONCUR in the Board of Recreation and Parks Commissioners of the City of Los Angeles' approval of the Griffith Park Crystal Springs – New Baseball Fields project;
4. DIRECT staff of the Department of Public Works Bureau of Engineering to file a Notice of Determination with the Los Angeles City Clerk and the Los Angeles County Clerk.

The attached report by Department of Public Works Bureau of Engineering staff is hereby submitted for consideration of the response to each point raised in the appeal.

Sincerely,



RAMON BARAJAS

Assistant General Manager

Planning, Construction and Maintenance Branch

Department of Public Works Bureau of Engineering

STAFF REPORT

SUBJECT: Rebuttal to the Appeal of Certification of the Final Environmental Impact Report for the Griffith Park Crystal Springs New Baseball Fields Project

RECOMMENDED ACTION:

For the reasons stated herein as to all points raised in the appeal, and in light of the whole record of the project proceedings, the Staff of the Department of Public Works Bureau of Engineering recommends that the City Council:

1. DENY the appeal filed by Friends of Griffith Park, the Griffith J. Griffith Charitable Trust, and Sierra Club, Angeles Chapter, Griffith Park Task Force, relative to the certification of the Final Environmental Impact Report by the Board of Recreation and Park Commissioners of the City of Los Angeles for the Griffith Park Crystal Springs New Baseball Fields project.
2. ADOPT the April 2, 2014, action of the Board of Recreation and Park Commissioners of the City of Los Angeles (Board) in which the Board:
 - a. Reviewed, considered, and certified the Final Environmental Impact Report (FEIR), prepared by the Department of Public Works Bureau of Engineering (BOE), on file in the Board Office and posted on the BOE website, http://eng.lacity.org/techdocs/emg/griffith_park_baseball_field.htm, for the proposed Griffith Park Crystal Springs - New Baseball Fields (W.O. #E170110B) project (proposed project), found that all potentially significant environmental effects of the proposed project have been properly disclosed and evaluated in compliance with the California Environmental Quality Act (CEQA) and the State and City CEQA Guidelines, and found that the FEIR reflects the Department of Recreation and Parks' independent judgment and analysis;
 - b. Reviewed, considered, and adopted the Mitigation Monitoring and Reporting Plan for the proposed project that specifies the mitigation measures to be implemented in accordance with the CEQA Guidelines (Section 15407(d)), and monitoring requirements for those measures;
 - c. Adopted the Findings of Fact and the Statement of Overriding Considerations for the proposed project;
3. CONCUR in the Board of Recreation and Parks Commissioners of the City of Los Angeles' approval of the Griffith Park Crystal Springs – New Baseball Fields project; and
4. DIRECT staff of the Department of Public Works Bureau of Engineering to file a Notice of Determination with the Los Angeles City Clerk and the Los Angeles County Clerk.

RESPONSE TO THE APPEAL:

The Appeal, dated May 2, 2014, was submitted by Michelle N. Black of Chatten-Brown & Carstens, LLP, on behalf of Friends of Griffith Park, the Griffith J. Griffith Charitable Trust, and Sierra Club Angeles Chapter Griffith Park Task Force (Appellants). The Appeal, and its Exhibits A through I, is attached and the claims of the Appellants are identified sequentially in the right hand margin by the letter "A" followed by a number; the claims are numbered from A1 through A72. Following are responses to each of the claims.

- A1.** Appellants are appealing the decision of the Board of Recreation and Parks Commissioners (Board) to certify the Final Environmental Impact Report (FEIR) for the Griffith Park Crystal Springs – New Baseball Fields project (project). The appeal is to the City Council per Section 21151 of the California Environmental Quality Act (CEQA).

The appeal to the City Council raises a single issue: whether or not the *certification of the EIR* by the Board was proper based on the requirements of the California Environmental Quality Act (CEQA). The *approval of the project* by the Board is not subject to appeal to the City Council. The City Council can either: (1) find that the certification of the FEIR by the Board was proper, deny the appeal, adopt the findings of the Board, and concur in the approval of the project; OR (2) find that the certification of the FEIR by the Board was deficient, grant the appeal, and send the matter back to the Board with instructions to reconsider the certification, such instructions to include the specific findings of deficiency of the FEIR.

- A2.** Appellants urge the City Council to deny approval of the project until the FEIR has been revised.

As discussed above, the City Council's only jurisdiction is over the adequacy of the EIR. Council does not have authority to deny approval of the project. For the City Council to deny approval of the project, it would have needed to exercise jurisdiction under Section 245 of the City Charter. However, a Section 245 motion would no longer be timely, since more than five (5) City Council meetings have occurred since the Board made the decision to approve the project.

- A3.** Appellants have attached Exhibits A through I to the appeal letter and state that the exhibits are incorporated into the appeal.

Exhibits A and B do not contain any appeal claims. Responses to the claims in Exhibits C through I are addressed in comments A15 through A72 below.

- A4.** Appellants claim that the project will cause of loss of group picnic areas and that this will have a significant recreational impact on Griffith Park.

The proposed project would result in the relocation of seven of the approximately 119 picnic tables currently in the Crystal Springs area (see Draft EIR, page 3.8-10). Since the tables will be relocated, and not eliminated, there will be no net reduction in picnic tables. The relocated picnic tables would be operated in the same manner as they are now and they would be available by reservation for group picnicking. Similarly, there will be no change in operation of the group reservation system for the tables remaining in Crystal Springs.

- A5.** Appellants claim that “the EIR failed to identify potentially affected species, perform surveys or provide any analysis of the extent of the Project’s likely impacts” on biological resources.

The EIR contains extensive discussion of the project’s potential impacts on biological resources. The analysis of potential impacts to biological resources in the EIR was based on the Biological Resources Technical Study (Appendix D to the Draft EIR). This Technical Study identifies potentially impacted flora and fauna, presents the results of field surveys of the project site, and provides a detailed analysis of the likely impacts of the project and alternatives. Section 3.4 of the Draft EIR discusses project impacts on biological resources, and Table 3.4-3 presents the results from the tree survey.

- A6.** Appellants claim that the EIR did not disclose or analyze the tunnel which provides access under Interstate 5 and its importance to wildlife movement.

The tunnel that provides access from Griffith Park to the Los Angeles River is the Golden State Freeway Equestrian Tunnel. The tunnel is located at the southern end of the Crystal Springs area, approximately one-quarter mile from the project site. The construction and operation of the proposed project would not occur in the vicinity of this tunnel and therefore the proposed project would not impede the use of the tunnel as a wildlife corridor. The issue of wildlife connectivity and corridors is discussed in Section 3.4 of the Draft EIR (especially pages 3.4-3, 3.4-12, 3.4-18 and 3.4.19).

- A7.** Appellants claim that the project approval does not prohibit nighttime lighting and that the EIR failed to analyze the potential environmental impacts of such lighting.

Nighttime lighting is not part of the proposed project as approved. The hypothetical impacts from lighting are speculative and irrelevant, since the proposed project does not include the use of nighttime lighting. Further, project approval is not a proper subject of this appeal, as stated above.

- A8.** Appellants claim that alternative sites and configurations would substantially lessen the amount of group picnic space and protected trees lost compared to the proposed project.

The proposed project would result in the relocation of seven of the approximately 119 picnic tables currently in the Crystal Springs area (see the Draft EIR, page 3.8-10). Since the tables will be relocated, and not eliminated, there will be no net reduction in picnic tables. The relocated picnic tables would be operated in the same manner as they are now and they would be available by reservation for group picnicking. Similarly, there will be no change in operation of the group reservation system for the tables remaining in Crystal Springs.

The Draft EIR recognized that the proposed project and Alternative 1B would result in the removal of protected trees and that this removal is an unavoidable significant adverse environmental impact to biological resources. Estimates for the number of protected trees that would be lost are: 15 for preferred alternative; 13 for Alternative 1B; and 4 for Alternative 2 (see pages 4-19 to 4-21 of the Draft EIR).

Alternatives to the proposed project are discussed in the Draft EIR in the following Sections (and pages): ES 3.0 (ES-7 to ES-11); ES 4.0 (ES-13); ES 5.0 (ES-13 to ES-15); 1.0 (1.1 to 1.6); 2.0 (2-1 to 2-29); 3.2 (3.2-13 to 3.2-17); 3.4 (3.4-9 to 3.4-12, 3.4-19); 3.5 (3.5-5 to 3.5-9, 3.5-12, 3.5-15 to 3.5-17); 3.7 (3.7-18, 3.7-22 to 3.7-26); 3.8 (3.8-12 to 3.8-13); and 4.0 (4-1 to 4-40). Appendices B through H to the Draft EIR contain the technical studies upon which the impact analysis was based.

Alternatives to the proposed project are discussed in the Final EIR in the following Sections (and pages): 1.0 (1-22 to 1-23); 2.0 (2-12, 2-26, 2-41, 2-131, 2-138); and 3.0 (3-4 to 3-5).

Alternatives to the proposed project are discussed in the Findings of Fact and the Statement of Overriding Considerations in the following Sections (and pages): 3.0 (19-23); and 4.0 (23-24).

- A9.** Appellants claim that placement of one field at Crystal Springs and one field at North Atwater Park would result in the loss of fewer protected trees.

Placement of one field at Crystal Springs and one field at North Atwater Park is not a potential project alternative because it would not feasibly accomplish most of the basic objectives of the project (Section 15126.6(c) of CEQA Guidelines).

Separating the fields would not accomplish the project objective of meeting the requirements of available funding sources. The outcome of the Proposition K and the Local Volunteer

Neighborhood Oversight Committee processes was a project that would locate both fields at the same site and the funding for the project requires that the two baseball fields be constructed in the same area (see Sections 2.3 and 2.8 of the Draft EIR). Construction and operational costs would increase if the fields were in different locations.

Separating the fields would impede the project objectives of providing affordable recreational programs for youths in the area and of providing area residents with team-sports programming opportunities. Development of this type of recreational program is more likely to be successful if the program facilities (in this case, the baseball fields) are in the same location, rather than being separated in different locations. Separation of the facilities fragments the program and also prevents the development of cohesion and the sense of belonging to a community that are essential for a successful youth baseball program.

- A10.** Appellants claim that the EIR failed to consider placing at least one field at the John Ferraro Soccer Complex.

The John Ferraro Soccer Complex is located at the northeast corner of Griffith Park, north of the interchange between the Highway 134 (the Ventura Freeway) and Interstate 5. The complex contains seven soccer fields and is fully programmed for soccer. Additionally, there is not sufficient available space to build two youth baseball fields. The use of the complex for soccer will continue, as there are plans to renovate the soccer fields by installing artificial turf.

- A11.** Appellants claim that the North Atwater Park alternative would have less impact from noise and therefore should not have been rejected.

The Draft EIR concluded that the operational noise at the North Atwater Park site (Alternative 2) would expose sensitive receptors (park users) in the immediate vicinity of the baseball fields to increases in noise levels of up to 10dB above ambient noise levels. Mitigation of this impact by moving the picnic and children's play areas to a distance of 250 feet from the baseball fields (Mitigation Measure NOI-2) would be infeasible due to the configuration of the North Atwater site. A significant noise impact would remain during operation of Alternative 2 (see page 4-25 of Draft EIR). Noise impacts are evaluated in the Noise Impact and Vibration Analysis (Appendix F to the Draft EIR). The North Atwater Park alternative also could potentially conflict with the Recreation and Parks 2009 Citywide Community Needs Assessment by displacing a basketball court and a volleyball court. Both the outdoor basketball court and volleyball court are identified as higher priorities than the youth baseball fields in the Needs Assessment.

- A12.** Appellants claim the project may violate restrictions placed on the Proposition K funding of the project.

This claim does not relate to the environmental impacts of the project. However, neither the State Landscaping and Lighting Assessment Act of 1972, as amended, nor the City's Proposition K - L.A. for Kids Ballot measure and guidelines thereto, prohibit the use of Proposition K funded recreational improvements by private non-profit or not for profit organizations which serve the residents of the City of Los Angeles, nor the charging of (reasonable) fees for use of Proposition K funded facilities. In fact, the necessity of charging reasonable fees for programs is recognized by the State Landscaping and Lighting Act of 1972, as amended, in that it specifically allows for the charging of reasonable fees to cover the costs of providing eligible services. Any users of the field(s) would be required to obtain a use permit from the Department of Recreation and Parks, such permit would require that the users have a policy as to how teams are formed and players drafted. In addition, the City will ensure that reasonable open/public use hours are provided, in addition to use by those with permits.

- A13.** Appellants claim that: ". . . [T]he 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 Statement of Overriding Considerations (SOC) contains an extensive discussion of potential project impacts, mitigation measures, and the rationale for its findings. The discussion of impacts to trees can be found on pages 5-9 of the SOC.

- A14.** Appellants claim that the EIR "fails to adequately analyze the Project's potentially adverse traffic and parking impacts, and no baseline analysis of parking needs was conducted."

The potential impacts to traffic and parking are discussed in the Draft EIR (Section 3.9, pages 3.9-1 to 3.9-41; Section 4.3.8, pages 4-30 to 4-37; and Appendix H). There are 265 existing parking spaces in the Crystal Springs Picnic Area and construction of the proposed project would eliminate five of these spaces (page 3.9-36). The parking analysis was based on the baseline as it was known at the time.

Comments A15 through A72 are contained in the appendices to the Appeal. Appendices A and B do not contain any comments relevant to the appeal.

Comments A15 through A34 are from Appendix C to the Appeal, which is a letter dated January 10, 2013, from Gerry Hans of Friends of Griffith Park to Cathie Santo Domingo. This letter was submitted during the scoping process that preceded the preparation of the Draft EIR. The purpose of scoping is to help in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important (CEQA Section 15083). The letter states that "the subject of this letter is the negative recreational and environmental impacts of proposed Option 1: North East Corner of the Crystal Springs Picnic Area" This "Option 1" is the same as the proposed project that was identified in the EIR. Since these comments were made before the publication of the either Draft or Final EIR, the responses indicate where the issues raised in this scoping letter were subsequently addressed in the EIR.

- A15.** During the scoping process, appellants requested that the EIR address impacts to the quality and quantity of recreational use at Crystal Springs, especially on picnic uses.

The proposed project would relocate 7 of the approximately 119 picnic tables in the Crystal Springs Picnic Area. The impact of the proposed project on picnic uses is discussed on pages 2-11, 3.5-7, 3.5-8, 3.5-16 to 3.5-18, 3.8-6 to 3.8-14 of Draft EIR and in its Appendix G (Recreation Impact Analysis).

- A16.** During the scoping process, appellants requested that the EIR address the loss of shade and increase in temperature.

The issue of shade in the project vicinity is discussed on page 3.4-18 of the Draft EIR.

- A17.** During the scoping process, appellants requested that the EIR address noise impacts.

The issue of noise in the project vicinity is discussed in Sections 3.7 and 4.3 of the Draft EIR and in its Appendix F (Noise Impact and Vibration Analysis).

- A18.** During the scoping process, appellants requested that the EIR address the recreational impacts of the proposed project.

The issue of recreational options is discussed in Sections 3.8 and 4.3 of the Draft EIR and in its Appendix G (Recreation Impact Analysis).

- A19.** During the scoping process, appellants requested that the EIR address the visual impacts of the proposed project.

Aesthetic impacts, including visual impacts of the project are discussed in Sections 3.2 and 4.3 of the Draft EIR and in its Appendix B (Visual Impact Assessment).

- A20.** During the scoping process, appellants requested that the EIR address the removal of trees.

The removal of trees is discussed in Sections 3.4 and 4.3 of the Draft EIR and in its Appendix D (Biological Resources Technical Study).

- A21.** During the scoping process, appellants requested that the EIR address the issue of wildlife connectivity.

The issues of wildlife connectivity and corridors are discussed in Section 3.4 of the Draft EIR (especially pages 3.4-3, 3.4-12, 3.4-18 and 3.4-19) and in its Appendix D (Biological Resources Technical Study).

- A22.** During the scoping process, appellants requested that the EIR address wildlife planning considerations.

The issue wildlife habitat and planning is discussed in Section 3.4 of the Draft EIR (especially pages 3.4-3, 3.4-12, 3.4-18 and 3.4-19) and in its Appendix D (Biological Resources Technical Study).

- A23.** During the scoping process, appellants requested that the EIR address the issue of wildlife fires.

Issues relating to fires are discussed on pages 3.4-7 and 5-6 of the Draft EIR.

- A24.** During the scoping process, appellants requested that the EIR address the issue of nighttime illumination.

Nighttime illumination is not part of the project as approved. The hypothetical impacts from lighting are speculative and irrelevant since the proposed project does not include the use of nighttime lighting.

- A25.** During the scoping process, appellants requested that the EIR address the issue of dust.

Issues relating to dust are discussed on pages 3.2-22, 3.3-9, 3.3-15, 3.3-21, 3.3-21, and 5-6 of the Draft EIR.

- A26.** During the scoping process, appellants requested that the EIR address impacts to the watershed.

Watershed is discussed on page 2-11 of the Draft EIR.

- A27.** During the scoping process, appellants requested that the EIR address the historic significance of picnicking.

Picnicking is discussed on pages 2-11, 3.5-7, 3.5-16 to 3.5-18, and 3.8-6 to 3.8-14 of the Draft EIR.

- A28.** During the scoping process, appellants requested that the EIR discuss the historical use of Griffith Park for baseball.

Historical uses of Griffith Park, including baseball, are discussed on pages 3.5-7 to 3.5-8 of the Draft EIR.

- A29.** During the scoping process, appellants requested that the EIR discuss the history of picnicking in Griffith Park.

Historical uses of Griffith Park, including picnicking, are discussed on pages 3.5-7 to 3.5-8 of the Draft EIR.

- A30.** During the scoping process, appellants requested that the EIR discuss trees as historic resources.

The historic resources in Griffith Park are discussed on pages 3.4-5 and 3.5-7 to 3.5-8 of the Draft EIR.

- A31.** During the scoping process, appellants requested that the EIR discuss the Anza National Historic Trail.

The Anza National Historic Trail is discussed on page 2-12 of the Final EIR.

- A32.** During the scoping process, appellants requested that the EIR address the impact of the project on youth recreation.

The use of the proposed project is discussed in Section 3.8 of the Draft EIR; see also Response A12 above.

- A33.** During the scoping process, appellants requested that the EIR discuss the impacts of the project on picnicking, especially young picnickers.

The objectives of the project are discussed on page 2-17 of the Draft EIR; see also Response A12 above.

- A34.** During the scoping process, appellants requested that the EIR address sports and picnicking uses in Griffith Park.

The objectives of the project are discussed on page 2-17 of the Draft EIR; see also Response A12 above.

Comments A35 through A41 are from Appendix D to the Appeal, which is a letter dated March 6, 2013, from Gerry Hans of Friends of Griffith Park to Maria Martin. As is the case with Exhibit C to the Appeal, this letter was submitted during the scoping part of the EIR process. Since these comments were prepared before the publication of either the Draft or Final EIR, the responses indicate where the issues raised in this scoping letter were subsequently addressed in the EIR.

- A35.** During the scoping process, appellants requested that the EIR discuss the Central Service Yard as a potential site for baseball fields.

The Central Service Yard is discussed on page 2-12 of the Final EIR. The Yard is a heavily used Department of Recreation and Parks maintenance and service facility and does not have unused space that could be used for construction of baseball fields.

- A36.** During the scoping process, appellants requested that the EIR discuss Ferraro Fields as a potential site for baseball fields.

Ferraro Fields (the John Ferraro Soccer Complex) is discussed in Response A10 above.

- A37.** During the scoping process, appellants requested that the EIR discuss the Headworks site as a potential site for baseball fields.

The Headworks site is discussed in Section 4.1.3.1 of the Draft EIR.

- A38.** During the scoping process, appellants requested that the EIR discuss the placement of the fields at separate locations.

Placement of the fields at separate locations is not a potential project alternative because it would not feasibly accomplish most of the basic objectives of the project (Section 15126.6(c) of CEQA Guidelines).

Separating the fields would not accomplish the project objective of meeting the requirements of available funding sources. The outcome of the Proposition K and the Local Volunteer Neighborhood Oversight Committee processes was a project that would locate both fields at the same site and the funding for the project requires that the two baseball fields be constructed in the same area (see Sections 2.3 and 2.8 of the Draft EIR). Construction and operational costs would increase if the fields were in different locations.

Separating the fields would impede the project objectives of providing affordable recreational programs for youths in the area and of providing area residents with team-sports programming opportunities. Development of this type of recreational program is more likely to be successful if the program facilities (in this case, the baseball fields) are in the same location, rather than being separated in different locations. Separation of the facilities fragments the program and also prevents the development of cohesion and the sense of belonging to a community that are essential for a successful youth baseball program.

- A39.** During the scoping process, appellants requested that the EIR discuss the potential for the project to conflict with policies relating to biological resources.

The regulatory framework relating to biological resources in Crystal Springs is discussed in Section 3.4.2.1 of the Draft EIR.

- A40.** During the scoping process, appellants requested that the EIR discuss the Anza National Historic Trail.

The Anza National Historic Trail is discussed on page 2-12 of the Final EIR.

- A41.** Appellants claim that the public notification for the project was insufficient.

Postings and notification relating to the proposed project complied with all CEQA requirements.

Comments A42 through A58 are from Appendix E to the Appeal, which is a letter dated December 17, 2013, from Doug Carstens and Michelle N. Black to Maria Martin. This letter was submitted during the public comment period on the Draft EIR. Responses to these comments were included in the Final EIR, especially pages 2-13 to 2-26. The following information is presented to address these comments in the context of the present appeal.

- A42.** In a comment on the Draft EIR, appellants claim that the Draft EIR did not consider placing the two baseball fields at separate locations.

Placement of the fields at separate locations is not a potential project alternative because it would not feasibly accomplish most of the basic objectives of the project (Section 15126.6(c) of CEQA Guidelines).

Separating the fields would not accomplish the project objective of meeting the requirements of available funding sources. The outcome of the Proposition K and the Local Volunteer Neighborhood Oversight Committee processes was a project that would locate both fields at the same site and the funding for the project requires that the two baseball fields be constructed in the same area (see Sections 2.3 and 2.8 of the Draft EIR). Construction and operational costs would increase if the fields were in different locations.

Separating the fields would impede the project objectives of providing affordable recreational programs for youths in the area and of providing area residents with team-sports programming opportunities. Development of this type of recreational program is more likely to be successful if the program facilities (in this case, the baseball fields) are in the same location, rather than being separated in different locations. Separation of the facilities fragments the program and also prevents the development of cohesion and the sense of belonging to a community that are essential for a successful youth baseball program.

- A43.** The comment claims that the Draft EIR did not discuss the Central Service Yard as a project alternative.

The Central Service Yard is discussed on page 2-12 of the Final EIR. The Yard is a heavily used Department of Recreation and Parks maintenance and service facility and does not have unused space that could be used for construction of baseball fields.

- A44.** The comment claims that the Draft EIR did not address Ferraro Fields as an alternative project site.

The John Ferraro Soccer Complex is located at the northeast corner of Griffith Park, north of the interchange between the Highway 134 (the Ventura Freeway) and Interstate 5. The complex contains seven soccer fields and is fully programmed for soccer. Additionally, there is not sufficient available space to build two youth baseball fields. The use of the complex for soccer will continue as there are plans to renovate the soccer fields by installing artificial turf.

- A45.** The comment states that the removal of trees during project construction would have an impact on aesthetics and biological resources.

The EIR evaluated impacts to both biological resources and aesthetic resources and concluded that the project would result in unavoidable significant adverse impacts in both of these areas (see Section 3.0 of the Draft EIR and Appendices D and B, respectively).

- A46.** The comment states that the Draft EIR failed to consider aesthetic impacts on users of trails in the Crystal Springs vicinity.

The analysis of impacts to aesthetic resources considered a wide range of potential sensitive viewers, including hikers, occasional visitors, participants in team sports activities, runners, walkers, bicyclists and equestrians (see page 3.2-16 of the Draft EIR and its Appendix B).

- A47.** The comment states that the Draft EIR did not evaluate issues relating to wildlife connectivity.

Interference with wildlife movement/migration corridors was one of the significance thresholds used to evaluate potential project impacts on biological resources. The EIR concluded that the project would not substantially inhibit the movement of any native resident or migratory wildlife species or would not inhibit any wildlife corridors. The issues of wildlife connectivity and corridors are discussed in Section 3.4 of the Draft EIR, especially pages 3.4-3, 3.4-12, 3.4-18 and 3.4.19. The tunnel that provides access from Griffith Park to the Los Angeles River is the Golden State Freeway Equestrian Tunnel. The tunnel is located at the southern end of the

Crystal Springs area, approximately one-quarter mile from the project site. The construction and operation of the project would not occur in the vicinity of the tunnel and therefore the proposed project would not impede the use of the tunnel as a wildlife corridor.

- A48.** The comment claims that the DEIR's analysis of project impacts to wildlife was inadequate.

The project site was evaluated for the presence, absence, and likelihood of occurrence of special-status species and vegetation types, and also for more general biological resources issues. A site visit was made and observations were recorded. The determination of species likely to be present at the site was made through these observations, supplemented by review of records documenting species that have been observed at the site. This methodology is discussed on pages 3.4-9 to 3.4-11 of the Draft EIR. Potential impacts to nesting birds are addressed in Mitigation Measure BIO-1 which requires nesting bird surveys if construction activities occur during the nesting season.

- A49.** The comment relates to the impacts of nighttime lighting from the project.

Nighttime illumination is not part of the project as approved. The hypothetical impacts from lighting are speculative and irrelevant since the proposed project does not include the use of nighttime lighting.

- A50.** The comment states that the Draft EIR incorrectly identified City policies regarding tree removal and replacement.

This issue was addressed in Section 3.0 of the Final EIR, which contains a listing of Clarifications and Modifications, including those for tree protection policies and procedures.

- A51.** The comment states that the analysis in the Draft EIR "fails to take into consideration future sound mitigation programs which will likely be introduced at the Crystal Springs location."

The effects of future programs which are "likely" are speculative. However, any programs that reduce the level of traffic noise would benefit the users of Griffith Park.

- A52.** The comment states that "privatization, in any way, of dedicated parkland at Griffith Park would violate City Charter, Section 594(c)."

The project will not privatize any dedicated parkland. Neither the City Charter, nor the State Landscaping and Lighting Assessment Act of 1972, as amended, nor the City's Proposition K - L.A. for Kids Ballot measure and guidelines thereto, prohibit the use of Proposition K funded recreational improvements by private, non-profit or not-for-profit organizations, nor the charging of (reasonable) fees for use. In fact, the necessity of charging reasonable fees for programs is recognized by the State Landscaping and Lighting Act of 1972, as amended, in that it specifically allows for the charging of reasonable fees to cover the costs of providing eligible services. Any users of the field(s) would be required to obtain a use permit from the Department of Recreation and Parks, such permit would require that the users have a policy as to how teams are formed and players drafted. In addition, the City will ensure that reasonable open/public use hours are provided as well as use by those with permits.

- A53.** The comment claims that the Draft EIR understates the impacts of the project on parking.

The potential impacts to traffic and parking are discussed in the Draft EIR (Section 3.9, pages 3.9-1 to 3.9-41; Section 4.3.8, pages 4-30 to 4-37; and Appendix H). There are 265 existing parking spaces in the Crystal Springs Picnic Area and construction of the proposed project

would eliminate five of these spaces (page 3.9-36). The parking analysis was based on the baseline as it was known at the time.

A54. The comment states that the new baseball fields would not be accessible to the general public.

The public will not be excluded from the baseball fields. Neither the State Landscaping and Lighting Assessment Act of 1972, as amended, nor the City's Proposition K - L.A. for Kids Ballot measure and guidelines thereto, prohibit the use of Proposition K funded recreational improvements by private non-profit, or not-for-profit, organizations, nor the charging of (reasonable) fees for use. In fact, the necessity of charging reasonable fees for programs is recognized by the State Landscaping and Lighting Act of 1972, as amended, in that it specifically allows for the charging of reasonable fees to cover the costs of providing eligible services. Any users of the field(s) would be required to obtain a use permit from the Department of Recreation and Parks, such permit would require that the users have a policy as to how teams are formed and players drafted. In addition, the City will ensure that reasonable open/public use hours are provided as well as use by those with permits.

A55. The comment states that public notification procedures were not adequate.

Postings and notification complied with all CEQA requirements.

A56. The comment states that "there is no evidence that any ball fields ever previously existed at the Crystal Springs location, except for the current Pote Field."

The historical record does not clearly establish whether or not baseball fields were once located in what is now the Crystal Springs Picnic Area. As stated in the Draft EIR (page 3.5-8):

A 1947 map of Crystal Springs indicates the presence of multiple proposed baseball fields, close to those proposed and to the Alternatives 1B and 2 sites. However, this map appears to be a schematic only; the baseball diamond (Pote Field) is indicated but was not yet constructed, and there is no known record of other diamonds in the Crystal Springs Picnic Area."

A57. The comment states that "at-risk" is never defined in the Draft EIR.

There are definitions of "at-risk" youth that include children between the ages of six and twelve.

A58. The comment states that "[s]ince the Project will have at least one significant and unavoidable environmental impact, a Statement of Overriding Considerations will have to be prepared before the City may approve the Baseball Fields Project."

The comment is correct. Section 15093 of CEQA contains the requirements for adoption of a Statement of Overriding Considerations, and such a statement was adopted by the Board of Recreation and Parks Commissioners for this project.

Comment A59 is from Appendix F to the Appeal, which is a letter dated March 16, 2014, from Joseph F. Young of the Griffith Park Task Force Sierra Club – Angeles Chapter to Commissioner Lynn Alvarez. This letter was submitted after the publication of the Final EIR.

A59. The comment concerns the social impacts of the proposed project.

The EIR analyzed the environmental impact of the proposed project. The social implications of the project are addressed in the Findings of Fact and the Statement of Overriding Considerations that was adopted by the Board of Recreation and Parks Commissioners.

Comments A60 and A61 are from Appendix G to the Appeal, which is an e-mail dated March 23, 2014, from Van Griffith to Councilmember Tom LaBonge. This letter was submitted after the publication of the Final EIR.

A60. The comment states that it would be a "shame . . . if these fields are going to be locked when not in use and not available to the public . . ."

The public will not be excluded from the baseball fields. Neither the State Landscaping and Lighting Assessment Act of 1972, as amended, nor the City's Proposition K - L.A. for Kids Ballot measure and guidelines thereto, prohibit the use of Proposition K funded recreational improvements by private, non-profit or not-for-profit, organizations, nor the charging of (reasonable) fees for use. In fact, the necessity of charging reasonable fees for programs is recognized by the State Landscaping and Lighting Act of 1972, as amended, in that it specifically allows for the charging of reasonable fees to cover the costs of providing eligible services. Any users of the field(s) would be required to obtain a use permit from the Department of Recreation and Parks, such permit would require that the users have a policy as to how teams are formed and players drafted. In addition, the City will ensure that reasonable open/public use hours are provided as well as use by those with permits.

A61. The comment advocates placement of the fields at Ferraro Fields.

The John Ferraro Soccer Complex is located at the northeast corner of Griffith Park, north of the interchange between the Highway 134 (the Ventura Freeway) and Interstate 5. The complex contains seven soccer fields and is fully programmed for soccer. Additionally, there is not sufficient available space to build two youth baseball fields. The use of the complex for soccer will continue as there are plans to renovate the soccer fields by installing artificial turf.

Comments A62 to A64 are from Appendix H to the Appeal, which is a letter dated March 24, 2014, from the Griffith J. Griffith Charitable Trust to Commissioner Lynn Alvarez. This letter was submitted after the publication of the Final EIR.

A62. The comment objects to the removal of mature trees.

The impacts of the project on trees are discussed throughout the EIR, but especially in Section 3.4 and Appendix D of the Draft EIR.

A63. The comment states: "Ball fields belong in a sports-friendly site not an established picnic grove."

The impact of the project on picnic activities is discussed extensively in the Draft EIR, especially in Section 3.8 of the Draft EIR and also in Appendix G to the Draft EIR. The project would relocate 7 of the approximately 119 picnic tables in the Crystal Springs Picnic Area.

A64. The comment states that "the entire eastern portion of the park would be heavily impacted from the approximately 2 year construction period."

Impacts on traffic and transportation during project construction are discussed in Section 3.9 of the Draft EIR, in particular on pages 3.9-36 to 3.9-39.

Comments A65 to A71 are from Appendix I to the Appeal, which is a letter dated March 31, 2014, from the Doug Carstens and Michelle N. Black of Chatten-Brown & Carstens LLP to Maria Martin. This letter was submitted after the publication of the Final EIR.

A65. The comment suggests the alternative of placing the two fields in separate locations and claims the EIR did not discuss other suggested alternatives.

The outcome of the Proposition K and LVNOC processes was a project that would locate both fields at the same site and the funding for the project requires that the two baseball fields be constructed in the same area (see Sections 2.3 and 2.8 of the Draft EIR). Construction and operational costs would increase if the fields were in different locations.

Alternatives to the proposed project are discussed in the Draft EIR in the following Sections (and pages): ES 3.0 (ES-7 to ES-11); ES 4.0 (ES-13); ES 5.0 (ES-13 to ES-15); 1.0 (1.1 to 1.6); 2.0 (2-1 to 2-29); 3.2 (3.2-13 to 3.2-17); 3.4 (3.4-9 to 3.4-12, 3.4-19); 3.5 (3.5-5 to 3.5-9, 3.5-12, 3.5-15 to 3.5-17); 3.7 (3.7-18, 3.7-22 to 3.7-26); 3.8 (3.8-12 to 3.8-13); and 4.0 (4-1 to 4-40). Appendices B through H to the Draft EIR contains the technical studies upon which the impact analysis was based.

Alternatives to the proposed project are discussed in the Final EIR in the following Sections (and pages): 1.0 (1-22 to 1-23); 2.0 (2-12, 2-26, 2-41, 2-131, 2-138); and 3.0 (3-4 to 3-5).

Alternatives to the proposed project are discussed in the Findings of Fact and the Statement of Overriding Considerations in the following Sections (and pages): 3.0 (19-23); and 4.0 (23-24).

- A66.** The comment is concerned with the potential impact of the project on nesting birds.

The project site was evaluated for the presence, absence, and likelihood of occurrence of special-status species and vegetation types, and also for more general biological resources issues. A site visit was made and observations were recorded. The determination of species (including birds) likely to be present at the site was made through these observations, supplemented by review of records documenting species that have been observed at the site. This methodology is discussed on pages 3.4-9 to 3.4-11 of the Draft EIR. Potential impacts to nesting birds are addressed in Mitigation Measure BIO-1 which specifies requirements for nesting bird surveys if construction activities occur during the nesting season.

- A67.** The comment states that the Draft EIR did not mention "habitat connectivity, wildlife corridors, or the City's tree ordinance."

The issues of habitat connectivity and wildlife corridors are discussed in Section 3.4 of the Draft EIR (especially pages 3.4-3, 3.4-12, 3.4-18 and 3.4.19).

The Tree Ordinance is discussed in the Draft EIR on pages 2-9 to 2-10, 2-27, 3.2-7, 3.4-4, 3.4-13, 3.4-17, and Table 3.4-3.

- A68.** The comment states that "no mitigation measures are included that prohibit nighttime lighting from being added to the Project later. . ."

Nighttime illumination is not part of the project as approved, and therefore there cannot be impacts from lighting that require mitigation.

- A69.** The comment concerns the use of Proposition K funds for the project and public use of the project.

The public will not be excluded from the baseball fields. Neither the State Landscaping and Lighting Assessment Act of 1972, as amended, nor the City's Proposition K - L.A. for Kids Ballot measure and guidelines thereto, prohibit the use of Proposition K funded recreational improvements by private organizations nor the charging of (reasonable) fees for use. In fact, the necessity of charging reasonable fees for programs is recognized by the State Landscaping and Lighting Act of 1972, as amended, in that it specifically allows for the charging of reasonable fees to cover the costs of providing eligible services. Any users of the field(s) would

be required to obtain a use permit from the Department of Recreation and Parks, such permit would require that the users have a policy as to how teams are formed and players drafted. In addition, the City will ensure that reasonable open/public use hours are provided as well as use by those with permits.

A70. The comment concerns the traffic and parking impacts of the project.

Potential project impacts on traffic and parking are discussed in Section 3.9 of the Draft EIR. The potential impacts to traffic and parking are discussed in the Draft EIR (Section 3.9, pages 3.9-1 to 3.9-41; Section 4.3.8, pages 4-30 to 4-37; and Appendix H). There are 265 existing parking spaces in the Crystal Springs Picnic Area and construction of the proposed project would eliminate five of these spaces (page 3.9-36).

A71. The appellants claim that the Statement of Overriding Considerations (SOC) is deficient, as the findings required by Section 21081 of the Public Resources Code are not supported by substantial evidence. Specifically, the appellants make the following claims:

- (a) The finding that “no feasible mitigation measures were identified that would both address resulting impacts on aesthetics and meet the project objectives” (SOC p. 6). Appellants claim that separating the ball fields would reduce the impact on aesthetics.
- (b) The SOC “fails to even discuss alternatives or mitigation measures related to the protection of the trees themselves.”
- (c) “Nothing in the Project or its EIR actually requires the implementation of any type of recreational community program for the community.”

Response to (a)

Separating the fields would be an alternative to the project, not a mitigation measure to the proposed project. Placement of one field at Crystal Springs and one field at North Atwater Park is not a potential project alternative because it would not feasibly accomplish most of the basic objectives of the project (Section 15126.6(c) of CEQA Guidelines).

Separating the fields would not accomplish the project objective of meeting the requirements of available funding sources. The outcome of the Proposition K and the Local Volunteer Neighborhood Oversight Committee processes was a project that would locate both fields at the same site and the funding for the project requires that the two baseball fields be constructed in the same area (see Sections 2.3 and 2.8 of the Draft EIR). Construction and operational costs would increase if the fields were in different locations.

Separating the fields would impede the project objectives of providing affordable recreational programs for youths in the area and of providing area residents with team-sports programming opportunities. Development of this type of recreational program is more likely to be successful if the program facilities (in this case, the baseball fields) are in the same location, rather than being separated in different locations. Separation of the facilities fragments the program and also prevents the development of cohesion and the sense of belonging to a community that are essential for a successful youth baseball program.

Response to (b)

The SOC does discuss the project impacts to trees:

Trees

Construction of the proposed project would result in the removal and direct disturbance of numerous trees considered protected by the City of Los Angeles Tree Preservation Ordinance, RAP Tree Preservation Policy, and the City's Policy for the Installation and Preservation of Landscaping and Trees on Public Property. Protected trees are located in the footprint of ball fields where construction activities including raising and lowering existing grades, trenching for irrigation, and excavation for associated park facility improvements would require tree removal. Additional effects on protected trees could occur during construction as a result of damage to trees located adjacent to the construction footprint.

The removal or harming of protected trees as a result of construction activities would conflict with the City of Los Angeles Tree Preservation Ordinance, RAP Tree Preservation Policy, and the City's Policy for the Installation and Preservation of Landscaping and Trees on Public Property, and this would be a significant effect. However, removed trees would be replaced in accordance with City policy and coordination and authorization from RAP's Urban Forestry Division would be required for any park trees and other vegetation that is removed by the proposed project. Applicable best management practices (BMPs), as described in the RAP Urban Forest Program, would be followed, including planning proactively, installing protective tree fencing, establishing a tree protection zone, installing a root buffer and mulch, maintaining irrigation or adequate soil moisture, establishing erosion control measures, conducting proactive pruning, trenching with alternative methods, and installing alternative types of hardscape. (SOC p. 7)

The SOC also presents the rationale for the finding that mitigation measures or project alternatives are infeasible:

*The proposed project will be designed to comply with applicable City tree replacement and tree protection policies, including applicable tree replacement ratios of such policies. Standard Bureau of Engineering procedures shall incorporate these requirements into the development and construction documents for the project, including architectural plans and construction specifications. However, concerns have been raised regarding the feasibility of meeting the tree replacement requirements to the satisfaction of Recreation and Parks. Additionally, it is anticipated there may be substantial controversy regarding the removal of some of the unique specimen trees targeted for removal during construction of the proposed project. Among the trees to be removed are unique trees located in a sensitive and historic location (Griffith Park) that are uncommon specimens because of their size, maturity and visual quality. For example, it is anticipated that a California sycamore (*Platanus racemosa*) with a trunk diameter of 52 inches might be removed. If removed, this tree would be replaced by younger specimens of the same type, but the replacement trees would not initially provide the habitat area or the shade of the removed specimen. Furthermore, removal of these trees was deemed a significant visual impact (see DEIR Section 3.2). For the reasons discussed above, the removal of protected trees at this location could be considered a significant adverse environmental impact to biological resources.*

The removal of several unique protected specimen trees by the proposed project could result in significant impacts to biological resources. Removed

trees will be replaced in accordance with City policy. However, due to the uncertainties described above, this impact may not be mitigated to a less than significant level. As such, for purposes of this finding, impacts to biological resources from tree removal are assumed to be unavoidable adverse impacts. (SOC pp. 8-9)

Response to (c)

This comment does not relate to the environmental impacts of the proposed project.