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October 25, 2016

VIA PERSONAL DELIVERY

Councilmember Jose Huizar, Chair
Los Angeles City Council
Planning and Land Use Management Committee
200 North Spring Street
Los Angeles, CA 90012

Date: 10/25/16
Submitted in PLM Committee
Council File No: 16-1112, 16-1113
Item No: 9 + 10
Re: _____

Re: VTT-73714-SL-1A, VTT-73814-SL-1A and CPC-2015-4680-GPA-ZC
ENV-2015-4679-MND

Honorable Councilmembers:

We represent Damien Stolarz and Jennifer Jurick, long time owners and residents of the neighborhood into which the Applicant proposes the above referenced development of over 40 Small Lot homes ("Project").

For all of the reasons set forth in this letter, our clients' correspondence, and the correspondence submitted by the Santa Monica Mountains Conservancy, which are all attached and incorporated herein by reference, the proposed Mitigated Negative Declaration ("MND") for the Project is legally deficient and a full Environmental Impact Report ("EIR") is required under the California Environmental Quality Act ("CEQA").

1. The Project Will Have Adverse Impacts on Biological Resources

The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259. The heart of CEQA is the Environmental Impact Report (EIR). *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184. A public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project

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may have a significant effect on the environment. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.

Here, more than a fair argument has been presented that the Project, as proposed, without a minimum 20,000 square-foot publicly-owned buffer along the Bell Creek channel results in unavoidable significant impacts on biological resources.¹

Today, the Bell Creek flood control channel is the most significant remaining undeveloped private parcel along a major tributary of the Los Angeles River within the floor of the San Fernando Valley. In fact, in 2003, the Santa Monica Mountains Conservancy adopted the Central Bell Creek Project Plan 2003, a plan which outlines a habitat and recreation corridor that extends along Bell Creek from an existing 0.38-acre riverside parcel owned by the Mountains Recreation and Conservation Authority (MRCA) to a Los Angeles County Flood Control basin facility that abuts Valley Circle Boulevard. The plan provides for a public greenway trail along the flood control channel to access the existing MRCA parcel, the subject Woodlake-Sherman Way parcels, Mae Boyar Recreation Center Park, and open space within the flood control basin complex.

In other words, the Project has a direct impacts on the a public greenway trail, as adopted by the Central Bell Creek Project Plan 2003, rendering the MND's "conclusion" of "no impact" with regard to whether the project will conflict with the provisions of any habitat conservation plan flatly wrong.

¹ Notably, the MND also fails to adequately describe that the subject property which both abuts and is ecologically and hydrologically integrated with adjacent undeveloped public land located between Sherman Way and the Bell Creek channel. The combined existing public open space and the two project parcels create a large, unique habitat refuge along the Bell Creek channel. The unique flat open terrain, which currently only abuts development on one corner, provides quality raptor foraging area and habitat for ground feeding birds that need open terrain. An accurate description of the physical environmental conditions in the vicinity of a project is critical for a proper evaluation of the potential environmental effects of a proposed activity. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.

As provided by Paul Edelman, a biologist with the Santa Monica Mountains Conservancy,² coyotes, raccoons, cottontail rabbits, ground squirrels, and dozens of bird species all reside on the Project Site. With the implementation of a public greenway trail, as outlined by the Central Bell Creek Project Plan 2003, the land would also serve as an enhanced wildlife corridor.

However, as proposed, the Project will cause unavoidable impacts on these biological resources by substantially interfering with the movement of wildlife, and established native and migratory wildlife corridors, including wildlife nursery sites (see Santa Monica Conservancy letter, dated June 15, 2016, pgs. 3-4). There have been no mitigation measure imposed which will adequately alleviate these adverse biological impacts because the only way to adequately mitigate these impacts is to provide a minimum 20,000 square-foot publicly-owned buffer along the Bell Creek channel. Moreover, there is absolutely no evidence to support the MND's conclusions of "no impact" and "less than significant impact," whereas Mr. Edelman's expert letter provides ample evidence to the contrary.

2. The CEQA Guidelines and the Courts Require an EIR for a General Plan Amendment in Order to Adequately Analyze its Indirect Impacts

The State's CEQA Guidelines, which implement the statutory provisions of the CEQA statute, are binding on all public agencies in California and are afforded great weight by the Courts. *CEQA Guidelines* §15000; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, fn. 2. In relevant part, the CEQA Guidelines *anticipate* that an EIR must be prepared in connection with a General Plan Amendment. *CEQA Guideline* §15146 provides:

"The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

² Paul Edelman is a biologist, and has been a biologist for the Santa Monica Mountains Conservancy for twenty-six years where he has been looking at and evaluating urban/suburban wildlife corridors and habitat connectivity in San Fernando Valley. He holds a Master's Degree in biology.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow."

The Courts have enforced the above and it is well established that in cases involving General Plan Amendments, the local agency either prepares an EIR, or, having been sued, is required to do so by a Court of law. *Christward v. Ministry Superior Court* (1986) 184 Cal.App.3d 180 (Negative Declaration in connection with a general plan amendment found to be deficient, and an EIR required). In fact, even in 1986, in disbelief that the City of San Marco would not require an EIR for a General Plan Amendment, the *Christward* Court was able to cite to a laundry list of published cases where an EIR was required in connection with a General Plan Amendment.³

In proposing the within MND, the City has fallen into a common General Plan Amendment/CEQA trap: it has failed to examine the **potential impacts** of the General Plan Amendment on the existing physical environment; or, in other words, to assess the impacts of the *potential future* development allowed under the newly proposed the General Plan Amendment.

When it comes to General Plan Amendments, a CEQA document must analyze the loss of potential future development under the existing General Plan and the indirect impacts of the new development that will be allowed if the

³ *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo*, 172 Cal.App.3d 151; *City of Poway v. City of San Diego*, 155 Cal.App.3d 1037; *Rural Landowners Assn. v. City Council*, 143 Cal.App.3d 1013; *Twain Harte Homeowners Assn. v. County of Tuolumne*, 138 Cal.App.3d 664; *Environmental Council v. Board of Supervisors*, 135 Cal.App.3d 428; *Environmental Planning & Information Council v. County of El Dorado*, 131 Cal.App.3d 350; *City of Santa Ana v. City of Garden Grove, supra*, 100 Cal.App.3d 521; *Bozung v. Local Agency Formation Com.*, 13 Cal.3d 263, 2787; *Cal.Admin.Code*, tit. 14, §§ 15378(a)(1), 15127, 15146, 15166.

General Plan is, in fact, amended. In other words, by adopting the General Plan Amendment, the City is changing the "envelope" of allowed development at these sites. The *indirect impacts* of such changes and potential new uses, and the accompanying potential environmental factors which will flow therefrom, including on air quality, geology and soils, hazards and hazardous material, hydrology/water quality,⁴ noise, population/housing, recreation, public services, utilities/service systems and traffic must be analyzed. *City of Redlands v. County of San Bernadino* (2002) 96 Cal.App.4th 398 (Negative Declaration found deficient and EIR ordered for General Plan Amendment which would allow potential new development); *Inyo Citizens for Better Planning v. Board of Supervisors* (2009) 180 Cal.App.4th 1 (Negative Declaration found deficient and EIR ordered for General Plan Amendment to alter the definition of "net acreage" in General Plan based upon possibility of new development not otherwise permitted under old definition); *Christward v. Ministry Superior Court* (1986) 184 Cal.App.3d 180 (Negative Declaration found deficient and EIR ordered for General Plan Amendment because it authorized potential new uses).

For all of these reasons, here, the indirect impacts of the proposed new uses and the impacts of the Project on the loss by the public of future recreation and existing wildlife corridor purposes, must be evaluated.

3. Land Use and Planning Impacts are Not Adequately Evaluated

The L.A. CEQA Threshold Guide with respect to "land use consistency" states:

The determination of significance shall be made on a case-by-case basis, considering:

- Whether the proposal is inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan or specific plan for the site; and

⁴ The Los Angeles River Green Solutions Project prepared by Community Conservation International has identified the subject site as the number one priority in the San Fernando Valley to capture and infiltrate storm water runoff. The combination of the adjacent public land, sufficient adjacent urban area at a higher elevation, and rapid soil infiltration rates create a unique groundwater recharge opportunity that would be entirely lost via approval of the proposed Project.

- Whether the proposal is **inconsistent** with the General Plan or adopted environmental goals or policies contained in other applicable plans.

Here, in order to get around these requirements, the MND assumes land use consistency based upon the projected approval of the Project. This is in error. It is inherently against the CEQA mandates to simply state that once the General Plan Amendment is granted, the Project will be consistent with the zoning on-site, and therefore with all applicable land use regulations and policies. If such were the standard, any and all zone changes, general plan amendments, and variances would be inherently "consistent" with applicable land use plans. If such argument were accepted, the entirety of the "conformance with applicable land use plans" findings, both under the CEQA and the LAMC, would be eviscerated.

In reality, under CEQA, the threshold question that must always be answered is what environmental effects the project will have on the existing environment. Projected, future, conditions may only be used as the baseline for impact analysis if their use in place of measured existing conditions, a departure from the norm, is justified by some unusual aspects of the project or the surrounding conditions. However, even in such unusual circumstances, an agency still does not have the discretion to completely omit an analysis of impacts on existing conditions, unless inclusion of such an analysis would detract from an MND's effectiveness as an informational document, either because an analysis based on existing conditions would be uninformative or because it would be misleading to decision makers and the public. *Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal.4th 439, 508-09.

Here, there are simply no "unusual" circumstances which would in any way render the "existing" conditions baseline required inapplicable. And, again, even if there were, there is still a burden on the City to include the impacts on the existing General Plan designations.

4. The Project Will Have Adverse Impacts on Aesthetics

The "fair argument" standard is a low threshold standard and reflects the strong public policy interest for resolving doubts in favor of a thorough environmental review. Relevant personal observations of area residents on nontechnical subjects, such as aesthetics, qualify as substantial evidence for a fair

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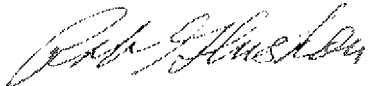
argument for an EIR. *Ocean View Estates Homeowners Ass'n v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 402 (concern by neighboring property owners that aluminum roof cover may be visible was sufficient to constitute a fair argument regarding aesthetics); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (residents' concerns regarding impacts on land use and aesthetics sufficient to constitute a fair argument); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322 (residents' observations and concerns as to traffic constitute a fair argument regarding traffic impacts).

Here, both the Santa Monica Conservancy and our clients have submitted adequate personal observations to raise a fair argument that the Project will have a potentially significant impact on aesthetics. Therefore, an EIR is required.

For all of these reasons, we urge the Commissioners to send the within Project back for further environmental review in a full EIR.

Very truly yours,

LUNA & GLUSHON



ROBERT L. GLUSHON

Damien Stolarz
6433 Topanga Cyn. Blvd. #222
Canoga Park, CA 91303

October 25, 2016

City Clerk
City Hall – Room 395
200 North Spring Street
Los Angeles, CA 90012

Planning and Land Use Committee
Attention: Sharon Dickinson, Legislative Assistant

**Support of Santa Monica Mountains Conservancy Appeals
VTT-73714-SL-1A and VTT-73814-SL-1A
Mitigated Negative Declaration ENV-2015-4679-MND
CF Nos. 16-1113 and CF-1112**

Hon. Chairperson Huizar and Committee Members:

My family and I have lived in close proximity to the subject Lederer Ranch property for over 30 years. The proposed development of 47 homes on the less than four acre field eliminates any meaningful remnant of open space and habitat along an upper Los Angeles River tributary. The proposed project would totally and adversely change the visual character of the area. As configured, four solid rows of two story houses with sliver-thin separation would eliminate the most iconic flatland viewshed in the west San Fernando Valley. The final environmental documentation errs in concluding that this is not a significant impact to a public resource.

The Bell Creek channel possesses all of physical attributes for a future public trail and greenway. The proposed project would permanently degrade the aesthetic and spatial characteristics of this public right of way that is integral to the Los Angeles River system. A continuous wall of thirteen two-story houses with minimal backyard setbacks leering above the channel does not provide an adequate buffer zone for a future trail and greenway system. The final environmental analysis does not adequately present this impact to decision-makers nor mitigate it.

The Bell Creek channel possesses sufficient physical attributes to significantly contribute to wildlife movement through the subject section of the valley. To begin with, the valley's flood control channels provide the only continuous paths for wildlife movement across the valley floor. Just that openness under current conditions provides unique movement conditions that cannot be replicated elsewhere. Understandably, over time, in most cases vegetation needs to be established along the channel margins for high quality wildlife movement conditions. However, the key is preserving the potential to enhance wildlife movement through the subject area—including for birds that do not commonly traverse even suburban landscapes. The potential for channel right of way wildlife movement is either positively or adversely affected by development on adjacent private land. The subject property currently provides one of just a few habitat refuges along the Bell Creek channel. The role of the subject property, in concert

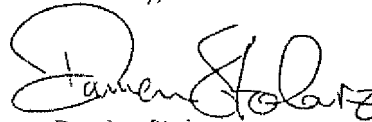
with adjacent City land, to the existing and future viability of the Bell Creek wildlife corridor in not sufficiently addressed in the environmental documentation.

The City Planning Commission's requirement of two private Homeowners Association(s) lots at the end of Woodlake Avenue was a beginning in the right direction but did not go far enough to address and mitigate these project impacts and deficiencies. The contribution of the two required open lots to provide habitat resources and public views over the long term cannot be assured with conditioned private land. The two lots are also located close to the proposed future street with its street lights and headlights. More land along the river channel, some of which is not subject to the glare of adjacent street and head lights must be permanently set aside.

I concur with the Santa Monica Mountains Conservancy that only public agency ownership of the two open lots can guarantee both no development and assured public access in perpetuity. The public has no standing to challenge the Homeowners Associations if either fails to provide adequate native landscaping or actually fences the public out of all or part of the two open lots. The public also would have no right to improve habitat and park amenity qualities on the open lots. Because the City already owns the Woodlake Avenue right of way to the Bell Creek channel, the subject open space area will serve a combination of park and habitat purposes. At least one-quarter acre of fully protected natural land (in addition to the street right of way) is needed to provide sufficient space for both purposes. Until the City vacates its rights to the unimproved section of Woodland Avenue it cannot be considered permanent public open space.

The Santa Monica Mountains Conservancy has submitted a figure into the record requesting that the applicant dedicate a minimum of 10,000 square feet of land to a public agency as part of the project approvals. The figure shows that the dedication of two additional small lots along the channel would achieve this objective. As a nearby property owner, I urge both your Committee and the full City Council to grant this request. Anything less than one-quarter acre of public open space for a 47 lot single family home subdivision is a squandered opportunity to serve the public with what it deserves in exchange for a 1,200 percent up zoning. Surely the applicant has not provided a pro forma for public review showing that adequate profit cannot be achieved with 45 houses on approximately three acres. Please do the public's bidding and grant the Conservancy's appeal, in part, to require an offer to dedicate a minimum of 10,000 square feet of riverfront open space to a public agency. Shy of such an outcome how can your constituents take seriously the Los Angeles River effort for greenways throughout the watershed? The public deserves access and enjoyment of the river tributaries not just the future residents of the tracts.

Sincerely,



Damien Stolarz

**SMMC Proposed Parkland Dedication from VTT Map No. 73714-SL
 Historic Lederer Ranch - Bell Creek Property
 Proposed Small Lot Subdivision - 2015-4684-ZC**

**Santa Monica Mountains Conservancy
 SVAPC August 11, 2016
 Agenda Item(s)**

Requested open space dedication
 on two lots next to L.A. City land
 (5,580 sq ft)

**36 Proposed
 Small Lot
 Subdivision**

Requested riverfront public open space
 sites for large VTT map
 Dedicate to Mountains Recreation
 Conservation Authority

VTT 73814
 CPC 15-Unit
 Tract Map Area
 Same CEQA Project,
 Different Appeal

Public street parking for riverfront park

42' 60'

88'

72'

Continuous proposed 6' block wall

BELL CREEK CHANNEL
 ← Bell Creek Future River Left Trail →

Bell Creek Future River Right Trail →

Temporary parkland pending
 Woodlake Avenue extension

LAFCD Property

BELL CREEK CHANNEL

Continuous proposed 6' block wall

Woodlake Ave

Subject Tracts
 Public Land



SANTA MONICA MOUNTAINS CONSERVANCY

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June 15, 2016

Deputy Advisory Agency
Department of City Planning
City of Los Angeles
200 N. Spring Street, Room 763
Los Angeles, California 90012
E-mail: oliver.netburn@lacity.org
Attention: Oliver Netburn

**MND Comments – Proposed Bell Creek Ledehrer Ranch Small Lot Subdivision
CPC-2015-4680-GPA-ZA and ENV-2015-4679-MND
23200 Sherman Way - VTT-73714-SL and 3000 Woodlake Ave VTT-73814-SL**

Dear Deputy Advisory Agency:

The Santa Monica Mountains Conservancy (Conservancy) finds that the proposed Mitigated Negative Declaration (MND) is deficient in its disclosure, analysis, and mitigation of visual, land use, recreation, and biological impacts. The Conservancy finds that the proposed project could result in significant adverse environmental impacts that cannot be mitigated below a level of significance without substantially reducing the project footprint.

The Conservancy further finds that the proposed project provides no onsite public benefits along the Bell Creek river corridor that are commensurate with the requested Zone Changes and General Plan Amendments. The project provides only significant detrimental impacts to existing public resources and no tangible or lasting public resource or access benefits in the immediate project area.

With this letter the Conservancy is on record opposing any project on the site that does not provide a substantial and meaningful fee simple dedication of public open space along the existing public flood control channel. Unless the proposed project includes a minimum 20,000-square-foot fee simple publicly-owned buffer along the Bell Creek channel, the project would result in unavoidable significant adverse visual, biological, and recreation impacts and would correspondingly require review under an Environmental Impact Report (EIR).

With the substantial public controversy over the proposed project, preparation of an EIR appears inevitable unless the applicant voluntarily modifies the project footprint to

Deputy Advisory Agency

MND Comments - CPC-2015-4680-GPA-ZA and ENV-2015-4679-MND

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buffer and protect resources along the Bell Creek channel and adjacent lands via an open space dedication to an appropriate City department or other public agency.

The MND is deficient because it does not address the public resource value of the adjacent Bell Creek flood control channel and adjoining public lands for future recreation and existing wildlife corridor purposes. The subject parcel is the most significant remaining undeveloped private parcel along a major tributary of the Los Angeles River within the floor of the San Fernando Valley.

In 2003 the Conservancy adopted the Central Bell Creek Project Plan 2003 that outlined a habitat and recreation corridor that extended along Bell Creek from an existing 0.38-acre riverside parcel owned by the Mountains Recreation and Conservation Authority (MRCA) (located just west of Shoup Avenue) to a Los Angeles County Flood Control basin facility that abuts Valley Circle Boulevard. The plan provides for a public greenway trail along the flood control channel to access the existing MRCA parcel, the subject Woodlake-Sherman Way parcels, Mae Boyar Recreation Center Park, and open space within the above described flood control basin complex.

The greenway would also serve as an enhanced wildlife corridor along this section of creek. Currently coyotes, raccoons, cottontail rabbits, ground squirrels, and dozens of bird species make use of this corridor area under existing conditions. These existing conditions include the entire undeveloped project site and attached public open lands that comprise an approximately six-acre contiguous natural area. Ecological conditions within the flood control channel right-of-way can be immediately improved with addition of sporadic perennial vegetation where it does not interfere with flood control function.

If, and only if, the project conditions require a fee simple open space dedication of at least 20,000 square feet to a public agency, the Conservancy would not object to a Zone Change and General Plan Amendment to facilitate a Small Lot Subdivision. Such an open space dedication would be adequate mitigation in any contiguous configuration along the existing flood control rights-of-ways.

A Zone Change and General Plan Amendment increase the value of the subject parcels and result in a project with reduced structure setbacks along the Bell Creek channel which would degrade its recreational, visual, and habitat value. For example, the current project locates multiple two-story homes within eight feet of the river corridor public right of way.

The Zone Change and General Plan Amendment must come with a commensurate public benefit to mitigate the visual, biological, and recreational degradation of the adjacent public resources. More specifically, if the City grants extra value to the applicant with increased density, the public should receive the benefit of permanent public open space in an adjacent significant resource area. The two staff reports clearly state that Small Lot Subdivisions typically incorporate open space areas to offset the increased density. The project is not a random infill project. It is a regionally significant, one of kind parcel along a river tributary that is part of the Public Trust. This case presents the perfect nexus and science to require an open space dedication along the channel. Let the applicant design it as long as it includes at least 20,000 square feet that is all continuous.

The MND is further deficient because it does not include any figure(s) showing any details of VTT Map No. 73714. How can the public or decision makers analyze potential project impacts without a visual representation of the majority of the proposed project footprint and impact area?

The MND is further deficient because it does not attempt to compare the potential impacts of a project under the existing zoning and General Plan designations with the proposed project. The MND fails to describe what a project under the existing zoning and General Plan designations would look like to provide decision makers with a benchmark for comparison.

How can the two City staff reports and the MND state that that the proposed project with 51 houses is consistent with the zoning and General Plan designation when the proposed entitlements require both a Zone Change and General Plan Amendment? The MND may be deficient for not addressing an inconsistency between the current General Plan designations and the existing zoning.

The MND is deficient for not addressing how the subject property both abuts and is ecologically and hydrologically integrated with adjacent undeveloped public land located between Sherman Way and the Bell Creek channel. The combined existing public open space and the two project parcels create a large, unique habitat refuge along the Bell Creek channel. The unique flat open terrain, which currently only abuts development on one corner, provides quality raptor foraging area and habitat for ground feeding birds that need open terrain.

Deputy Advisory Agency

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The Bell Creek channel represents the last opportunity for a contiguous habitat connection or open avian flyway between the Sepulveda Basin natural area and Bell Canyon in the Simi Hills. Based on public sentiment, public awareness, agency planning inertia, and conservation science, conditions for birds in the majority of Los Angeles River flood control channels will improve over time. This trajectory of improvement is true of the Bell Creek channel. Not every half mile will be improved but nodes of improved habitat will be developed at sufficient intervals to increase ecological function.

The MND is deficient for not addressing existing or potential future biological conditions and potential impacts for birds in the Bell Creek channel. The existing MND mitigation measures do not address potential biological impacts from the proposed project on the flood control channel in the least bit. An example of adverse impacts would be the lighting from a phalanx of several hundred feet of two-story houses located as little as eight feet from the public right-of-ways.

The MND is further deficient for not addressing the potential biological impacts of reducing the existing minimum rear yard setback of 25 feet to as little as seven feet under the proposed project. The maximum distance set back of homes adjacent to public lands is vital while those not adjacent are much less important ecologically.

The Los Angeles River Green Solutions Project prepared by Community Conservation International has identified the subject site as the number one priority in the San Fernando Valley to capture and infiltrate storm water runoff. The combination of the adjacent public land, sufficient adjacent urban area at a higher elevation, and rapid soil infiltration rates create a unique groundwater recharge opportunity that would be entirely lost via approval of the proposed project.

The MND is deficient for not addressing how the project and alternative projects could contribute to groundwater recharge and storm water capture. The only information in the MND is that all surface flow would lead to storm drain openings along Woodlake Avenue. The presumption is that all of that flow goes directly in concrete lined Bell Creek channel.

How in 2016 after five years of severe drought can a 1970s type drainage project be approved when ideal and cost effective onsite solutions exist to infiltrate a substantial amount of storm water onsite? Paver stone driveways do not constitute substantial infiltration. A Zone Change and General Plan Amendment should facilitate 21st century storm water management for a 51 unit project along a Los Angeles River tributary. If the project dedicates 20,000-square-feet of land along the channel in some configuration

(determined by the applicant) storm water runoff could be meaningfully infiltrated onsite employing only gravity flow. The grades of the site, proposed Woodlake Avenue, and the flood control channel system are near-optimal for such a vital project component.

The project would substantially degrade the existing scenic visual character and quality of both the site and its surroundings. The site represents an iconic west San Fernando Valley viewshed with historical significance. The site can be viewed both from Sherman Way and from the public Bell Creek Flood Control channel. The channel is a public right-of-way with a high probability of being open to some form of public trail use in the near future. Wall-to-wall Small Lot Subdivision two-story houses would totally eliminate this scenic character and result in unavoidable significant adverse visual impacts. All view corridors would be gone. Homes would loom over the future public trail along the north bank of the channel with setbacks as narrow as eight between house and channel maintenance road which would serve as the public trail. The surrounding site context that includes the adjacent mission historical buildings would be transformed from rural riverside vista to 51 two-story homes with bare minimum setbacks between structures. A thorough visual analysis must be conducted to analyze and mitigate these potential adverse viewshed impacts.

One way to reduce the adverse visual impacts of the proposed project is to reduce the width of Woodlake Avenue and create a band of public green space with bio-swales and potentially low statured vegetation along the length of the street. The City would still maintain the full right-of-way to widen the street in the future while in the interim reducing heat island effect, infiltrating more storm water runoff, increasing the flood capacity of the Los Angeles River, sequestering more carbon, and showing green planning leadership.

Under no circumstances should the City abandon any of its Woodlake Avenue rights-of ways to be absorbed in the residential tract maps as potential private land with impervious surface. The project proposal to merge City-owned right of way with the tract could constitute a gift of public funds, particularly if the extra square footage increases the potential number of homes on the sites. More importantly the City should employ every available square inch of land for some type of green streets purposes no matter how minor of a contribution. The MND is deficient for not addressing the total amount of existing City land proposed to be merged with the tract maps and the multiple consequences of such actions.

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To provide adequate balance, any Small Lot Subdivision project on this site must be designed to dedicate additional fee simple public right of way to augment the Bell Creek public corridor. Unless the project footprint is reduced by at least 20,000-square-feet along the Bell Creek channel, the project impacts would require an Environmental Impact Report to look at potential significant impacts and less damaging alternative project footprints.

Please direct any future correspondence to my attention at the above letterhead address, by email at Edelman@smmc.ca.gov, or by phone at (310) 589-3200 ext. 128.

Sincerely,



PAUL EDELMAN
Deputy Director
Natural Resources and Planning