

Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522



Chatten-Brown, Carstens & Minter LLP

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Douglas P. Carstens
Email Address:
dpc@cbcearthlaw.com

Direct Dial:
310-798-2400 Ext. 1

August 26, 2019

Los Angeles City Council
Health, Education, Neighborhoods, Parks,
Arts, and River Committee
c/o Eric Villanueva - Legislative Assistant –
Email: Eric.Villanueva@lacity.org

Councilmember David Ryu
Los Angeles City Hall
200 N. Spring St., Room 425
Los Angeles, CA 90012
Email: david.ryu@lacity.org

Councilmember Koretz
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012
Email: paul.koretz@lacity.org

Re: Wednesday August 28, 2019 Agenda Item # 4- Revised Concession Agreement Between The Tavern at Rancho Park LLC and Department of Recreation and Parks for Redevelopment and Operation of Ranch Park Golf Course Food and Beverage Concession.

Honorable Chair Ryu, Councilmember Koretz, and Committee Members:

Our law firm has been retained by Friends of Rancho Park Golf Course. We object to the approval of a Concession Agreement between The Tavern at Rancho Park LLC (TRP) and Department of Recreation and Parks for redevelopment and operation of Ranch Park Golf Course Food and Beverage Concession as it would violate legal requirements. This Concession would have significant impacts on the environment which require thorough analysis and mitigation in an environmental impact report pursuant to the California Environmental Quality Act (CEQA). Approving the Concession on the basis of the existing environmental review would be a violation of CEQA. Friends of Rancho Park Golf Course reserves all of its legal rights and is prepared to take action necessary to ensure CEQA is enforced.

Date: 8/28/19
Submitted in HEWPAR Committee
Council File No: 19-0431
Item No.: 4
~~Subject:~~ Communication from the public

We ask that you continue the hearing of the matter until a legally compliant environmental impact report is prepared and circulated so that members of the public may review the proposal and submit comments. Relying on exemptions from CEQA requirements short circuits the public process and deprives the public of an ability to understand and critique the proposal.

A. The Proposed Concession Does Not Fit Within the Terms of the Exemptions Claimed Because it is an Expansion of Use.

City Staff has claimed the Concession is exempt from CEQA review pursuant to Article III, Class 1(1) and Class 1(14) of the City CEQA Guidelines and Article 19, Section 15331 of the California State CEQA Guidelines. None of these exemptions are applicable.¹ Even if they were applicable, there are exceptions to these exemptions for significant impacts and impacts to historic resources that render these exemptions inapplicable and require preparation of a negative declaration or an EIR.

The Article III, Class 1(1) exemption is for alterations involving minor construction “where there be negligible or no expansion of use.” Similarly, Article III, Class 1(14) is for leases or permits to use an existing structure “involving negligible or no expansion of use.” Neither of these exemptions is applicable because the Concession involves significant expansion of use.

¹ In determining whether the project comes within the categorical class of exemptions, courts “apply a de novo standard of review, not a substantial evidence standard.” (*Ibid.*) “[A categorical] exemption can be relied on only if a factual evaluation of the agency’s proposed activity reveals that it applies.” (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 386.) “[T]he agency invoking the [categorical] exemption has the burden of demonstrating” that substantial evidence supports its factual finding that the project fell within the exemption. (*Ibid.*) Further, the agency decides whether a project is categorically exempt as a part of its preliminary review without reference to any mitigation measures. (*Azusa Land, supra*, 52 Cal.App.4th 1165, 1199-2000.)

After determining a particular exemption from CEQA could apply, a second inquiry is necessary to examine whether there is an exception to the challenged categorical exemption. (CEQA Guidelines § 15300.2.) Once the agency establishes that the project is exempt, a party may challenge the exemption by producing evidence that the project is not exempt because it falls within one of the exceptions listed in CEQA Guidelines section 15300.2. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.)

The Concession would increase the number of restaurant seats from 100 to 186. There will be a new Banquet hall seating 118. There will be external restaurant deck seating for 40 people. The new banquet hall will be available for non-Recreation and Parks events, up to 30 per year with up to 100 guests.

B. Historic Resource Impacts Are Likely

The exemption of Article 19, Section 15331 of the California State CEQA Guidelines is for projects limited to restoration, preservation, and other activities protecting historical resources in a manner consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

First, we note the City's reliance on this exemption implies, and rightfully so, that the Golfcourse restaurant building is a historic resource. It is our understanding that the building was constructed in 1949. It is associated with such luminaries as President Bill Clinton and golfing professional Arnold Palmer who both played there at various times. The golf course and clubhouse are the site of the Los Angeles Open, a significant tournament in golfing culture.

CEQA Guidelines section 15300.2 provides exceptions to categorical exemptions where significant impacts to historic resources could occur. (CEQA Guidelines section 15300.2 (f).) Here, the Concession involves significant alteration of exterior features of the Clubhouse restaurant building. It would include placement of outdoor patios and require the cutting of additional access doors through exterior walls to access the patios. These extensive modifications of the building are not consistent with the Secretary of the Interior Standards.

C. Recreational Impacts Are Likely to Be Significant.

CEQA Guidelines section 15300.2 provides exceptions to categorical exemptions where significant impacts could occur. (CEQA Guidelines section 15300.2 (c).) The fact that a portion of the Concession involves replacement of lockers with a banquet facilities means there could be significant recreational impacts associated with lost locker space. This is the type of impact that constitutes a special circumstance creating an exception to categorical exemptions.

D. Land Use and Odor Impacts Are Likely to Be Significant.

The Concession could also have significant effects within the meaning of CEQA Guidelines section 15300.2 (c) because it includes a number of breweries. Breweries are

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normally associated with **industrially zoned land** because they emit significant odors and are serviced by diesel trucks at various hours of the day that are not compatible with residential neighborhoods.

The breweries would be added to an open space recreational area in the midst of a residential neighborhood, with single family homes to the east across Patricia Avenue and with three schools with minor children on the other side of a street, Pico Boulevard, to the north. The proposed breweries would be highly incompatible with this residential and educational area and thus create significant land use impacts. Because breweries are not allowed in the Open Space zoning underlying the project site, approving breweries at this location would also violate the City's Municipal Code zoning restrictions.

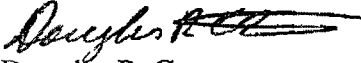
E. Traffic, Access, and Parking Effects are Likely to Be Significant.

The Concession significantly increases and changes the character of onsite use without providing additional parking. Currently, there are only 272 parking spaces onsite and they are usually completely full. With the additional significant expansion, more parking spaces would be required. The addition of restaurant and banquet space requires additional parking under the Los Angeles Municipal Code that is not being supplied so approval of the Concession on the basis of the claimed categorical exemptions would violate the Los Angeles Municipal Code as well as CEQA. It is likely the Concession will have adverse traffic, parking, and access impacts on the nearby neighborhoods.

Conclusion.

The Concession may **not be** approved on the basis of categorical exemptions. The brewery component and a project without sufficient parking may not be approved without variances from the Zoning Code. We ask that you continue the hearing until an environmental impact report is properly circulated and certified pursuant to CEQA. Failing to do so would violate CEQA. Friends of Rancho Park is prepared to take necessary action to ensure neither CEQA nor the Municipal Code is violated.

Sincerely,


Douglas P. Carstens

Cc:
Mayor Garcetti
City Attorney
Board of Recreation and Parks Commissioners
Department of Recreation and Parks