

Benjamin M. Reznik
Direct: (310) 201-3572
bmr@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

June 11, 2018

BY EMAIL

Kathleen King
City of Los Angeles
Department of City Planning
200 N. Spring Street, Rm. 721
Los Angeles, CA 90012
E-Mail: kathleen.king@lacity.org

Re: ENV-2016-2319-EIR
SCH No. 2016081015
Mount Saint Mary's University
Wellness Pavilion EIR

Dear Ms. King:

We represent Bernadette and Tim Leiweke and Barbara and Richard Bergman (the "Neighbors"), who live in the single-family residential neighborhood within which the University's Chalon Campus is located, are subject to the effects of current campus operations, and will be subjected to the significant impacts anticipated from construction and operation of an Event Center that will operate at all times, including nights and weekends. We write to provide comments on the Draft Environmental Impact EIR ("EIR") for the Event Center. The Neighbors recognize the University has programmatic needs and supports the reasonable and responsible development of the Chalon Campus to meet the needs of its student body. However, the University has not generally maintained good relationships with its neighbors, nor has it lived within its means, over the past approximately 30 years.

The Neighbors specifically oppose those aspects of the proposed Project that would give the University the right to continue to exceed its permitted enrollment, operate with no effective enrollment cap, expand its enrollment without further public and environmental review, and commercialize this limited-access location in the middle of a hillside residential neighborhood with limited emergency access and a history of severe fires. The Neighbors also maintain serious reservations regarding the Draft EIR's lack of disclosure of both the Project components and their environmental effects, as it evidences an intent by the City to allow the University to substantially commercialize the Chalon Campus, while sacrificing the safety of the surrounding community to do so. Moreover, this apparent willingness breaks the so-called "Sunset Standard" Councilmember Bonin pledged to apply to address the severe and widely recognized traffic impacts on Sunset Boulevard, west of Interstate 405.

The winding and congested residential neighborhood roadways that provide access to the Chalon Campus, and the University's failed attempts to reduce its impacts on those roads, have been the source of substantial community disruption, and numerous attempts over the years to resolve issues such as traffic and emergency access have failed. This traffic includes not only students, staff, and faculty—whether with their own vehicles or via ride-sharing services like Uber or Lyft—but also buses and large trucks delivering food, tents, and chairs to large-scale events, as well as staff and maintenance vehicles. Although the Neighbors understand a proposal to fulfill certain programmatic needs of the school, the concurrent request to essentially develop a major event center and camp is disturbing; the omission of the potential increase in enrollment, even more so. The failure of the Draft EIR to disclose adequately and evaluate these components of the Project violates the California Environmental Quality Act ("CEQA"; Pub. Res. Code § 21000 *et seq.*) and the State CEQA Guidelines (14 Cal. Code Regs., § 15000 *et seq.*) and requires revision of the Draft EIR. As described briefly below, serious and significant flaws of the Draft EIR include, but are not limited to:

- The failure to disclose the prior limits on Chalon Campus enrollment and the University's exceedence of the same;
- The potential for increased enrollment as a result of the Project, particularly in the absence of any proposed or acknowledged existing limitation;
- The failure to critically examine the University's Project objectives, which should not relate to the establishment of a major commercial event center or summer camp for non-students; and
- The failure to evaluate a reasonable range of alternatives that avoids or reduces the significant impacts of the Project.

Any of these errors, by itself, fatally compromises the Draft EIR and shakes public faith in the environmental review process. An EIR's very purpose is "to demonstrate to an apprehensive public that the agency has, in fact analyzed and considered the ecological implications of its action [approving a project]." *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 86 (1974). Here, however, the omission of key project components and analyses has the opposite effect, demonstrating the Draft EIR's failure as an informational document. The City must, at a minimum, revise the Draft EIR to correct these errors and omissions.

1. The Draft EIR Misleads the Public by Failing to Disclose the Chalon Campus' Exceedence of its Enrollment Limit.

The law requires "[an] **accurate**, stable, and finite project description" (emphasis added), and courts have held the very proposition is foundational to CEQA and to the ability of an EIR fully to inform the public and decision makers. *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977). Here, however, the Project Description falls far short,

resulting in the failure of several analyses to adequately evaluate the Project's significant effects.

Perhaps most significantly, the Draft EIR (p. II-12) falsely states enrollment is limited solely by traffic. In fact, the 1984 conditional use permit ("CUP") referenced in that discussion merely confirmed the allowable *provision* of parking at one vehicle space per four students.¹ Condition 1 of that CUP expressly stated the approval included no increase in enrollment beyond that permitted at that time, and subsequent correspondence in that file confirmed the approval involved only a parking structure. Further, both the mitigated negative declaration prepared for that project and correspondence in the file from the City's Department of Transportation ("DOT") confirmed the environmental analysis expressly omitted any analysis of an enrollment increase. These statements are all the more noteworthy because the file indicates the request included a request to increase the enrollment from 750 students to 1037, but only the parking structure was permitted. Thus, ***no discretionary City approval has permitted an increase in enrollment at the Chalon Campus, beyond the 750 students that existed in 1984***, despite the requirement for a Plan Approval or modification of a deemed-to-be-approved CUP.² As the Municipal Code makes clear, intensifications of conditional uses—not merely new structures—are discretionary acts that require approval from the appropriate City body.³

In fact, separately from any other physical or programmatic intensification, the Project would recognize and legalize the University's enrollment of nearly twice the permitted number of students, and would permit further enrollment without any claimed requirement for environmental review. According to the Draft EIR, the University enrolled 1,498 students at the Chalon campus, down from over 1,500 in 2015 (Draft EIR, p. II-11). Although the Draft EIR purports to provide a discussion of the entitlement history in Section IV.H (Land Use and Planning), it fails to disclose this limitation and misleads the public regarding the nature and scope of the Project.

This failure also infects the analyses of the Draft EIR, preventing a full disclosure of the direct and indirect impacts of the Project as a whole. The statement in the Draft EIR that the Project proposes no increase in enrollment is meaningless in light of the University's apparent position that parking represents the only constraint upon enrollment. Absent any cap on enrollment proposed as part of the Project—or, in fact, any basis for assuming any particular limitation provided by the Project—the Project would foreseeably increase the enrollment at the campus by effectuating and legalizing the University's unsupported interpretation of the 1984 CUP. If the Project fails to include any stated enrollment cap, the University could then increase enrollment to as much as 2,244—an increase of 746 students

¹ City Planning Case 4072-CU, granted January 26, 1984.

² See LAMC §12.24-M.1 ("existing uses may be extended on an approved site, as permitted in Subsection L of this section, provided that plans are submitted to ***and approved*** by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at the time" [emphasis supplied]).

³ *Id.* The same section authorizes the appropriate decision maker to deny any such request.

from existing levels, and approximately triple the parking recognized in the 1984 CUP—based only on the parking provided under the existing conditions.⁴ The Project would facilitate this increase without any further approvals or environmental review by the City and, as described further below, the Draft EIR must evaluate the effects of that increase to provide any value as an informational document.

2. The Draft EIR Fails to Evaluate Enrollment Growth That Could Foreseeably Result from the Project, But Must Do So.

The Project would create the conditions to permit future increases in enrollment, arguably without any administrative review, by ignoring an established (but long-violated) constraint on enrollment. In conjunction with this removal of an impediment to intensification, the Project also would provide the physical facilities to facilitate that intensification. The law requires the EIR to evaluate and disclose the intensification that would foreseeably result from removals of physical and policy constraints to enrollment increases, such as traffic, other associated physical impacts (air quality, noise, greenhouse gases), and fire safety/emergency response. However, the EIR fails to do so.

(a) The Project Would Remove a Constraint to Further Intensification of the University's Use, and the EIR Must Evaluate the Foreseeable Effects Associated with the Removal of that Constraint.

No aspect of the Project purports to limit enrollment on the campus. In fact, the Project would appear officially to establish the University's unsupported position that parking provides the sole limitation on enrollment. Consequently, despite the claim in the Draft EIR that the Project would not increase enrollment, an increase in enrollment is a foreseeable Project consequence, whether direct or indirect. Yet the Draft EIR fails to evaluate any increase and therefore substantially understates Project-specific and cumulative effects and fails adequately to inform the public and decision makers of the true extent of Project effects.

The Draft EIR appears to rely solely on the proposition that because the Project would not explicitly increase Chalon Campus enrollment, no such increase would occur. However, given the new interpretation the Project would employ regarding limitations on enrollment—i.e., that no formal limit exists and parking represents the only limitation—the purported reason for omitting enrollment-based traffic is meritless. The Project would formally alter a prior constraint on campus development (the 1984 CUP), and would fail to provide any alternative limitation. The failure to acknowledge or provide any constraint, short of the physical constraint imposed by parking, creates the potential for the Project to induce and facilitate enrollment growth.

Consistent with the Draft EIR's avoidance of any analysis of enrollment, the traffic analysis prepared in support of the Project was premised upon changes in event attendance alone: it

⁴ Draft EIR, p. II-8, stating a current parking inventory of 561 vehicle spaces.

included no other categories of trip generation.⁵ Thus, the central assumption of the traffic analysis is that no increase in enrollment could foreseeably occur at any point in time. This unsupported and erroneous assumption is all the more important because the Project would increase parking at the Chalon Campus by 55 spaces. If the City and University recognize no enrollment limitation other than parking, and one parking space could permit up to four new students, the 55 new spaces proposed with the Project would foreseeably permit an increase in enrollment of 220 students beyond what the existing parking could otherwise accommodate.

Established case law compels the Draft EIR to evaluate the effects of foreseeable future enrollment, both as the result of the removal of any formal enrollment limitation and as the result of additional parking that would facilitate such enrollment. *Stanislaus Audubon Society, Inc. v. County of Stanislaus*, 33 Cal. App. 4th 144 (1995), concerned a proposed country club, golf course and attendant facilities, and the potential of those facilities to induce development of the surrounding area, also owned by the project proponent. The County contended an EIR was not required because the growth-inducing impacts of the proposed project were too remote or speculative, and EIRs would be prepared in connection with any application for a housing development. *See id.* at 158-59. The court rejected these contentions.

“The fact that the exact extent and location of such growth cannot now be determined does not excuse the County from preparation of an EIR.... [R]eview of the likely environmental effects of the proposed country club cannot be postponed until such effects have already manifested themselves through requests for amendment of the general plan and applications for approval of housing developments.”

Id. The court also noted that a refusal of the project proponent to accept a condition limiting development of its other, surrounding properties indicated an intent to develop them. *Id.* at 157.

Here, similar to *Stanislaus*, the Project would effectively abandon any constraint on enrollment other than parking, which would remove an obstacle to enrollment growth and incentivize future enrollment increases. Further, those potential enrollment increases may or may not be subject to CEQA, potentially depriving the public and decision makers of any future opportunity to consider those impacts.

Thus, the issue here is even more immediate and direct with the Project than in *Stanislaus*. In *Stanislaus*, the lack of acceptance of constraints on other properties indicated the possibility of future intensification; here, the issue involves the very facility under development, and a refusal to constrain that facility in any meaningful or enforceable way. In *Stanislaus*, development on one parcel merely established a precedent that other parcels could follow, even if doing so required substantial further exercises of discretion by the lead agency; here, the Project would remove a constraint to foreseeable intensification of the

⁵ DEIR, Table IV.K-15.

applicant's use, and in a way that would permit further intensification arguably without further exercises of discretion by the lead agency.

For all of these reasons, just as in *Stanislaus*, in which the analysis of foreseeable future development was required in the first instance, despite the requirement for subsequent discretionary action and environmental analysis (33 Cal. App. 4th at 155–57), the Draft EIR here must consider the potential for enrollment growth that could, under the terms of the Project, occur without any further review of any kind. While *Stanislaus* makes clear that other discretionary approvals do not necessarily provide a bar to assuming whether development may occur, no such constraint exists here. Further, the refusal of the City to impose—or for the Project proponent to accept—any limitation on further intensification of the use of the Campus, provides strong evidence of the foreseeable nature of future enrollment growth. The failure of the EIR to consider that growth necessarily results in the failure of the EIR adequately to disclose the nature and extent of Project impacts.

(b) The Project Includes Physical Improvements to Facilitate Future Enrollment Growth, and the EIR Must Evaluate Foreseeable Resulting Enrollment Increases.

In addition to the effects of regulatory constraints, courts have established that CEQA requires evaluation of the growth-inducing or cumulative effects that could result from physical improvements intended to facilitate development. In *City of Antioch v. City Council of the City of Pittsburg*, 187 Cal. App. 3d 1325, 1336 (1986), found that analysis of a road and sewer project also must evaluate the housing those improvements could facilitate, because the infrastructure could not “be considered in isolation from the development it presages.” *Id.* Accordingly, the court held the project should not go forward until such impacts were evaluated under CEQA. *See id.* at 1337-38.

Here, the Project not only refuses to constrain enrollment on the Chalon Campus by any external means, as described above, but also provides and extends the infrastructure necessary to facilitate increased enrollment in the very terms of the analysis. That is, because the Draft EIR purports to define parking as the sole constraint to enrollment and provides additional parking, the Draft EIR must evaluate the foreseeable enrollment increase associated with the parking provided on the Chalon Campus.

Coming full circle with respect to the constraints-based analysis of *Stanislaus*, *Antioch* also expressly extends consideration of impacts to removals of other, non-physical constraints to development. The court pointed specifically to changes in land use regulations and circumstances as examples of projects that had the potential to induce growth, stating, “[n]one of these cases hesitated to require an EIR where significant impacts were a realistic possibility, even though the exact form that development would take could not be known.” *Id.* at 1336 (citations omitted). Here, as Neighbors have shown, the Project would substantially alter the historic land use regulations established by prior approvals, including and most especially the 1984 CUP, and would then provide the means for intensification of the use according to that alteration. The Draft EIR was required to evaluate the foreseeable

consequence of both changes, but failed to do so, thereby drastically understating the impacts that could result.

(c) The 561 Existing Vehicle Spaces Do Not Establish the Enrollment Baseline for the Chalon Campus.

The law establishes the analytic baseline as "the physical conditions which exist within the area ..." ⁶ Enrollment at the time of the Notice of Preparation ("NOP") did not approach the maximum enrollment implied by that parking. As disclosed in the Draft EIR, neither did the 2015 enrollment. ⁷ Consequently, the current (2016/Notice of Preparation) enrollment levels stated in the Project Description establish the baseline.

Therefore, the existing 561 parking spaces cannot serve as an environmental baseline for student enrollment or for any associated growth assumptions associated with the Project. As stated above, the maximum enrollment that parking would facilitate is 2,244 students. However, that maximum enrollment exists only in theory, and not in fact, and CEQA is clear that "paper" or theoretical baselines are impermissible: ultimate build-out of, for example, a land-use plan is not a permissible baseline. ⁸

3. The Draft EIR Must Evaluate the Potential Enrollment Increase Associated with the New Parking Inventory.

Given the above, the Draft EIR cannot simply assume that any increase in enrollment that could result from the Project is either incidental or otherwise taken into account by any other analysis. And in fact, the MND for the 1984 CUP specifically disclaims such an analysis, and instead assumed the permitted enrollment level at the time: 750 students. We are unaware of any approval—and the Draft EIR does not disclose one—that explicitly evaluated the environmental effects associated with any particular enrollment level. Therefore the Draft EIR cannot rely on any prior analysis as support for any particular enrollment level above 750 students.

Rather, the Draft EIR must evaluate the potential for enrollment to increase commensurately with the new total amount of parking provided. As the Project would include 55 additional vehicle spaces, for a total of 616 spaces, would permit the campus to enroll four times as many students as it has parking spaces, the total potential enrollment could reach 2,464 students—an increase of nearly 1,000 students over the baseline enrollment levels assumed in the Draft EIR.

⁶ CEQA § 21060.5.

⁷ Draft EIR, p. II-11, stating 1,561 students in 2015.

⁸ See *City of Carmel-by-the-Sea v. Bd. of Supervisors*, 183 Cal. App. 3d 229 (1986).

(a) The Traffic Analysis Understates Project Impacts by Improperly Omitting Sources of Trip Generation.

As the traffic analysis in the Draft EIR fails to provide any analysis of the increased enrollment facilitated by the Project, it drastically understates the potential operational impacts of the proposed development. Among other things, it fails to account for the traffic of the nearly 1,000 additional students the Chalon Campus could accommodate with the Project, and explicitly omits that information.

But this failure extends beyond the omission of students: the traffic analysis omits other classes of vehicles from its operational analysis. For example, Draft EIR Table IV.K-15 includes only *attendees* at the new and expanded campus events proposed under the Project. It does not, however, disclose service, staff, or maintenance vehicles. This omission is far from merely technical: as directly observed by Neighbors and others, service vehicles for events can create substantial traffic effects on neighborhood streets, as the often large trucks—which accepted traffic analysis methods represent as the equivalent of three cars or more—cannot easily negotiate the relatively narrow and winding streets surrounding the campus. Many of the roads—such as Benmore Terrace—are barely able to accommodate two cars, but are used as primary access roads, and larger delivery trucks to the campus have regularly required multiple attempts to negotiate turns, snarling other traffic associated with the University, as well as residential traffic. This is all the more important because many streets in the surrounding neighborhoods do not have sidewalks, and the increase in traffic creates a substantial increase in pedestrian safety risks, and could prevent pedestrian use of the roadways at all during certain times. Making matters worse, the Project proposes to generate significant additional traffic at night and on the weekends, when residents are most likely to use those roads.

Larger and more numerous events proposed by the Project would add substantially more large trucks to these local neighborhood streets, exacerbating the existing impacts and further impeding not only neighborhood vehicle traffic but also pedestrian traffic and emergency response. The failure of the Draft EIR to account for this traffic and the associated effects understates the impacts of larger and more frequent events in terms of both volume and safety.

(b) The Failure to Account for Project-Related Traffic Also Results in the Understatement of Related Impacts.

As described above, the Draft EIR fails—in a variety of ways—to provide an adequate disclosure of Project-related traffic effects. The traffic analysis of the Draft EIR specifically excludes any traffic associated with the potential for increased enrollment, despite the removal of regulatory and physical constraints to such an increase, and omits delivery vehicles from its analysis of large events. Other analyses in the Draft EIR, such as public safety, air quality, noise, and greenhouse gases, directly depend on the traffic analysis for their baseline and Project impact assumptions. Consequently, a failure to account for substantial quantities of traffic necessarily results in failures to account for these associated

impacts, and the City must revise the Draft EIR to adequately disclose those classes of impacts, as well.

The extent of the University-related parking problem in the neighborhood also is understated, and is exacerbated by the apparent lack of any formal prohibition on University parking in the surrounding neighborhood. Virtually every day, Chalon Road, from the Chalon Campus entrance to Norman Place, is almost completely occupied by University-associated vehicles. Conditions such as this are the precise reasons that every recent approval of secondary schools—most notably Archer and Brentwood in the vicinity—contains strict limits not only on access routes, but also on off-campus parking. As the Project proposes to vastly intensify the University's use of the surrounding streets at all times of day, it must also include limits that are commonplace for educational institutions throughout the City. In the absence of such a prohibition, the existing problem will only worsen, and the Draft EIR fails adequately to address this.

This failure also extends to the alternatives analysis. Because the analyses of the various environmental issues areas understates those impacts, they deprive the selection of alternatives with a substantial evidentiary basis. Simply put, the alternatives analysis cannot adequately avoid or reduce impacts the Draft EIR does not sufficiently disclose.

4. The University's Project Objectives Fail to Describe the Underlying Purpose of the Project or to Inform the Analysis, and were Uncritically Accepted by the City, in Contravention of CEQA.

(a) The Project Objectives Fail to Describe the Underlying Purpose of the Project and, Therefore, Don't Properly Inform the Selection of Project Alternatives.

CEQA Guidelines Section 15124(b) states, “[a] clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.” The list of Project Objectives on Pages II-17 to II-18 of the Draft EIR contain eight extremely broad objectives, some of which amount to no more than florid aspirations that neither describe the underlying purpose of the Project nor inform the analysis, and merely serve to confuse the reader.

Later discussions of the objectives only confirm this impression. For example, the alternatives analysis does not articulate any rationale for the selection of the alternatives carried forward for analysis. Further, several objectives are so broadly construed as to provide no value for any particular rationale: for example, Objective 6 purportedly provides a rationale for a summer sports camp, but nowhere does that objective—or any other—actually state that operation of a sports camp with no connection to the University student body is an essential element of the Project. Consequently, the invocation of the need for a summer sports camp in Alternative 4 is unsupported even by the stated goals of the

University. By its very terms, Objective 6 would still be served even if no summer sports camp occurred.

Similarly, ***none of the project objectives address the vast expansion of special events and commercialization of the Chalon Campus.*** If commercialization is a critical element of the Project, the Draft EIR must be revised to reflect the role of special events as a foundational Project objective, even if only for the purpose of disclosure to the public and decision makers.

(b) The City Failed to Exercise its Independent Judgment with Respect to Project Objectives.

The lead agency must exercise its independent judgment on project objectives, and must not uncritically accept the applicant's objectives (Pub. Res. Code § 21082.1(c)(1); *Uphold Our Heritage v. Town of Woodside*, 147 Cal. App. 4th 587 (2007)). In addition, use of unduly narrow project objectives violates CEQA. *In Re Bay Delta Coordinated Environmental Impact Report Proceedings*, 43 Cal. 4th 1143, 1166 (2008) ("A lead agency may not give a project's purpose an artificially narrow definition").

Here, the Project objectives are read too narrowly and represent uncritical acceptance of the applicant's objectives by the lead agency. For example, the objectives regarding programming are read so narrowly as to preclude any alternative that does not involve development of large programs offered to off-campus paying customers or, apparently, development of a major event center for leasing to external entities. The notion that only a major event center, coupled with a youth summer sports program, can meet the basic objectives of a Project that (1) does not actually include an event center among the objectives; and (2) cannot articulate a connection between a major commercial event center, or an extensive youth summer camp of the kind typically offered by public parks, and the educational mission of a University is, quite frankly, absurd. The City must revise the Draft EIR to include objectives that actually relate to the Project and inform the environmental analysis in meaningful ways.

5. The EIR's Alternatives Analysis Fails to Provide a Reasonable Range of Alternatives.

An EIR must describe a reasonable range of alternatives to the project, or to the location of the project, that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. *See* CEQA Guidelines § 15126.6. Here, despite the acknowledged significant and unavoidable traffic and public safety effects associated with construction-related and operational traffic, the analysis fails to articulate any alternative access plan other than access through the Getty Center property—a solution that Neighbors understand the Getty has already refused. The alternatives analysis must provide an alternative access solution to Sepulveda Boulevard or elsewhere, whether via a new road, remote parking, or some other means, to address

construction-related and operational trips. If such an alternative is infeasible, the EIR must discuss the specific reasons why.

6. The City Cannot Override Significant Effects the Draft EIR Understated or Failed to Disclose, Avoid, or Reduce.

The law makes clear that "[o]nly through an accurate view of the project may affected outside and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures . . . and weigh other alternatives in the balance." *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 192–193 (1977). The examples described above demonstrate foundational discrepancies among the Project Description and other sections of the Draft EIR, and severely compromise the technical analysis. As the deficiencies in the Project Description here actually prevented the analysis of several Project components, the Draft EIR fails in its central purpose, and the City must revise the Draft EIR to resolve these discrepancies and provide a complete analysis of the Project components. Absent this information, the EIR cannot provide substantial evidence to support any determination that the benefits of the Project outweigh its significant environmental effects. See CEQA Guidelines §15091–15092.

7. The City Must Revise and Recirculate the Draft EIR.

As noted above, Neighbors believe that some version of the Project could benefit the University while minimizing impacts to the surrounding community—not simply determining exactly how much that community can bear and reverse-engineering the maximum improvements within that envelope. However, as described above, the Draft EIR fails to establish any definitive limit on enrollment or to acknowledge the foreseeable effects of the Project, and **a major event center, proposed operation of which bears no reasonable relationship to the educational objectives of the University.** Further, that wholly inappropriate use will cause severe impacts on neighboring property owners and the surrounding area—effects that the Draft EIR has failed adequately to evaluate and disclose. **Numerous errors, omissions, and inconsistencies render the EIR devoid of value as an informational document.** Therefore, the City must, at a minimum, revise the EIR to accurately and fully disclose the impacts of the Project and consider specific mitigation and project alternatives to address those significant impacts.

Sincerely,



BENJAMIN M. REZNIK and
NEILL E. BROWER of
Jeffer Mangels Butler & Mitchell LLP

BMR:neb

cc: Hon. Mike Bonin, Councilmember, CD11
Krista Kline, Land Use Director, CD11