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AGENDA ITEM NO. 10

PROJECT NO. TR068400-(5)

ADDITIONAL CORRESPONDENCE RECEIVED SINCE  
OCTOBER 14, 2010

**1 e-mail with questions/concerns**

**1 letter of opposition**

Craig V. Manning  
2823 Mayflower Avenue  
Arcadia, California 91006

OCT 18 2010

October 14, 2010

VIA EMAIL AND U.S. MAIL

Chair, Wayne Rew  
Vice Chair, Pat Modugno  
Mr. Leslie G. Bellamy  
Mr. Harold V. Helsley  
Ms. Esther L. Valadez  
Los Angeles County Regional Planning Commission  
303 W. Temple St.  
Los Angeles, California 90012

Re: Project No. TR068400-(5)

Dear Honorable Commissioners:

This letter serves as a formal objection to the project proposed to be located at 4241 E. Live Oak Avenue in Arcadia, Project No. TR068400-(5) ("Project"). As it is currently proposed, the Project will create aesthetic and visual blight, is inconsistent with the character and zoning of the neighborhood, and will unduly impact the surrounding residential community with increased traffic, air and noise pollution, greenhouse gas emissions, and infrastructure demands.

In addition, the Mitigated Negative Declaration for this Project is legally insufficient to meet the requirements of the California Environmental Quality Act ("CEQA"). First, the Mitigated Negative Declaration does not address at all the Project's greenhouse gas emission impacts, as required by the California Code of Regulations. This alone necessitates a denial of the current Project and a new environmental investigation. Second, a Mitigated Negative Declaration is inappropriate for the size and scale of this Project, which proposes to build 318 units of residential housing with a subterranean garage, over 740 parking spaces, a clubhouse, a pool and spa, and a village green. The "fair argument" standard requires that an Environmental Impact Report ("EIR") be prepared.

As a resident and home-owner on Mayflower Avenue since 1992, two blocks from the proposed Project, I will be acutely affected by the Project's many negative impacts. I respectfully request that the Project be denied. In the least, further

impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. 14 C.C.R. §15063(b)(1).

The fair argument test is a “low threshold” for requiring the preparation of an EIR. *No Oil Inc.*, *supra*, 13 Cal.3d at 84. This standard reflects a preference for requiring an EIR to be prepared and for resolving doubts in favor of environmental review. *Mejia v. City of Los Angeles*, 130 Cal.App.4th 322, 332 (2005). As one court has stated:

“The EIR has been aptly described as the heart of CEQA. Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR protects not only the environment but also informed self-government. (T)he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA. The error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process.”

*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 355-56 (2001).

Here, a fair argument exists to require an EIR. The Mitigated Negative Declaration admits that the Project could substantially increase ambient noise levels due to its parking lots and parking structure. Yet the only mitigation measures included in the Mitigation Monitoring Program relate to noise during construction. There has been no mitigation measures implemented to address the noise that will result from the Project once it is completed, including the noise related to increased traffic. Noise pollution must be adequately addressed through an EIR.

The Mitigated Negative Declaration also admits that the Project may create dust during grading and that it “has the potential to contribute to a cumulative net

**3. The Proposed General Plan Amendment and Zone Change Are Inappropriate**

The County's Zoning Ordinance requires that an applicant requesting a zone change prove:

- A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- B. That a need for the proposed zone classification exists within such area or district; and
- C. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice."

Los Angeles County Code, § 22.16.110.

The applicant cannot do so here. There are no modified conditions in the community and there is no need for the proposed zone classification to support a zone change beyond the particular "needs" or "conditions" of this applicant alone. The surrounding community is a single-family neighborhood, as it has been for generations. There has been no shift toward R-3-22U-DP compatible uses in the parcels immediately adjacent to the Project, which are zoned for single-family residences. The difference between the proposed zoning designation and the current R-A zoning applicable to a majority of the Project's property is substantial and has no similar counterpart in the area. The Project will stand alone in this neighborhood as a monolith of high-density residential use, towering above the homes around it. Approving the requested zone change will constitute impermissible "spot zoning" and should be denied.

The same is true of the requested General Plan amendment, which seeks to change the Countywide General Plan Land Use Policy Map applicable to the entirety of the Project's 12.1 acre property from Category 1 to Category 3. This alteration more than doubles the number of units allowed per acre without any regard to the low-density residential parcels surrounding the Project.

In addition, the Project eliminates a crucial segment of the County's low-income housing by replacing a mobilehome park. In these economic times, mobilehome parks provide much-needed housing to those with limited means. Yet, rather than accommodate these needs, the applicant explicitly declined to include any low-income units because of concerns for its own bottom line. This is inconsistent with the County's Housing Element of the General Plan.

The County Zoning Ordinance and General Plan were put in place to reflect the current state of the community and to protect it. The Project promises to irreversibly obliterate these protections for the surrounding residential community if it is approved through permanent modifications to these essential County provisions.

Please deny this Project. The proper environmental review has not been conducted, including an analysis of greenhouse gas emissions, and the Project proposes a high-density use that is wholly incompatible with the surrounding community, the General Plan, and the zoning designation. It will also place an undue burden on its neighbors through increased traffic, air quality impacts, and visual blight.

Thank for your time and consideration of these issues.

Sincerely,



Craig V. Manning

cc: Mr. Jodie Sackett