

“Protecting the Integrity of our Community”



W.H.H.O.

Woodland Hills Homeowners Organization

P.O. Box 6368, Woodland Hills, CA 91365

www.whho.com

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Robert Veeck

* Founder -
In Memoriam

SENT VIA EMAIL AND REGULAR MAIL

Email: elva.nuno-odonnell@lacity.org

MS. ELVA NUÑO-O'DONNELL

City of Los Angeles, Department of City Planning
6262 Van Nuys Boulevard, Room 351
Van Nuys, CA 91401

THE HONORABLE COUNCILMAN BOB BLUMENFIELD

19040 Vanowen Street
Reseda, California 91335

**Re: Promenade 2035 EIR Comments,
Environmental Case No: ENV-2016-3909-EIR
Public Comment from the WHHO**

Dear Ms. Nuño-O'Donnell, and the Honorable Council Blumenfield:

The Board of the Woodland Hills Homeowners Organization (WHHO) hereby submits the following Comments to the Draft Supplemental Environmental Impact Report, **ENV-2016-3909-EIR**.

I. DENIAL OF DUE PROCESS - the DSEIR denies the Public their Constitutional right to Due Process:

From the outset it should be noted that the Woodland Hills Homeowners Organization (WHHO) objects to this DSEIR due to its substantial lack of specific project facts. Instead the focus is on pure speculation, especially when looking at the Stadium. Further, the “project” will drag on for such an extended period and will not be fully completed in a “reasonable” time. Throughout the many “public” presentations by the Developer, they have consistently refused to provide sufficient detailed facts to permit an informed discussion.

The *Public Resource Code* (hereinafter PUC), Section 21061 provides in relevant part:

“An environmental impact report is an informational document...**The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment**”. (Emphasis added).

PUC Section 21003 (b) goes on to clarify that:

“21003. (b) Documents prepared pursuant to this division [must] be organized and written in a manner that will be **meaningful and useful to decisionmakers and to the public.**” (Emphasis added).

There are too many moving parts over too long a period for this DSEIR to be “meaningful and useful” to decisionmakers and to the public. With the details lacking, no one can know what this project will look like on completion and thereby the public does not have any informed insight concerning its effect on the community. The lack of details thereby denies the public an opportunity to make an informed discussion on what comments should be considered.

The purpose of filing an EIR - and here the DSEIR, is to alert the public about environmental decisions. “Public notification serves the public’s right ‘to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.’ (*Karlson v. City of Camarillo* (1980) 100 Cal.App.3d 789, 804.) This public participation assists the agency in weighing mitigation measures and alternatives to a proposed project. ([PUC] §§ 21100, 21151.)” (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 938.)

This inherent prejudicial failure to provide sufficient details for this project prevents the Lead Agency and, most importantly, the public in general from knowing, understanding and reflecting on the actual facts and to understand the real effect on the community. Such a failure by the DSEIR denies the public their constitutional due process right to understand what really is being proposed and to give full and informed comments about the project and the contents of the DSEIR.

It should appear clear that the people of California, in enacting the CEQA legislation, find that in a democracy, due process, fairness, and the responsible exercise of authority are all essential elements of good government.

There is no fairness here, and the public’s constitutional substantive and procedural due process rights are violated by this DSEIR. The Lead Agency must reject this DSEIR and require the Developer to return with specifics facts so both the Lead Agency and the public in general may give the project proper consideration.

II. FAILURE OF DSEIR TO FULLY ANALYZE CUMULATIVE EFFECT(S) OF ALL RECENT AND SUBMITTED WC PROJECTS.

The fast evolving nature of the Environmental Setting within the Warner Center Area due to hyper-development activity, a reconsideration of the related projects section of the DSEIR is deemed appropriate for a prudent and fair analysis of the cumulative effects intended by the California

Environmental Quality Act. Section III.B Related Projects, considers 29 past, present and probable future projects producing related or cumulative impacts. However, more projects, many more, are being proposed since the DSEIR was submitted, and all must be included in the related projects. A complete analysis must use an adjusted datum, not from the time of the original filing of the Project, but data that includes all projects submitted up to September 2018-- or an even later date. The duration of the entitlement period and the duration required for the environmental analysis due to the project's sheer size, makes freezing the datum to the original filing date a flawed process that provides inaccurate conclusions and thus prevents real due process.

Furthermore, the only way to properly evaluate the ESC (Entertainment and Sports Center - aka the Stadium) with an eye to due process is to assume a full build-out of the entire WC 2035 Specific Plan as was assumed in the original WC 2035 Specific Plan.

Such a detailed evaluation of the ESC is consistent with CEQA and the WC 2035 Specific Plan.

III. POPULATION GROWTH AND THE PROMENADE 2035 PROJECT IS IMPROPERLY EVALUATED

The DSEIR fails to properly analyze the Population Impacts. On page IV.1-17 of Chapter IV, Environmental Impact Analysis, Section I, Population, Housing, and Employment, subsection 3.d(2)(a) titled Direct Population Impacts, the impacts of the projected additional 3,714 residents generated by the project, using a household size of 2.73 persons per household in multi-family dwelling units and a 95% occupancy rate, has been deemed by the DSEIR as "less than significant." However, these additional residents must be considered as part of the greater whole of the forced and planned population increase in Warner Center and Woodland Hills caused by the addition of many thousands of residential units in a short period of time.

The DSEIR relates this projected population growth on a 34-acre parcel within the 1.7-square-mile Warner Center to the 503-square-mile City of Los Angeles and the entire six-county region encompassed by the purview of the Southern California Association of Governments. Placing the projected population increase caused by the Promenade 2035 project within this much larger, regional context is nonsensical and misleading.

Instead, the DSEIR should have considered this projected population growth in its local context, that of Woodland Hills, where thousands of residential units built in the last 10 years have already had deleterious effects on traffic, water and electric infrastructure, air quality, noise and light pollution, and community-serving businesses, such as grocery stores, clinics, and pharmacies. Many thousands more are currently being built or planned.

The DSEIR is wholly deficient in considering the cumulative effects to the local community of not only the additional residents at Promenade 2035 but also the many thousands of guests and employees who would be expected to frequent the site on a daily basis. The local community must be defined as Woodland Hills and the western half of the San Fernando Valley. Therefore, the final SEIR must estimate the impacts of the projected population growth as they relate to Warner Center, Woodland Hills, and the adjacent communities of Canoga Park, Winnetka, West Hills, Calabasas, and Hidden Hills, not to the City of Los Angeles or region as a whole. This new calculation must be made, since if all units

envisioned in the Warner Center 2035 Specific Plan are built and occupied at a rate of 2.73 persons per household, at full build-out, the population of Woodland Hills will grow by more than approximately 82% in a short period of time over its 2008 level of 63,414. Again, the DSEIR is defective.

IV. DENIAL OF DUE PROCESS-REQUIRES CLEAR NOTICE AND A RIGHT TO RESPOND.

With the Promenade 2035 DSEIR, there is a consistent lack of specificity which reflects a lack of commitment as to what is actually being proposed concerning major issues and proposals. This lack of specificity denies the public the ability to properly and accurately gauge the critical issue and then fully respond within the allowed legal time framework. Many factual details for critical elements of this proposal have been omitted or ignored thereby denying the public the right to know what is entailed and circumventing the ability to properly respond. That is a denial of due process.

Examples of the lack of specificity include, but are not limited, to the following:

- Page I-10: "The southerly residential building within the Northeast Area (Northeast-B) would include **approximately** 326 residential units...." (Emphasis added).
- Page I-12: "The Entertainment and Sports Center **could** be as large as 15,000 seats but would be designed to include flexible seating to accommodate smaller gatherings". (Emphasis added).
- Page I-20: "The project includes **the option** to either construct one **or** two levels of subterranean parking in the Southwest Area which would be constructed with the development of the Southwest Area **or alternatively** construct five levels of subterranean parking in the Southeast area, which would be constructed when that area is developed." (Emphasis added).

As indicated earlier "**The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information...**" (PUC §21061, *Ibid*). (Emphasis added). This is a requirement that *must* be followed and obeyed.

The underlined words and similarly intended words occur throughout this DSEIR and reflect the applicant's intent to leave options open once the public input process either during the Environmental or the Entitlement process is complete. It is prudent and required that commitments be made that are more appropriate and specific in order to assess the scope of the project and its impacts on the environment, and the community's quality of life.

Required "details" that are sadly missing: The size of the ESC (Stadium), whether it is roofed or not, the maximum size, height, floor area and unit counts within all buildings, the programmed uses and amenities of publicly accessible open space, the parking solutions, the actual traffic solutions whether in the City's or CalTrans' jurisdiction, the exact infrastructure improvements required, actual police and fire solutions that will be carried out, LAUSD commitments as to a plan of action regarding provisions for appropriate public education and when all of these required actions will occur need to be presented.

A commitment of exact actions, all encompassing, is mandatory at this point with the requirement that any change to what is specifically stated must be reassessed by additional due process at the time the change is proposed. The ability for real due process can only be obtained with full disclosure.

V. THE WC 2035 SPECIFIC PLAN WAS NEVER INTENDED TO RELY ON A DIRECTOR'S INTERPRETATION TO ADDRESS A PROJECT AS LARGE AS THIS.

Administrative decisions on a project as large as the ESC (Stadium) in the Promenade project are outside of the original considerations of the WC2035 Specific Plan. Having filed a project of this magnitude (which includes a super-sized sports arena), it is no longer appropriate to be controlled by administrative decisions, and the applicant must not be allowed to stick them in under a process that it was never intended to be used in. Relying on a Director's Interpretation for the ESC circumvents due process for the public and allows the developer and the Lead Agency to arrive at decisions outside of the public purview and must not be permitted.

VI. DECEPTIVE RELIANCE ON OTHER CITY DEPARTMENTS TO MAKE THE DSEIR WORK.

The developer provides few if any realistic answers in the DSEIR as to how the City can mitigate many of the problems created for the community by their project. There is a tremendous reliance that those problems will be addressed and rectified in the future by already over-burdened City and State Departments, which is a fallacy. The DSEIR does not fully evaluate or offer solutions, but instead gives deference to others to provide answers. Any plans for solving the major problems created by construction of this project are left unanswered or are shifted instead to other entities, which is deceptive.

- **Cal Trans** - Examples of traffic impacts are numerous within the DSEIR and the following are only examples as selected from page I-155 and I-156 of the DSEIR;
 1. "The addition of Full Project traffic is projected to result in the operation at LOS [Level of Service] E or F of nine of 11 mainline segments along the 101...."
 2. "The westbound off-ramp to North Topanga Canyon Boulevard...; (and) the US 1010 Westbound off-ramp at Canoga Avenue is also projected to exceed the available queue storage capacity..."
 3. "Future with Project Year 2033 Projects.....Intersections..... 21 of the 26...operate D or better....the remaining 5 LOS E or F....."
 4. "...the average proportionate share of mainline freeway growth at project build-out is 2.51 percent without an ESC event; the corresponding proportionate share with a sold out ESC event is 5.20 percent in 2033."

Exact mitigation measures that have real timelines, legal nexus, commitments in writing, beyond paying fees to the authorities having jurisdiction, must be carefully spelled out for these and all the impacts enumerated in the DSEIR. It must be noted that this is a response to actions beyond the City's direct

purview including those listed in the DSEIR on pages I-161 through I-167. The solutions that are committed to by all agencies *must* address succinctly the freeway and surface street intersections that are assessed at a LOS [Level of Service] below D either currently or upon implementation of the project, the ramps with current or full project traffic exceeding the available queuing storage, and/ or the affects to the freeway mainline need to be spelled out in detail. Not only the problems and related solutions, but the descriptions of the physical improvements and when they would occur (in relation to specific project improvements) needs to be presented and committed to for public assessment. The conclusion that "if the improvements aren't made then the impacts will remain significant" cannot be considered as the fair and prudent result of this DSEIR or the decision-maker's findings of overriding considerations.

- **Police** - The effect on the Police Department due to population and employment increases and especially with consideration of a sold out ESC event cannot be understated. Numerous mitigation measures are presented in the DSEIR regarding the effects that are anticipated. Issues to consider have been presented as follow:
 1. Page I-115: The project would increase the police service population "**from 196,840 persons to 218,634 persons.**"
 2. Page I-115: The project could potentially increase the annual number of reported crimes in the Topanga area "**from 110 to 123 reported crimes per year, an increase of 12%.**" It also states this is a very conservative, likely overestimation of crime based on daily sold out event of the ESC.

Recognizing the commitment to implement the Proposed Design Features, the provision of private security for the ESC, the Emergency Response Plan proposed, and the implementation of the WC Plan Mitigation Measures, the Police Department and the Lead Agency must still include a serious plan from the Police Department in this DSEIR that spells out and commits to a safer community through increased staffing and facilities. This is in direct response to fees collected, increased tax revenue and the nexus for this project, and including the cumulative impacts of the recent development activity in Warner Center as a whole. (See the comments related to cumulative impacts above.)

- **Fire** - Similar to the Police Department, the effect on the Fire Department due to population and employment increases and especially with consideration of a sold out ESC event must not be understated. Consider these issues:
 1. Page I-125: "**The development.....would result in an increase of approximately 3,714 residents.**"
 2. Page 126: "**Project related traffic would have the potential to increase emergency vehicle response times to the project site and surrounding properties...**"

Similar to the issues discussed related to the Police Department, the Fire Department and the Lead Agency must include a serious plan by the Fire Department in this DSEIR that spells out and commits to a safer community through increased staffing and facilities in direct response to fees collected, increased tax revenue and the nexus for this project and the cumulative impacts of the recent development activity in Warner Center as a whole. See the comments related to cumulative impacts above.

The Warner Center "**Mitigations Measures**" covered on pages I-129 and I-130 [PS-1 through and including PS-10] are recognized as critical issues, but also are noted simply as reiterations of building and fire code that would be required in any project. As a result, this does not provide a proper response to the increases in population and traffic that will burden the Fire Department when the Promenade 2035 project is fully built-out.

- **Public Schools (LAUSD)** - By adding the thousands of new residences at this project, the existing school structure will be challenged. The DSEIR fails to provide adequate consideration on this issue and relegates it to paying a mitigation fee to LAUSD without stipulating exactly where those fees are to be used. **There must be detailed solutions** to the influx of new students who will have to be accommodated. These solutions must be presented specifically in this DSEIR and committed to by LAUSD and the Lead Agency. The following comment in the DSEIR is insufficient to truly provide the adequate actions and mitigations required:

1. Page I-133: "Project-level and cumulative impacts with regard to schools would be less than significant with the **payment of development fees** to LAUSD prior to the issuance of building permits." (Emphasis added).

Our specific comment to the information of I-133 is that **developers have been paying these fees for years while little or no expansion or investment have occurred to schools in the West Valley**. Population migration to other areas, an aging population, a lack of families moving to the area and the movement to private schools has been the product of mismanagement of the school system. The influx of high density housing will bring a younger populous and the increased opportunity for young families. LAUSD must publically and consistently be surveying the West Valley for current needs. An LAUSD plan and commitment regarding implementation of planned improvements and public outreach must be included in this DSEIR to adequately assess the impacts that are project specific and also the impacts that are cumulative. Failure to do so denies families coming into the community the opportunity and right for a good and affordable education.

- **Homeless and Transient Services** - the Entertainment and Sports Center (ESC) and open central park space will both be an attractive nuisance for the homeless and transient individuals. The DSEIR does not address the problem - and must provide a detailed type of plan that enumerates details about practical solutions if the problem arises. Again, the lack of details and procedures prohibits a proper response from the community on this critical matter.
- **DWP** - Section M [Pages I-174-I-193] (Utilities and Service Systems) concludes that all systems (Water supply, Wastewater, Solid Waste, Natural Gas, and Electricity) will be available for the project at full build-out and with consideration of cumulative effects. However, mitigation measures and design features must be required to reduce the burden on the infrastructure. Given the recent power outages and the increasing problems of the aged infrastructure, major DWP improvements are needed to satisfy the proposed development - especially with the soaring increase in demand for water and power. A detailed explanation by the City and a full assessment of the costs of the needed improvements must be presented in the DSEIR. Failure to do so prohibits the public's ability to properly respond to this critical issue. There is a difference between the needs being met by available capacity and the certain increased demands for both more water and additional power to be taxing our aging systems.

VII. DSEIR ANALYSIS OF REASONABLE RANGE OF ALTERNATIVES

Page I-22- I-24- 11. Summary of Alternatives- The conclusions ascertained in the overall DSEIR for all of the Alternatives 1-5, are required to be added to the Executive Summary as only the descriptions of the Alternatives are included currently. The executive summary includes conclusions of impacts for all other categories and this is the only section where this information is missing. Only in the case of the Alternatives is the public forced to delve into the overly complex and lengthy main body of the DSEIR. This reduces the ability of the public to properly review and provide input, thus reducing fair due process.

A critical alternative is Alternative No. 5, which includes 2 options for Reduced Entertainment and Sports Center Seating capacity. The Alternative includes an option for a reduction from 15,000 seats to 10,000 seats and an option reflecting a reduction to 7,500 seats. However, the Alternative 5 does not propose a reduction in square footage overall for the ESC but only the options of smaller venues within the complex. The statement on Page I-24 illustrates this as follows,

"While this alternative analyzes a reduction in seating provided in the Entertainment and Sports Center, the building area of the Entertainment and Sports Center under Alternative 5 is assumed to be the same as that proposed under the project for the Entertainment and Sports Center. This will provide for a variety of smaller seating areas within the same building"

Clarity is lacking with the statement above and requires further scrutiny. The naming of Alternative 5 insinuates that a real reduction in overall seating capacity for the building is being studied. The statement above reflects the possibility that, in fact, the capacity could stay the same and that the venue is just being broken up into smaller rooms. Under that scenario, there would be little difference in environmental effects between Alternative 5 and the Proposed Project when comparing sold out events in all rooms, the worst case scenario.

The deception caused by the Description of Alternative 5 prevents fair and prudent public input and due process. An alternative that clearly studies reduced seating capacities for the overall building should be included in place of the current Alternative 5. If the intent of Alternative 5 was to analyze reduced overall seating capacity, then this will require clarification and will require an opportunity for further public input.

VIII. TRAFFIC MITIGATION

There is no adequate traffic analysis of the impacts on our major streets and intersections in this DSEIR, since the proposed Promenade 2035 project includes the major ECS (Entertainment and Sports Center) that was not even anticipated or evaluated in the original WC 2035 Plan EIR. Nor does this traffic analysis fully include all of the major residential projects that are either under construction or are going through the Planning process. Additionally, the 2035 WC EIR assessments also failed to take into consideration the ongoing densification of the Reseda, Winnetka and Northridge areas, which substantially add to traffic on major thoroughfares traveling through Warner Center as those area drivers connect to the 101 Freeway.

The failure to consider all of the cumulative effects of traffic coming from the addition of the ECS, and from surrounding areas not considered in the original WC 2035 EIR, mean that a new and more comprehensive survey must be conducted-and a list of necessary mitigations completed - before this project begins construction:

1. The DSEIR lists (8) intersections that will have stated significant traffic impacts: Canoga & Vanowen, DeSoto and Vanowen, Owensmouth and Victory, Canoga and Victory, Shoup and Oxnard, Topanga and Oxnard, Topanga and Ventura. However, the ESC adds (4) intersections with stated significant impacts: Canoga and Oxnard, Topanga and Burbank, Topanga and the 101 West-bound off-ramp and Topanga and Clarendon. Seven (7) of those intersections are already rated "F" by DOT. A complete updated analysis of those intersections and the spill-over impacts onto the other 8 intersections cannot be accurately studied or assessed since there is no determination of the capacity and operating hours (during a game or performance) of the facility that can dramatically impact traffic at those locations.
2. Traffic estimates for Topanga Canyon, Owensmouth, DeSoto, Winnetka, and Victory: Estimates for traffic on the main thoroughfares to, through and from Warner Center fail to use fully-updated traffic counts and revised 2018 numbers. Estimates for the original WC 2035 Plan did not take into account all the densification currently occurring in adjacent areas and in connected areas like Chatsworth, Northridge and Reseda which greatly impact traffic trying to reach the 101 Freeway and the Valley travel core .
3. The DSEIR clearly designates the only mitigations for these intersections are the planned physical improvements implemented as part of the original 2035 Warner Center Plan Mitigation Program The DSEIR fails to incorporate the latest traffic counts and forecasts and factor in the traffic counts for the built-out ESC. This means all DSEIR traffic projections must be reevaluated using updated, accurate data that includes these factors.
4. The critical on/off ramps to access and exit the 101 Freeway from Topanga Canyon Blvd. have not been adequately researched using updated traffic figures that include the full build-out of the WC 2035 plan, or the ESC. The specifics on how CalTrans will accommodate and mitigate the influx and out-pouring of additional automobiles to and from the ESC have not been established, and mitigation fees from the developer cannot physically reduce the congestion or confusion that will be generated by the complex. The DSEIR must be revised to accurately incorporate all of that data in order for the public to render cogent and accurate commentary.
5. In the DSEIR, the traffic impact analysis assumes a full implementation of all measures in the mitigation plans. However, many of those measures--especially the ones requiring Caltrans involvement--have not been implemented, and the DSEIR assumptions are overly optimistic in terms of mitigation capabilities, as well as the reliance on mitigations from the yet-to-be-formed Neighborhood Protection Committee-the body expected to implement the Neighborhood Protection Plan for residential streets, as called for in the 2035 Warner Center Specific Plan. The DSEIR must be reconsidered and revised to provide the public with accurate analysis so that the community can respond with commentary that is succinct and targeted.
6. The DSEIR relies on 2008 Data, which used a growth rate factor of .56%. This does not

accurately reflect the true area growth due to recent housing and apartment construction and a surrounding area increase of approximately 17,000 residents since 2008 which is not accounted for in the original 2035 Warner Center EIR. More up-to-date data must be used to rewrite the DSEIR so that it more accurately presents the traffic problems we will face, and provide specific mitigations for it.

IX. COMMERCIAL AND RETAIL PHASE PLAN CONSTRUCTION AND LACK OF BALANCE

Commercial Phase Balance: There is no guarantee when-or even if-the commercial phases of many WC projects will be built since their unresolved construction dates exploits a flaw in the 2035 WC Specific Plan by hedging the requirement with the notation, "subject to market conditions." The DSEIR fails to recognize this situation and provides flawed estimates to the impacts this project will have by failing to balance Residential with Commercial as development proceeds.

1. **Intention of 2035 WC Specific Plan was to balance live, work, and play.** By indefinitely postponing the "work" element of proposed developments --including the Promenade 2035 project-- and leaving commercial construction for a final phase that may never get built due to unspecified "market conditions," the anticipated balance is dramatically tipped to residential use without any conditioning or guarantee(s) necessitating the construction of the commercial work elements within a specified time limit. The DSEIR fails to discuss or determine any penalty or guarantee that would mandate the required commercial balance for the Promenade 2035 project. The DSEIR must compel the developer to maintain a balance of residential to commercial as the Promenade project is being constructed.
2. **"Market Conditions" and "Market Rate" terminology cannot be adequately or fully evaluated by the DSEIR.** Those two terms are used throughout the DSEIR to give the developer unrestrained leeway as to fulfilling the requirements of the 2035 WC Plan. Those terms provide no established boundaries, timelines or specifics, thus depriving the public of the ability to make an accurate evaluation of the feasibility or timing of critical elements of the Promenade 2035 project. The DSEIR must enumerate the specifics and parameters for each of these terms so that the public has due process in order to provide accurate comments.
3. **Future proposed changes must require each "Phase" of the Promenade 2035 project to be reevaluated by the public.** Future changes in "market conditions" can change the build-out proposals of the Promenade 2035 project, the size and look of specific project elements, transportation and mobility mitigations, and other important factors. The DSEIR does not factor any of those specific changes into its DSEIR. To guess what will "come down the road" is to speculate or guess what the developer may do, and that is a denial of process for the public which must be reconsidered in the DSEIR.
4. **Imbalance of residential to commercial:** Leaving the major commercial components of the project to "Phase IV" of the construction plan and building an Entertainment and Sports Complex (ESC) in Phase III sublimates the intended live/work balance of the 2035WC Plan. This important aspect of the 2035 WC Plan was not adequately evaluated in the DSEIR and must be reconsidered. This is vital because the DSEIR's environmental and traffic assumptions rely on

sustaining the live/work balance and mitigating negative impacts. Without an accurate reassessment, the public is unable to render accurate commentary, which is a failure to provide due process. **The Lead Agency must consider and require that “Phase III” (the Stadium) be moved to “Phase IV” and re-evaluated when the Developer has sufficient details to make a review meaningful.**

X. ENTERTAINMENT AND SPORTS COMPLEX STADIUM/ARENA

One of the most contentious and critical elements of the Promenade 2035 application is the proposed Entertainment/Sports Complex (ESC). It by any other name is a huge Stadium. The DSEIR fails to adequately address, detail or mitigate crucial factors concerning this major structure including its exact size and capacity, its exact format, and its impacts on traffic, neighboring residences, or nearby buildings. The proposal for this structure is not specific. Therefore, conclusions in the DSEIR can only be arbitrary and without accurate data to evaluate the project, therefore denying the public due process.

- 1. The wrong standard:** The real flaw in the DSEIR is attempting to analyze the Entertainment/Sports Complex (ESC) is the reliance on a false standard. The Complex has always used the “seats” as the standard when it is the “Occupant Load” that is the proper standard. To permit a Stadium to be restricted by the number of seats and not the Occupant Load encourages deceptions of putting in “standing room viewing” that can be substantial. Analysis with the wrong standard results in the wrong conclusions.
- 2. Director's Determination:** The DSEIR section(s) dealing with this proposed structure delegate key decisions as to size, capacity and roof determination (roof/no roof) to a Director's determination. The developer has had adequate time and resources to make their own determinations as to maximum occupancy capacity and a specific roof-style but didn't include those final decisions in the DSEIR. Instead, the DSEIR offers a smorgasbord of choices that is proposed to be left to a Director's determination. The submission of all of these "Alternatives," denies the public access to a single set of specifics and accurate projections for some of the most critical elements of this structure. That prevents the public from being able to accurately and specifically raise issues and respond in the legal time limit. The DSEIR must be resubmitted with specific, final choices from the developer so that the public is presented with a definite and accurate picture of what is being planned.
- 3. No Specific 2035 WC Permission:** Additionally, there is NO specific language in the WC 2035 Specific Plan that determines if a complex of the size and scope of the proposed ESC in the Promenade 2035 project is even allowed by WC 2035 guidelines. The Applicant states that a structure of this size and use is "not specifically prohibited." However, many community groups and individuals believe that after 8 years of debates and negotiations with the City, the WC 2035 Plan is a finalized law that would have addressed this issue if the Specific Plan was intended to allow a stadium/arena of this size in Warner Center. Omission in the 2035 Plan must not be considered an endorsement for any complex of this nature and size. The ESC complex cannot legally be considered an "Entertainment" use that is permitted, contemplated, discussed or encouraged by the WC 2035 Specific Plan, and therefore it must not be permitted in the Promenade 2035 project.

4. **Undetermined Aspects:** In the DSEIR, the developer fails to make a firm decision on the issue of maximum occupancy capacity and if there will be a roof or no roof. The public must have a definite proposal as to the capacity and roof issues, or else it leaves the options open for the Applicant, but leaves the community with no information as to specific mitigations needed and offered as far as traffic, noise, lighting and other factors impacting the surrounding neighborhoods. When evaluating the DSEIR, the public has a right to have complete and final information in order to render a fair evaluation and generate an accurate response. Again, this is a failure to provide due process and the DSEIR must be rewritten to include a final determination by the Applicant.
5. **“Phase III” should be moved to “Phase IV”:** It is strongly our position that future proposed changes must require each "Phase" of the Promenade 2035 project to be reevaluated by the public. This is especially true with the Stadium (ESC). The lack of detail - and commitment on behalf of the Developer - require that the Lead Agency require the Developer to move the ESC to the last Phase. This will permit the commercial/residential ratios to be in balance before the ESC is undertaken. Further, the size of the ECS is so large that it is a “project” within itself and the “details” of the “project” as it will then relate to the community must be brought back to the for both community and Lead Agency review and comment. To do otherwise is again a denial of the community’s substantive and procedural due process rights.
6. **Director's Interpretation:** The DSEIR's designation of a "Director's Interpretation" to be made by the Lead Agency as to size, capacity and roof choice of the ESC denies the public due process. By inserting this procedure in the DSEIR, the applicant has avoided presenting accurate information and analysis to the public - instead assigning these crucial determinations to a Lead Agency that will not be under public scrutiny when these critical decisions are made. This precludes a complete lack of transparency and a failure to provide due process in the EIR process. The community would not have any real oversight of this project, or the Director's interpretations. That is wrong, unfair to the community, and does not fulfil the purpose and public interest of CEQA.
7. **Inaccurate Traffic Counts:** Traffic estimations that are not accurate for the ESC are provided in the DSEIR. Neither the Applicant nor the City can make accurate estimates, because the maximum occupancy capacity and use factors for the Entertainment and Sports Center are undecided at the time the DSEIR is being evaluated. Accurate traffic projections and mitigations concerning the project cannot be made until final decisions on the maximum occupancy capacity and specific usages of the complex are submitted and evaluated. Not having accurate traffic projections burdens key routes on Ventura Boulevard, Topanga, Oxnard and the 101 Freeway for which no realistic mitigation plans have been provided. On page I-154 of the Executive Summary, the Caltrans Analysis does not include impacts to On-Ramp queuing or on proposed mitigation efforts for existing LOS E and F segments.
8. **Roof Options:** Undecided roof option makes evaluation of the entertainment and sports complex unreliable. The developer has failed to make a decision in the DSEIR as to whether their proposed entertainment/sports arena would have a fully enclosed roof, or if it is to be an open-air stadium. The failure to make a final roof decision makes it impossible to evaluate a number of critical impacts that can affect the community. Accurate estimates as to noise, lighting impacts, traffic counts and other vital factors cannot be accurately judged in the DSEIR, and any determinations

in that document cannot be considered as factual until a final roof decision is made and submitted, and another study is conducted to measure all of the potential impacts of the ESC project. Moving forward with any decisions on the entertainment/sports complex denies the public due process.

9. **Lighting Impacts:** The impacts of sports or entertainment lighting on neighboring residences and on nearby businesses from an open-air entertainment/sports complex have not been studied or included in the DSEIR. Proposed lighting configurations and specifications have not been provided by the developer in the studies, and therefore cannot be accurately analyzed or evaluated by the public. Any consideration of the proposed ESC must be rejected since the potential impact(s) of the bulb size, lumens, direction and physical placement of the lighting banks cannot be studied and evaluated. Total lumens, light glare, light seepage and impacts to neighboring areas must all be thoroughly analyzed by the DSEIR and they have not been. Sporting events require substantially more candlepower than many other open-air events which can have substantial impacts on neighboring residential homes and complexes. Also, potential lighting techniques like strobes, sky searchlights and other lighting effects frequently used in outdoor concerts have not been studied in the DSEIR and must be included for an accurate analysis.
10. **Sound and Noise Impacts:** Noise and sound issues emanating from the ECS have not been accurately addressed or thoroughly analyzed in the DSEIR due to the failure of the developer to specify whether the structure will be open-air, or have a roof. Consideration of the ESC must be removed from the Promenade 2035 project's EIR process until a final decision on the roof configuration, the maximum occupancy capacity figures and the types of events/performers it intends to feature in the complex is included in the studies. The DSEIR states that the level of noise from the complex will be "less than significant." However, no studies can be conducted or evaluated because the size, configuration, and roofing for the facility have not yet been decided. Therefore all resolutions made for this project in the DSEIR actually deprive the public of an accurate evaluation made in the context of a fully developed plan with their accompanying factual data. Additionally, many sports and entertainment acts require significant amplification which is unmeasured and not evaluated in the DSEIR. Sporting events also generate "excitement moments" that are many dBs higher than the underlying crowd noise. Moreover, it is common practice in the hours preceding concert events for event crowds to perform loud sound checks. Those factors have not been analyzed in the DSEIR. In addition, the DSEIR does not suggest any type of monitoring systems for the noise factor, nor has a threshold noise level been set for the venue so that violations and penalties can be established. All of those factors create a denial of due process, and deny the community the ability to offer input that can protect their residences and the enjoyment of their neighborhood(s).
11. **Shared Parking Agreements:** Shared parking for events with neighboring properties not owned or controlled by the developer has not been accurately analyzed. A considerable amount of the required parking for a 15,000-seat ECS is projected to be provided through parking covenants and agreements with neighboring commercial buildings near the complex site. However, there is no guarantee that the "shared parking" will be available in the future, as availability will be determined by the buildings' occupancy rates and usage, as well as the days and times of the sports/entertainment complex event(s). The DSEIR fails to ensure that there will be verified long-term parking contracts with neighboring buildings before an ESC gets built. It also fails to specify that if the parking agreements should terminate, that the use of the stadium will also

terminate unless other parking structures of equal or greater size are provided. **The Lead Agency MUST require that the adequate parking agreements are in place before any certificates of occupancy are issued for the ESC and if any should lapse or terminate, then any certificates of occupancy must terminate until the parking is corrected.**

12. **Private Security:** The DSEIR fails to adequately address the issue of additional stadium/arena security that will be necessitated by a very large entertainment and sports venue. Because the Topanga Division of the LAPD operates with tremendous manpower constraints, it cannot be reasonably expected that the LAPD will have the resources to monitor and control on-going crowds at a potential 15,000-seat venue. However, specific details for security and additional LAPD support have not been provided in the DSEIR or by the Applicant. This is crucial information that is necessary for the public to have when making a realistic assessment of this issue in the DSEIR. A new DSEIR must be submitted containing this information and the public must be granted additional time to assess this information and submit their comments.

XI. NEIGHBORHOOD PROTECTION PLAN AND PROCEDURES

Neighborhood Protection Plans are an important component of the WC 2035 Specific Plan. However, this DSEIR provides little or no insights on what protection procedures are intended by the developer, or what specific procedures it will be compelled to follow:

- By failing to articulate the plans and procedures to protect surrounding neighborhoods from impacts caused by the Promenade 2035 development, the public has no facts on which to file comments or objections. The community is essentially left "voiceless" on some of the most important mitigation measures that the developer is expected to provide. That includes cut-through traffic from the Promenade development, overflow parking, and other important issues. Each measure must be spelled-out, and the mitigation plans articulated in the DSEIR so that the community knows what they can expect, and can accurately comment on them.

XII. OPEN SPACE / PAOS ISSUES

While the Promenade 2035 meets the WC 2035 Specific Plan's requirement for Open Space and Publicly Accessible Open Space (PAOS), there are many critical factors that are either overlooked, omitted or unresolved in the DSEIR:

1. The security plans (and security measures) for patrolling and controlling the large open areas within the project (The central park, small residential green areas) are not adequately adduced. The DSEIR does not fully explain the role or scope of the private security force it proposes. Will the private security force have the training and capabilities to handle issues so that the LAPD is not burdened? If not, how much time and how many LAPD personnel will be required to augment the private security force? These specific issues must be raised and addressed in the DSEIR.
2. Will all PAOS be under the scrutiny and control of the private security? Will that scrutiny extend to monitoring public bathrooms? Will the private security force have authority to close off PAOS spaces within the Promenade? What are the prevention plans to discourage the homeless and

transients from residing or setting up camps in the main park? Again, the public is denied due process because these issues and mitigations are not clearly enumerated in the DSEIR.

3. This DSEIR does not specifically address security in the form of security lights and cameras or present an accurate picture of how and where they will be used. Nor does the DSEIR verify that Westfield (Unibail-Rodamco-Westfield) will be responsible for hiring, training and deputizing security staff so the LAPD will not be required to respond to all security calls related to the site. These are all critical safety issues that the community needs specific answers for, and which the DSEIR fails to provide. These issues must be addressed in a new DSEIR and the public must be given adequate time to analyze them and respond.
4. What are the limitations on usages for the open spaces and PAOS-and who will set the standards? The City? The developer? The community must be able to have input on what those standards are. Because they are not presented in the DSEIR, the public cannot accurately comment on those standards. This is critical because the usage will affect the community-and impact on their quality and enjoyment of life. The DSEIR must be rewritten to incorporate this information and the public must be granted adequate time to analyze the data and provide comments.
5. Macy's Bells: While the Macy's building itself may not have any community historical significance the bells are at least a symbol of the past that must be retained. We understand that these bells are in the possession of the developer and should be part of the open space development on the Project to maintain some historical reference to the Woodland Hills past.

XIII. CONCLUSION:

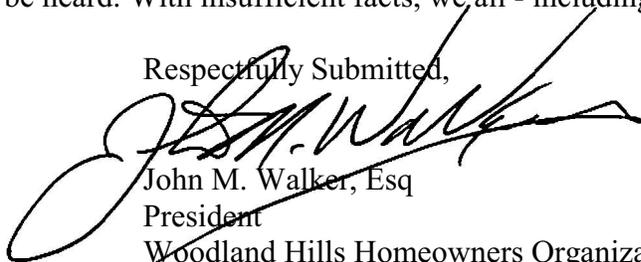
This Draft Supplemental Environmental Impact Report (DSEIR) is defective, misleading and fails to meet the basic needs and requirements of CEQA. It must be rejected by the Lead Agency and a new DETAILED project with sufficient facts and proposals to be properly evaluated must be proposed. Not what has now been presented to the public.

Even the Public Resource Code, Section 21061, makes it clear that "details" are required.

"An environmental impact report is an informational document...**The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment**". (Emphasis added).

A fundamental governmental concept that makes democracy so admired is the right of the public to due process - the right to know and to be heard. With insufficient facts, we all - including the Lead Agency - are deprived of our rights.

Respectfully Submitted,



John M. Walker, Esq
President

Woodland Hills Homeowners Organization

CC: Blake Lamb - Valley Project Planning