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Date: April 27, 2021 at 4:15:19 PM PDT
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Cc: Robert Lia <robertlia@gmail.com>
Subject: West Village

Dear Mayor Bozajian and Councilmembers,

Together, Commissioner Lia and I oppose the proposed West Valley Project, for the reasons set forth below.

Thank you for your consideration.

Kind regards,

Michael

**COMMENTS FOR WEST VILLAGE PROJECT BY PLANNING COMMISSIONERS
MICHAEL HARRISON & ROBERT LIA**

COMMENTS BY MICHAEL HARRISON

1. Landslide.

1.1 This turns out to be a red herring. Everyone knows the landslide is ancient and hasn't moved in thousands of years.

1.2 If it was so important, why didn't we have one map of it in the 3000 pages we were given in 2019?

1.3 Why was Alternative 4 originally included, which Rincon said was completely viable? The response we were given to that question is not credible.

1.4 The mapped geology information presented last week was interesting, because my undergraduate degree is in geography, like Tom Bartlett's. But the other landslide testimony presented last week was not credible. The claim that absolutely nothing could be built anywhere on the two parcels is not credible. If the geologist knew all that years ago, wouldn't it be malpractice not to mention it when he was working for the City during the General Plan updates years ago? Why were there no maps before?

1.5 Finally, in the worst expected earthquake, the landslide could slip several feet. As I said before, there are a lot of other slides, like a couple in my neighborhood, which would be far more serious. And this landslide isn't even monitored, so it's not even a remote threat. Last week we heard the real reason for removing the landslide from Greg Byrne, and it has to do with money, not safety.

2. Traffic and Greenhouse Gases.

2.1 The staff report and EIR claim that this project will improve traffic and help California meet its greenhouse gas goals. That couldn't be less credible.

2.2 Just changing the signal at Las Virgenes and Agoura Road to a four-way signal will double the time it takes to get through the intersection. The report says there will be two additional left-turn only signals at that intersection. Add that to the existing rush hour traffic where you already have to wait for 3 green lights on Agoura Road to make a turn, and you've got gridlock.

2.3 The commercial element allows the applicant to state that many residents will stay onsite to go to the cleaners, to buy a cup of coffee, to go to a restaurant. Because there is just no financial viability in any of those uses, the traffic studies are false. Most of the Avanti commercial space is vacant and has been since it was built. The purported commercial uses in this project are a red herring just to come up with lower traffic impacts.

3. General Plan.

3.1 In addition to all the other inconsistencies with the General Plan, this project is not a village in any dictionary I'm aware of, even though on page 2-20 of the General Plan EIR - that Rincon wrote - it says the project would be developed to create a village feel. But this is more like an outdated public housing site plan, not a village site plan.

3.2 There are allegedly two building styles, but you have to look very hard to see the difference. The only distinction is that half the buildings will be painted white, half will be painted beige. The Somis Ranch Farmworker Housing Project which the Ventura County Board of Supervisors approved in February has 5 different building styles, surrounding a green space. It's a far better looking public housing plan than this project.

3.3 The General Plan itself, on page IX-16, states that a welcoming pedestrian level presence at street level along Las Virgenes Road is a key element. Clearly that's missing. It says buildings are envisioned to maintain good building form, including setbacks and balconies. Missing again. High quality, iconic architecture will follow architectural direction in the Las Virgenes Gateway Master Plan. All of that is missing too.

3.4 Concerning the General Plan's Housing Element, Paul Edelman pointed out that this isn't an issue if we don't approve the EIR. So that's just another red herring, but continuing to use the current strategy for RHNA is questionable and can come back to bite the City.

4. **OS-DR Zone.**

4.1 This stands for open space, development restricted. Grading and drainage structures like the ones in this project are prohibited in this zone. This can't be waived. This project can't be approved for that reason alone.

4.2 The second paragraph of slide 18 presented by staff is pure fabrication. There is no mention of "permanent human occupancy type land uses" as being the only precluded development.

4.3 Page 339 of Title 17 contains the Development Code definition of development: "Development" means any grading or construction activity or alteration of the land, its terrain contour or vegetation...Even public utility structures are prohibited. You can't have a cable box, let alone 2 miles of concrete v-ditches.

4.4 The citizens of Calabasas are undoubtedly dismayed to hear the city attorney's claim that Measure D opened up more development in the OS-DR zone than the Development Code. If the courts uphold the city attorney's claim, did the drafters of that measure intentionally defraud the citizens, or was that just malpractice?

5. **Scenic Corridor.** All the street trees violate the ordinance due to their height. The applicant had two years to fix this but didn't.

6. **Las Virgenes Gateway Master Plan.** Aside from the lack of a village site plan, I'm disappointed by the Spanish colonial architecture, which isn't permitted, but this can still be fixed.

7. **Fire.**

7.1 EIR response 8.7 on page 155 is false. Basically it says that because the project is built to code, there will be no impact from wildland fires or to emergency evacuation. It's the same response to so many other comments which were received raising other concerns; it's to code, so all's good.

7.2 The response is totally illogical. Just because something is built to code doesn't

make it safe.

7.3 Lead in pipes, lead in paint, asbestos on ceilings, and asbestos in ducting all used to be to code.

7.4 All those soft-story buildings which collapsed in the Northridge earthquake were built to code. An old friend of mine named Matt Kupferman died in one of the buildings which collapsed.

7.5 Don't be misled by hollow buzzwords. "Hardened buildings" just means buildings built to code. In the Santa Rosa fire and in the Paradise fire, scores of hardened buildings were turned into ashes.

7.6 Fuel modification zone is another hollow buzzword. Current code prohibits trees and some other plants within 30 feet of a structure. That's meaningless in a major wildfire, which jumps freeways. Look at what happened to the Good Nite Inn.

7.7 And don't think that buildings sprinklered to code will have any effect. Interior sprinklers are great for kitchen fires or mattress fires. They are useless against major wildfires. Again, look at the Good Nite Inn.

7.8 Another hollow buzzword is "shelter in place", which many residents of Paradise were forced to do when they couldn't get out. Many of them burned to death.

7.9 Two years ago I told you about the big fire in 1997 when all the evacuating students of A.E. Wright were stuck in buses which could not move on Las Virgenes. There were flames on the hills all around them. That's what will happen here. People will be stuck in their cars, just like what happened in Paradise, California, where at least 7 people burned to death while trapped in their cars trying to evacuate.

7.10 In this project, scores of residents won't even be able to drive TO Las Virgenes, so they'll have to try to walk or run to Las Virgenes to escape the flames and embers and sparks hopping around the canyon. Remember, the units at the back are two blocks east of Las Virgenes. Adding an extra northbound lane on Las Virgenes for just 300 feet only means more people will be stuck in cars on Las Virgenes.

7.11 On top of the impact to the residents of this project, the burning buildings in this project will set off fires in the Colony and throughout the neighborhood. This was demonstrated in the report put out by the Center for Biological Diversity in February, called Built to Burn, which was submitted with the comments we received. The report demonstrates that when new buildings have been constructed in the area, even fire-hardened buildings built to new codes, fires are more widespread. It all makes sense. This project basically adds more fuel and more connected buildings to the fire zone. If this project is approved, it's not just building homes, it's building a bigger fire next time around. By the way, that report was written by someone with more credentials than anyone here.

7.12 As Jolie Willett pointed out last week, residents of this project may not be able to get any fire insurance. Our HOA fire insurance policy was canceled this year, and what we finally found was triple the cost. That happened to many other HOAs in Calabasas.

7.13 This EIR will be thrown out just like the one for Centennial in Fort Tejon. And even if it is revised and approved, the Attorney General will bring suit against the City and the applicant to stop building in a deadly fire zone.

7.14 John Suwara spoke last week about the fires in the 1980s. Last year we had fires in Topanga and 121 degrees in Woodland Hills with choking smoke for days. Since July 1 we've had a total of 4.7 inches of rainfall at my station in Calabasas Park, one third of normal, so we're in a major drought again.

7.15 So whatever is ultimately built here, we need a real plan for saving people in a wildfire, such as building wildfire safety bunkers, like the ones they build in Australia, for all the people in this project and in the Colony. That may cost a lot, but it would be far more useful in addressing the true hazards of this project.

7.16 And we would need site-wide fire protection sprinklers, not just landscape sprinklers and interior sprinklers. Rotor sprinklers can reach 100 feet around. This project needs outside sprinklers for the entire developed site, including all the rooftops. Don't tell us it's sprinklered to code. That's deadly. Tell us you're going to install a concealed reservoir like the one on dirt Mulholland near the helipad in Tarzana, but filled with reclaimed water. You'll need the separate water supply to fight fires here and in the Colony.

7.17 Also, I would ask that the applicant obtain a surety bond to replace buildings in the project and in the Colony after they've burned. Why should those foreseeable costs be shifted to the City, to the County, to the State, to FEMA, to the SBA, to insurance companies, and to the victims and their families? And just how many more Matt Kupfermans will have to die from this built-to-code firetrap?

8. Summary of my thoughts.

8.1 The project fails to comply with state and municipal laws, rules and plans.

8.2 Disrespectful of the physical and natural environment: geology, biology, water, air.

8.3 Disrespectful of the people and businesses in our community.

8.4 A couple of years ago, I said this project was like Ahmanson Ranch 2.0. But actually it's worse. It's disrespectful of human life. It is a lethal project.

9. Comments on PC Resolution Exhibit B.

9.1 (page 4) The resolution only speaks about unmitigatable visual impacts which violate CEQA. But worse, there are also unmitigatable fire hazards. There is no mention of needing an adequate fire plan as required in the CEQA guidelines.

9.2 (page 6, first full paragraph, line 5). The Planning Commission recommends that the City Council acknowledge that permanent grading of a hillside and the installation of drainage infrastructure constitutes development, and thus the project is prohibited without voter approval under Section etc..... Leave out staff's

recommendation and change "qualifies" to "constitutes" and change "conclude" to "acknowledge".

9.3 There should be separate resolution paragraphs stating that the project should not be approved because it violates the intent of the General Plan in creating a village, it violates the Scenic Corridor Ordinance, and it violates the Las Virgenes Gateway Master Plan.

9.4 And be sure to add something about the traffic study not being accurate, because it relies on theoretical but non-viable commercial uses.

COMMENTS BY ROBERT LIA

Very High Fire Severity Zone

The Department of Forestry and Fire Protection ("Cal Fire") has designated the entire City of Calabasas as being in a "Very High Fire Severity Zone". Despite the project site in particular and the surrounding area having been ravaged by the Woolsey Fire, the EIR failed to analyze the project's wildfire impacts as required by CEQA guidelines.

During the Woolsey fire, area residents were trapped. The US 101 freeway, Agoura Road, Las Virgenes Road and Mureau Road were all closed for extended periods of time, in some cases days. Sadly, wildfires are a regular occurrence in this area, they will occur time and time again. The City needs to be prepared. Adding more vehicles from the project trying to escape in an emergency situation is beyond a nightmarish imagination.

The State recently has taken an active role against developments in wildfire areas. They joined lawsuits against two developments in San Diego County. Attorney General Xavier Becerra stated "Devastating wildfires have become the norm in recent years, with dozens of deaths and whole towns forced to evacuate. That's why local governments must address the wildfire risks associated with new developments at the front end,"

Los Angeles County Superior Court Judge Mitchell Beckloff rejected the county's approval of the developer's environmental impact report for the Tejon Ranch development.

Specifically, the judge cited aspects of the environmental review concerning wildfire risk and additional greenhouse gases generated by vehicles.

The City Council should and must take a discerning look at the dangers this project, in its present configuration, brings to the community. If the City wants to sponsor a community barbecue, they should make sure that the residents are not the entree du jour.

Utilities and Service Systems

California is once again in a severe drought. As reported in the Los Angeles Times, "The California Department of Water Resources announced that it expected to deliver only 5% of requested supplies to municipal and agricultural users on the State Water Project, down from the initial allocation of 10% announced in December. Allocations of water from the federal Central Valley Project are just as low. Major reservoirs on the Colorado River have fallen to critically low levels."

Also reported in the Los Angeles Times, "Seasonal droughts are typical in California, with its Mediterranean climate. Summers are usually dry, but water supplies are replenished in the winter and spring by rain and snowmelt. Annual droughts are also nothing new. "You will have these dry years and then in between you will get these really, really wet years," said Safeeq Khan, assistant cooperative extension specialist of water and watershed sciences at the University of California Division of Agriculture and Natural Resources. "They can be what we describe as drought busters." But research has indicated the wet periods are becoming more sporadic and intense, and the dry periods between them are growing longer and drier."

Not surprisingly, the EIR is silent on this issue. Why? Because it does not support the narrative that they have portrayed.

The proposed mediation of the ancient land slide will require an enormous amount of water. According to the Soil Compaction Handbook, backfill requires water for proper compacting, and the silty-clay soil on the site requires 30 – 50 gallons of water per cubic yard of backfill. According to the EIR (page 2) the remedial grading would involve an estimated 2,403,418 cubic yards of cut and 2,406,971 cubic yards of fill. The total soil to be compacted is estimated at 2,647,756 cubic yards,

Estimated project resident usage is 37,714 gallons per day (Table 4.12.3). The water to be used for backfill is estimated at 80-130 million gallons, exclusive of water to be used for dust prevention. The water to be used for backfill would supply 8 to 13 years of estimated usage for project residents, 1 ½ - 2 ½ supply to the Calabasas, Agoura Hills and unincorporated Los Angeles County areas combined (Table 4.12.9).

West Village should not be permitted to drain the water supply so needed by our City and surrounding communities.

Traffic and Circulation

4.10.1 Setting

Las Virgenes Rd. is the major north- south travel route in the western portion of the City of Calabasas. In fact, it is the only one. It is the nexus of the "Z traffic impact" that dominates the traffic through the area, flooding the City with traffic from cities to the west, the Valley, Malibu and West LA. Amazingly, the Z traffic impact was totally ignored in the plethora of traffic studies that were conducted to justify the idealistic traffic condition that they wished to portray.

In these studies, the US 101 / Lost Hills Rd. off ramps were ignored. During peak PM traffic, traffic from the west exits at Lost Hills Roads, proceeds to Agoura Road and turns left. Traffic then proceeds down Agoura Road to Las Virgenes Road, turns

left and tries to enter the US 101 southbound ramp. If that ramp is so congested it will continue to Mureau Road where it will turn right and take Mureau Road into the City. Traffic is in total gridlock, barely inching along.

Calabasas in general, and western Calabasas in particular, is a bedroom community. The traffic studies claiming that peak PM traffic is from 4 to 6 PM is ludicrous. 5 to 7 PM is far more realistic. Local schools are closed at that time.

Despite the reports claim to the contrary, Caltrans signal timing has little effect on traffic passage through local intersections.

Existing VMT Conditions

Traffic studies state that existing intersection levels of service ("LOS") at the PM peak hour is claimed to be E for Las Virgenes Rd. /Mureau Rd; D for US 101 SB Ramps/Las Virgenes Rd; B for Las Virgenes Rd /Agoura Rd; and A for Lost Hills Rd. /Agoura Rd. This is simply not true as anyone who travels these roads knows. The Mureau Road route to the City is a desperation route used when the SB freeway is gridlocked. LOS on the SB freeway is at least as bad, as if not worse, than on Mureau Rd. Agoura Road, Las Virgenes Road and Lost Hills road are also totally gridlocked and do not have LOS of B and C, but rather operate at levels D and E.

"The Governor's Office of Planning and Research states that vehicle miles traveled ("VMT") reductions address regional congestion more effectively because they reduce congestion at the source. A community will experience far less congestion on its roadways and intersections when homes, workplaces and shopping destinations are placed in closer proximity to one another and in locations and densities which favor use of transit and alternate travel modes." This is yet another piece of fiction that is totally inapplicable to our situation. Firstly, this is a bedroom community. The majority of residents do not work here. Secondly, the residents do not use transit and alternate travel modes. Thirdly, it again totally ignores the effect of the Z traffic which is responsible for the gridlock.

Project Trip Generation Table 4.10-4

The table (based on 180 units) states that there will be 65 AM peak hour and 79 PM peak hour trips. Incredibly low numbers for what are presumably working-class families.

"The mixed-use model shows that 11 to 21 percent of project traffic could be internal to the project site." I guess that all those stay-at-home residents just drive around the project in a continuous Grand Prix race.

Project Trip Distribution and Assignment Table 4.10-8

"Project generated traffic volumes were distributed and assigned to adjacent street network based on percentages shown in Table 4-10. The trip distribution percentages were developed based on existing traffic patterns in the project area and input from City staff." Why no input from residents? Probably because the true story did not fit the picture they wanted to portray.

The traffic studies used in the EIR are fatally flawed. The real danger is that they are used to bolster the claim that when wildfires strike again, as they most certainly

will, there will be no impediment to residents fleeing the area.

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