

CANYON BACK ALLIANCE

A non-profit public benefit corporation
WWW.CANYONBACK.ORG • INFO@CANYONBACK.ORG

December 10, 2020

Alan Como, AICP
City of Los Angeles, Department of City Planning
221 North Figueroa Street, Suite 1350 Los Angeles, CA 90012
Via E-Mail: alan.como@lacity.org

Re: Berggruen Institute Project, Case No. ENV-2019-4565-EIR
Request for Scoping Comment Extension

Dear Mr. Como:

Canyon Back Alliance (CBA) is nonprofit public benefit corporation dedicated to maintaining public access to trails in the Santa Monica Mountains National Recreation Area. CBA requests that the deadline for commenting on the Berggruen project be extended from December 21, 2020, to February 1, 2021, to give the general public and CBA in particular a fair opportunity to examine and comment upon Berggruen's unprecedented application for commercial development within a residential neighborhood and within the bounds of two public recreational trails.

CBA and its supporters have a significant interest in the impacts of the proposed Berggruen development project on the public trails within the proposed site of the Berggruen project. Over the past 15 years, CBA has successfully defeated numerous attempts by developers and residential associations to prevent or restrict public access and degrade the natural integrity of the public trails that pass through the proposed site of the Berggruen project. Indeed, CBA, in partnership with other local groups, filed a lawsuit that resulted in a 2006 settlement that (1) forever preserves public access on the portions of these trails traversing the current project site and (2) designating 424 acres of land within the project site as "open space" that must forever remain undeveloped—thereby assuring the natural integrity of the trails winding through and alongside the open space land.

The development project may adversely impact the public trails that CBA successfully fought to protect more than a decade ago. Unfortunately, the December 8, 2020 scoping meeting failed to provide virtually any but the most general information about the project's impacts on the public recreational trails and the previously-dedicated open space within the project boundaries. Given the project's potential impact on the public trails and open space, the difficulties created by the holidays and especially the COVID 19

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pandemic, and the dearth of information at the scoping meeting, the December 21 commenting deadline is grossly insufficient to allow for meaningful public comment.

The release of public information and scheduling of the scoping meeting within the holiday season would alone necessitate an extension to permit adequate public participation given the size and scope of the Berggruen project. The Notice of Project was released on November 20—less than a week before Thanksgiving. And the December 21 commenting deadline falls on the same week as Christmas and just two days after the last night of Hanukkah. This type of end-of-the-year timing has often been used by development proponents to minimize public participation for large, impactful projects that would otherwise attract public opposition.

The pandemic has greatly exacerbated the general unfairness of scheduling public hearings and commenting deadlines during the Winter Holiday Season. The NOP was released amidst a terrifying COVID spike that has continued to rise at an unprecedented rate. Experts anticipate that this spike will continue to increase throughout the holidays. This drastically limits the scope of public participation in the process.

The quality of the public hearing and scope of public participation is necessarily impaired by the absence of an in-person public hearing. Many constituents either lack access to the required technology, lack knowledge of how to use that technology, or must yield to the critical needs of other family members who must use the requisite devices for school or work.

COVID also impairs public participation by local public interest organizations, homeowners associations, and other community-oriented groups that cannot publicly comment on the project without first presenting the project to their own boards or members and receiving authority to speak on their behalf. Even under normal circumstances a public comment extension during the holidays is necessary for impactful projects, but during the COVID spike the need for additional time is even more critical.

Further, stakeholders and their representative organizations often rely on an initial review of projects by technical experts to allow for informed public comment. Due to COVID-19 and the government-ordered closure of non-essential businesses, organizations and individual stakeholders are often unable to afford, identify, interview and retain appropriate experts to review a large development project on an expedited basis.

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CBA hopes that the developer agrees to this short but critical extension. After all, the Berggruen Institute is dedicated to good governance and public input is the foundation of a robust public process necessary to assure good governance. In any event, we ask that the City exercise its broad discretion to extend the comment period to February 1, 2021.

Sincerely,

A handwritten signature in black ink that reads "Tom Freeman". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Tom Freeman, President
Canyon Back Alliance