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LAW OFFICE OF
ALYSE M. LAZAR
Attorney at law

3075 East Thousand Oaks Blvd., Suite 100
Westlake Village, California 91362

Admitted to practice
STATE BAR OF CALIFORNIA
NEW YORK STATE BAR

Telephone: (805) 496-5390
e-mail alyselazar.esq@verizon.net

July 28, 2009

Ventura County Board of Supervisors
800 South Victoria Avenue, Hall of Administration
Ventura, CA 93009-1740

Re: Potential rezoning of Santa Susanna Knolls parcels 645016002/3 to RHD

Dear Supervisors Bennett, Foy, Parks, Zaragoza and Long:

I have been representing the Susana Knolls Homeowners Association in their ongoing interest to insure that any development which occurs on County parcels 645016002/3 conforms with the long-standing character of this neighborhood, protects the safety of all residents, and is consistent with the goals of CEQA to avoid if possible and mitigate to the extent feasible all potentially significant environmental impacts from the development of this property. Re-zoning these 2 parcels for inclusion in the County's proposed Residential High Density Zone would have potentially devastating impacts on the Santa Susana Knolls and does not appear to fit the profile of all other properties being considered by the County for RHD rezoning.

The purpose and parameters of the RHD zone are not intended for massive (470+ unit) development.

The proposed RHD zone is intended to enable property owners with relatively small undeveloped acreage to maximize the use of that property by enabling the construction of 20-22 housing units per acre. As recommended by staff, all housing must qualify as very low and low-income housing in order to receive the benefit of an exemption to all CEQA review and compliance. Enabling property owners to avoid compliance with the State's very important environmental laws is tantamount to a pre-determination that whatever the environmental impacts may be for the development, the benefit to the County in having more low and very low-income housing offsets all such impacts. While such an exemption may be appropriate for many of the small parcels of property identified by the County for inclusion and for Strickland Acres (9.78 acres), the burdens, environmental and safety issues to the Santa Susana Knolls by authorizing the construction of a minimum of 471 and a maximum of 517 units on parcels 645016002/3 (23.57 acres), overwhelmingly tip the balance against granting such an exemption for this site.

Adoption of the RHD zone for the County is a new endeavor precipitated by the County's deficiency in identifying sufficient land for low and very low income housing. As a start-up

program it is important for the Board of Supervisors to insure that the precedent established at the outset of implementation is one that is appropriate for the long term vision of the County. As emphasized in the County's General Plan, Ventura prides itself on its support for open space and relatively low density development. This is the character of our community and the reason many of our residents have moved here from the concrete, urban sprawl of Los Angeles and Orange Counties. If the County sets a precedent now of enabling developers to squeeze 500 + residential units in a semi-rural, high fire hazard area of the County on a site where staff has grave concerns about even permitting 100 units, it will quickly undermine the unique character and qualities of our County.

The incentive of developers, such as Colton Lee, is simply to turn a profit. Because they know they are facing an uphill battle to obtain approval for 100 manufactured homes on the site, they have suddenly changed their position of refusing to build even a reasonable percentage of low income homes on the site as advocated by County staff, and have magnanimously agreed to squeeze in about 500 such units on the property for the coveted RHD zoning. While it is obvious that the County must provide some incentive for landowners to build low and very low income housing in the County, the County has a responsibility to all of its residents in choosing properties for the rezoning that will have relatively small negative impacts on the surrounding community. The size, location, and topography of parcels 645016002/3 are so far out of sync with any of the other properties being considered for RHD zoning that it should permanently be removed from the list for consideration.

History and Status of Colton Lee Project

Regarding parcels 645016002/3 (the Colton Lee project), the staff report on the RHD zoning did not sufficiently elucidate the history and current status of this project. One could erroneously conclude from the staff report that the environmental review for the project has been completed, but for the issue of County ownership of Katherine Road. This is far from the case. Rather than being at the end of the review process, the applicant has many hurdles to overcome before any formal consideration of the project by County officials even begins. In February 2008, County planning staff prepared an initial study identifying many areas of potentially significant environmental impacts. A public hearing on the initial study was held and additional issues were raised. These impacts include excessive traffic, noise, night glare, potentially contaminated soil and water due to its proximity to the Santa Susana Field Laboratories, destruction of scenic and biological resources, increased risks to pedestrian safety, potentially inadequate school capacity, increased law enforcement and fire department response time, inconsistency with community character, and lack of a secondary access road to be used by the residents of this development for emergency evacuation.

While the County fire department guidelines mandate that a development such as the 100 units currently proposed requires two separate roads which would be used by residents in an emergency, the applicant is not able to meet this requirement. The location of the site is adjacent to the railroad tracks on one side and is only bordered by one major road, Katherine, to be used to exit over the tracks or wind through the Knolls to the Santa Susana Pass Road. While no decision has been made about exempting the applicant from this requirement, County staff have suggested that if the applicant was willing and able to adequately widen portions of Katherine

Road, a winding 2 lane sub-standard road with dirt shoulders required for the existing community's day-to-day use, perhaps the widened road would be considered in lieu of 2 separate access roads.

In May, 2008, my client submitted a detailed report and analysis of the ownership of Katherine Road prepared by an expert Land Surveyor, Terence O'Neill. The report provided undisputed evidence that portions of the road do not belong to the County of Ventura. This includes land owned by the Rancho Simi Recreation and Park District, whose board members have publicly indicated that they will not deed this land to the County, as doing so would necessitate the removal of trees and roadside parking required for park visitors. The County's ownership of other segments of the road is questionable at best. Upon the County's receipt of this report, Colton Lee was requested to respond to it prior to the County proceeding with preparation of the draft EIR. During the past 14 months, I have regularly checked with the County's planner assigned to this project and was repeatedly told that the County was still waiting for a response from the applicant. On July 16, 2009, I confirmed with the assigned planner, that his department still had received nothing from applicant on the road widening issues, despite representations made by the applicant's spokesperson, David Alpern, to this Board two days earlier that the information had been submitted and the issue resolved. The following week, planning did receive raw data, consisting of maps and deeds, from the developer which have not yet been analyzed by County staff nor by concerned members of the public. Missing from the submittal is any documentation which contradicts the Park District's ownership of property necessary for the road widening to occur. Other deeds submitted do not appear to establish a conveyance of property to the County for use as a public roadway.

Consequently, at the present time, there are many serious environmental and safety issues regarding Colton Lee's application to develop even 100 residential units on the Sunny Knolls site. No draft EIR has yet been written and published for public and agency input and comments. No alternatives or mitigation measures have been proposed. There is no dispositive evidence on file with the County showing that the applicant could widen the entire span of Katherine Road as mandated by the Fire Department as its condition for not opposing a 100 unit development on the site.

Permitting a project 5 times as large on the site with no environmental review and no requirement to mitigate the environmental impacts is not the answer.

Parcels 645016002/3 should be permanently deleted from the list of possible RHD zoned properties in order to protect the safety of County residents.

As staff has stated, parcels 645016002/3 are located within a high risk fire hazard area. Katherine Road, at the Railroad crossing, is the only route by which all of the existing residents of the Santa Susana Knolls are able to escape from harm whenever fires sweep down the canyon. The other end of Katherine Road that exits to the Santa Susana Pass Road is closed as that is where the fire storms originate. It is also the only road by which fire equipment can access the area and stop the conflagrations, usually by stationing their equipment at the park near Santa Susana Pass Road and winding through from the far end of the community. During the last large fire, residents were trapped in their cars within the canyon roads with a backup starting at the edge of

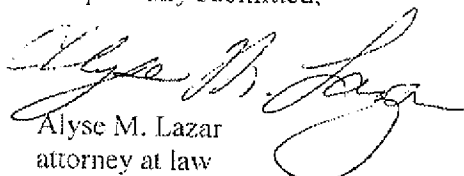
the project site where Katherine Road is intersected by railroad tracks. A train had stopped on the tracks blocking the road and vehicles could not get through.

Plans for the current 100 home development contemplate parking for approximately 300 vehicles on site. If there were approximately 500 units permitted on this site under the RHD zoning and up to 1,500 additional cars exited and blocked the only escape route for the SSK residents during a fire evacuation¹, the potential harm to residents could be devastating. There are important safety and policy reasons for the County requiring secondary fire access roads for larger developments. This site does not have the ability to construct a legally adequate secondary access road due to its topography, its location next to railroad tracks and the design of the surrounding roadways. Without it, the costs to the public in terms of health and safety far outweigh any benefits to County housing numbers. Moreover, even if this property is not rezoned RHD, the County can still mandate that a certain percentage of affordable housing be built on the site in exchange for the discretionary permits and zone changes sought.

One part of the County's unincorporated area, the Santa Susana Knolls, should not be forced to shoulder an excessive burden and immeasurable safety risks in order to have the County meet its low income housing needs. Placing over 500 units in this community while allocating less than 200 to any of the other identified areas, (on properties which do not have the same dangers and constraints as the Colton Lee project site), is not only inequitable, it is contrary to the County's basic duty to protect the safety of all of its residents.

No amount of planning expertise can avoid or mitigate these safety issues to make parcels 645016002/3 suitable for RHD zoning which would require a minimum of 471 residential units on the site. While applicant has not sought to use a smaller portion of the property for high density zoning to build low/very low income housing, such a proposal would present significant environmental and safety issues unless the remainder of the property was not rezoned and consequently restricted to the very low density development occurring throughout the vast majority of the Santa Susana Knolls. Moreover, the remote location is not otherwise suitable for low income families relying on nearby commercial centers and convenient public transportation. On behalf of the Susana Knolls Homeowners, I request that you permanently remove these parcels from consideration for RHD zoning and CEQA exclusion.

Respectfully submitted,


Alyse M. Lazar
attorney at law

¹ Residents have historically not been permitted to exit through the Santa Susana Pass Road as it is the direction that the fires typically come from thus making it unsafe and inaccessible.