

## Communication from Public

**Name:** Jamie T. Hall

**Date Submitted:** 05/20/2025 07:29 AM

**Council File No:** 23-0722

**Comments for Public Posting:** Dear Members of the Energy and Environment Committee: This firm represents Emily Gabel-Luddy, FASLA and the Mariposa Basin Environmental Alliance. As documented in our March 31, 2025 comment letter and herein, an Environmental Impact Report (EIR) is required for the L.A. River Phase IV Bike Path (Project) due to the potential for significant impacts not addressed in the Mitigated Negative Declaration (MND) for the Project. In addition, the City has engaged in improper piecemealing of a larger project resulting in an underestimate of impacts. Given the federal funding that will be used for the proposed Project, the City of Los Angeles (City) should have prepared a joint California Environmental Quality Act (CEQA) / National Environmental Policy Act (NEPA) document for the proposed Project. The attached letter states the same. Please ensure it is made part of the public record.

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May 20, 2025

## **VIA ELECTRONIC UPLOAD AND E-MAIL**

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**Re: Los Angeles Phase IV River Bike Path Final Initial Study/Mitigated Negative Declaration (IS/MND); State Clearinghouse 2025021226; Council File 23-0722**

Dear Members of the Energy and Environment Committee:

This firm represents Emily Gabel-Luddy, FASLA and the Mariposa Basin Environmental Alliance. As documented in our March 31, 2025 comment letter and herein, an Environmental Impact Report (EIR) is required for the L.A. River Phase IV Bike Path (Project) due to the potential for significant impacts not addressed in the Mitigated Negative Declaration (MND) for the Project. In addition, the City has engaged in improper piecemealing of a larger project resulting in an underestimate of impacts. Given the federal funding that will be used for the proposed Project, the City of Los Angeles (City) should have prepared a joint California Environmental Quality Act (CEQA) / National Environmental Policy Act (NEPA) document for the proposed Project.

## **I. PRIMARY CONCERNS**

The proposed Project, and the Project in combination with cumulative development of the L.A. River Bike Path, will increase bicycle use in an area where bicyclists are currently prohibited and substantial trail use by equestrians occurs, including use by inexperienced

horseback riders renting horses from barns proximity to the Los Angeles Equestrian Center. Bicycles can scare horses, and this can lead to the injury of equestrians and their horses.<sup>1</sup> Proper trail design is thus vitally important in an area of important equestrian use. The proposed Project, as designed, poses an unacceptable safety risk to equestrian users of the Project as well as riders using equestrian/pedestrian trails and the nearby historic Mariposa Equestrian Bridge, which Project bicyclists will misuse, given the Project design. The significant potential for bicyclist misuse is due to both the design of the Project and the infeasibility of adequate Project maintenance to protect against unsafe bicycle/horse interactions and misuse of adjacent equestrian facilities. Key design issues include:

- The lack of adequate bicycle/horse separation.
- The use of landscape fencing rather than vandal cut-proof fencing.
- The fact that the Project dead ends at its western terminus thus requiring bicyclists to either turn around and go back the way they came, or attempt to access Burbank on the north side of the Los Angeles River via the Mariposa Equestrian Bridge or the greater Griffith Park area via equestrian Tunnel 6 or 7.

All of our prior comments and the comments received by others on the Mitigated Negative Declaration (“MND”) are incorporated herein and can be found in the Final MND for the Project. Our comments and concerns remain valid and have not been adequately addressed in the responses to comments.

## **II. THE PROJECT AS CURRENTLY DESIGNED AND IMPLEMENTED WILL RESULT IN SIGNIFICANT UNMITIGATED SAFETY IMPACTS TO EQUESTRIANS**

### **A. The Response to Comments Dismisses Substantial Evidence Presented By Commenters Regarding the Potential for Safety Impacts**

The responses to comments insist on dismissing the potential for the Project to result in significant design-related safety impacts and ignores the substantial evidence presented in comments letters on the MND. Master Response No. 1, for example states in part:

Numerous comments were submitted that raised safety concerns regarding potential conflicts between the various users of the proposed bike path and equestrian trail facilities. Of particular note is the concern that cyclists will physically interact with equestrian users either indirectly or directly, causing safety hazards to all user types. Indirect interactions would include cyclists or other non-equestrian users on the pedestrian/bicycle path visually or audibly “spooking” horses due to proximity as they approach or pass by equestrian users located on the equestrian trail portion

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<sup>1</sup> Multiple times equestrians have reported conflicts to the Park Rangers’ Office regarding bicyclists riding illegally in the Mariposa Basin. Public testimony was heard by LA/DOT before the Equine Advisory Board. LA/DOT presentation to Equine Advisory Cmte. 7/22/24 -- Rider describes horse scared by bicycles at 23:13 <https://www.youtube.com/watch?v=sLHLgxvObB4>

of the Project, while direct interactions would consist of cyclists or other non-equestrian users physically entering the equestrian portion of the proposed Project or breaching or climbing barriers in order to enter equestrian-only off-site facilities. Under CEQA, the possibility that the project would impact horses is not a cognizable impact; rather, the question is whether a project will affect the environment of persons in general, and not particular persons (see *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161).<sup>2</sup>

This response ignores the fact that design-related safety hazards are considered a significant impact under the California Environmental Quality Act (“CEQA”). Public Resources Code (“PRC”) §21000 – Legislative Intent states:

- (d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and **safety** of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

When it comes to safety hazards associated with modes of transportation, of which horses and bicycles are two modes, the Initial Study included in the CEQA Guidelines asks the following question:

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<sup>2</sup> *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161 dealt with the potential for a projects noise to impact an adjacent horse ranch, not members of the public using public recreational facilities. The court explained its holding in *Clews* as follows:

Several commenters associated with CLL's horse ranch predicted significant noise impacts because noises from school activities could disrupt ranch operations. For example, one commenter described incidents in which construction noise at the project site had frightened horses and caused them to throw their riders. But the possibility that noise will impact the horse ranch's operations is insufficient. “Under *CEQA*, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons.” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492 [14 Cal. Rptr. 3d 308].) The noise likely generated by the school (children laughing and playing, cars driving, doors closing, etc.) is insignificant in the context of the environment as a whole, especially given the project's location near a busy highway, State Route 56, and CLL's large ranch. Even if the noise generated by the school adversely impacted the ability of the ranch to continue operation as a viable business, the impact on the ranch alone would be insufficient to support preparation of an EIR. The fact that a project may affect another business's economic viability is not an effect covered by *CEQA* unless it results in a change in the physical environment (e.g., urban decay). (*Joshua Tree, supra*, 1 Cal.App.5th at p. 685.) CLL has not shown that there is a fair argument that the project's effect on noise in the environment may be significant. The City was not required to prepare an EIR on this basis.

Given that commenters are not asserting impacts to a private business and are asserting safety rather than noise impacts alone, the holding in *Clews* is not applicable.

Would the project:

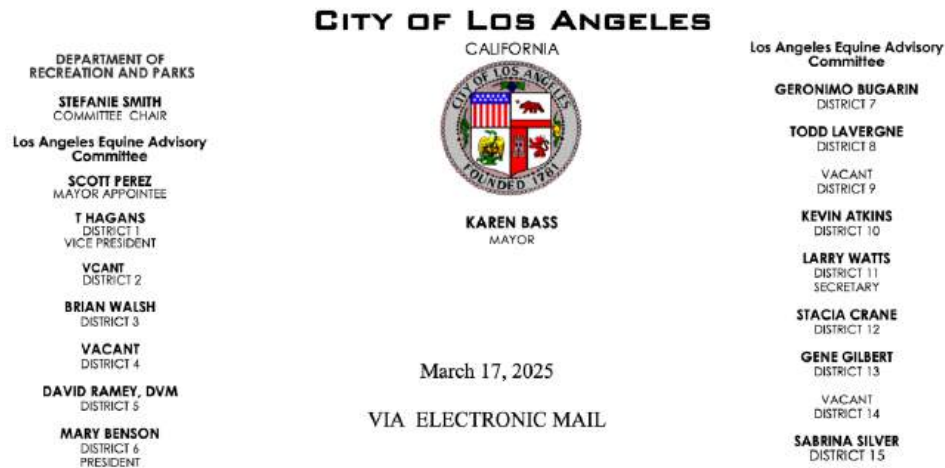
- c) Substantially increase hazards **due to a geometric design feature** (e.g., sharp curves or dangerous intersections) **or incompatible uses** (e.g., farm equipment)?

In the case of the proposed Project, both the geometric design of the Project and the proximity of incompatible uses result in significant unmitigated safety impacts to equestrians. Under the California Environmental Quality Act (CEQA), courts have found significant traffic hazard impacts in cases where substantial evidence demonstrated potential risks to public safety or the environment due to increased traffic or hazardous road conditions. This applies also to trails.

In response to comments, the MND dismisses the substantial evidence of the potential for safety impacts presented by numerous commenters, and instead relies on the opinion of one expert, as explained in MND Master Response No. 1:

In order to gather additional input regarding the design of the Project's equestrian trail component, the City retained a qualified equestrian expert, Kathy Hobstetter of iAssist Equestrians, to conduct a review of the design and provide feedback regarding the concerns raised by the equestrian community regarding potential safety issues and the proposed equestrian trail design. The memorandum summarizing iAssist Equestrian's findings (Equestrian Trail Design Memorandum) is included as **Appendix L** of this Final IS/MND. Based on their review of the Project and the existing conditions of the equestrian trail, which would be adapted to provide separated bicycle and pedestrian use, iAssist Equestrians determined that the Project design and projected uses would not adversely impact the existing equestrian use of the trail.

However, this ignores the expert opinion of commenters on the MND, including the City's own Equine Advisory Committee (Letters A3), which states in part.



....

This proposal would impact 100% of the equestrian traffic coming from the north side of the Los Angeles River. It is the finding of the LAEAC that the impact to equestrians cannot be mitigated to a level of insignificance by any type of fence or barrier and an EIR should be required. There is no other access afforded to equestrians between where horses are kept and the historic bridle paths in Griffith Park. Access via the Los Angeles River from decomposed granite equestrian ramps was previously removed. The risk of injury to horses or riders passing each other in opposite directions introduces a new risk because of the reduction in the width from 20 feet (Griffith Park Trail Standard width) to 10 feet.

The City has been presented with substantial evidence which explains why the project will result in significant safety hazards to equestrians both by the City's recognized experts, the Equine Advisory Committee, and members of the public with applicable personal knowledge. In *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal. App. 4th 714 the court held that:

Appendix G to the CEQA Guidelines recommends that, in determining whether a project will have significant traffic impacts, lead agencies consider whether it will "[s]ubstantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?" (Guidelines, appen. G, § XVI, subd. (d).) Neighbors and the Association's expert provided factual information indicating the design feature-related hazards exist . . . Contrary to the Trust's contention, neighbors did not "simply claim that roads utilized by the project are already crowded and unsafe" or offer the sort of "unsubstantiated conclusions" held to be insufficient in *Leonoff, supra*, 222 Cal.App.3d at page 1352. Instead, those whose testimony we have cited related facts about road conditions based upon their personal knowledge. . . . Together, the foregoing evidence supports a fair argument

that increased traffic from the Project will substantially increase existing design feature-related hazards.

CEQA and CEQA Guidelines Section 15064(f)(1) is clear:<sup>3</sup>

(1) If the lead agency determines there is substantial evidence in the record that the project **may** have a significant effect on the environment, the lead agency **shall** prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, **if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR** even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68). (Emphasis added)

The City has received substantial evidence from experts and members of the public with horse-related expertise that the proposed Project will result in significant safety impacts. An EIR must therefore be prepared for the Project.

#### **B. The Response To Comments Improperly Dismisses Comments Regarding Unsafe Design Features**

There are three elements of the Project design that result in the potential for safety impacts:

- The lack of adequate bicycle/horse separation.
- The use of landscape fencing rather than vandal cut-proof fencing.
- The fact that the Project dead ends at its western terminus thus requiring bicyclists to either turn around and go back the way they came, or attempt to access Burbank on the north side of the Los Angeles River via the Mariposa Equestrian Bridge or the greater Griffith Park area via equestrian Tunnel 6 or 7.

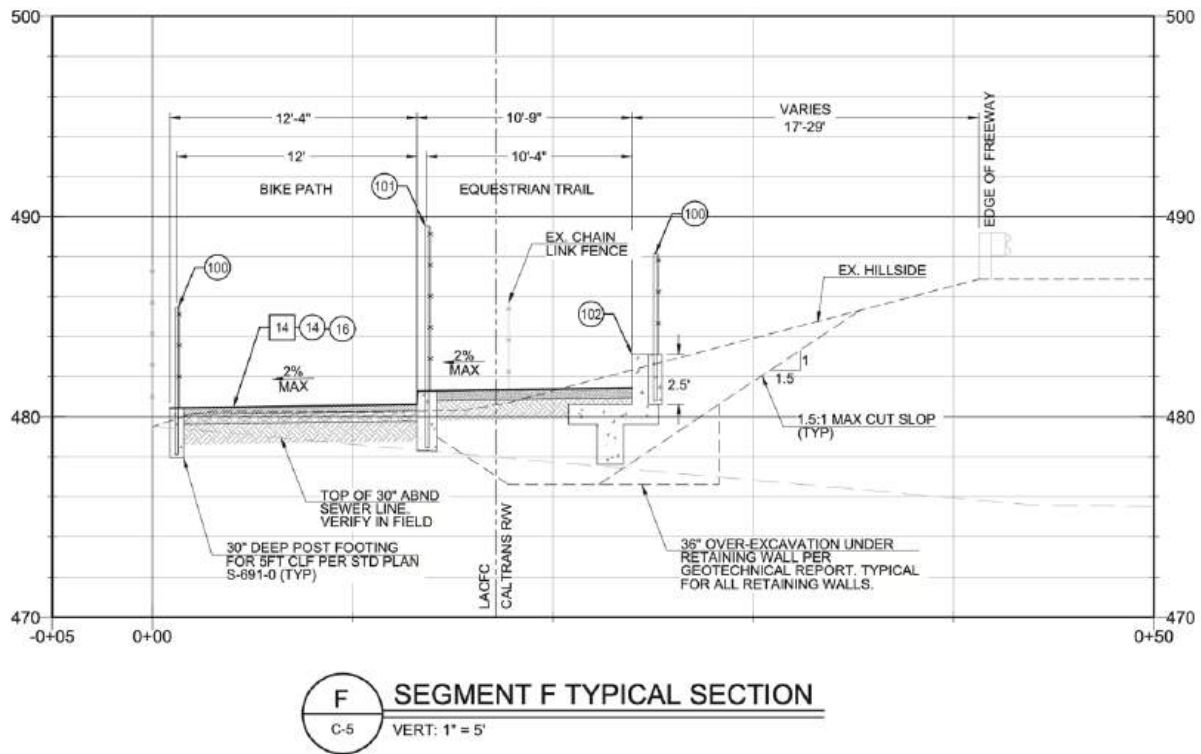
Response to Comment B3-9 improperly relies on the LA River Master Plan Design Guidelines as evidence that the trail design is safe:

The commenter states that the width of the equestrian trail is not adequate given that it is adjacent to a bicycle path. However, the equestrian trail component has been designed consistent with Los Angeles River Master Plan Design Guidelines (Appendix I of the Los Angeles River Master Plan prepared by the Los Angeles County Department of Public Works) for multiuse trails along the Los Angeles River.

**Figure 1** shows a typical section for the proposed Project:

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<sup>3</sup> See also 15002(f)(1) and Public Resources Code Section 21082.2(d).



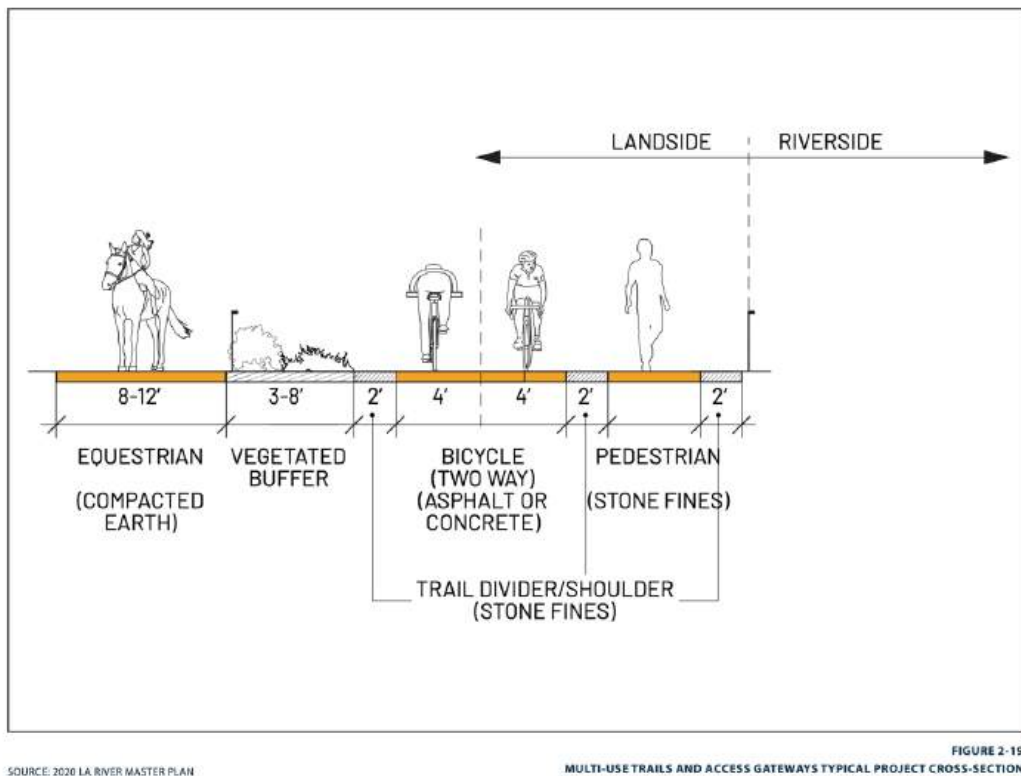
**FIGURE 1 – PROJECT PLANS – TYPICAL CROSS-SECTION**

Source: Final MND Plan Set

As shown on the Project Plans, which were added to the MND at the request of commenters requesting a more accurate Project Description, the separation between the bike path and the equestrian trail is approximately 5 inches, roughly the width of the proposed fencing. The proposed Project would allow for bicyclists to pass very close to horses, suddenly appearing in their side-facing vision, resulting in the serious potential to spook the horses, resulting in potential injury to horse and/or rider.

In contrast, the EIR for the Los Angeles River Master Plan shows a five-to-10 foot separation between equestrian and bicycle uses, as shown in Figure 2-19 from the 2020 LA River Master Plan FEIR.





**FIGURE 2 – LA RIVER MASTER PLAN – MULTI-USE TRAILS AND ACCESS GATEWAYS TYPICAL CROSS-SECTION**

Source: Final EIR LA River Master Plan -

<https://larivermasterplan.org/resources/environmental-impact-report/>

Although the LA River Master Plan Design Guidelines<sup>4</sup> provide for instances of lesser separation due to design constraints (rather than safety considerations), this lesser separation is inappropriate given that the Project is located in an area with a high concentration of horses, unlike other segments of the L.A. River Bike Path, where equestrian uses are less prevalent. Page 67 of the LA River Master Plan Design Guidelines do note that: “Ideally equestrians would be separated from pedestrians and bicyclists with a buffer.”

The LA River Master Plan and associated EIR are plan-level documents. The EIR for the LA River Master Plan did not address equestrian safety associated with the alternative bikeway sections presented in the Los Angeles River Master Plan Design Guidelines and the EIR did not analyze the safety impacts associated with different mixed-use trail designs on horseback riders. Reliance on the LA River Master Plan as evidence that the proposed Project’s bikeway design is safe for equestrians is not supported by substantial evidence. Moreover, the LA River Master Plan did not address the issue of how differences in design should be influenced by differences in the volume of horse and bike riders likely to use the facilities along each of the 51 miles of the river addressed in the LA River Master Plan.

<sup>4</sup> The Design Guidelines can be found at: <https://larivermasterplan.org/resources/environmental-impact-report/>

The MND for the Project relies on the assumption that fencing will stop bicyclist from illegally accessing equestrian trails, tunnels and bridges. Final MND page 27 states, for example:

At Tunnel 6, for instance, the Project would add fencing that currently does not exist that will exclude persons from the tunnel who are not on the new Equestrian Trail, a feature that currently does not exist. Although not allowed by existing applicable law, as discussed further below, pedestrians, bicyclists, and others not authorized to access the Project Site currently improperly utilize the equestrian tunnel. The Project design will make it more difficult for anyone not on the Equestrian Trail to utilize the tunnel and will block users of the Bike Path from the existing equestrian tunnel.<sup>5</sup>

However, this ignores that the nature of the fencing is not adequate, and the dead-end nature of the design will encourage bike riders to seek ways to continue their route by either crossing the Mariposa Equestrian bridge into Burbank, or using the tunnels to access Griffith Park. In fact, bicyclists have already provided self-made pavement marking to indicated to other bicyclists how to deal with the dead-end nature of the route:

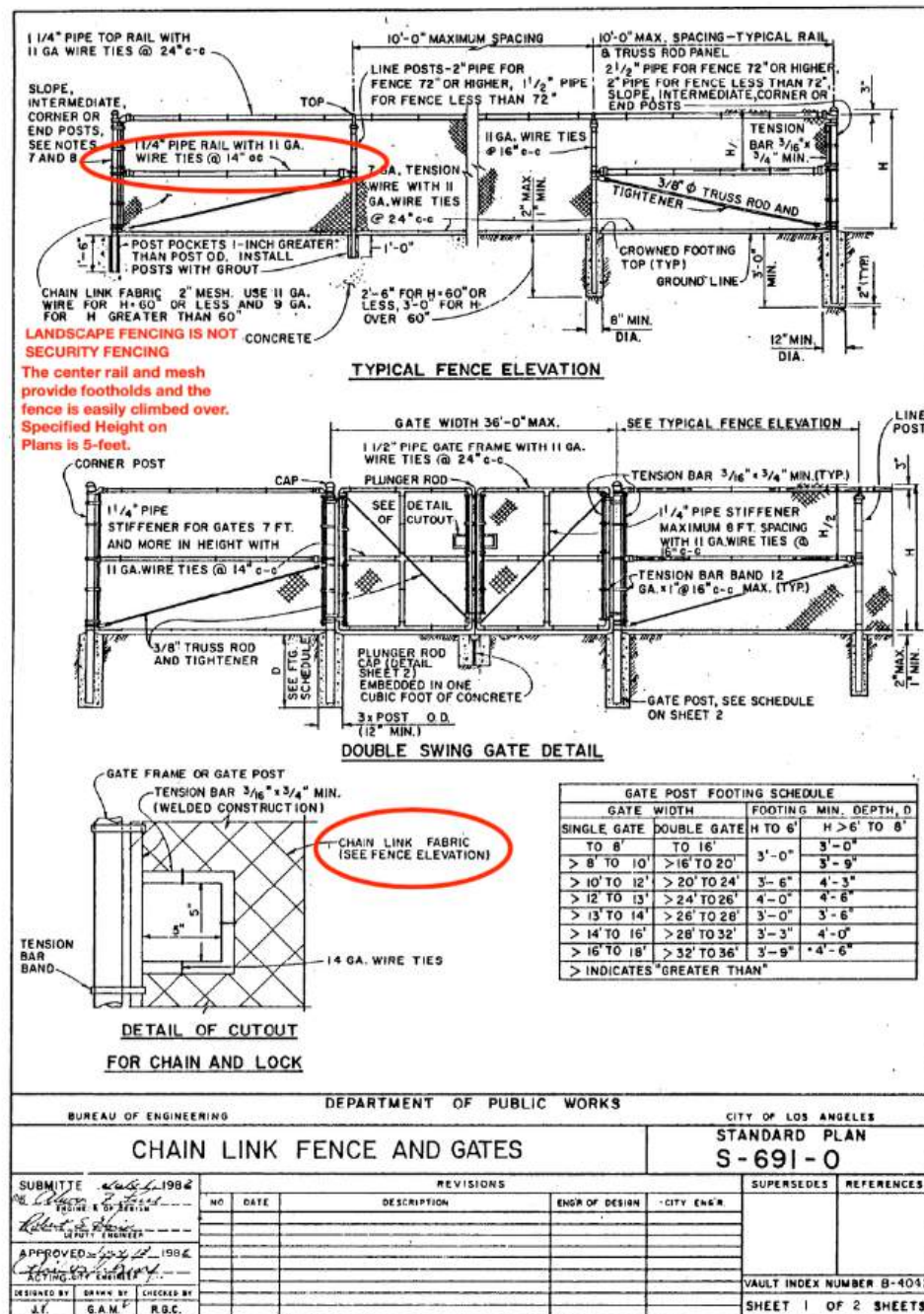


**FIGURE 3 – PHOTO OF EXISTING SIGNAGE SPRAYED ON PAVEMENT TO DIRECT BIKES AT THE END OF THE EXISTING BIKEPATH**

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<sup>5</sup> The response incorrectly indicates that pedestrian use is not allowed.

The specified fencing and gates shown on the Project Plans are neither sturdy, long lasting or durable (see Figure 6g, MND pdf page 403). The Project is using Bureau of Engineering Standard Plan S-691 fencing and gates. **Figure 4** provides more information regarding the specifics of Standard Plan S-691 and is marked-up to show the problems with the nature of the fencing for this use.

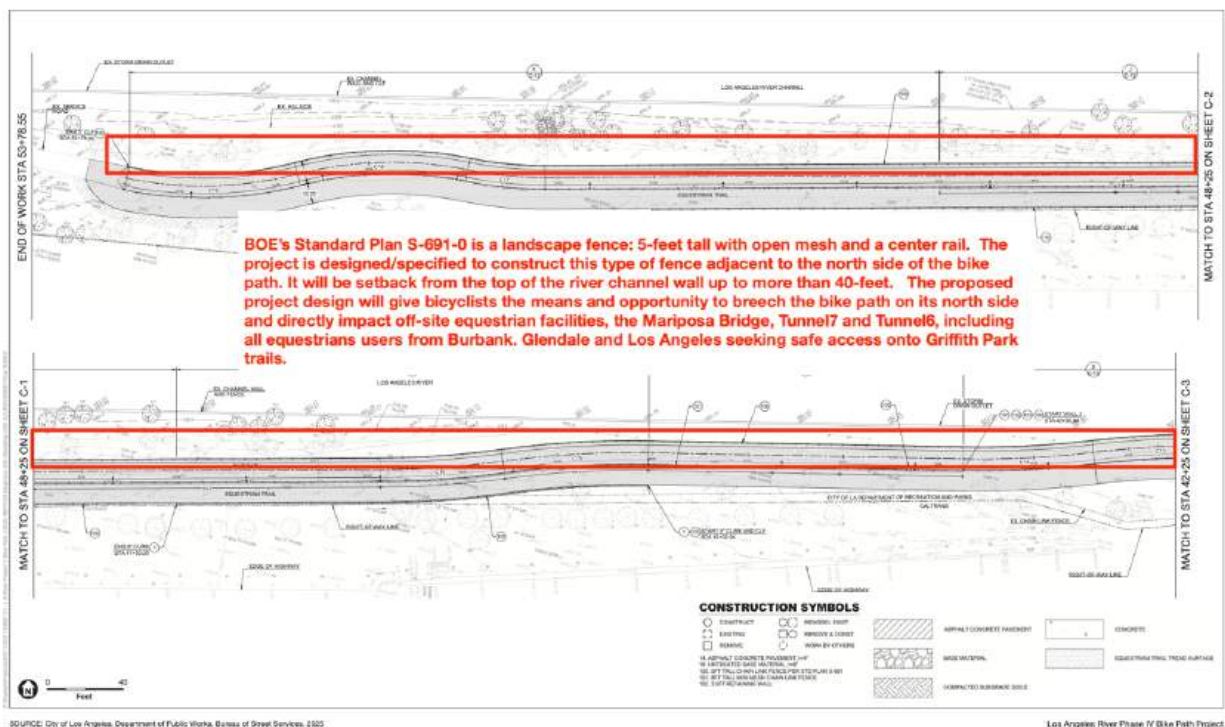


**FIGURE 4 – PLAN SHEET SHOWING USE OF LANDSCAPE FENCING RATHER THAN MORE TAMPER-PROOF FENCING**

Source: Bureau of Engineering Standard Plan S-691-O

This standard is for fencing landscapes not security. This type of fencing is vandalized over and over again under current circumstances as commenters and the record has demonstrated. The Forest Lawn gates are routinely circumvented and the fencing around them vandalized. The gates at the current terminus are sturdy, but non-equestrian users have cycled a well-worn path around them, due to multiple acts of vandalism, as shown in **Figure 3**. The evidence in the record is clear: acts of vandalism under existing circumstances continue to circumvent existing landscape fencing. This will only be exacerbated under the proposed Project due to the increase in bicycle ridership in this area.

The Project Plans specify an 8-foot-tall mini-mesh chain link fence between the equestrian trail and the bike path. The 8-foot-tall mini-mesh fence separates the two uses where they adjoin. But the fence between the bike path and the LA River is a 5-foot-tall fence with standard size mesh and a enter rail, as shown in **Figure 5**, which is from Figure 6a of the Plan Set in the Final MND. It is a landscape fence. There is ample evidence that non-equestrians will either cut through the standard mesh or lift their bikes over a 5-foot-tall fence and use the fence rail for a foot hold to continue riding.



**FIGURE 5 – PLAN SHEET SHOWING 5-FOOT LANDSCAPE FENCING BETWEEN BIKE PATH AND LA RIVER**

Source: Figure 6a MND



Given the nature of the fencing proposed, it is inadequate to keep bicyclists or other users from cutting the fences and therefore will not protect against bicycle/equestrian conflicts. The potential for significant safety impacts remains.

The MND also relies on signage to protect against illegal use of equestrian facilities by bicyclists and thus the safety hazards of bicycle/horse interaction. For example, Master Response No. 1 states in part:

The Project design will make it more difficult for anyone not on the Equestrian Trail to utilize the tunnel and will block users of the Bike Path from the existing equestrian tunnel. Additionally, iAssist Equestrians noted that signage and lighting are included as part of the Project design that will alert the public that it is unlawful for motorize vehicles to utilize the Bike Trail and that only equestrian uses are permitted on the Equestrian Trail. Finally, signage will be installed as part of the Project that alerts bicyclists that they must ride slowly on this segment of the Bike Path. Overall, based on its review of the Project, iAssist Equestrians concluded that the Project, if implemented as planned, will not adversely impact users of the existing equestrian trail, and is adequate to preserve the existing equestrian usages of the trail within the Project Site.

Signage would also be provided along the alignment indicating that graffiti and vandalism are prohibited by the LAMC, and would include a contact phone number to the Office of Community Beautification for graffiti cleanup. The proposed design for the new bike trail terminus would not only provide abundant signage to clearly indicate the authorized (and prohibited) users of the Project's equestrian trail component and the turnaround requirement for non-equestrian users on the bike/pedestrian path component, but it would also physically limit the potential for people to unlawfully damage, climb, or otherwise circumvent the western terminus to access the equestrian ROW and off-site trail or Mariposa Bridge facilities.

However, as shown in **Figure 3** bicyclists have actually provided their own signage documenting how evade existing fencing and gates. In addition, signs are routinely vandalized as documented in comment letters and shown in **Figure 6** which are photos by a rider on April 1, 2025 and then again on April 3, 2025 showing vandalism between those dates. The same rider also indicated that she called in three bicyclists illegally riding on the horse trails on May 13, 2025 alone.



**FIGURE 6 – VANDALISM OF SIGNAGE PROHIBITING BICYCLE USE – BETWEEN  
4/1 and 4/3/2025**

**C. The MND Improperly Relies On An Assumption of Adequate And Feasible Trail Maintenance To Avoid Safety Impacts**

The City is relying on adequate trail maintenance to ensure that the Project will not result in unsafe bike/equestrian interactions and associated traffic safety impacts. For example, response to comment B3-6 states:

It is acknowledged that cyclists are not currently authorized to access the Project Site. However, this existing condition does not change the fact that the Project-related improvements and barriers would physically prevent unauthorized access beyond the western terminus, and the Project would also be subject to ongoing monitoring and maintenance to prevent damage to Project barriers that could allow for unauthorized access.

However, the City has failed to demonstrate that maintenance is adequate or feasible to achieve these ends. Comment B3-13 explains the problem:

The MND fails to require proper maintenance of fences and Project facilities and to ensure proper separation between bike and horse uses. The MND in Section 2.8 described the needed operation and maintenance requirements, by these are not included as mitigation measures or made mandatory through some legally enforceable mechanism. Section 2.8 maintenance assumptions are not credible, based upon evidence in the record. LADOT does not currently maintain the existing bike path facilities: signs are spray painted and destroyed; fences are consistently cut and destroyed; graffiti is neither removed nor painted over.). The gate at Forest Lawn Drive famously has 4-6 locks, but the fencing next to it is cut and destroyed. (See Attachment 2) The fencing illustrated for the Project in the MND is landscape fencing. MND Photos 7a and 7b convey just how flimsy the fencing is. This fencing is not sufficient to avoid impacts. In addition, 12 agencies possess easements or fee simple ownership over this area. The MND fails to identify maintenance responsibilities by agency. The environmental document needs to include legally enforceable maintenance requirements, or identify the impacts of improper maintenance of Project facilities as a significant Project and cumulative impact. In the absence of a legally enforceable mechanism, the potential for significant maintenance-related impacts remains. The measures included in MND Section 2.8 and 2.8.1 must be made mitigation measures and the timing, frequency, and responsibility for the specified actions included in the mitigation measures.

MND Response to Comment B3-13 is inadequate and is as follows:

Refer to **Master Response No. 3: Operations and Maintenance for the Proposed Facilities** regarding ongoing trail maintenance. The commenter points to existing conditions of damage to fences and other existing

facilities in the Project area, and argues that the Project would incur similar damage and thus access cannot be controlled and impacts would be significant. However, as noted in Master Response No. 3, LADOT would sign a MOU with BOE in coordination with RAP to ensure that LADOT (or its designee such as the River Rangers) maintains and repairs the proposed facilities in perpetuity to ensure that the Project operates as intended. The commenter fails to explain how any of these comments discuss potential impacts to environmental resources regulated by CEQA.

This response is another example of the MND authors, and the City, failing to understand the nature of the safety impacts to equestrians from the proposed Project. In addition, the Final MND fails to include a mitigation measure requiring adequate maintenance and repairs, but rather includes an inadequate BMP, in violation of *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645 (“Lotus”). BMP-WQ-4 reads as follows:<sup>6</sup>

**BMP-WQ-4:** Maintenance activities for the proposed bike path and equestrian trail will involve a collaborative effort between various City agencies coordinated by LADOT as the lead agency for Project implementation. LADOT will develop and enter into one or more use agreements with the U.S. Army Corps of Engineers, Los Angeles County Department of Public Works, and other agencies, as appropriate, to maintain all improvements built as part of the Project. Such use agreement(s) would be in place prior to the proposed bike path and equestrian trail being open to the public for use. The activities anticipated to be undertaken by LADOT, or through agreements with other agencies or third-party vendors, as part of long-term operation of the Project include:

1. Regular inspections of the bike path and equestrian trail facilities;
2. Periodic clearing of debris and animal waste;
3. Graffiti removal from walls, fences, and signs;
4. Repairing or replacing fencing, signage, and pavement markings as needed;
5. Ongoing landscape maintenance, encompassing tree trimming, staking, shrub and vine pruning, grass and ground cover upkeep (where applicable);
6. Weed and litter control along the Project’s entire bikeway and equestrian trail segments; and
7. Tree monitoring for planted and encroached trees (see discussion under

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<sup>6</sup> This version of the BMP conflicts with the BMP language on MND pdf page 391. Both fail to include Caltrans as an agency with an easement interest in the proposed project design. Caltrans is the agency that will provide additional right-of-way to maintain a 10-foot-wide horse trail. The fencing will be Caltrans fencing, (extremely flimsy fencing and frequently vandalized as evidenced in the record).



Section 4.4, *Biological Resources*, below, and Mitigation Measure MM-BIO-1).

This constitutes improper deferral of mitigation. No standard for adequacy of maintenance and repair activity is established and the party or parties responsible for maintenance have yet to be identified and are simply described as “U.S. Army Corps of Engineers, Los Angeles County Department of Public Works, and other agencies, as appropriate, to maintain all improvements built as part of the Project.”

In addition, the City has failed to demonstrate that on-going maintenance activities at levels required to mitigate for safety impacts is even feasible. The May 15, 2025 Inter-Departmental Memorandum to the City Council from the General Manager of the Department of Transportation indicates that the Project will cost 11.4 million dollars and that only 7.244 million has been secured to-date (see screenshot below); information on construction costs is not provided.<sup>7</sup> No estimate is provided of maintenance costs or assumptions.

Project Cost and Funding

The design and environmental phase (including this CEQA document) of this project is fully funded. In order to allocate the construction funding, it is required that City Council take action and approve the CEQA findings. LADOT secured \$7.244 million to build this project as described below:

Funding Source	Amount Awarded
CMAQ - Congestion Mitigation Air Quality	\$1,827,000.00
CRRSA - State Only Funding	\$4,960,000.00
Local - City Match	\$457,000.00
<b>Total</b>	<b>\$7,244,000.00</b>

LADOT also continues to seek an additional \$4.156M through various external funding opportunities to fully fund the construction of this project.

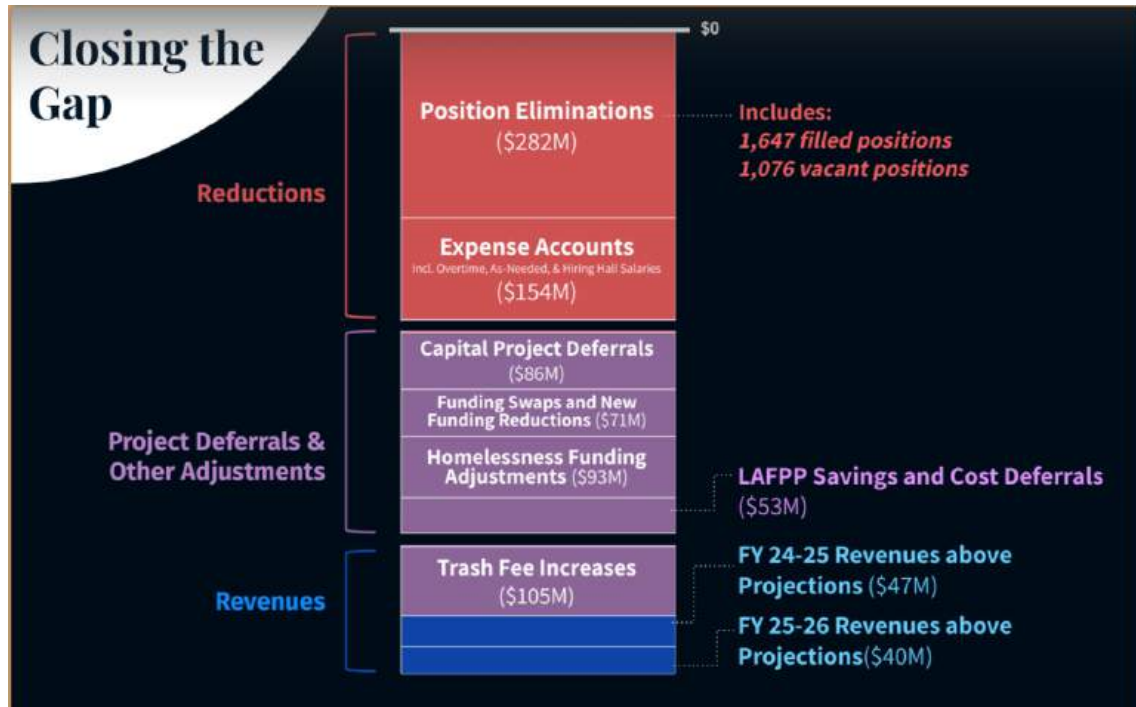
In fact, the City is irresponsibly asking Council for permission to solicit construction bids for the LA River Bikeway and Greenway San Fernando Valley Completion Project – Vanalden Ave. to Balboa Blvd (Segments 1 and 2) despite a \$17.1 million dollars funding shortfall and an estimated construction cost of \$66.4 million dollars.<sup>8</sup>

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<sup>7</sup> See: [https://clkrep.lacity.org/online/docs/2023/23-0722\\_rpt\\_dot\\_05-15-2025.pdf](https://clkrep.lacity.org/online/docs/2023/23-0722_rpt_dot_05-15-2025.pdf)

<sup>8</sup> See: <https://cao.lacity.gov/capital/mfc20240530g.pdf>

Given the City currently has a budget shortfall of nearly a billion dollars<sup>9</sup> and the Mayor's proposed 2025-26 Budget and associated cuts,<sup>10</sup> there is not substantial evidence that adequate funding will be available to ensure adequate timely maintenance and repairs so as avoid significant safety impacts. The mayor's proposed budget shows substantial cuts in funding:<sup>11</sup>



**FIGURE 7 – PROPOSED BUDGET CUTS – CITY OF LOS ANGELES**

Source: <https://cao.lacity.gov/budget25-26/CAOOverview/index.html>

Substantial evidence therefore exists that the City lacks sufficient financial resources to provide the level of maintenance necessary to avoid safety impacts resulting from bicycle/equestrian interactions. The potential for significant safety impacts remains.

### **III. IMPROPER PIECEMEALING**

In our March 31, 2025 letter regarding defects in the MND for the Project we identified improper piecemealing of the larger LA River Bikeway project as a problem with the MND. The following response was received to our Comment B3-13 regarding improper piecemealing:

<sup>9</sup> See Los Angeles Times, March 19, 2025 “L.A. City Budget Shortfall grows to nearly \$1 billion, with Layoffs Nearly Inevitable” at: <https://www.latimes.com/california/story/2025-03-19/los-angeles-city-budget-shortfall-gets-much-worse>

<sup>10</sup> The Mayor's proposed budget is available at: <https://cao.lacity.gov/budget/>

<sup>11</sup> See: <https://cao.lacity.gov/budget25-26/CAOOverview/index.html>

The commenter argues that because the Project is contributing a segment of bike path and equestrian trail to the overall LA River Bikeway system, the City is “piecemealing” the environmental analysis of the Project and that it should be evaluated as part of a larger environmental analysis of the entirety of the LA River Bikeway. However, while the Project would represent a small portion of the overall LA River Bikeway, as envisioned in the Los Angeles River Master Plan, the Draft IS/MND need not explore the larger context of the impacts of the LA River Bikeway since the impacts of the Master Plan’s implementation were previously evaluated in the Los Angeles River Master Plan Final Program Environmental Impact Report (PEIR). On June 14, 2022, the County of Los Angeles Board of Supervisors approved the LA River Master Plan and certified the PEIR on behalf of the County and the Los Angeles County Flood Control District. Given the numerous jurisdictions and interests involved along the 51-mile stretch of River, it was necessary to evaluate the impacts of the Master Plan at a program level, with the expectation that smaller individual projects (i.e., “implementing projects”) would be designed consistent with the Master Plan and also would be subject to future project-specific environmental review under CEQA. As such, the Project was evaluated in the Draft IS/MND in order to provide the Project-specific detail that was not possible to evaluate in the PEIR, and the Draft IS/MND functions as a stand-alone CEQA document to comprehensively evaluate the potential environmental effects of the Project at hand, and not attempt to analyze the overall impacts of the larger bikeway system. As such, an IS/MND is the appropriate type of CEQA document for the Project. No further response is necessary.

There are a number of problems with this response. First, The MND for the Project is not tiered off the PEIR for the LA River Master Plan; nothing about tiering is mentioned in the MND. The PEIR for the LA River Master Plan is not cited as a reference in MND Section 7. The MND does not demonstrate consistency with all of the elements of the LA River Master Plan. The MND does not include mitigation measures from the PEIR. The MND does not comply with CEQA Guidelines §15152 requirements regarding tiering, which include in part:

- (f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.
- (1) Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.

- (2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).
- (3) Significant environmental effects have been “adequately addressed” if the lead agency determines that:
  - (A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or
  - (B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.
- (g) When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.

In addition, the MND fails to demonstrate that the proposed Project was analyzed in the PEIR. Improper piecemealing has therefore occurred.

#### **IV. LACK OF AN ADEQUATE CUMULATIVE IMPACTS ANALYSIS OF THE PROPOSED PROJECT**

The MND fails to analyze the cumulative impact of additional bicycle use in the area, resulting from the planned connection of the Project segment of the bikeway to segments both north and south, and the larger L.A. River Bikeway once complete, on equestrian safety and equestrian facilities. The cumulative impact analysis in the MND is currently inadequate and fails to identify potentially significant project and cumulative impacts resulting from the increase in bicycle use in close proximity to horses, equestrians and equestrian facilities that would result from the proposed Project and the Project in combination with reasonably foreseeable past, present and future components of the L.A. River Bikeway. These potentially significant cumulative impacts necessitate the preparation of an EIR.

In response, the Final MND states (Response to Comment B3-6):

With regard to cumulative impacts, the commenter suggests that the Project would result in larger cumulative impacts associated with increased bicycle activity in the area; however, the commenter fails to articulate how the extension of the LA River Bikeway by a less than one mile segment with a turnaround feature would substantially increase overall bicycle activity in the area. To the contrary, there is already bicycle activity throughout the Griffith Park area and along the existing LA River Bikeway segments to the east, as noted by numerous public comments from the cycling community. As such, the construction and operation of the Project's bike path component is not expected to generate substantial new bicycle trips or bicycle activity in the area such that significant environmental effects would result. Further, the commenter does not indicate which specific issues or cumulative impacts would result from the asserted increase in bicycle activity. The commenter fails to cite which significant impacts would occur that would necessitate the preparation of an EIR. No further response is necessary.

If the extension of the larger bikeway into this area as a result of the Project would not result in the introduction of new or expanded bicycle use in the Project area, what is the point of the Project? The response is disingenuous. We have documented the potential safety and other impacts of concern resulting from the proposed Project, as have done other commenters. The Final MND fails to address both the impact of the extension of the existing segment of the bikeway, resulting from the Project, and the impact of the future completion of the Los Angeles River Bike Path, on equestrian safety in the Project area. The anticipated cumulative increase in bicycle use in the vicinity of this important equestrian area will contribute to significant unmitigated cumulative safety impacts, necessitating preparation of an EIR.

## **V. CONCLUSION**

Please keep this office on the list of interested persons to receive timely advance notice of all hearings, votes and determinations related to the Project, its DEIR and requested entitlements. Pursuant to Public Resources Code Section 21167(f), please provide us with a copy of each and every Notice of Determination issued in connection with the Project.

As previously noted, we adopt and incorporate by reference all Project comments and objections raised by all others during the environmental review and land use entitlement processes for the Project. Pursuant to PRC Section 21167.6(e) and *Consolidated Irrig. Dist. v. Superior Court* (2012) 205 Cal.App.4th 697, please include all of the hyperlinked references cited in each of the comment letters submitted during the administrative process in the administrative record.

Thank you for your consideration of this matter. I may be contacted at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Hall", written in a cursive style.

Jamie T. Hall