

**MAR VISTA COMMUNITY COUNCIL**  
**SPECIAL BOARD OF DIRECTORS MEETING**  
**APRIL 22, 2008**  
**MINUTES**

7:00 P.M.  
SANTA MONICA COLLEGE BUNDY CAMPUS  
MULTIPURPOSE ROOM #123

*CALL TO ORDER*

The following members of the board were present or arrived shortly thereafter:  
Ken Alpern, Laura Bodensteiner, Bob Fitzpatrick, Colin Hatton, JD Gaydowski, Rob Kadota, Keith Lambert, Albert Olson, Bill Scheduling and Curt Steindler.

*PUBLIC COMMENT (I)*

None.

*NEW BUSINESS*

CHARNOCK WATER WELL FIELD RESTORATION PROJECT re: Draft Initial Study/Mitigated Negative Declaration.  
<http://www.smgov.net/engineering/projects/Charnock%20Draft%20ISMND.pdf>

The Board reviewed and considered materials forwarded from the Special Emergency Transportation and Infrastructure meeting held on April 20, 2008 to discuss concerns of the CHARNOCK WELL FIELD RESTORATION PROJECT Draft Initial Study/Mitigated Negative Declaration.

**POLICY MOTION: Submit letter to City of Santa Monica by Public Comment deadline of Wednesday April 23, 2008. See Attachment A.**

Glen Howell commented that an important impact has not been addressed. He asked how Santa Monica will get the water to the end point. He was concerned about leaky pipes and pipes that were laid before Mar Vista became part of Los Angeles.

John Jones commented on pipe diameter. He was concerned about zoning that allows building outside the purview of Building and Safety.

Curt Steindler asked about the City of L.A.'s involvement.

Maritza Prezkop commented that L.A. is not involved.

*PUBLIC COMMENT (II)*

Rob Kadota commented that NC election procedures are now available.

The meeting was adjourned at 8:17 PM.

Minutes submitted by Laura Bodensteiner on May 13, 2008.

## Attachment A

April 22, 2008

Spiros Lazaris, PE  
City of Santa Monica,  
Civil Engineering & Architecture Services  
1437 4th Street, Suite 300  
Santa Monica, CA 90401

The following response was unanimously approved by the Board of the Mar Vista Community Council on April 22, 2008.

### **Mar Vista Community Council response to Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration**

The Mar Vista Community Council (MVCC) finds many of the mitigation proposals to be inadequate to resolve conditions which are said to have a “potentially significant impact” as described in the Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration. Furthermore, the MVCC requires that the Charnock Well Field Restoration Project provide a full Environmental Impact Report as defined by the California Environmental Quality Act (CEQA).

We believe that this MVCC response meets the “fair argument” test for requiring an Environmental Impact Report. Furthermore, the MVCC finds the Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration does not comply with the law as supported in *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-307 which states: *“The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. California Code of Regulations, title 14, section 15070, subdivision (b)(1) provides that if an applicant proposes measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures "before the proposed negative declaration is released for public review ...." (Italics added.) Here, the use permit contemplates that project plans may be revised to incorporate needed mitigation measures after the final adoption of the negative declaration. This procedure, we repeat, is contrary to law.” (Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 306-307.)*

The following are three examples of inadequate mitigation proposals (The italicized passages are quotations from the Study.):

1. The Charnock Well Field Restoration Project: Draft Initial Study MND describes the following mitigation measures for visual aesthetic issues:

**AES-1 Site Design Features.** *“The physical appearance of the structures and site screening shall be compatible with and relate harmoniously to surrounding sites and neighborhood. Site screening would be implemented to limit the effects of the proposed onsite*

structures. These would include such design features as slats in the fence, landscaping or potted trees at base of structures and neutral earth tone colors of tanks and buildings. These new facilities would be subject to City staff aesthetic review to ensure that their physical location and appearance are compatible with and relate harmoniously to surrounding environs.

Implementation of the Site Design Features would ensure that the proposed buildings and facilities would be consistent with the visual character of the surrounding neighborhood.”( p. 3-12, Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration)

The MVCC finds that the proposed mitigation is inadequate to solve the issues stated on p. 3-3 of the MND: *“It cannot be determined with certainty of the compatibility of the development on-site and surrounding area. Therefore, the proposed project has the potential to result in buildings and facilities that are incompatible with the existing character of the neighborhood: this is considered to be a significant impact unless mitigation (is) incorporated.”* (p. 3-3, Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration)

The tanks will still be in plain view from many locations in the neighborhood, including the second floors of neighboring houses on Butler Ave., Purdue Ave., Westminster Ave., and Sawtelle Blvd.; the Windward School; and looking past the Windward school from Palms Ave.. And trees will not completely block the view of the tanks from the ground level on Westminster.

The MVCC suggests consideration of placement below ground of the fifteen filtering tanks, along with the other various tanks proposed for the project. This would certainly be the most effective means for the City of Santa Monica to mitigate the visual aesthetics of the Project. And in fact would be similar to the mitigation suggested in this MND for the new salt-water wells being constructed in Santa Monica which would be 20 feet tall but buried so only 5 feet is above ground, to “reduce visual impact”. The basis aesthetic issue here is the placement of an industrial facility in the midst of a residential neighborhood. To truly mitigate the visual aesthetic issues, it is mandatory that the design features of the facility be made to look like the residential neighborhood, or the Windward school. The MVCC also requests a study be done identifying design alternatives for this mitigation.

In addition, the MVCC recommends that representatives from the neighborhood (or the Mar Vista Neighborhood Association), the Windward School, and the Mar Vista Community Council be involved in any review and final approval of all aesthetic design considerations.

2. The Charnock Well Field Restoration Project: Draft Initial Study MND describes the following mitigation measures for noise issues:

**N-1 (a) Charnock Equipment Noise.** *“As part of final design of the Charnock facility, all equipment specifications shall be reviewed to ensure that all Noise Ordinance requirements are met and that there is no significant change in noise levels at Windward School or adjoining residential areas south of Westminster Avenue. All pumps, compressors, and other permanent equipment shall be either equipped with noise blankets or other noise reducing devices or enclosed in noise insulated structures to minimize the potential for noise impacts to sensitive uses.”* (p. 3-59, Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration)

The MVCC finds that the proposed mitigation is inadequate to resolve the impacts stated on p. 3-54: *“Operation of the project would result in an increase in ambient noise levels as a result of increased onsite activity, including pumps and other equipment, as well as routine maintenance. . . The onsite system has not been designed for exact specifications thus noise generation of onsite equipment is not known at this time. As a result there is the potential for onsite equipment such as pumps, to generate noise levels that exceed normally acceptable noise levels at adjoining residential and school uses. This is considered potentially significant unless*

*mitigation is incorporated.*” (p. 3-54, Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration)

The MVCC is concerned that since there is no design yet, it is impossible to know what mitigation procedures will actually be required. Furthermore, the MVCC is very concerned that the language used in the MND refers to sound measurements AVERAGED over a given period. Proper analysis of any increase in decibel level created by the facility’s operation must focus on actual real-time db increases. It is not valid to tell residents they have to put up with actual increases in db levels just because averaged over time these noise increases do not rise above some arbitrary definition of “significant change”. The actual criterion must be: Any noise (db) increase created by the facility must not be heard beyond the confines of the facility. The ambient noise level must remain as it was before the facility goes into operation.

The MVCC is also concerned that the unknown noise mitigations will affect the visual aesthetic issues discussed in part 1. of this document.

3. The Charnock Well Field Restoration Project:Draft Initial Study MND describes the following mitigation measures for hazardous materials:

**“(a) Site Safety Engineering Design Features.** *As part of final project design, the final design plans shall incorporate all site safety features required by DP and adhere to American Water Works Association (AWWA) standards for similar water treatment systems.*”

**“(b) Hazards and Operability Study.** *A Hazards and Operability (HAZOP) study will identify potential safety hazards and evaluate potential operational problems in characterizing potential consequences to the surrounding communities in the event of a release of a hazardous material.*”

**“(c) Operations Manual.** *An operations manual shall be prepared once final design is determined.*”

**“(d) Emergency Response Plan.** *Prior to operation of any of the new facilities, a Emergency Response Plan shall be prepared. The Emergency Response Plan will have written operational procedures for site emergencies and appropriate levels of response. This document will feature emergency response protocols, emergency response techniques and emergency contact numbers to ensure proper emergency management.*”

**“Significance After Mitigation.** *Implementation of recommendations and procedures in these mitigation measures would ensure that impacts from storage and use of hazardous materials within ¼ mile of a school, in addition to risk of upset would be reduced to a level that is **less than significant.***” (p. 3-38 to 3-39, Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration)

These mitigation proposals are inadequate as a response to the significant impacts described on p. 3-31 to 3-33: *“To remediate the existing groundwater contamination and restore well production, the routine use, disposal and transport of hazardous materials will be required. Hazards and risk of upset could be associated with chemicals utilized in the treatment of potable water such as sodium hypochlorite, antiscalants, aqueous ammonia and hydrochloric acid. In addition, remediation of the existing contamination will require disposal of water, sludge and carbon that will be contaminated with MTBE and TBA”* These impacts are *“potentially significant unless mitigation is incorporated”*. p. 3-31 to 3-33, Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration)

The MVCC considers these mitigation proposals invalid as part of a Mitigated Negative Declaration because they are both “deferred mitigation” and “mitigation measures consisting of monitoring and future studies.” (See Mitigated Negative Declarations, CEQA TECHNICAL ADVICE SERIES and Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 306-307.)

The MVCC requests that additional studies be performed to ascertain the impacts on school children of exposure to any of the chemicals mentioned above (sodium hypochlorite, antiscalants, aqueous ammonia, hydrochloric acid, and any components of the “sludge” described

in the MND) released into the environment as the result of an accident at the facility. The MVCC is very concerned about the impact of an accidental release of any chemicals or materials used in this Project into the surrounding residential streets or the Windward School. The MND does not fully address the risks being imposed on this community, and we believe the community should not be asked to bear these risks.

### General Concerns

The following issues must be resolved to the community's satisfaction:

1. Design alternatives to mitigate aesthetic issues. Any construction must be visually consistent with the existing residential neighborhood and/or Windward School.
2. What will the true noise levels be, based on a study of noise levels found in similar facilities that are currently in operation, and what are the alternatives for mitigating those levels to the actual current real time db levels of the neighborhood?
3. What are the impacts on residential streets of the very large trucks that will be visiting the proposed facility on a regular basis? Will these trucks exceed the weight limits for which streets such as Westminster Ave. were designed?
4. What are the impacts of a release into the neighborhood of any of the previously discussed hazardous materials? What are the health risks to the community? A **Hazards and Operability Study** must be done prior to approval of the project to "identify potential safety hazards and evaluate potential operational problems in characterizing potential consequences to the surrounding communities in the event of a release of a hazardous material" (Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration) This study must include studying the specific effects of any of these materials on school-aged children. What are the health risks of exposure to the toxic gasoline compounds MtBE and TBA?
5. The MVCC is concerned about the current condition and structural integrity of the pipes and infrastructure connecting the Charnock facility to Santa Monica, and the impact of repairs and remediation on this infrastructure.
6. What are the effects on the environment of re-opening these wells? They were first drilled in the 1930s and were closed down in 1996 because of chemical contamination. What is the state of the ground now? Santa Monica has grown since the wells were last used. How much water does Santa Monica plan to extract and can it be demonstrated this is safe? To what level can Santa Monica safely reduce the underground water table? Are there any current studies addressing the reduction of the underground water table? There have been earthquakes since the wells were last used. The Charnock Fault follows McLaughlin and is an active fault. The water plumes go southward, probably as far as the Ballona Wetlands. What are the depths of the water basins and how far do they really go? When was this last studied and what has changed in 12 years? How might lowering the water level facilitate gases such as methane to migrate to Mar Vista?
7. It appears there has been no consultation about this project with the City of Los Angeles' environmental section staff, community planning bureau staff or Citywide staff. The Open Space zone allows "public water supply reservoirs (uncovered) and accessory uses which are incidental to the operation and continued maintenance of such reservoirs". However, it does

not allow these uses by-right. The City would require a Conditional Use Permit per Section 12.24 U.19 (a) (d) for "Appurtenant structures adjacent to reservoir use, such as water treatment facilities, pumping facilities, distribution facilities and water filtration facilities". The MND did not list the City of Los Angeles as one of the responsive agencies (Page 2-32). The City of Los Angeles should have been listed as one of the responsive agencies, since the City will be the decision maker in approving such land uses.

6. The MVCC recognizes the scarcity of water in the state of California, and is sympathetic to any attempt to provide local water sources for the City of Santa Monica and surrounding communities. Therefore the MVCC requires that the city of Santa Monica study the environmental impacts of pumping the untreated water from the Charnock Well Field to an appropriate location in the city of Santa Monica, where that city could more effectively deal with the issues of building a facility to clean their water.

7. The stakeholders in the Charnock Well Field Area have additional concerns that need to be addressed in an Environmental Impact Report. We suggest that the City of Santa Monica establish an effective liaison with the affected stakeholders in the areas adjacent to the Charnock Well Field. The Mar Vista Community Council stands ready to participate with the City of Santa Monica to help achieve their goals with the minimum impact on the community.

**In conclusion, the Mar Vista Community Council requests that the Charnock Well Field Restoration Project: Draft Initial Study/Mitigated Negative Declaration not be approved. The first step in any consideration of the Restoration Project must be an Environmental Impact Report (EIR) as suggested by CEQA guidelines.**

Thank You,