



December 11, 2013

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200 N. Spring Street, Room 750
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RE: DEIR Case Number:
ENV-2013-0150-EIR
State Clearinghouse No. 2013041033

The following comments relate specifically to the Harvard-Westlake Parking Improvement Plan (the "Project") Draft Environmental Impact Report (the "DEIR") dated September, 2013. Based on a review and analysis of the DEIR and the comments received from the stakeholders of Studio City, the Board of the Studio City Neighborhood Council (the "SCNC") in its response below is conveying the concerns raised about the impact that the Project will have on our community and the sufficiency of the DEIR study and analysis.

The SCNC has received the following specific concerns from the stakeholders: **(1)** this Project will not result in improved traffic flow **(2)** the construction of a privately owned pedestrian bridge across one of the major arteries between the San Fernando Valley and the City side of the hill is not safe in light of the geology of the area **(3)** the bridge will not be owned by a public agency and subject to the regular inspections applicable to other bridges in the City after an earthquake **(4)** the construction of 87 foot high retaining walls will be neither safe based on the geology of the area, compatible with the surrounding environment or in compliance with the standards for retaining walls set forth in the Baseline Hillside Ordinance **(5)** the Project involves the grading and export of a total of 135,000 cubic yards which will adversely impact the surrounding area during the grading and removal process and may adversely impact the stability of the surrounding area after its removal and **(6)** the Project requires many discretionary actions including granting: (i) a conditional use permit for the construction of a three-story parking structure with 750 parking spaces and a rooftop athletic field with a protective fence, netting and lighting, in the RE40-1-H and RE15-1-H Zone, (ii) a height variance to permit maximum heights of 83 feet 6 inches for the Parking Structure and ancillary structures located on portions of the Development Site, in lieu of the 30-foot height limit otherwise required by LAMC Section 12.21 C.10-4, (iii) encroachments into portions of the front yard setback area (along Coldwater Canyon Avenue), to allow for the setbacks ranging from zero to 20 feet, in lieu of the 25-foot front setback otherwise required by LAMC Section 12.21 C.10-1 (iv) A maximum grading and export quantity of

approximately 3,000 cubic yards of earth in a Hillside Area on a lot in the RE15 Zone, in lieu of the 1,600 cubic yard maximum grading limit otherwise required by LAMC Section 12.21 C.10(f)(1), (or such amount as may be increased pursuant to LAMC Sections 12.21 C.10(f)(3). [The Project would actually involve the grading and export of a total of 135,000 cubic yards; however, 132,000 cubic yards are exempted from grading limitations pursuant to LAMC Section 12.21 C.10(f)(3)] (v) waiver of the Tentative Map Requirement under LAMC Section 91.7006.8.2, pursuant to the Department of City Planning's, Filing Procedures for Review of Grading Plans in Hillside Areas Having an Area In Excess of 60,000 square feet, dated January 11, 2012 (vi) an Airspace Vacation from the City of Los Angeles to allow a pedestrian bridge to cross Coldwater Canyon Avenue and be located within the front yard setback area along Coldwater Canyon Avenue and (vii) approvals from the City of Los Angeles for the removal of protected trees.

Please offer justification and support for the conclusion in the DEIR that the Project is consistent with applicable plans and policies and is in keeping with the suburban nature of the area as set forth in the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (the "Community Plan") (Exhibit VI). The Zoning Code, the Baseline Hillside Ordinance (Exhibit VII) and the Community Plan represent the long range planning standards and vision for this part of the City of Los Angeles and they included important protections for its stakeholders. The additional analysis should insure that these governing documents are not overridden or ignored.

The Community Plan at 1-1.2 has the stated policy objective: "Protect existing single family residential neighborhoods from new, out-of-scale development." and at 1-1.3 "Protect existing stable single-family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses." The Community Plan map identifies land where only single-family residential development is permitted: it protects these areas from encroachment by designating where appropriate, transitional residential densities which serve as buffers and reflects plan amendments and corresponding zone changes which are directed at minimizing incompatible uses. This Project site is at the southern entry to the San Fernando Valley. The San Fernando Valley has long been recognized as the epitome of suburban life. Please provide documentation and support to demonstrate how a three story parking structure with an athletic field on top of it is a use that is compatible with the single-family residential uses and open space which is part of the Santa Monica Mountains Conservancy that is adjacent to the Project site. A finding of no significant impacts and no required mitigation cannot be substantiated when the Land Use analysis fails to study potential conflicts with the Community Plan. The Land Use Section only studies "relevant goals, objectives and policies" of the Community Plan leaving out all other goals, objectives and policies which may identify potential conflicts between the Project and the Community Plan.

The following comments are identified by the DEIR page number to which they relate. Each of these comments should be considered as a question of who, what, where, when or why as such would apply and we request a response to each of them. The remainder of this document is organized into two sections: (i) General Comments on the DEIR and (ii) Traffic Comments on the DEIR.

**STUDIO CITY NEIGHBORHOOD COUNCIL
GENERAL COMMENTS ON THE DEIR**

DEIR Page No.	General Comment
<p>Volume I Table 1-2 Section 3.1 page S-8 through S-10</p> <p>Volume I Table 1-2 Section 3.1 page S-10</p>	<p>The Summary of Project Alternatives set forth in the DEIR does not include an alternative for a transportation management plan that includes a comprehensive carpooling plan utilizing satellite parking for both daily student parking and for major events similar to that utilized by the Oakwood School.</p> <p>No serious project alternative has been presented that would include the construction of one or more two or three story parking structures on the east side of the street that would allow for school uses to remain within the existing campus.</p> <p>The DEIR indicates that “Without providing increased parking, most of the project objectives would not be satisfied and therefore such an alternative is not required under CEQA.” Please provide an analysis of an alternative that provides for an athletic field without a parking structure.</p> <p>Please provide an analysis of additional alternatives taking into account the points listed above.</p>
<p>Volume I Table 1-2 Section 3.1 page S-11</p>	<p>The DEIR indicates that the impact of the Project upon the visual character in the vicinity of the Development Site along Coldwater Canyon Avenue, a designated Secondary Scenic Highway would be less than significant. Please explain how the construction of a three story parking structure no matter how well designed could have a less than significant impact upon the visual character of the area which is currently undeveloped land zoned for large lot residential uses.</p>
<p>Volume I Table 1-2 Section 3.1 page S-12</p>	<p>The DEIR states the Project applicant shall retain a lighting design expert to implement the following protocol to ensure compliance with all City lighting regulations, assumptions used in the DEIR analysis and all mitigation measures no later than 6 months after certificate of occupancy. The SCNC requests that, should the project go forward, the light design expert be obtained and render a report including an analysis verifying compliance with all mitigation measures before a certificate of occupancy is granted.</p>
<p>Volume I Table 1-2 Section 3.1 page S-13</p>	<p>DEIR MM-AES-9 indicates that “an eight-foot-tall (total average height) cable retention system (to prevent rock fall) combined with a green chain link fence (with undulating top), with adjacent appropriate native plantings shall be constructed atop retaining walls to further assist in screening the structure and light and glare from the practice field on to adjacent residences.” The SCNC suggests the utilization of vines and other climbing plants to create a living green barrier to screen the structure and to mitigate the lighting impacts, should the project go forward.</p>

DEIR Page No.	General Comment
<p>Volume I Table 1-2 Section 3.2 page S-13</p>	<p>The DEIR indicates that the proposed Project would not generate new vehicle trips to the study area and there would not be an associated increase in regional emissions. Presently there are 578 (page S-5) parking spaces available on the existing campus. The Project contemplates a repurposing of 243 of those spaces leaving 335 (page S-4) parking spaces on the existing campus. There are also 40 (page S-5) spaces at St Michaels that are available. The Project would ultimately result in 1,085 (page S-4) parking spaces. Please explain why, if the Project will not generate new vehicle trips, there is a need for the construction of an additional 507 parking spaces. The Project will only be removing a total of 81 cars from the neighborhood, 36 (page S-5) from Coldwater and 45 (page S-5) from other neighborhood streets. This results in a surplus of 418 spaces. Please explain why these spaces will be constructed if they are not needed? Representatives of the SCNC drove through the streets in the immediate neighborhood during morning school hours and did not find there to be parking intrusion on the surrounding streets.</p> <p>Please provide the school's 10 year plan.</p>
<p>Volume I Table 1-2 Section 3.2 page S-13</p>	<p>The DEIR states that Project construction (including truck trips) and operation would not generate significant amounts of criteria pollutants such that they would impact regional air quality. Please explain how it is possible to grade and remove 135,000 cubic yards of earth with the number of truck trips required to accomplish that without having a significant impact on regional air quality.</p>
<p>Volume I Table 1-2 Section 3.3 page S-15 and S-16</p>	<p>The DEIR indicates that the Project would impact approximately 1.05 acres of oak/walnut woodland (a significant impact) and that the Project would result in the removal of 12 oaks, and 117 walnuts, encroachment would impact and additional 6 oaks and 20 walnuts. All these trees are protected by City ordinance. The DEIR concludes that there will be no significant impact due to the proposed mitigation measures. The SCNC notes that the replacement of mature trees (even if some are in a diseased state) with trees that are in one to five gallon in size is not in compliance with the intent of the City guidelines which calls for replacement with "15-gallon specimens measuring one inch or more in diameter at a point one foot above the base and not less than seven feet in height, measured from the base." Should the project go forward, we request that the trees be replaced with trees that are in compliance with the City guidelines.</p>
<p>Volume I Table 1-2 Section 3.3 page S-19 and S-20</p>	<p>The DEIR indicates that the impacts on flora and fauna from the Project will be less than significant. Two stakeholder groups, the Santa Monica Mountains Conservancy and Save Coldwater Canyon, have raised concerns regarding the adverse impact of the Project on the area in general and on specific species in particular. (See Exhibits I, II and III) Please respond specifically to each of the concerns regarding the impacts on the flora and fauna on the Project site and the contiguous Santa Monica Mountains Conservancy lands which are an important resource for our community.</p>

DEIR Page No.	General Comment
<p>Volume I Table 1-2 Section 3.5 page S-21 and S-24</p>	<p>The DEIR indicates that the Project would not expose people to substantial increased risk as a result of geologic hazard, liquefaction, subsidence, expansive soils. ZIMAS maps of the site where the bridge will be constructed (See Exhibit IV and Exhibit IV-1) indicate that the land on one side of Coldwater is liquefaction and the land on the other side of street is not liquefaction. The report of the professional geologist Kenneth Wilson (See Exhibit V page 2) indicates “The potentially significant difference in foundation properties could cause each side of the bridge to react differently during a moderate to large earthquake... potentially causing the bridge to fail onto Coldwater Canyon Avenue.” Please address the statements of the professional geologist related to how the bridge will react in an earthquake. Should the project go forward, the SCNC wants to insure that the safety of the school’s student population and of all the stakeholders and commuters is maintained in the event of a bridge failure.</p>
<p>Volume I Table 1-2 Section 3.5 page S-24</p>	<p>The Project would remove 135,000 cubic yards of earth altering the topography in the vicinity of the site. Please explain the impact of the removal of this amount of earth on the stability of the surrounding hillside properties and the manner of construction of the retaining walls. Many of these concerns are set forth in the geological report included as Exhibit V.</p> <p>Please address each of the concerns raised in the geological report included herein as Exhibit V.</p>
<p>Volume I Table 1-2 Section 3.6 page S-27</p>	<p>The DEIR indicates that the Project would be consistent with applicable plans and policies. The Community Plan at 1-1.2 has the stated policy objective: “Protect existing single family residential neighborhoods from new, out-of-scale development.” and at 1-1.3 “Protect existing stable single-family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.” The Community Plan has as objective 5.1 “Preserve existing open space resources and where possible develop new open space.” The map on page 3.6-4 of the DEIR specifically indicates that the Project site is designated as desirable open space. The Project would be built on land that is currently zoned residential and is presently undeveloped. Stakeholders are concerned that this Project is not consistent with the vision of the community for the area as defined in these governing documents.</p> <p>Please provide additional study and analysis to document how the Project may be in conflict with the Community Plan as stated in the example above. A finding of no significant impacts and no required mitigation cannot be substantiated when the Land Use analysis fails to study potential conflicts with the Community Plan. The Land Use Section only studies “relevant goals, objectives and policies” of the Community Plan leaving out all other goals, objectives and policies some of which may identify potential conflicts between the Project and the Community Plan.</p>

DEIR Page No.	General Comment
<p>Volume I Figure 3.6.1 Section 3.6 page 3.6-4</p>	<p>Figure 3.6-1 and other Figures contained in the DEIR show differing mapping of the Project area. Please provide a new map showing, should the project go forward, exactly where the area of the Project will remove dirt and construct the retaining walls and parking structure. Specifically, should the project go forward, is any construction occurring south of Galewood Drive and Coldwater Canyon Avenue to the driveway of the parking structure?</p> <p>There has been an accumulation of additional surrounding properties purchased over the years by Harvard-Westlake. What is the intended use of all of these surrounding properties?</p>
<p>Volume I Table 1-2 Section 3.7 page S-28</p>	<p>The SCNC requests that, should the project go forward, Harvard-Westlake agree to compensate the owners of the surrounding residences if there is damage to their homes or property caused by the Project. Historically, damage to surrounding homes and property has been a major problem in Studio City, such as during the demolition and construction of the Moorpark Bridge. It must not be the property owner's cause of action to sue Harvard-Westlake for damages. The SCNC suggests that, should the project go forward, an inspection of the homes and property be performed, within 500 feet of the outer property line of the Project site, before grading and construction begins so there is a baseline to show damage if it occurs.</p> <p>The DEIR indicates at MM-N-9: A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the Project site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.</p> <p>Despite the establishment of a noise disturbance coordinator, the SCNC is concerned that the seriousness of the noise issue and its related repercussions are not given sufficient consideration. Strokes and depression can and do occur with a constant DB above 6 for a prolonged period of time. The projections are that this DB level will be reached for "a prolonged period of time". It is noted that there will be postings of "disturbance coordinators with a phone number to call." The DEIR does not, however, tell us where those postings will be. Should the project go forward, the SCNC requests that the homes in the surrounding area and St. Michaels Church be sent a Notification Bulletin each time the DB levels are expected to be 6 or above for an hour or more.</p>

DEIR Page No.	General Comment
<p>Volume I Table 1-2 Section 3.7 page S-28</p> <p>Volume I Project Description Page 216 and 217</p>	<p>Bushes, shrubs and trees can be a buffer to noise. Should the project go forward, the SCNC recommends that the entire area surrounding the parking structure be planted as density as possible. We recommend that the retaining wall be shrouded with a net and some type of ivy or other climbing vine planted at the bottom to ease the feedback of noise and to soften the visual landscape. In the DEIR we do not see any planting between the parking structure and the retaining wall. Please explain why there is no foliage planned for that area.</p> <p>During the excavation period, where 100 trips per day are listed, there is no noise determination cited – that is important information and it should be provided in the DEIR.</p> <p>Should the project go forward, the SCNC suggests staging of construction workers and trucks away from the Project area. FilmLA is a good source to assist in finding alternative parking and truck waiting areas.</p> <p>Traffic in the Project area has already been disrupted for many years due to construction of the trunk line project on Coldwater Canyon. Should the project go forward, every effort must be used by Harvard-Westlake to ensure the least amount of disruption of the surrounding neighborhoods.</p>
<p>Volume I Noise Figure 3.7-1 Page 3.7-2</p>	<p>In the Threshold of Human Audibility used as an example, deafening happens at anything above 90 dBA taking into consideration how far away the origin of the noise is to the person hearing it. An auto horn from 10ft away blowing 100 dBA can be deafening. The maximum noise levels of “common construction” listed as examples indicate that nothing is above 89 dBA. Within this chart the distances are calculated at 50’ and 100.’ A total of 49 residences and a preschool are listed as “Significantly Impacted Receptors”.</p> <p>Please address how the level of dBA can be reduced for the significantly impacted receptors.</p>
<p>Volume I Noise Figure 3.7-7 Page 3.7-14</p>	<p>Off-site Construction Haul Truck Noise Levels - The noise levels indicated in the examples presented appear to be independent of the (existing noise levels) on all streets mentioned. Please provide the combined noise levels of recorded street noise and the added level of noise during construction.</p>
<p>Volume I Noise Figure 3.7-9 Page 3.7-15</p>	<p>Parking Structure Noise Levels: - Please provide the combined noise levels resulting from the Parking Structure Noise Levels and the ambient and existing Noise levels of all adjoining and nearby streets. Should the project go forward, that would be the noise level that the surrounding residences will be living with upon completion of the project.</p>
<p>Volume I Noise Figure 3.7-10 Page 3.7-17</p>	<p>Please provide the sports field activity noise levels combined with parking structure noise levels.</p>

DEIR Page No.	General Comment
Volume I Noise Figure 3.7-12 Page 3.7-22	The DEIR states that Sunnyside Preschool would be significantly impacted by noise. Therefore, the Project would result in a significant and unavoidable impact related to construction noise. Should the project go forward, the SCNC recommends that Harvard-Westlake implement some type of relocation fund to provide for the relocation of the preschool during the entire construction period. The time of relocation should also include a few weeks before any construction activity begins so that both the parents and the students may become acclimated to the new location.

**STUDIO CITY NEIGHBORHOOD COUNCIL
COMMENTS ON TRAFFIC IMPACTS OF THE PROJECT**

Page No.	General Comment
Volume I Section 3.8 3.8-12	There is no identified location for staging of construction vehicles used for dirt haul and delivery of concrete during large concrete pours. There is also no mitigation proposed for construction vehicle staging to insure traffic is not impacted. A less than significant impact finding is not supported without further study and mitigation.
Volume I Section 3.8 & Table 1.2	The pedestrian bridge will be privately owned, but there is no proposed mitigation or monitoring to insure the bridge will be inspected for structural integrity and proper maintenance consistent with other public road projects and bridges.
Volume I Section 3.8 & Table 1.2	<p>As a mitigation measure, should the project go forward, Harvard-Westlake should adopt a traffic management plan to include monitoring to make sure faculty, students, visitors and parents are abiding by the school's policies for parking, student drop off, busing, transportation and vehicle circulation. There should be continued monitoring and operational adjustments to insure the new facilities are being properly utilized and the traffic benefits of the project are realized. Specifically there should be a traffic control monitor at the intersection of Ventura Boulevard and Coldwater Canyon Avenue to direct traffic during Project construction.</p> <p>Should the project go forward, Harvard-Westlake should continue the current school bus program and continue to provide incentives to reduce vehicular trips to the campus.</p> <p>The School should institute a parking management program for school days and annually scheduled school functions.</p>

Initial Study and Checklist:

The initial study and checklist for this Project identified numerous potentially significant impacts to the project in the areas of: aesthetics, air quality, biological resources, hydrology and water quality, land use and planning, and noise. It also contained two mandatory findings of significance where there could be potentially significant impacts (1) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory and (2) the Project has impacts which are individually limited, but cumulatively considerable.

Conclusion:

Based upon the SCNC’s review of the DEIR and input received from stakeholders, the DEIR appears deficient in its study of some Project impacts, and lacks certain mitigation measures. In some cases the findings of significance for the Project impacts are not fully supported with the analysis presented in the DEIR. An analysis of all feasible alternatives should be considered. The safety of the stakeholders and the impact on the environment and the community as a whole must be adequately addressed. We request that the Final EIR address each concern listed herein and those raised by the Santa Monica Mountain Conservancy, the Hillside Federation, Save Coldwater Canyon and individual stakeholders. After the SCNC has reviewed the responses provided in the Final EIR, the SCNC will submit a final response letter which will indicate whether or not the SCNC supports the Project and the conditions which will be required if the Project is to be approved.

We appreciate your consideration of our community’s concerns about the Project.

Sincerely yours,

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