

# CHAPTER 2 – RESPONSES TO COMMENTS

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## 1. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and Section 15088(a) of the CEQA Guidelines govern the lead agency’s requirement to respond to comments provided on a Draft Environmental Impact Report (EIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues that were received during the noticed comment period and any extensions and may respond to late comments.” In accordance with these requirements, this chapter provides responses to written comments on the Draft EIR, inclusive of four agency letters received during the public comment period and one agency letter received after the close of the public comment period.

**Table 2-1, *Comments Received in Response to the Draft EIR***, provides a list of the comment letters received by the City.

Subsection 2, *Topical Responses to Comments*, provides comprehensive responses to address multiple, similar comments that have been raised on key topics during the Draft EIR public review period. Where appropriate, references to the topical responses are provided within the individual responses to comments prepared in subsection 3, *Responses to Comments*, which is described below. The Topical Responses in this section include the following:

- Topical Response No. 1: Public Participation and Review
- Topical Response No. 2: Modifications to the Project Design
- Topical Response No. 3: Enforcement of Public Access
- Topical Response No. 4: Aesthetics
- Topical Response No. 5: Biological Resources/Trees
- Topical Response No. 6: Historic Resources
- Topical Response No. 7: Artificial Turf and Effects of Localized Heat and Health
- Topical Response No. 8: Noise: Construction and Operation Impacts
- Topical Response No. 9: Transportation and Parking During Construction and Operations
- Topical Response No. 10: Emergency Access
- Topical Response No. 11: Recreation: Golf and Tennis Facilities
- Topical Response No. 12: Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses
- Topical Response No. 13: Need for Project (Non-CEQA)

Subsection 3, *Responses to Comments*, below, presents the comment letters submitted during the public comment period for the Draft EIR. As indicated in Table 2-1, the comment letters are organized by agencies (AG), organizations (ORG), form letters (FORM), and individuals (IND). Each letter/correspondence is assigned a number and each comment that requires a response within a given letter/correspondence is also assigned a number. For example, the first agency letter below that provides comments is the letter from the City of Los Angeles Fire Department, and their correspondence is, therefore, designated Letter No. AG 1. The first comment received within Letter No. AG 1 is then labeled Comment No. AG 1-1. Each numbered comment is then followed by a corresponding numbered response, (i.e., Response No. AG 1-1). A copy of each comment letter is provided in Appendix A, Original Draft EIR Comment Letters, in this Final EIR.

As required by CEQA Guidelines Section 15088(c), the focus of the responses to comments is “the disposition of significant environmental issues raised.” Therefore, detailed responses are not provided to comments that do not relate to environmental issues. However, in some cases, additional information has been added for reference and clarity.

**TABLE 2-1  
COMMENTS RECEIVED IN RESPONSE TO THE DRAFT EIR**

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
<b>Agencies</b>																	
AG 1	City of Los Angeles Fire Department Matthew Craig Hydrant and Access Unit 201 N. Figueroa St., 3rd Floor Los Angeles, CA 90012-2623	April 11, 2022									X						
AG 2	Los Angeles Department of Water and Power Marshall Styers 111 N. Hope Street, Room 1044 Los Angeles, CA 90012	April 15 & 19, 2022							X						X		
AG 3	Los Angeles Department of Transportation Branson Wilson Valley Development Review 6262 Van Nuys Blvd., Room 320 Los Angeles, CA 91401	April 22, 2022											X				

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AG 4	California Department of Fish and Wildlife Erinn Wilson Olgin South Coast Region 3883 Ruffin Road San Diego, CA 92123	April 25, 2022			X				X						X		
AG 5	Council of the City of Los Angeles Fourth District: Councilmember Nithya Raman 200 N. Spring Street, Rm. 415 Los Angeles, CA 90012	May 12, 2022													X		
<b>Organizations</b>																	
ORG 1A	Save Weddington, Inc. Kim Tashman	March 15, 2022														X	
ORG 1B	Save Weddington, Inc. Channel Law Group, LLP	May 10, 2022	X	X	X	X	X	X	X	X	X	X	X	X	X		
ORG 1C	Save Weddington, Inc. Kim Tashman	May 10, 2022	X	X	X	X	X	X	X	X	X	X	X	X	X		
ORG 2A	Studio City Residents Association, Beth Dymond P.O. Box 1374 Studio City, CA 91614	March 12, 2022														X	
ORG 2B	Studio City Residents Association, Beth Dymond	April 15, 2022													X		

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ORG 2C	Studio City Residents Association, Barry Johnson	March 17, 2022														X	
ORG 3	Valley Industry & Commerce Association Victor Berrellez, Stuart Waldman 16600 Sherman Way, Suite 170 Van Nuys, CA 91406	March 15, 2022															X
ORG 4	Sherman Oaks Chamber of Commerce Tammy Scher	March 16 & April 30, 2022	X									X			X	X	
ORG 5	Whitsett Green HOA Todd Pimentel	March 31, 2022											X				
ORG 6A	Angelenos for Trees Jacky Surber	April 25, 2022			X		X										
ORG 6B	Angelenos for Trees Jeanne McConnell	May 10, 2022			X		X	X									
ORG 7A-7C	Save LA River/Studio City Residents Association Chatten-Brown, Carstens & Minter	May 10, May 11, & April 22, 2022	X	X	X	X	X	X	X	X	X	X	X	X	X		
ORG 8	Public Employees for Environmental Responsibility (Peer) Kyla Bennett P.O. Box 574 North Easton, MA 02356	May 10, 2022					X	X	X								

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ORG 9	Save Coldwater Canyon! Heidi MacKay	May 10, 2022	X	X	X	X	X	X	X	X	X	X	X	X	X		
ORG 10	SoCal Bat Working Group	May 10, 2022			X							X					
ORG 11	Studio City Neighborhood Council Lisa Karajian	May 10, 2022			X							X			X		
ORG 12	The River Project Melanie Winter 12026 Hoffman Street, #304 Studio City, CA 91604	May 10, 2022					X	X	X						X		
ORG 13	Homeowners of Encino Eliot Cohen	May 3, 2022	X				X					X		X	X		
ORG 14A	LA Community Forest Advisory Committee Joanne D'Antonio	May 9, 2022			X	X		X	X		X	X		X	X		
ORG 14B	LA Community Forest Advisory Committee Shelly Billik	May 10, 2022	X		X		X	X						X			
ORG 14C	LA Community Forest Advisory Committee Katherine Pakradouni	May 5, 2022					X			X			X		X		
ORG 15	Los Angeles Tennis Association Eric Dodson	May 7, 2022										X			X		

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ORG 16	United States Tennis Association Kenji Thielstrom P.O. Box 240015 Los Angeles, CA 90024	May 9, 2022										X			X		
ORG 17	Southern California Golf Association Craig Kessler 3740 Cahuenga Boulevard Studio City, CA 912604	May 9, 2022										X			X		
ORG 18	The Federation of Hillside and Canyon Associations, Inc. Charley Mims P.O. Box 27404 Los Angeles, CA 90027	May 10, 2022	X	X	X		X	X	X	X		X	X	X	X		
ORG 19	Encino Neighborhood Council Darin Spillman	May 10, 2022	X		X	X		X		X		X	X		X		
<b>Form Letters</b>																	
FORM 1	Request for 90-Day EIR Review Extension	See list of commenters below														X	
	Louis Sanford	March 10, 2022															
	Adele Slaughter	March 14, 2022															
	Jamie York	March 15, 2022															
	Shepherd Stevenson	March 15, 2022															
	Abbie Phillips	March 16, 2022															

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	Allen Clement	March 16, 2022															
	Andrea Sher	March 16, 2022															
	Ann R. Hall	March 16, 2022															
	Anthony Braunagel	March 16, 2022															
	Anthony Lucente	March 16, 2022															
	Brian Keligian	March 16, 2022															
	Charlotte J. Koppe	March 16, 2022															
	Christopher & Deborah Rachman Nibley	March 16, 2022															
	Cynthia Glazar	March 16, 2022															
	Dr. Tony Knight	March 16, 2022															
	Janet Loeb	March 16, 2022															
	Janis Maslyk	March 16, 2022															
	Laurie Cohn	March 16, 2022															
	Martha Bissell	March 16, 2022															
	Meg LeFauve	March 16, 2022															
	Pamela Friedman	March 16, 2022															
	Rochelle Staab	March 16, 2022															
	Stacy Behlmer	March 16, 2022															
	Paul Kerkorian	March 17, 2022															

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	Burke Gumbiner	March 17, 2022															
	Mashaël Majid	March 17, 2022															
	Christopher Kendrick	March 17, 2022															
	Gail V. Phillips	March 17, 2022															
	Gail Wunsch	March 17, 2022															
	Jeanne McConnell	March 17, 2022															
	Nancy Mehagian	March 17, 2022															
	Richard Leivenberg	March 17, 2022															
	Veronique Vowell	March 17, 2022															
	William & Suzane Gordon	March 17, 2022															
	Alonzo Hill	March 18, 2022															
	Gerald Silverman	March 18, 2022															
	Steve Hirsh	March 18, 2022															
	Allyson Taylor	March 19, 2022															
	Ashley Davis	March 19, 2022															
	Bob Moore	March 19, 2022															
	Camilla Bravo	March 19, 2022															
	Daniela Aldrich	March 19, 2022															
	Jodi Grossgold	March 19, 2022															
	Joel Krejmas	March 19, 2022															

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	Lauren Olivares	March 19, 2022															
	Michael Polis	March 19, 2022															
	Stacy Desilets	March 19, 2022															
	Stuart Lichtman & Gloria Walther	March 19, 2022															
	Victoria Skinner	March 19, 2022															
	Marphant@yahoo.com	March 19, 2022															
	Alison Tavoularis	March 19, 2022															
	Andrea Valverde	March 20, 2022															
	Ani G	March 20, 2022															
	Anne Wright	March 20, 2022															
	Barbara Hobbs	March 20, 2022															
	Beata Kharkovsky	March 20, 2022															
	Brad Smith	March 20, 2022															
	Brian M. Still	March 20, 2022															
	Carol Weiler	March 20, 2022															
	Cindy Sanders	March 20, 2022															
	Drew Cobb	March 20, 2022															
	Elizabeth O'Brien	March 20, 2022															
	Eric Rollman	March 20, 2022															
	Gerald Silverman	March 20, 2022															

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	Hannah Jones	March 20, 2022															
	Helen R. Giroux	March 20, 2022															
	Howard L. Ekerling	March 20, 2022															
	Jane Hunt	March 20, 2022															
	Jasper Hansen	March 20, 2022															
	Jennifer Bowman	March 20, 2022															
	John Newby	March 20, 2022															
	Julian Siminski	March 20, 2022															
	Kara Carvalho	March 20, 2022															
	Karen Haber	March 20, 2022															
	Kent Hatch	March 20, 2022															
	Kim Shlesinger	March 20, 2022															
	Lauren White	March 20, 2022															
	Lina Roletti	March 20, 2022															
	Lisa Polis	March 20, 2022															
	Lori A. Sullivan	March 20, 2022															
	Lorna Clark	March 20, 2022															
	Maria Blum	March 20, 2022															
	Michael Barzman	March 20, 2022															
	Nancy Kirhoffer	March 20, 2022															

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	Rachel Maslyk	March 20, 2022															
	Robin Shippy	March 20, 2022															
	Ron Opaleski	March 20, 2022															
	Ryan Ayanian	March 20, 2022															
	Ryan Silverstein	March 20, 2022															
	Sarah Lambert	March 20, 2022															
	Schmied17@aol.com	March 20, 2022															
	Sean Blair	March 20, 2022															
	Stacy Calabrese	March 20, 2022															
	Stacy Keppler	March 20, 2022															
	Stephanie Carney	March 20, 2022															
	Sue Brooks	March 20, 2022															
	Suellen Wagner	March 20, 2022															
	Suzanne Edmonson	March 20, 2022															
	Suzanne Robinson	March 20, 2022															
	Valerie Eads	March 20, 2022															
	Celeste Nameth	March 21, 2022															
	Cheryl Sousa	March 21, 2022															
	Heath Goldman	March 21, 2022															
	Josh Bednarsky	March 21, 2022															

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	Julian Fort	March 21, 2022															
	Laurie Cousins	March 21, 2022															
	Lisa Battista	March 21, 2022															
	Lori Stayton	March 21, 2022															
	Tracy Blum	March 21, 2022															
	Vanessa Canley	March 21, 2022															
	Andrew Magarian	March 22, 2022															
	Barbara Foley Ferreira	March 22, 2022															
	James Metzger	March 22, 2022															
	Jan Nance	March 22, 2022															
	Joshua Kelfer	March 22, 2022															
	Laura Garciaros	March 22, 2022															
	Linda Ohmstede	March 22, 2022															
	Max Specter	March 22, 2022															
	David Thomas	March 23, 2022															
	Kenneth Jacobs	March 23, 2022															
	Kyler England	March 23, 2022															
	Laura Danielson	March 23, 2022															
	Michael Clouse	March 23, 2022															
	Matousek Design	March 23, 2022															

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	Nadia Marina	March 23, 2022															
	Patty Kirby	March 23, 2022															
	Karen Cease	March 24, 2022															
	Kim Turner	March 24, 2022															
	Mary Coffin	March 24, 2022															
	Tricia Kiley	March 24, 2022															
	Howard Ekerling	March 25, 2022															
	Julie Pernworth	March 25, 2022															
	Jeffrey Hull	March 26, 2022															
	John Ruffner	March 26, 2022															
	Mary Coffin	March 26, 2022															
	Michelle Bastien	March 26, 2022															
	Robert A. Hackl	March 26, 2022															
	Sean Alvarez	March 26, 2022															
	Alison Deyette	March 27, 2022															
	Alissa Zito Cruz	March 27, 2022															
	Daysun Perkins	March 27, 2022															
	Gloria Waither	March 27, 2022															
	Jentle "Red" Phoenix	March 27, 2022															
	Sadie Phillips	March 28, 2022															

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	Emily Braff	March 29, 2022															
	Lauren Pacheco	March 29, 2022															
	Lucy Schouweiler	March 29, 2022															
	Sidney Meyers	March 29, 2022															
	Caryn Adams	March 30, 2022															
	Chris Specht	March 30, 2022															
	Sharon Flannery	March 30, 2022															
	Sheila Hall	March 30, 2022															
	Steve Garrett	March 30, 2022															
	Tamara Sobel	March 30, 2022															
	Mary Coffin	March 30, 2022															
	Andy Siegel	March 31, 2022															
	David Kimball Alexander	April 1, 2022															
	Linda Roletti	April 1, 2022															
	Maria Olimpia Feig	April 1, 2022															
	Rachel Tonisson	April 1, 2022															
	Tom Imai	April 1, 2022															
	Audrey Cords	April 3, 2022															
	Brett Schneider	April 3, 2022															
	Diaz-Jones family	April 3, 2022															

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	Eicher555@gmail.com	April 3, 2022															
	Linda Reusser	April 3, 2022															
	Nicolette del Barrio	April 3, 2022															
	Patrick Kearney	April 3, 2022															
	Alexander Johnston	April 4, 2022															
	Anthony Cotroneo	April 4, 2022															
	Asher Hardt	April 4, 2022															
	Burke Gumbiner	April 4, 2022															
	Josh Roemer	April 4, 2022															
	Karina Sulzer	April 4, 2022															
	Madeline Smith	April 4, 2022															
	Megan Paspalis	April 4, 2022															
	Sam Stafford	April 4, 2022															
	Susan Ware	April 4, 2022															
	Wellbalanced Bootcamp@gmail.com	April 4, 2022															
	Aurora Corona	April 5, 2022															
	Constance Mellors	April 5, 2022															
	Robert Lerman	April 5, 2022															
	Leslye	April 6, 2022															
	Erik Steffens	April 6, 2022															

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	Patricia Caserio	April 6, 2022															
	Stephanie Montoto	April 6, 2022															
	Teryne Dorret	April 6, 2022															
	Jasper Gadi	April 7, 2022															
	Robin Meyer	April 7, 2022															
	Sheila O'Connell	April 7, 2022															
	Guru Ann Ologies	April 7, 2022															
	Bruce Lagnese	April 6, 2022															
	Gay Crooks	April 12, 2022															
FORM 2	General Support Letter	See list of commenters below															X
	Lisa Shapiro	March 16, 2022															
	Shauna Altieri	March 16, 2022															
	Ann-Marie Whitman	March 17, 2022															
	Victoria Farber	March 17, 2022															
	Lee Ann Snyder	March 18, 2022															
	Yvonne Gerencher	March 18, 2022															
	Theresa Thao Ta and Joseph Hung Do	March 18, 2022															
	Conrad Cuda	March 18, 2022															
	Jocelyn Medawar	March 18, 2022															

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	Kathy H. Fattahi	March 18, 2022															
	Laura Schuman	March 18, 2022															
	Liz Skulsky	March 18, 2022															
	Patrick Roscoe	March 18, 2022															
	Richard Rosen	March 18, 2022															
	Terry O'Neal	March 18, 2022															
	Luke Schaeffer	March 19, 2022															
	Monica Kandavel	March 19, 2022															
	Carolina Sitnisky-Cole	March 20, 2022															
	Adam Josephs	March 21, 2022															
	Adam Stern	March 21, 2022															
	Amy Egan	March 21, 2022															
	Dr. Beverly Woss	March 21, 2022															
	Catherine and Anthony Chanin	March 21, 2022															
	Jasmine Delawalla	March 21, 2022															
	Jeff Kleeman	March 21, 2022															
	Marina Efremova	March 21, 2022															
	Matt LaCour	March 21, 2022															
	Rob Levin	March 21, 2022															
	Robyn Fener	March 21, 2022															

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	Damaris B. Saenz	March 22, 2022															
	Yeu S. Hong & Carol Yeo	March 22, 2022															
	Tom Stillwell	March 23, 2022															
	David Pagel	March 23, 2022															
	Jie Cheng	March 24, 2022															
	Calvin Liu	March 25, 2022															
	Jennifer Hilton	March 25, 2022															
	Erica Edelman-Benadon	March 21, 2022															
	Ivy Tan and Family	March 21, 2022															
	Josh Rodine	March 25, 2022															
	Joshua D. and Yun Helston	March 25, 2022															
	Kristine and Edward Stieg	March 25, 2022															
	Lori Aramian	March 25, 2022															
	Meredith Salenger	March 25, 2022															
	Nick Morton & Marie Schley	March 25, 2022															
	Philip and Kearnan Ambrosino	March 25, 2022															
	Samuel de Castro Abegar	March 25, 2022															
	Julie Lynn and Doug Smith	March 26, 2022															
	Betty Serafin	March 28, 2022															
	Sheryl Lyons	March 28, 2022															

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	Eric Esrailian	March 29, 2022															
	Andrew & Amanda Wizenberg	March 30, 2022															
	Kendall Bass	April 4, 2022															
	Janice Miller	April 4, 2022															
	Nikki Davis	April 12, 2022															
	Steve Chung	April 12, 2022															
	John & Taylor O'Herron	April 13, 2022															
	Laura Ross	April 14, 2022															
	Marc Lebovitz	April 20, 2022															
FORM 3	General Opposition Letter 1	See list of commenters below	X		X							X		X	X		
	Briana Elzey	April 8, 2022															
	Debbie Reissman	April 8, 2022															
	Amira Ahmed	April 9, 2022															
	Barbara Tranchito	April 9, 2022															
	John Porterfield	April 9, 2022															
	Marina K	April 9, 2022															
	Davis Burns	April 10, 2022															
	Frankie Manes	April 10, 2022															
	Ryan Born	April 10, 2022															

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	Shannon Goldberg	April 10, 2022 & April 11, 2022 & April 22, 2022															
	Maria Cina Harrison	April 11, 2022															
	Deborah Adri	April 11, 2022															
	Haik Nazaryan	April 11, 2022															
	Jennifer Marie Poole	April 11, 2022															
	Laura S. Garciaros	April 11, 2022															
	Michael Palmer	April 11, 2022															
	Periel Kaczmarek	April 13, 2022															
	Nathaniel Bryan	April 12, 2022															
	Ellen Little	April 13, 2022															
	Milena Garcia	April 13, 2022															
	Timothy Marx	April 13, 2022															
	Gabriel Abikasis	April 14, 2022															
	Gail Wunsch	April 14 & April 15, 2022															
	Paul Wunsch	April 14, 2022															
	Susan Levin	April 14, 2022															
	Blake Mills	April 15, 2022															
	Frank Sinton	April 15, 2022															

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
	Gail & Paul Wunsch	April 15, 2022															
	Kimberly Mills	April 15, 2022															
	Deanna Infantino	April 16, 2022															
	Kayde Johnston	April 16, 2022															
	Linda Branca	April 16, 2022															
	Stryder Douglas	April 16, 2022															
	Ben Mastruserio	April 17, 2022															
	Derek Whitacre	April 17, 2022															
	Ronald Saltman	April 17, 2022															
	Alex Dwyer	April 18, 2022															
	Angelina Wong	April 18, 2022															
	Jake Leslie	April 18, 2022															
	Karen Gerst	April 18, 2022															
	Lauren Zax Rose	April 18, 2022															
	Tiffany Arrington	April 18, 2022															
	Trevor Kirschner	April 18, 2022															
	Eddie Simon	April 19, 2022															
	Erica Fox	April 19, 2022															
	Erin Barela	April 19, 2022															
	Kimberly Tegio	April 19, 2022															

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
	Kurt Heydle	April 19, 2022															
	Laura Sala	April 20, 2022															
	Austin Diament	April 20, 2022															
	Linda Hoffman	April 20, 2022															
	Sue; Susu@dsextreme.com	April 20, 2022															
	Zach Felber	April 20, 2022															
	Darin Spillman	April 21, 2022, April 29, 2022															
	Jaclyn Morse	April 21, 2022															
	Ken Lavet	April 21, 2022															
	Leone Heinold	April 21, 2022															
	Robin Meyer	April 21, 2022															
	Susan Mikiel	April 21, 2022															
	Andrea Anderson	April 22, 2022															
	Andy Lotts	April 22, 2022															
	Justin Houck	April 22, 2022															
	Katie Seja	April 22, 2022															
	Katrina Sullivan	April 22, 2022															
	Amani & Laila Abou-Zamzam	April 22 & April 29, 2022															
	Michael Ziegler	April 22, 2022															

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
	Sari Tracht	April 22, 2022															
	Philip Auproux	April 22, 2022															
	Barbara Taylor	April 23, 2022															
	Bob McKenney	April 23 & April 29 2022															
	Rhonda Casale	April 23, 2022															
	Robert Nathan	April 23, 2022															
	Robin Lev	April 23, 2022															
	Shelley Burbo	April 23, 2022															
	Suzanne Roberts	April 23, April 25 & April 29, 2022															
	Barbara Garner	April 23, 2022															
	Barbara Hoke	April 23, 2022															
	Cathy Susan Pyles	April 23, 2022															
	Cheryl Casey Ross	April 23, 2022															
	Dalia Charbel	April 23, 2022															
	David Duarte	April 23, 2022															
	Steve Clark	April 23, 2022															
	Jean Kauffman	April 23, 2022															
	Joan C Thompson	April 23, 2022															
	Judith Broder, MD	April 23, 2022															

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
	Len Winderman	April 23, 2022															
	Marne Verzino	April 23, 2022															
	Martin Thorpe	April 23 & April 25, 2022															
	Neda Nikkhoo	April 23 & April 25, 2022															
	Paula Trattner	April 23, 2022															
	Rob Spera	April 23, 2022															
	Samantha Harris	April 23, 2022															
	Shannon Louwsma	April 23, 2022															
	J.L. Phillips	April 23, 2022															
	Allison Wallendorf	April 24, 2022															
	Chris Nelson	April 24, 2022															
	Cindy Sanders	April 24, 2022 & April 30, 2022															
	Elsy Peralta	April 24, 2022															
	Erica Fox & John Newby	April 24, 2022															
	Heba Thorisdottir	April 24, 2022															
	Howard Ekerling	April 24, 2022, April 29, 2022															
	James Wagner	April 24, 2022															

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
	Jenna Miller	April 24, 2022															
	John Bauman	April 24 & April 25, 2022															
	John Unsinn	April 24, 2022															
	Jude Wright	April 24, 2022															
	Kendall Errair	April 24, 2022															
	Laura Marcias	April 24, 2022															
	Lukas Costas	April 24, 2022															
	Rick Roberts & family	April 24, 2022															
	Robbie Troy	April 24, 2022															
	Skinology Skin Care	April 24, 2022															
	Stevie M. Post	April 24, 2022															
	Terry Herkner	April 24, 2022															
	Thor Fienberg	April 24, 2022															
	Anika Rod	April 24, 2022															
	Carole Jean Willis	April 25 & April 27, 2022															
	Erik Scoggan	April 25, 2022															
	Harolyn Sacks	April 25, 2022															
	Jan Kelley	April 25, 2022															
	Jeff Allen	April 25, 2022															

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	Linda Ohmstede	April 25, 2022															
	Louis Finkleberg	April 25, 2022															
	Mala	April 25, 2022															
	Nathan Travers	April 25, 2022															
	Penny Alpert	April 25, 2022															
	Roger Gorog	April 25, 2022															
	Sally Stevens	April 25, 2022															
	Sara McGowan	April 25, 2022															
	Sea Bee	April 25, 2022															
	Shari Herman	April 25, 2022															
	Andrea Pantaleo	April 26, 2022															
	Brianna Shaul	April 26, 2022															
	David Kaufman	April 26, 2022															
	Greg Wolf	April 26, 2022															
	Issa E. Serna	April 26, 2022															
	Jenny McIlraith	April 26, 2022															
	Joe Dea	April 26, 2022															
	Lorenzo Narciso	April 26, 2022															
	Mahalia Flanagan	April 26, 2022															
	Matt Duran	April 26, 2022															

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	Minh Thu Than	April 26, 2022															
	Sara Zabih	April 26, 2022															
	Todd Nagler	April 26, 2022															
	Becky Dab	April 27, 2022															
	Elaine J. Conway	April 27, 2022															
	Kay Hartranft	April 27, 2022															
	Leah Caruana	April 27, 2022															
	Mark Flanagan	April 27, 2022															
	Melissa Sloan	April 27, 2022															
	Roger E. Keller	April 27, 2022															
	Theresa Marth	April 27, 2022															
	Tom Hensley	April 27, 2022															
	Angel Reed	April 28, 2022															
	Brandon Bennett	April 28, 2022															
	Conor Evans	April 28, 2022															
	David Stone	April 28, 2022															
	Frank Epinger	April 28, 2022															
	Karen Hearn-Abbott	April 28, 2022															
	Karen Palmquist	April 28, 2022															
	Kerri Brautigam	April 28, 2022															

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	Kimberly Brook	April 28, 2022															
	Michael Costigan	April 28, 2022															
	Priscilla Ahn	April 28, 2022															
	Stefan Eric Sacks	April 28, 2022															
	Adam Asherson	April 29, 2022															
	Adam Dehrey	April 29, 2022															
	Adelita Lopez	April 29, 2022															
	Alex Tonisson	April 29, 2022															
	Aline Antaramian	April 29, 2022															
	Allison Martin	April 29, 2022															
	Andrea	April 29, 2022															
	Ani Gumuryan	April 29, 2022															
	Ara Kebabjian	April 29, 2022															
	Arstar	April 29, 2022															
	April L. Snyder	April 29, 2022															
	Audrey Wauchope Lieberstein	April 29, 2022															
	The Auproux family	April 29, 2022															
	Butch Kaplan	April 29, 2022															
	Barbara and Richard Granatt	April 29, 2022															
	Barbara Goodhill	April 29, 2022															

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	Boni Gellis	April 29, 2022															
	Camilla Pasiche Wolf	April 29, 2022															
	Carolyn Crotty	April 29, 2022															
	Charlotte Larsen	April 29, 2022															
	Chris Marble	April 29, 2022															
	Cindy Kahn	April 29, 2022															
	coderplustech@gmail.com	April 29, 2022															
	Connor Laux	April 29, 2022															
	Craig Kramer	April 29, 2022															
	Craig Nicholls	April 29, 2022															
	Craig Rousselot	April 29,2022															
	Dalla Bergmann	April 29, 2022															
	Daniel Douer	April 29, 2022															
	Daniela Aldrich	April 29, 2022															
	Daron Moore	April 29, 2022															
	Davina Bar and Yaniv Bar	April 29, 2022															
	Deborah Puette	April 29, 2022															
	Diana Warshawsky	April 29, 2022															
	Dinah Eng	April 29, 2022															
	Don Crutch	April 29, 2022															

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	Elizabeth Wiehe	April 29, 2022															
	Erica Roberts	April 29, 2022															
	Ed Chapman	April 29, 2022															
	Erica Weis	April 29, 2022															
	Erik Steffens	April 29, 2022															
	Ester Poberezhskaya	April 29, 2022															
	ForeRed	April 29, 2022															
	Francesca L Fartaj	April 29, 2022															
	Frankie Manes	April 29, 2022															
	Gary Rose	April 29, 2022															
	Greg Kichaven	April 29, 2022															
	Greg Orloff	April 29, 2022															
	Heath Goldman	April 29, 2022															
	Ilyanne Kichaven	April 29, 2022															
	Inessa Oganezova	April 29, 2022															
	James Krug	April 29, 2022															
	Jan Kikumoto	April 29, 2022															
	Janet Loeb	April 29, 2022															
	Jeff Rechner	April 29, 2022															
	Jennifer Vannoy-Rounsaville	April 29, 2022															

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	Joanne Brenner	April 29, 2022															
	Jodi Teti	April 29, 2022															
	John Stuckmeyer	April 29, 2022															
	Jonathan Jacoby	April 29, 2022															
	Jordan & Dilyn Murphy	April 29, 2022															
	John Bednarsky	April 29, 2022															
	Josh Roemer	April 29, 2022															
	Judy Scheer	April 29, 2022															
	Julian Siminski	April 29, 2022															
	Judy Robbins	April 29, 2022															
	Julie Alpert	April 29, 2022															
	Julie Seyberth	April 29, 2022															
	Julie Yanow	April 29, 2022															
	Karen Romano	April 29, 2022															
	Kim Bumacod	April 29, 2022															
	Kristen Stavola	April 29, 2022															
	Lana Kebabjian	April 29, 2022															
	Libby Goldstein	April 29, 2022															
	Linda Salvin	April 29, 2022															
	Lisa DiSante-Frank	April 29, 2022															

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	Lissa Morrow Christian	April 29, 2022															
	Lulu Richards	April 29, 2022															
	Marilouise Morgan	April 29, 2022															
	Mark Borinstein	April 29, 2022															
	Marlene Gerson	April 29, 2022															
	Marsha Thomason-Sykes	April 29, 2022															
	Martha Bissell	April 29, 2022															
	Martin Monti	April 29, 2022															
	Matt Ember	April 29, 2022															
	Matt Poyer	April 29, 2022															
	Me; wbensussen@gmail.com	April 29, 2022															
	Michael Barzman	April 29, 2022															
	Michael Camp	April 29, 2022															
	Michelle Mcilwain	April 29, 2022															
	Mike Kichaven	April 29, 2022															
	Mike Polis	April 29, 2022															
	Mike Pryor	April 29, 2022															
	Mona Molayem	April 29, 2022															
	Nancy Lidamore	April 29, 2022															
	Naomi Kaplan	April 29, 2022															

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	Orly Vinai	April 29, 2022															
	Paige Wilds Kern	April 29, 2022															
	Pamela Paul	April 29, 2022															
	Paul Moshay	April 29, 2022															
	Phuong Vance	April 29, 2022															
	Pierce Gardner	April 29, 2022															
	Rachel Allen	April 29, 2022															
	Richard Berger	April 29, 2022															
	Richard Granatt	April 29, 2022															
	Richard Leivenberg	April 29, 2022															
	Henri Rick Schuller, Esq.	April 29, 2022															
	Robert Perez	April 29, 2022															
	Robert Rubinfeld	April 29, 2022															
	Robin & Judith Armstrong	April 29, 2022															
	Ryan Okum	April 29, 2022															
	Sabrina Z. Guzy	April 29, 2022															
	Sallie Phelps	April 29, 2022															
	Samantha Corbin-Miller	April 29, 2022															
	Samvel Kapukchyan	April 29, 2022															
	Sandy O.	April 29, 2022															

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	Sarah Scougal	April 29, 2022															
	Scott Glasgow	April 29, 2022															
	Shan Albert	April 29, 2022															
	Sharon Braufman	April 29, 2022															
	Shepherd Stevenson	April 29, 2022															
	Sonny Dyon	April 29, 2022															
	Stephen Bender	April 29, 2022															
	Steve & Jodi West	April 29, 2022															
	Steve Joudi	April 29, 2022															
	S. Forthal	April 29, 2022															
	Steven	April 29, 2022															
	Suzanne Kiechle	April 29, 2022															
	Tara Jones	April 29, 2022															
	Tess Bunch Batesole	April 29, 2022															
	Thekla Hutyrova	April 29, 2022															
	Timothy Sullivan	April 29, 2022															
	Todd Stevenson	April 29, 2022															
	Tom Maltese	April 29, 2022															
	Tom McNulty	April 29, 2022															
	Thomas Rusch	April 29, 2022															

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	Victoria Levanovich	April 29, 2022															
	Victoria Shmakova	April 29, 2022															
	Yuval Ron	April 29, 2022															
	Zoanne Sager	April 29, 2022															
	Adriana Alexander	April 30, 2022															
	Alex Dardashty	April 30, 2022															
	Anna Sollaccio	April 30, 2022															
	Apple Musni	April 30, 2022															
	Beth Einhorn	April 30, 2022															
	Bill and Pat Ritter	April 30, 2022															
	Bill Madden	April 30, 2022															
	Bill Wolfe	April 30, 2022															
	Brett Schneider	April 30, 2022															
	Burke Gumbiner	April 30, 2022															
	Cathy Kraus	April 30, 2022															
	Christopher Bowen	April 30, 2022															
	Cindy Sanders	April 30, 2022															
	Cosima Stephenson	April 30, 2022															
	Craig Kodish	April 30, 2022															
	Cree Francks	April 30, 2022															

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	David R. Sollaccio, MD	April 30, 2022															
	Deborah Laub	April 30, 2022															
	Edson Miller	April 30, 2022															
	Evan Ghigliotty	April 30, 2022															
	Frank Soria	April 30, 2022															
	Gail and Paul Wunsch	April 30, 2022															
	Hugh Keleher	April 30, 2022															
	Jeff Azer	April 30, 2022															
	Jody Dunn	April 30, 2022															
	Jordyn Grohl	April 30, 2022															
	Joy Prefer Cohen	April 30, 2022															
	Justin Cummins	April 30, 2022															
	Katina Trotsuk	April 30, 2022															
	Kirby Nung	April 30, 2022															
	Laura Nelson	April 30, 2022															
	Lexie Alter	April 30, 2022															
	Linda Silverman	April 30, 2022															
	Manuel and Suzanne Morden	April 30, 2022															
	Mara Larsen	April 30, 2022															
	Mary Margaret Fekete	April 30, 2022															

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	Mary Sherwood	April 30, 2022															
	Maureen Dambrosio	April 20, 2022															
	Victoria Maguire	April 30, 2022															
	Michelle Voetberg	April 30, 2022															
	Monica Eshaya	April 30, 2022															
	Narbeh Bandary	April 30, 2022															
	Natalie Curren	April 30, 2022															
	Nicolette del Barrio	April 30, 2022															
	Rachel Tonisson	April 30, 2022															
	Rafael Ghazaryan	April 30, 2022															
	Ree Whitford	April 30, 2022															
	Robert Barnes	April 30, 2022															
	Romy Mehlman	April 30, 2022															
	Russel Sher	April 30, 2022															
	Sfdelray@aol.com	April 30, 2022															
	Shannon Rains-Barrs	April 30, 2022															
	Nancy Knipe	April 30, 2022															
	Stacey Barger	April 20, 2022															
	Stuart Lichtman	April 30, 2022															
	Susan McEowen	April 30, 2022															

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	T. Caserio	April 30, 2022															
	William Chessman	April 30, 2022															
	Ahdee Kolodny	May 1, 2022															
	Amanda Borinstein	May 1, 2022															
	Carrie K. Wong	May 1, 2022															
	Catherine and David McDonough	May 1, 2022															
	Chuck Taylor	May 1, 2022															
	Craig and Heidi Birker	May 1, 2022															
	Elaine Monarch	May 1, 2022															
	Elan Chambers	May 1, 2022															
	G.R. Peti	May 1, 2022															
	Gail Reiss	May 1, 2022															
	Gaye Barnes	May 1, 2022															
	Genevieve Hogan	May 1, 2022															
	Jane Mangan	May 1, 2022															
	Judy and Norman Millar	May 1, 2022															
	Julie Sawyer	May 1, 2022															
	Julie Skille	May 1, 2022															
	Karen Yablon	May 1, 2022															
	Kathleen Bergstrom	May 1, 2022															

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	Katy Davis	May 1, 2022															
	Kim Davis	May 1, 2022															
	Lisa Pescherine	May 1, 2022															
	Maya Frangie	May 1, 2022															
	Michael Pollack	May 1, 2022															
	Mimi Mayer	May 1, 2022															
	Mitch Marxus	May 1, 2022															
	Morgan Siggard	May 1, 2022															
	Nick Paonessa	May 1, 2022															
	Norma O. Chavez	May 1, 2022															
	Phil Eisen	May 1, 2022															
	R.J. Munsey	May 1, 2022															
	Robert Fentress	May 1, 2022															
	Samantha Meyer	May 1, 2022															
	Sara Shepard	May 1, 2022															
	Seraphine Geismar Segal	May 1, 2022															
	Stefanie Pollack	May 1, 2022															
	Tim Knipe	May 1, 2022															
	Van Robichaux	May 1, 2022															
	David Silva	May 2, 2022															

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
	Emma Standing-Trueblood	May 2, 2022															
	Erica Santoyo	May 2, 2022															
	Erika Gunton	May 2, 2022															
	Jed Whedon	May 2, 2022															
	Karen Ormond	May 2, 2022															
	Kelsey M. Donofrio	May 2, 2022															
	Korey Doll	May 3, 2022															
	Lucia Shashoian	May 2, 2022															
	Matthew Duggan	May 2, 2022 & May 5, 2022															
	Maurissa Tancharoen Whedon	May 2, 2022															
	Meg Foss	May 2, 2022															
	Rob Langer	May 2, 2022															
	Taylor Moore	May 2, 2022															
	True O' Brien	May 2, 2022															
	Wendi Dietrich	May 2, 2022															
	Brian Shiers	May 3, 2022															
	Charles Dinnis	May 3, 2022															
	Chris Ota	May 3, 2022															
	Chris Mvogot	May 3, 2022															

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	Eliot Cohen	May 3, 2022															
	Haarm-Pieter Duiker	May 3, 2022															
	Jeff Bornoff	May 3, 2022															
	Liam Roth	May 3, 2022															
	Maria Feig	May 3, 2022															
	Max Specter	May 3, 2022															
	Melanie Hughes-Weaver	May 3, 2022															
	Nathan Brunskill	May 3, 2022															
	Pankaj Bajpai	May 3, 2022															
	Ryan Mosely	May 3, 2022															
	Sean Blair	May 3, 2022															
	Dr. William Luse	May 3, 2022															
	Gayle Harbor	May 3, 2022															
	Jill Adams	May 4, 2022															
	Kristen Kennedy	May 4, 2022															
	Laifun Chun Kotcheff	May 4, 2022															
	Larry Spichel	May 4, 2022															
	Marseille Allen	May 4, 2022															
	Pat Gu	May 4, 2022															
	Sherri Elkaim	May 4, 2022															

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	Siobhan Talbot	May 4, 2022															
	Stephanie Pearl	May 4, 2022															
	Susan Sugarman	May 4, 2022															
	Ted Kotcheff	May 4, 2022 & May 10, 2022															
	Amberly Mitchell	May 5, 2022															
	Aria Warrick	May 5, 2022															
	Beth Feltham	May 5, 2022															
	Carol Aroyan	May 5, 2022															
	Fred Mueller	May 5, 2022															
	Jesus Haro	May 5, 2022															
	Maudie Earl	May 5, 2022															
	Paula Harmon Detchmندی	May 5, 2022															
	Sara Blindauer Beck	May 5, 2022															
	Toben Rower	May 5, 2022															
	D King	May 6, 2022															
	Jay Fearn	May 6, 2022															
	Jonathan Hausfater	May 6, 2022															
	Josh Silver	May 6, 2022															
	Matt Medrano	May 6, 2022															

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	Denise L. Eger, D.D.	May 6, 2022															
	Sally Aichroth	May 6, 2022															
	Selena Cleaner	May 6, 2022															
	Taylor Sutton	May 6, 2022															
	Alex Sarkissian	May 7, 2022															
	Ann Ryerson Hall	May 7, 2022															
	Carol Lache	May 7, 2022															
	Dane J. McKethan	May 7, 2022															
	Glen Wiley	May 7, 2022															
	Jeff Lache	May 7, 2022															
	Joseph Brion	May 7, 2022															
	Kevin West	May 7, 2022															
	Lance Lasdon	May 7, 2022															
	Marianne Gadhia	May 7, 2022															
	Noel Daof	May 7, 2022															
	Rit Tun	May 7, 2022															
	Victoria & Paolo Dorigo	May 7, 2022															
	Joanne & Joseph Gallagher	May 8, 2022															
	Oliver Rheinfurth	May 8, 2022															
	Paul DeBonis	May 8, 2022															

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	Doug Adams	May 8, 2022															
	Mark Ewing	May 8, 2022															
	Beau Basse	May 8, 2022															
	Adam Ulibarri	May 9, 2022															
	Adrienne Hatrick	May 9, 2022															
	Albert Hunt Broyles	May 9, 2022															
	Alexis Dwyer	May 9, 2022															
	Alexis Normis	May 9, 2022															
	Ali Howard Kirsch	May 9, 2022															
	Alla Khachatryan	May 9, 2022															
	Allison Powers	May 9, 2022															
	Alma Squyres	May 9, 2022															
	Alvin Carroll Jr.	May 9, 2022															
	Amanda Corr	May 9, 2022															
	Annie Court	May 9, 2022															
	Antara Holloway	May 9, 2022															
	Anthony Minassian	May 9, 2022															
	Ari Corr	May 9, 2022															
	Asher Young	May 9, 2022															
	Austin Anderson	May 9, 2022															

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	Brett Nicol	May 9, 2022															
	Brian Semmann	May 9, 2022															
	Brian Velasquez	May 9, 2022															
	Carly Steinberg	May 9, 2022															
	Carrie Huang	May 9, 2022															
	Charles Deal	May 9, 2022															
	Charlie Tadman	May 9, 2022															
	Christopher Garske	May 9, 2022															
	Cole Young	May 9, 2022															
	Cynthia Solis	May 9, 2022															
	Daniel Gomes	May 9, 2022															
	Daniel Hoskins	May 9, 2022															
	Darin Howard	May 9, 2022															
	Dean Sansone	May 9, 2022															
	Debbie Sheridan	May 9, 2022															
	Ed Gonzales	May 9, 2022															
	Ella Colbert	May 9, 2022															
	Emily Johnson	May 9, 2022															
	Emma Dickerson	May 9, 2022															
	Ed Schroeder	May 9, 2022															

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	Garrett Gorton	May 9, 2022															
	Garrett Leight	May 9, 2022															
	George Kommer	May 9, 2022															
	Helm Lillis	May 9, 2022															
	Holly Haworth	May 9, 2022															
	Isaac Obadiah Kidd	May 9, 2022															
	Jamie Corr	May 9, 2022															
	James La Breche	May 9, 2022															
	Janet Vrundy	May 9, 2022															
	Jason Newmarch	May 9, 2022															
	John P Pillmeier	May 9, 2022															
	Johnny	May 9, 2022															
	Jonathan Littrell	May 9, 2022															
	Jose Sotelo	May 9, 2022															
	Justin Dickerson	May 9, 2022															
	Karen Ataian	May 9, 2022															
	Kris Guerra	May 9, 2022															
	Lauren Pacheck	May 9, 2022															
	Lucina Galadzhyan	May 9, 2022															
	Lucy Roberts	May 9, 2022															

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	Luis Lepe	May 9, 2022															
	Mary Gustason	May 9, 2022															
	Mary Thompson	May 9, 2022															
	Matt Vener	May 9, 2022															
	Meraiah Danielle	May 9, 2022															
	Micah Burke	May 9, 2022															
	Michelle Condry	May 9, 2022															
	Mitchell Allen	May 9, 2022															
	Molly N Switzer	May 9, 2022															
	Morgan Stevens	May 9, 2022															
	Myles Hamilton	May 9, 2022															
	Noemi Morales	May 9, 2022															
	Pete Nelson	May 9, 2022															
	Rhonda Levine	May 9, 2022															
	Rikki Rice	May 9, 2022															
	Ryan Castillo	May 9, 2022															
	Sarah Garland	May 9, 2022															
	Sean Kurzweil	May 9, 2022															
	Selina Contreras	May 9, 2022															
	Shannon Cholakian	May 9, 2022															

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	Shaun Cunningham	May 9, 2022															
	Simer Garcha	May 9, 2022															
	Sofia Aslanyan	May 9, 2022															
	Steph Campos	May 9, 2022															
	Steven Kely	May 9, 2022															
	Susan Olar	May 9, 2022															
	Taylor Land	May 9, 2022															
	Tim Quinn	May 9, 2022															
	TJ Mizell	May 9, 2022															
	Toni LaBreche	May 9, 2022															
	Tyler Kennedy	May 9, 2022															
	Victoria House	May 9, 2022															
	Wendi Corr	May 9, 2022															
	Alex Wagner-Trugman	May 9, 2022															
	Andrey Baranchik	May 10, 2022															
	Arthur Forney	May 10, 2022															
	Barbara Patrick	May 10, 2022															
	Chiara Berruto	May 10, 2022															
	Christina Walsh	May 10, 2022															
	David Orr	May 10, 2022															

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	Dianne Davis	May 10, 2022															
	Jerrod Porteur	May 10, 2022															
	Jesse Kove	May 10, 2022															
	Jo Perry	May 10, 2022															
	John F Valdez Jr.	May 10, 2022															
	Josh Kelley	May 10, 2022															
	Madalyn Meehan	May 10, 2022															
	Matthew Robinson	May 10, 2022															
	Max Garcia	May 10, 2022															
	Michael Meehan	May 10, 2022															
	Michelle Cahn	May 10, 2022															
	Robert W. Fox	May 10, 2022															
	Sophie Kazickas	May 10, 2022															
	Susan Spencer	May 10, 2022															
	Ted Kotcheff	May 10, 2022															
	Timothy Franks	May 10, 2022															
	Tony Samucha	May 10, 2022															
	Trevor Wolfe	May 10, 2022															
	Amir Zamyad	May 10, 2022															
	KM	May 10, 2022															

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	Kristi Ard	May 10, 2022															
	Michael Walker	May 10, 2022															
	Nichole Faustino	May 10, 2022															
	Rory Schleifstein	May 10, 2022															
	Scott Sorrentino	May 10, 2022															
	William McGarry	May 10, 2022															
	Aaron Seifert	May 10, 2022															
	Adam Nagy	May 10, 2022															
	AJ Douglas	May 10, 2022															
	Annie LaRussa	May 10, 2022															
	Ashlee Gibson	May 10, 2022															
	Barbara Yates	May 10, 2022															
	Ben Phillips	May 10, 2022															
	Brent Phillips	May 10, 2022															
	Cameron Knoblock	May 10, 2022															
	Casey Bolin	May 10, 2022															
	Chuck Reed	May 10, 2022															
	David Katz	May 10, 2022															
	Gavin Graham	May 10, 2022															
	Georgia Stern	May 10, 2022															

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	Helen Kim	May 10, 2022															
	Jack Cowan	May 10, 2022															
	Jayson Allen	May 10, 2022															
	Jeannine Pignotti	May 10, 2022															
	Jenny An	May 10, 2022															
	Jerome Bernier	May 10, 2022															
	Joanie Clement	May 10, 2022															
	John Lewinski	May 10, 2022															
	Jordan Hayman	May 10, 2022															
	Jordan Stone	May 10, 2022															
	Judy Goldzweig	May 10, 2022															
	Julie Pyken	May 10, 2022															
	Kaleb Gingerich	May 10, 2022															
	Kevin Blatt	May 10, 2022															
	Kira Rombeau	May 10, 2022															
	Kristin Bauer	May 10, 2022															
	Kristoffer Marc	May 10, 2022															
	Laifun Chung	May 10, 2022															
	Lauren Pudwill	May 10, 2022															
	Luke Stanley McGarry	May 10, 2022															

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	Mason Yanez	May 10, 2022															
	Matt Walsh	May 10, 2022															
	Michael Mezzatesta	May 10, 2022															
	Miles Wood	May 10, 2022															
	Morgan Walsh	May 10, 2022															
	Patricia Ades	May 10, 2022															
	Priscilla Ahn	May 10, 2022															
	Quincy Gibson	May 10, 2022															
	Renira Morris	May 10, 2022															
	Robin Meyer	May 10, 2022															
	Ryan & Allison Mickler	May 10, 2022															
	Samantha Powell	May 10, 2022															
	Samuel Houser	May 10, 2022															
	Shane Abad	May 10, 2022															
	Stephanie Mighdoll	May 10, 2022															
	Stephen Kulczycki	May 10, 2022															
	Tejashri Shankar Raman	May 10, 2022															
	Tom Imai	May 10, 2022															
	Trever Hopper	May 10, 2022															
	Adriana Serrano	May 10, 2022															

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	Ana Paeper	May 10, 2022															
	Ashley DeLucca	May 10, 2022															
	Bill Rotko	May 10, 2022															
	Brenda Spezialy	May 10, 2022															
	Carley Croom	May 10, 2022															
	Casie Kesterson	May 10, 2022															
	Chrisssss89@yahoo.com	May 10, 2022															
	Cristina Squyres	May 10, 2022															
	Cynthia Casey	May 10, 2022															
	Dani Biasini	May 10, 2022															
	Danny Mui	May 10, 2022															
	Dennis Kao	May 10, 2022															
	Diana Miao	May 10, 2022															
	Elena Meller	May 10, 2022															
	Elizabeth O'Brien	May 10, 2022															
	Emily Ovaert	May 10, 2022															
	Emily Rath	May 10, 2022															
	Eugenie Gulian	May 10, 2022															
	Evan Michael	May 10, 2022															
	Gabriela Bitton	May 10, 2022															

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	Garrett Coleman	May 10, 2022															
	GNG Design	May 10, 2022															
	Heeyeon Chang	May 10, 2022															
	Hilary Hearty	May 10, 2022															
	Ilona Majer	May 10, 2022															
	Jonathan Gordin	May 10, 2022															
	Jeffrey Steinberg	May 10, 2022															
	Jim Dubensky	May 10, 2022															
	Jon Dominguez	May 10, 2022															
	Justin Abe	May 10, 2022															
	Justin Todd Myers	May 10, 2022															
	Kalia Lyman	May 10, 2022															
	Kamil Majer	May 10, 2022															
	Katie O'Brien	May 10, 2022															
	Katina Dunn	May 10, 2022															
	Kelly Judd	May 10, 2022															
	Kelly Kirkpatrick	May 10, 2022															
	Ken Jacobs	May 10, 2022															
	Kevin Blum	May 10, 2022															
	Kristin Anger	May 10, 2022															

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	Kristina Jacob	May 10, 2022															
	Leslie Gache	May 10, 2022															
	Linor Altit	May 10, 2022															
	Lisa Kazanjian	May 10, 2022															
	Maria Cina Harrison	May 10, 2022															
	Mark Dinets	May 10, 2022															
	Meg DeLoatch	May 10, 2022															
	Michael Burton	May 10, 2022															
	Mitch Martin	May 10, 2022															
	Nate Schlimme	May 10, 2022															
	Nicholas Tatone	May 10, 2022															
	Nicole Jones	May 10, 2022															
	Niki Rezzadeh	May 10, 2022															
	ojaiquickstart@gmail.com	May 10, 2022															
	Paula Chambers	May 10, 2022															
	Peter Chen	May 10, 2022															
	Rachel Bernstein	May 10, 2022															
	Rama Stagner	May 10, 2022															
	Robby DeVillez	May 10, 2022															
	Ryan O'Nan	May 10, 2022															

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	Sabine Combrie	May 10, 2022															
	Sergio Velez	May 10, 2022															
	Shain Ashley	May 10, 2022															
	Sherina Garlick	May 10, 2022															
	Stephanie Licea	May 10, 2022															
	Steven Iyama	May 10, 2022															
	Susan Schalbe	May 10, 2022															
	Talia Diner	May 10, 2022															
	Victoria Blacher	May 10, 2022															
	Zack Klein	May 10, 2022															
	Zachary Forbes	May 10, 2022															
	Alessandra Figueroa	May 11, 2022															
	Amy Madden	May 11, 2022															
	Bertrand Mennesson	May 10, 2022															
	Catherine Edwards	May 11, 2022															
	Deborah Brown	May 11, 2022															
	Gary Phillips	May 11, 2022															
	Heather Bell	May 11, 2022															
	Joe Ballarini	May 11, 2022															
	Keelia Flinn	May 11, 2022															

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	Lesa Miller	May 11, 2022															
	Levi Fiehler	May 11, 2022															
	Linda Leonard	May 11, 2022															
	Marilyn Howard	May 11, 2022															
	Michael Gosselaar	May 11, 2022															
	Tiffany Wu	May 11, 2022															
	Beth Grant Chieffo	May 11, 2022															
	Francis Lam Dowell	May 11, 2022															
	Roman Verba	May 16, 2022															
	Tiger Curran	May 16, 2022															
	Bea Santos	May 17, 2022															
	Mari Feldmeier	May 17, 2022															
FORM 4	General Opposition Letter 2	See list of commenters below	X		X	X				X		X	X	X	X		
	Alex Wrenn	May 10, 2022															
	Amanda Garrett	May 10, 2022															
	Bonnie Kurnick	May 10, 2022															
	Norman Kurnick	May 10, 2022															
	Talia Weintraub	May 10, 2022															
	Eli Weintraub	May 10, 2022															

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	Brianna Stimpson	May 10, 2022															
	Erica Santoyo	May 10, 2022															
	Francie Kaplan	May 10, 2022															
	Howard Ekerling	May 10, 2022															
	Io Bottoms	May 10, 2022															
	Marian Yamashita	May 10, 2022															
	Matt Shuman	May 10, 2022															
	Maureen Cairns	May 10, 2022															
	Michael Polis	May 10, 2022															
	Mona Molayem	May 10, 2022															
	Nicole West	May 10, 2022															
	Rob Feinstein	May 10, 2022															
	Robert Perez	May 10, 2022															
	Robert Sherman	May 10, 2022															
	Sandra Lucchesi	May 10, 2022															
	Tracy St. Martin	May 10, 2022															
	William & Gianina	May 10, 2022															
	Aga Mazur	May 10, 2022															
	Alex Satnick	May 10, 2022															
	Alex Tonisson	May 10, 2022															

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	Alexander Slinger	May 10, 2022															
	Amy Galaudet & Thomas Challener	May 10, 2022															
	Amy Levine Clayton	May 10, 2022															
	Ann Harris	May 10, 2022															
	Annie Goodman	May 10, 2022															
	Anthony Braunagel	May 10, 2022															
	Ashley Davis	May 10, 2022															
	Barbara Goodhill	May 10, 2022															
	Ben de Ayora	May 10, 2022															
	Beth Einhorn	May 10, 2022															
	Bill Madden	May 10, 2022															
	Bob Kaufman	May 10, 2022															
	Bob McKenney	May 10, 2022															
	Brett Schneider	May 10, 2022															
	Brittany Belt	May 10, 2022															
	Camilla Bravo	May 10, 2022															
	Cara Maiman Hilfer	May 10, 2022															
	Cara Rule	May 10, 2022															
	Carl Ceder	May 10, 2022															
	Carolyn Crotty	May 10, 2022															

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
	Cheyenne Gustason	May 10, 2022															
	Clara Bottoms	May 10, 2022															
	Dale K. Rose	May 10, 2022															
	Dan Grodnik	May 10, 2022															
	Daphneleah Schneider	May 10, 2022															
	Darren Richardson	May 10, 2022															
	David Kellen	May 10, 2022															
	Dorothy Apple	May 10, 2022															
	Eva Charney	May 10, 2022															
	Folmer Wiesinger	May 10, 2022															
	Frieda Maiman	May 10, 2022															
	Gabe Hilfer	May 10, 2022															
	Gail & Paul Wunsch	May 10, 2022															
	Garrett Schiff	May 10, 2022															
	Grace K	May 10, 2022															
	Gregg Sulkin	May 10, 2022															
	Guido Muzzarelli	May 10, 2022															
	Hannah Jones	May 10, 2022															
	James Hoff	May 10, 2022															
	James Krug	May 10, 2022															

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	Jane Mangan	May 10, 2022															
	Janine Milne	May 10, 2022															
	JB Hunter	May 10, 2022															
	Jentle "Red" Phoenix	May 10, 2022															
	Jim Bissell	May 10, 2022															
	Jim Davis	May 10, 2022															
	John Postava	May 10, 2022															
	Jonny Bowden	May 10, 2022															
	Joshua Kelfer	May 10, 2022															
	Julie Alpert	May 10, 2022															
	Karen Romano	May 10, 2022															
	Karma McCain	May 10, 2022															
	Kyle Caldwell	May 10, 2022															
	Lisa Bourne	May 10, 2022															
	Lora Witty	May 10, 2022															
	Luscious Lucas	May 10, 2022															
	Mark Glassock	May 10, 2022															
	Marsella Allen	May 10, 2022															
	Marsha Clark	May 10, 2022															
	Marshall Mcgehee	May 10, 2022															

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	Michael & Emily Laskin	May 10, 2022															
	Michael Barzman	May 10, 2022															
	Mike Pryor	May 10, 2022															
	Michael Maiman	May 10, 2022															
	Nancy B	May 10, 2022															
	Natalie Cadoch	May 10, 2022															
	Nathaniel Bryan	May 10, 2022															
	Naveed Irfani	May 10, 2022															
	Nick Benseman	May 10, 2022															
	Nick Paonessa	May 10, 2022															
	Patrick Skelton	May 10, 2022															
	Paula Goodman	May 10, 2022															
	Renne & Bruce Bilson	May 10, 2022															
	Shelley Zimmerman	May 10, 2022															
	Roe Astuto	May 10, 2022															
	Russel Sher	May 10, 2022															
	Sandy Fox & Lex Lang	May 10, 2022															
	Scott Sorrentino	May 10, 2022															
	Seraphine Geismar Segal	May 10, 2022															
	Sheri Hooper Gross	May 10, 2022															

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	Sheri Herman	May 10, 2022															
	Staci Foster	May 10, 2022															
	Stacy Milne	May 10, 2022															
	Stephanie Noel	May 10, 2022															
	Steve and Ashley Jenner	May 10, 2022															
	Steve Freedman	May 10, 2022															
	Steven Moloney	May 10, 2022															
	Sue Forthal	May 10, 2022															
	Suzanne Rush	May 10, 2022															
	Suzie Hunter	May 10, 2022															
	Theodore Peszynski	May 10, 2022															
	Thomas McLemore	May 10, 2022															
	Tony Lin	May 10, 2022															
	Yvonne Wilder	May 10, 2022															
	Timothy Marx	May 10, 2022															
	Vicki Haller	May 10, 2022															
	Victoria Goodman	May 10, 2022															
	Wendy Schwartz	May 10, 2022															
	Zach Kleiman	May 10, 2022															
	Alison Sieh	May 10, 2022															

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	Anthony Rodol	May 10, 2022															
	Arcy Perez	May 10, 2022															
	Ben Waller	May 10, 2022															
	Carolyn Uhri	May 10, 2022															
	Carrie Sanford	May 10, 2022															
	Casey Kasemeier	May 10, 2022															
	Chris Marble	May 10, 2022															
	Claudia Del Viscovo	May 10, 2022															
	Daniel Slucki	May 10, 2022															
	David Belzer	May 10, 2022															
	Dennis McFadden	May 10, 2022															
	Don Spielvogel	May 10, 2022															
	Dustin Louie	May 10, 2022															
	Ellen Taylor	May 10, 2022															
	Erica Roberts	May 10, 2022															
	Esther Feldman	May 10, 2022															
	Estrella Monteros	May 10, 2022															
	Evan Biren	May 10, 2022															
	Evan Sanford	May 10, 2022															
	Francesca L. Fartai	May 10, 2022															

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	Fred Cavali	May 10, 2022															
	Gaetane Cohen	May 10, 2022															
	Geraldine Farrell	May 10, 2022															
	Harvey L. Myman	May 10, 2022															
	Helen R. Giroux	May 10, 2022															
	Jacki Graham	May 10, 2022															
	Jane Hunt	May 10, 2022															
	Janet Bray	May 10, 2022															
	Jason Blount	May 10, 2022															
	Jesse Sanford	May 10, 2022															
	Joan Giammarco	May 10, 2022															
	Joanne & Joseph Gallagher	May 10, 2022															
	John Crane	May 10, 2022															
	John O'Connell	May 10, 2022															
	Joy Williams Cotton	May 10, 2022															
	Karen Andrews	May 10, 2022															
	Karen Taylor	May 10, 2022															
	Katherine Tolford	May 10, 2022															
	Kim Shlesinger	May 10, 2022															
	Kyle Rheaume	May 10, 2022															

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	Larry Wasserman	May 10, 2022															
	Laura Smith	May 10, 2022															
	Linda Roletti	May 10, 2022															
	Lisa Hoffman	May 10, 2022															
	Madeline Smith	May 10, 2022															
	Marina Marchisi	May 10, 2022															
	Marnie Messler	May 10, 2022															
	Matt Pyken	May 10, 2022															
	Maureen Toth	May 10, 2022															
	Max Eisenberg	May 10, 2022															
	Meg LeFauye	May 10, 2022															
	Melanie Holland Greco	May 10, 2022															
	M G	May 10, 2022															
	Michael Zimbrich	May 10, 2022															
	Mildred Gomez	May 10, 2022															
	Mitchell Kenney	May 10, 2022															
	ynotcookit@aol.com	May 10, 2022															
	Orson Rhienfurth	May 10, 2022															
	Steve & Pat Fenton	May 10, 2022															
	Robert Magee	May 10, 2022															

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	Patrick Kearney	May 10, 2022															
	Paul Hartel	May 10, 2022															
	Priscilla Rosado	May 10, 2022															
	Rachel Milne	May 10, 2022															
	Rick Roberts	May 10, 2022															
	Rosa Ferrera	May 10, 2022															
	Roshanak Ghannadan	May 10, 2022															
	Rudy Gonzalez	May 10, 2022															
	Samantha Powell	May 10, 2022															
	Sandy Carlson	May 10, 2022															
	Sark Antaramian	May 10, 2022															
	Scot M Levitt	May 10, 2022															
	Serge Genitempo	May 10, 2022															
	Shan Hinton	May 10, 2022															
	Sharon Braufman	May 10, 2022															
	Shelly Frautschi	May 10, 2022															
	Steve Hirsh	May 10, 2022															
	Suzanne Roberts	May 10, 2022															
	Thelma Mericle	May 10, 2022															
	Tom Holland	May 10, 2022															

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	Tom Maltese	May 10, 2022															
	TZ IMAP	May 10, 2022															
	Tracy Nini	May 10, 2022															
	Tricia Kiley	May 10, 2022															
	Valerie Berwanger	May 10, 2022															
	Valerie Eads	May 10, 2022															
	Victoria Miller	May 10, 2022															
	Mike P. and Victoria Shulem	May 10, 2022															
	Virginia Alexander	May 10, 2022															
	Walker John Moses	May 10, 2022															
	Mike Matousek	May 10, 2022															
	Zane Moses	May 10, 2022															
	Adam Libarkin	May 10, 2022															
	Arstar	May 10, 2022															
	Catherine Hayes	May 10, 2022															
	Celeste Nameth	May 10, 2022															
	Chris Specht	May 10, 2022															
	Danny Toback	May 10, 2022															
	Florencia Reyna	May 10, 2022															
	Fred Selden	May 10, 2022															

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	Gwen Gary	May 10, 2022															
	Jennifer Lin	May 10, 2022															
	Jessica Wi	May 10, 2022															
	Joe Forte	May 10, 2022															
	Josie Rosen	May 10, 2022															
	Karen Kardan	May 10, 2022															
	Kevin West	May 10, 2022															
	Los Angeles Beach Weddings	May 10, 2022															
	Linda Silverman	May 10, 2022															
	Lindsay Ravage	May 10, 2022															
	Luke McNulty	May 10, 2022															
	Mason Newton	May 10, 2022															
	movementbymegan@gmail.com	May 10, 2022															
	Melinda Carrigan	May 10, 2022															
	Mike Barzman	May 10, 2022															
	Michelle Colbert	May 10, 2022															
	Mike and Darcie Renault	May 10, 2022															
	Mike Baranick	May 10, 2022															
	Patricia Ritter	May 10, 2022															
	Paul Mayersohn	May 10, 2022															

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	Richard Rabins	May 10, 2022															
	Roger Johnson	May 10, 2022															
	Shan Albert	May 10, 2022															
	Sheldon Steier	May 10, 2022															
	Susan Rosen	May 10, 2022															
	AnnMarie Hudson	May 11, 2022															
	Brad Smith	May 11, 2022															
	Corey Steele	May 11, 2022															
	georgnbay@aol.com	May 11, 2022															
	Jeffrey L. Ross	May 11, 2022															
	Judy Kahn	May 11, 2022															
	Lisa Battista	May 11, 2022															
	Maria Olimpia Feig	May 11, 2022															
	Maria Speidel	May 11, 2022															
	Marna Shulberg	May 11, 2022															
	Mitchell Kenney	May 11, 2022															
	Pamela Kalmus	May 11, 2022															
	Roxana Benseman	May 11, 2022															
	Sheila O'Connell	May 11, 2022															
	George W. Borthwick	May 11, 2022															

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	Todd Nagler	May 11, 2022															
FORM 5	General Opposition Letter Los Angeles Tennis Association	See list of commenters below									X	X					
	Andy Knuth	May 7, 2022															
	Brett Leonard	May 7, 2022															
	John Bowditch	May 7, 2022															
	Paul Wong	May 7, 2022															
	Ralph Gorgoglione	May 7, 2022															
	Adam Dworkin	May 8, 2022															
	Dalibor Banović	May 8, 2022															
	Daniel Feder	May 8, 2022															
	Eldred Nichols	May 8, 2022															
	Glenn Wagner	May 8, 2022															
	Jessie C. Lance	May 8, 2022															
	John Moreno	May 8, 2022															
	Larry Lawrence	May 8, 2022															
	Nick Ellis	May 8, 2022															
	Scott Gregory	May 8, 2022															
	Ignacio Plascencia	May 8, 2022															
	Tu Nguyen	May 8, 2022															

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	Chris Ota	May 9, 2022															
	George Benitez	May 9, 2022															
	Khoi Pham	May 9, 2022															
	Steven Fisher	May 9, 2022															
	Thomas Wong	May 9, 2022															
	Travis Siems	May 9, 2022															
	Chris D. Olsen	May 10, 2022															
	Navan Nguyen	May 10, 2022															
	Brent Hall	May 10, 2022															
	Kwock Koe	May 12, 2022															
	Peter Jacobson	May 16, 2022															
	Fernando Bonilla	May 16, 2022															
<b>Individuals</b>																	
IND 1	Arthur Salter	March 10, 2022	X		X					X			X				
IND 2	Ashley Perry	March 10, 2022															X
IND 3	Brooke Sloane	March 10, 2022															X
IND 4	Celeste Namath	March 10, 2022			X										X		
IND 5	Dan Rothblatt	March 10, 2022										X			X		
IND 6	Heather LeaGerdes	March 10, 2022	X	X						X		X			X		
IND 7	Karan Kaplan	March 10, 2022		X	X					X		X	X		X		

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IND 8	Karen Solokoff	March 10, 2022			X							X	X				
IND 9	Louis Sanford	March 10, 2022														X	
IND 10	Matthew Levy	March 10, 2022															X
IND 11	Robin Small	March 10, 2022															X
IND 12	Scott Sloane	March 10, 2022															X
IND 13	Mindy Tennen	March 12, 2022	X	X	X					X			X				
IND 14	Laura Glass	March 13, 2022	X		X					X			X				
IND 15	Adam Howard	March 14, 2022															X
IND 16	Hong Zhou	March 14, 2022															X
IND 17	Jodi Plageman	March 14, 2022				X											X
IND 18	Marika Tsircou	March 14, 2022															X
IND 19	Nancy & Mosa Kaleel	March 14, 2022															X
IND 20	Phillip Small	March 14, 2022															X
IND 21	Tim Smith & Chris Baker	March 14, 2022															X
IND 22	Casey Kim	March 15, 2022															X
IND 23	Julie Giehl	March 15, 2022															X
IND 24	Rosita & Salvador Jimenez	March 15, 2022															X
IND 25	Alexis Arinsburg	March 16, 2022															X
IND 26	Elizabeth Hurchalla	March 16, 2022															X
IND 27	Evan Lovett	March 16, 2022															X

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IND 28	Lesa Miller	March 16, 2022													X		
IND 29	Shana Glassman	March 16, 2022				X											X
IND 30	Jeanne Johnson	March 17, 2022															X
IND 31	Brad Goldberg	March 18, 2022															X
IND 32	Donna & Fred Mendes	March 18, 2022															X
IND 33	Emma Woodhouse Graber	March 18, 2022															X
IND 34	Jen Azimzdeh	March 18, 2022										X		X	X		
IND 35A-D	Andre Karchemsky	March 20, March 21, April 23 & April 28, 2022										X			X	X	
IND 36	Charles Cox	March 20, 2022			X							X			X		
IND 37	David Hilton	March 21, 2022															X
IND 38	John Ruffner	March 21, 2022	X							X		X	X		X		
IND 39	Kelly DeMarco	March 21, 2022											X				X
IND 40	Marnie Messler	March 21, 2022		X	X					X			X		X		
IND 41	Tanya Kinoshita	March 21, 2022															X
IND 42A-E	Teri Austin	March 21 & 24, 2022 May 9, 2022, May 10, 2022	X		X	X	X	X	X	X	X	X	X	X	X	X	
IND 43	Tiff Williams	March 21 & April 8, 2022,			X							X			X		
IND 44	Tony Knight	March 21, 2022			X								X		X		

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IND 45	Zach Schwartz	March 21, 2022															X
IND 46	Molly Lorenz	March 22, 2022															X
IND 47	Cristina M. Molina	March 23, 2022			X	X				X		X			X		
IND 48	Kim Turner	February 11, 2022 & March 25, 2022	X			X				X		X			X	X	
IND 49	Li Fan Gad	March 25, 2022															X
IND 50	Karen Swift	March 26, 2022															X
IND 51A-B	Barbara Garner	March 31 & April 28, 2022			X							X			X		
IND 52	Camilla Bravo	March 31, 2022		X					X				X		X		
IND 53	Diane Hart	March 31, 2022								X		X	X		X		
IND 54	Joseph Tourouk	March 31, 2022										X			X		
IND 55	Josh Rodine	March 31, 2022														X	
IND 56	Joshua Campbell	March 31, 2022		X	X					X		X	X		X		
IND 57	Karen Kaplan	March 31, 2022													X		
IND 58	Laurie Cohn	March 31, 2022													X		
IND 59	Lisa Battista	March 31, 2022													X		
IND 60	Maria Olympia Feig	March 31, 2022	X							X		X	X		X		
IND 61	Natalie Adomian	March 31, 2022													X		
IND 62	Paul Kradin	March 31, 2022	X									X	X		X		
IND 63	Ellen Little	April 1, 2022				X						X		X	X		

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IND 64A-B	Jentle "Red" Phoenix	April 1, 2022 & April 24, 2022										X			X		
IND 65	Julien Bassan	April 1, 2022										X			X		
IND 66	Linda Roletti	April 1, 2022			X								X		X		
IND 67	Rob Langer	April 1, 2022			X	X							X		X		
IND 68	Susan Pratt	April 1, 2022															X
IND 69	Tom Imai	April 1, 2022			X										X		
IND 70	Nicolette Del Barrio	April 3, 2022											X		X		
IND 71	Dan Rothblatt	April 4, 2022										X	X		X		
IND 72	Zach Felber	April 5, 2022													X		
IND 73	Erin Boorstin	April 7, 2022															X
IND 74	Linda Roletti	April 8, 2022													X		
IND 75	Matthew Flynn & Dr. Pedro Ontiveros	April 8, 2022	X				X			X	X	X	X	X	X		
IND 76	Tiff Williams (2nd Letter)	April 8, 2022			X							X			X		
IND 77	Jayne Campbell	April 9, 2022															X
IND 78	Mike Jeon	April 9, 2022															X
IND 79	Dana Howbert	April 10, 2022										X			X		
IND 80	Deborah Novak	April 11, 2022										X			X		
IND 81	Sophie Colette	April 11, 2022															X
IND 82	Periel Kaczmarek	April 11, 2022	X		X		X			X		X	X	X	X		

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IND 83	Dale Fernandez	April 13, 2022			X		X	X	X						X		
IND 84	Martha Bissell	April 13, 2022	X							X			X		XX		
IND 85	Rachel Tonisson	April 14, 2022, May 2, 2022 & May 10, 2022				X						X	X		X		
IND 86	Scott Dragicevich	April 14, 2022															X
IND 87A-C	Suellen Wagner	April 14, 2022, April 26-27, 2022	X	X	X	X				X		X	X	X	X		
IND 88	Beth Dymond	April 15, 2022													X		
IND 89	James H. Korris	April 16, 2022															X
IND 90	Kathy Anaya	April 16, April 18, April 27, 2022	X		X			X	X	X		X	X		X		
IND 91	Margot Riemer	April 17, 2022															X
IND 92	Beverly Wilkerson	April 18, 2022										X	X	X	X		
IND 93	David Nelson	April 18, 2022											X		X		
IND 94	Louis Sanford	April 20, 2022	X		X		X	X		X			X		X		
IND 95	Teri Austin	April 22, 2022													X		
IND 96	Zach Kleiman	April 22, 2022										X			X		
IND 97A-C	Mary Riley	April 23, 2022, May 5, 2022, May 10, 2022		X						X	X		X		X		
IND 98	Rich Neher	April 25, 2022				X						X			X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 99	Patty & Terry Kirby	April 27, 2022													X	X	
IND 100	Michael Konopisus	April 28, 2022													X		
IND 101	Jamie Ferreira	April 28, 2022								X			X		X		
IND 102	Jonathan Kern	April 28, 2022								X		X	X		X		
IND 103	Allison Lane	April 29, 2022	X		X										X		
IND 104	Daphne Brogdon	April 29, 2022													X		
IND 105	Kevin Keegan	April 29, 2022	X							X		X			X		
IND 106	Annie Wiebe	April 29, 2022	X	X	X		X			X		X	X	X	X		
IND 107	Elizabeth Wiehe	April 29, 2022	X	X			X			X		X	X	X	X		
IND 108	John McKenzie	April 29, 2022	X	X			X			X		X	X	X	X		
IND 109	Laurie Rittenberg	April 29, 2022	X	X			X			X		X	X	X	X		
IND 110	Celeste Namath	April 29, 2022													X		
IND 111	Carolyne Aycaguer	April 30, 2022	X	X	X		X			X		X	X	X	X		
IND 112	Christian Shirm	April 30, 2022	X	X			X			X		X	X	X	X		
IND 113	David and Libby Goldstein	April 30, 2022				X						X		X	X		
IND 114	David Edelstein	April 30, 2022	X	X			X			X		X	X	X	X		
IND 115	Eyal Podell	April 30, 2022	X	X			X			X		X	X	X	X		
IND 116	Greg Siegel	April 30, 2022	X	X			X			X		X	X	X	X		
IND 117	Howard Ekerling	April 30, 2022			X		X										
IND 118	Jennifer Manley	April 30, 2022										X			X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 119	Jodie Stern	April 30, 2022	X	X	X		X			X		X	X	X	X		
IND 120	Joe Dungan	April 30, 2022											X		X		
IND 121	Kathryn Savage	April 30, 2022			X					X			X		X		
IND 122	Katya Volpi	April 30, 2022	X	X	X		X			X		X	X	X	X		
IND 123	Toni Williamson and Larry Splichal	April 30, 2022			X					X					X		
IND 124	Lynne Moses	April 30, 2022							X						X		
IND 125	Nigel Daly	April 30, 2022	X	X	X		X			X		X	X	X	X		
IND 126	Paul Grein	April 30, 2022		X			X			X		X	X	X	X		
IND 127	Periel Stanfield	April 30, 2022	X	X	X		X			X		X	X	X	X		
IND 128	Sharon Roset	April 30, 2022	X	X			X			X		X	X	X	X		
IND 129	Sheila Hall	April 30, 2022	X	X			X			X		X	X	X	X		
IND 130	Victoria Maguire	April 30, 2022	X	X	X	X	X			X		X	X	X	X		
IND 131	Cindy Kimbrell Poling	May 1, 2022	X	X	X		X			X		X	X	X	X		
IND 132	David Gaines	May 1, 2022	X	X	X		X			X		X	X	X	X		
IND 133	Dr. and Mrs. Joseph Church	May 1, 2022													X		
IND 134	Liz Mullen	May 1, 2022	X	X			X			X		X	X	X	X		
IND 135	Jackelyn Puignau	May 1, 2022	X	X	X		X			X		X	X	X	X		
IND 136A-B	Neal Vitale	May 1, 2022 & May 2, 2022	X							X			X		X		
IND 137	Renault Family	May 1, 2022			X	X				X		X			X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 138	Seth Canterbury	May 1, 2022													X		
IND 139	Bill Nye	May 2, 2022	X				X			X		X	X	X	X		
IND 140	Chris Hazzard	May 2, 2022				X				X		X	X		X		
IND 141	Chris Marble	May 2, 2022	X	X	X		X			X		X	X	X	X		
IND 142	Liz Siegel Mullen	May 2, 2022	X	X			X			X		X	X	X	X		
IND 143	Katalina Anaya	May 2, 2022	X	X	X		X	X	X	X		X	X	X	X		
IND 144	Laurie Cohn	May 2, 2022 & May 9, 2022	X	X			X			X		X	X	X	X		
IND 145	Lorenzo Family	May 2, 2022	X	X			X			X		X	X	X	X		
IND 146	Michael Hooks	May 2, 2022															X
IND 147	Michael O'Connell	May 2, 2022															X
IND 148	Stuart Lichtman	May 2, 2022													X		
IND 149	Victoria Miller	May 2, 2022	X	X	X	X	X			X		X	X	X	X		
IND 150	Alan Penchansky	May 3, 2022	X		X		X								X		
IND 151	Barbra Hobbs	May 3, 2022	X	X			X			X		X	X	X	X		
IND 152	Deborah and Christopher Nibley	May 3, 2022		X	X					X		X			X		
IND 153	Larry Rogers	May 3, 2022	X	X			X			X		X	X	X	X		
IND 154	Sheri Herman	May 3, 2022			X		X					X			X		
IND 155	James Krug	May 3, 2022													X		
IND 156	Katya Volpi	May 4, 2022			X							X	X		X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 157	Sue Taylor	May 4, 2022	X							X		X	X		X		
IND 158	John Mullins	May 5, 2022													X		X
IND 159	Kevin Haibach	May 5, 2022	X		X					X		X	X		X		
IND 160	Lesa Miller	May 5, 2022	X		X										X		
IND 161	Tracey Hughes	May 5, 2022	X	X	X		X	X		X		X	X	X	X		
IND 162	Ed Cunningham	May 6, 2022	X	X			X			X		X	X	X	X		
IND 163	John Moorhead	May 6, 2022										X			X		
IND 164	Judy Millar	May 6, 2022													X		
IND 165	Suzanne Kiechle	May 6, 2022													X		
IND 166	Robin and Randy Stranger	May 7, 2022	X	X			X			X		X	X	X	X		
IND 167	Suzanne Hunt Jenner	May 7, 2022	X	X	X					X		X	X		X		
IND 168	Chris Norlin	May 8, 2022										X			X		
IND 169	Christine Bilson	May 8, 2022										X			X		
IND 170	Maxx Walske	May 8, 2022													X		
IND 171	Michellene DeBonis	May 8, 2022	X	X	X		X			X		X	X	X	X		
IND 172	Nolan Heath	May 8, 2022										X			X		
IND 173	Norman Tucker	May 8, 2022										X			X		
IND 174	Cathy Frank	May 8, 2022										X			X		
IND 175	Olivia DeBonis	May 8, 2022			X		X							X	X		
IND 176	Art Manask	May 9, 2022	X	X			X			X	X	X	X	X	X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 177	Ashley Hunt	May 9, 2022	X	X			X			X		X	X	X	X		
IND 178	Rebecca Baughman	May 9, 2022													X		
IND 179	Caren Lieberman	May 9, 2022	X		X			X							X		
IND 180	Charlotte Glover	May 9, 2022	X	X			X		X	X		X	X	X	X		
IND 181	Cindy Abrams	May 9, 2022			X							X	X		X		
IND 182	Janine Milne	May 9, 2022	X	X	X		X			X		X	X	X	X		
IND 183	S. Gregory	May 10, 2022	X		X		X			X					X		
IND 184	Josh Silver	May 9, 2022	X	X		X	X		X	X		X	X		X		
IND 185	Keith Blaney	May 9, 2022			X				X	X		X	X		X		
IND 186	Kim Tashman	May 9, 2022				X											
IND 187	Kimberly Turner	May 9, 2022	X	X	X		X			X		X	X	X	X		
IND 188	Kyle Biren	May 9, 2022													X		
IND 189	Lee Haxall	May 9, 2022	X		X		X	X		X		X	X		X		
IND 190	Lisa Fimiani	May 9, 2022	X	X	X		X			X		X	X	X	X		
IND 191	Michael Levy	May 9, 2022													X		
IND 192	Patrice Berlin	May 9, 2022		X	X		X	X		X			X		X		
IND 193	Peter Cole	May 9, 2022	X		X			X		X		X	X		X		
IND 194	Rita Levy	May 9, 2022	X	X	X		X			X		X	X	X	X		
IND 195	Ryan Carl O'Meara	May 9, 2022											X		X		
IND 196	Sarah Haskins	May 9, 2022										X			X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 197	Steve Caplan	May 9, 2022	X				X			X		X	X		X		
IND 198	Susan Gleason	May 9, 2022	X						X			X	X		X		
IND 199	Joseph & Joanne Gallagher	May 8, 2022							X	X			X		X		
IND 200	Teryne Dorret	May 9, 2022			X		X								X		
IND 201	Andrew Johnson	May 10, 2022				X						X			X		
IND 202	Eric Preven	May 10, 2022			X	X				X		X	X		X		
IND 203	Mark Cohen	May 10, 2022										X			X		
IND 204	Riley McCluskey	May 10, 2022				X						X			X		
IND 205	Robert Baer	May 10, 2022	X		X					X		X			X		
IND 206	Tal Meirson	May 10, 2022		X	X					X		X	X		X		
IND 207	Tama Winograd	May 10, 2022													X		
IND 208	Thomas Perry	May 10, 2022			X								X		X		
IND 209	Adele Slaughter & Jeff Kober	May 10, 2022	X	X	X	X	X	X	X	X	X	X	X	X	X		
IND 210	Anthony Allen	May 10, 2022													X		
IND 211	Beth Miller	May 10, 2022			X		X					X			X		
IND 212	Carey Smith	May 10, 2022		X	X				X				X		X		
IND 213	Chris Trent	May 10, 2022	X		X		X	X		X			X		X		
IND 214	Connie Acos	May 10, 2022			X												
IND 215	David Campanelli	May 10, 2022								X			X		X		
IND 216	David Kellen	May 10, 2022				X									X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 217	Diana Nicole	May 10, 2022			X							X			X		
IND 218	Donald McLeod Keefer	May 10, 2022			X	X							X	X	X		
IND 219	Ingred Mellman	May 10, 2022													X		
IND 220	Janice Jordan	May 10, 2022												X	X		
IND 221	Jeffery Hartwick	May 10, 2022	X	X	X					X		X		X	X		
IND 222	Kaitlin Gleason	May 10, 2022			X	X							X		X		
IND 223	Krysia Plonka	May 10, 2022										X			X		
IND 224	Laurissa James Gold	May 10, 2022											X		X		
IND 225	Lee Rosenberg	May 10, 2022													X		
IND 226	Patty Kirby	May 10, 2022											X				X
IND 227	Paul Ketrick	May 10, 2022	X		X						X	X		X	X		
IND 228	Scott Mandell	May 10, 2022													X		
IND 229	Suellen Wagner	May 10, 2022													X	X	
IND 230	Tim McGearry	May 10, 2022											X		X		
IND 231	Tracy Bodis	May 10, 2022				X						X			X		
IND 232	Adam Grealish	May 10, 2022											X		X		
IND 233	Angela Martinez	May 10, 2022										X			X		
IND 234	Betsy Thomas	May 10, 2022	X	X			X			X		X	X	X	X		
IND 235	Carolyn LoBuglio	May 10, 2022			X	X		X	X		X	X		X	X		
IND 236	Carrie Henderson	May 10, 2022		X						X			X		X		

Comment Letter	From	Date Received	Aesthetics/Lighting	Air Quality	Biological Resources/ Trees	Historic Resources	Greenhouse Gas Emissions/Climate	Hazardous Materials/ Artificial Turf	Water Quality and Water Supply	Noise	Public Services	Recreation	Transportation/Traffic	Alternatives	General/Other	Draft EIR Review Extension Request	Support
IND 237	Cory Blothenburg	May 10, 2022													X		
IND 238	Elizabeth Feuille	May 10, 2022										X			X		
IND 239	Eric & Caren Lieberman	May 10, 2022	X							X		X			X		
IND 240	Esra Hudson	May 10, 2022	X	X		X	X			X		X	X	X	X		
IND 241	Heidi MacKay	May 10, 2022	X	X	X		X	X		X		X			X		
IND 242	Jason Martinez	May 10, 2022			X	X		X			X	X			X		
IND 243	Judith Wiggins	May 10, 2022	X	X	X	X	X			X		X	X	X	X		
IND 244	Justine Lieberman	May 10, 2022	X		X			X					X		X		
IND 245	Katherine Kato	May 10, 2022			X					X		X			X	X	
IND 246	Kurt Gulsvig	May 10, 2022												X	X		
IND 247	Michaela O'Toole	May 10, 2022	X	X			X			X		X	X	X	X		
IND 248	Carl	May 11, 2022	X		X	X				X		X	X	X	X		
IND 249	Carolyn Seeman	May 11, 2022	X										X		X		
IND 250	Erna Toback	May 11, 2022	X										X		X		
IND 251	Marty Fortney	May 11, 2022											X		X		
IND 252	Roman Verba	May 11, 2022													X		
IND 253	Craig Stevens	May 16, 2022													X		
IND 254	Harold Brody	May 16, 2022															X
IND 255	John and Michelle Hales	May 9, 2022													X		

## 2. Topical Responses to Comments

### a) Topical Response No. 1 – Public Participation and Review

#### (1) Introduction

This topical response is provided in response to comments received regarding the City's public review period. Numerous comments were received requesting that the public review period for the Draft Environmental Impact Report (EIR) be extended beyond 45 days to 90 days. Reasons for the public's requested extension included, but were not limited to, the fact that the public review period occurred during the COVID-19 pandemic, that the public review period coincided with the "tax" season, and the "large" volume of documentation associated with the Draft EIR, including its appendices.

#### (2) Discussion

With regard to public review of the Draft EIR, California Environmental Quality Act (CEQA) Guidelines Section 15105(a) specifies that the public review period for a Draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, such as the Project's Draft EIR, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

The Department of City Planning determined that there were no unusual circumstances with respect to the Harvard-Westlake River Park Project Draft EIR that would warrant a comment period beyond the upper limit of 60 days, as set forth in the CEQA Guidelines.

Regarding release of the Draft EIR during "tax" season, the time of year including "tax" season does not constitute an unusual circumstance because it is an annual event that is not included in the Guidelines as cause for an extension. Additionally, the size of the Project's EIR does not constitute an unusual circumstance and the public circulation of the Draft EIR was consistent with the City's standard practice.

As stated in the Notice of Completion/Notice of Availability (NOC/NOA), the City's Department of City Planning recognized the unprecedented nature of COVID-19 and the restrictions it was causing. Having been identified as an essential City service, the Department of City Planning continued to work and respond to all inquiries pertaining to its ongoing efforts to process entitlement applications. As a result of the Mayor's "Safer at Home" Order issued on March 19, 2020, the Department of City Planning acknowledged that the usual methods for accessing project-related materials in-person might be limited. Nonetheless, the Department of City Planning was committed to ensuring that interested parties seeking information about the Project could retain access to the Draft EIR and the documents referenced in the Draft EIR. The Department of City

Planning was responsive and responded to public requests for Draft EIR information throughout the public review circulation period.

As the NOC/NOA clearly stated, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file were available for public review online at the Department of City Planning's website and in-person at three City libraries and at Department of City Planning offices, and provided contact information for City staff should an interested party wish to purchase a copy of the Draft EIR and referenced documents, or to arrange additional accommodations. The City met all legal requirements for document access and availability. In addition, the City has released tens of Draft EIRs over the course of the COVID-19 pandemic with 45-day public review periods, therefore this instance does not present an unusual circumstance.

The original review period was increased to 47 days because the end of the 45-day public review fell on the weekend. While the City met all applicable CEQA requirements during the initial 47-day public review period, the City, in response to strong public interest in extending the Draft EIR's review and comment period, extended the public review period for an additional 15 days. Thus, the public review period occurred over a total of 62 calendar days from March 10, 2022 to May 10, 2022.

The California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (CEQA) and the Guidelines for the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*) (CEQA Guidelines) provide specific requirements with regard to the distribution and review of documents prepared as part of the EIR process, all of which the City has met or exceeded. An overview of these requirements and a discussion of how the City, in its role as Lead Agency for the Project, has met these requirements are provided below.

CEQA Guidelines Section 15085(a) requires that, upon completion of the Draft EIR, a Notice of Completion (NOC) be filed with the Office of Planning and Research (OPR). CEQA Guidelines Section 15087 requires that a Notice of Completion and Availability (NOC/NOA) of the Draft EIR be mailed to organizations and individuals that have requested such notice in writing, and that notice shall also be given by at least one of the following additional methods: (1) publication at least one time in the newspaper of general circulation in the area; (2) posting of notice by the public agency in the area where the project is to be located; or (3) direct mailing to owners and occupants contiguous to the parcel on which the project is located. CEQA Guidelines Section 15087(d) requires that the NOA shall also be posted in the Office of the County Clerk. CEQA Guidelines Section 15087(g) provides that lead agencies should furnish copies of the Draft EIR to the public library systems in the area of the project, and also provide a copy in the office of the lead agency, to make the Draft EIR available to the public. The City's compliance with these requirements is discussed in detail, below.

CEQA Guidelines Section 15086 includes the consultation requirements that the lead agency must fulfill during the comment period on the Draft EIR, such as consultation with

responsible agencies, trustee agencies, and any other agency that has jurisdiction by law over the Project. CEQA Guidelines Section 15086 also provides that the lead agency may consult with any person with expertise regarding any environmental impact involved, any member of the public who has filed a written request for notice; and any person identified by the applicant whom the applicant believes will be concerned about the project.

Consultation with the public was part of the Notice of Preparation (NOP), which included notification that a public scoping meeting would be held to further inform public agencies and other interested parties of the Project and to solicit input regarding the Draft EIR. The public scoping meeting was held on October 19, 2020, at 5:30 p.m., in an online format using the GoToWebinar platform. The meeting provided public agencies and interested parties the opportunity to view materials, ask questions, and provide written comments to the City regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. The presentation materials and other documentation from the scoping meeting were provided in Appendix A-3, Scoping Meeting Materials, of the Draft EIR.

When a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

In accordance with the requirements discussed above, once the Draft EIR was completed, the City, as the Lead Agency, filed a NOC with OPR, and copies of the Draft EIR were provided for distribution by the State Clearinghouse commencing the public review period on March 10, 2022, and ending on April 25, 2022, a period of 47 days (later extended by 15 days to 62 days). The City prepared and mailed the NOC/NOA requesting comments on the Draft EIR to responsible agencies, those agencies and individuals that commented on the NOP for the Initial Study, all property owners and tenants (including businesses) within a 500-foot radius of the Project Site, and any person or organization who had requested to be included on an interested parties list for the Project. The NOC/NOA included information on how to access the Draft EIR, including accessing the City's website.

An electronic copy on CD of the Draft EIR was also mailed to numerous appropriate agencies identified by the Los Angeles Department of City Planning. To further ensure that agencies received notice of the Draft EIR, the City e-mailed copies of the NOC/NOA to known agency contacts and/or general agency e-mail addresses, which also included a link to the Draft EIR on the City's website. A notice was also printed in the *Los Angeles Times* and posted at the County Clerk Office. With the newspaper notice, direct mailings to owners and occupants within a 500-foot radius of the Project Site, all parties who responded to the NOP, and to all persons and organizations on the Project's interested parties list including those who requested to receive notice, the City exceeded the noticing requirements set forth in CEQA Guidelines Section 15087.

Concerning the length of the public review of the Draft EIR, the initial public review period of 47 days, beginning on March 10, 2022, and ending on April 25, 2022, met CEQA's

requirement of 45 days pursuant to CEQA Guidelines Section 15105(a) for Draft EIRs submitted to the State Clearinghouse for public review by state agencies. Nonetheless, a Notice of Extension extending the public review period to May 10, 2022 was prepared by the City and distributed in a similar manner and to the same parties as completed for the NOC/NOA.

As explained in detail above, the City exceeded CEQA's requirements with regard to the distribution of documents for public review of documents in order to ensure that all interested agencies, organizations, and individuals were informed of and had the opportunity to comment on the Draft EIR for the Project. Regarding the Final EIR, pursuant to CEQA Guidelines Section 15088(b), the City, as the Lead Agency, will provide a written response to all public agency comments presented in this chapter of the Final EIR at least 10 days prior to certifying the Final EIR. In addition, the City will provide responses to comments submitted by organizations and individuals as included in this chapter in this Final EIR.

## b) Topical Response No. 2 – Modifications to the Project Design

### (1) Introduction

Modifications were made to the Project design in response to public and agency comments received on the Draft EIR. These include comments received from agencies such as the Los Angeles Department of Water and Power (LADWP) and the California Department of Fish and Wildlife (CDFW), as well as individuals and community organizations. Many of the comments submitted in response to the City’s circulation of the Draft EIR raised concerns regarding air quality, noise, and traffic impacts during construction activities. Also, numerous comments raised concerns about lighting, noise, and traffic during operation of the Project. With these concerns in mind, the Project Applicant, Harvard-Westlake School, has incorporated modifications to the Project design which have been formulated to accommodate these concerns, as discussed below. **Table 2-2, Summary of Project Design Modifications**, includes the design modifications that the School will implement as part of the Project. Generally, the Project design modifications include: a reduction in total seating, reduced number of light poles, building design (swimming pool area and gymnasium) changes, reduced number of parking spaces, reduced grading/excavation, changes to the stormwater capture and reuse system, and removal of water features. In addition, revisions to the Draft EIR with the Project design modifications are included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. Within Chapter 3, relevant figures from the Draft EIR have also been revised to illustrate the Project design modifications.

**TABLE 2-2  
SUMMARY OF PROJECT DESIGN MODIFICATIONS**

Category	Draft EIR Project Description	Project Design Modification
<b>Lights</b>		
Field A	6 poles at 70'	4 poles (2 poles on the East and 2 poles on the West) at 80'
Field B	3 poles (N) at 80', 3 poles (S) at 60/70/60' and 1 pole (E) at 60'	4 poles (2 poles on the South and 2 poles on the North) at 80'
Pool	2 poles (SW/SE) at 60', 5 poles (W) at 28', 4 poles (N) at 25', 3 poles (E) at 21'	4 poles (2 poles on the East and 2 poles on the West) at 55'
Tennis Courts	12 poles at 40'	10 poles at 40' (excludes 1 light mounted at 40' on pool pole)
<b>Swimming Pool</b>		
Bleacher Seats	348	214
Diving Boards	One 1-meter board, one 3-meter board	Diving boards and diving competitions removed from School activities

**TABLE 2-2  
SUMMARY OF PROJECT DESIGN MODIFICATIONS**

<b>Category</b>	<b>Draft EIR Project Description</b>	<b>Project Design Modification</b>
Noise Reduction Canopy	Located along the north, west, and south sides of the pool, maximum height of 30-feet.	Located on west side of pool above bleachers, maximum height, 14 feet, 6 inches
<b>Field A</b>		
Visitor Bleacher Seats	170	180 <sup>a</sup>
Home Bleacher Seats	318	362 <sup>a</sup>
<b>Field B</b>		
Bleacher Seats	255	109
<b>Tennis Courts</b>		
Bleacher Seats	100	84
<b>Gymnasium</b>		
Glass Curtain Wall	Facing north on 2 <sup>nd</sup> floor, and south on the 2 <sup>nd</sup> floor	Removed from 2 <sup>nd</sup> floor south elevation (now solid wall); Reduced window size on north elevation on the 2 <sup>nd</sup> floor
Bleacher Seats	1,026	1,056
Solar Panels	426 total: 338,000 kWh	379 total: 281,000 kWh
<b>Total Seating</b>		
Outdoor Bleacher Seating	1,191	949
Total Outdoor Bleacher and Gymnasium Seating	2,217	2,005
<b>Parking</b>		
Subterranean Garage	503 spaces	386 spaces
Surface Parking Lot	29 spaces	17 spaces
Total Parking	532 spaces	403 spaces
<b>Grading</b>		
Grading Cubic Yards	250,000	197,000
Grading Duration	7 months	5.5 months
Grading Truck trips (including both inbound and outbound trips)	35,714	28,142
Overall Construction Duration	30 months	30 months

**TABLE 2-2**  
**SUMMARY OF PROJECT DESIGN MODIFICATIONS**

Category	Draft EIR Project Description	Project Design Modification
<b>Water</b>		
Water Features	Three features west of gymnasium building	Removed from Project
Stormwater Capture and Reuse System	1-million gallon stormwater capture and reuse system for water from the Project Site and a 39-acre residential neighborhood north of the Project Site	Approximate 350,000 gallons stormwater capture and reuse system for water from the Project Site only

## NOTES:

<sup>a</sup> Seating Increase due to bleachers being converted from poured-in place concrete to a standard, prefabricated design.

SOURCE: ESA, 2023.

## (2) Discussion

### (a) Lighting

With regard to lighting, the Project design modifications would reduce the overall number of light poles on the Project Site within the two athletic fields, swimming pool, and tennis courts from 39 to 22 poles as follows:

- Field A, a reduction from six, 70-foot poles to four, 80-foot poles
- Field B, a reduction from seven poles that varied in height from 60 to 80 feet to four, 80-foot poles
- Swimming pool, a reduction from fourteen poles that varied in height from 21 to 60 feet to four, 55-foot poles<sup>1</sup>
- At the tennis courts, a reduction from twelve, 40-foot poles to ten, 40-foot poles<sup>2</sup>

A Supplemental Lighting Report Memorandum, included as Appendix B.1 of this Final EIR, provides the lighting levels around the Project Site with the Project design modifications. As analyzed therein, the footcandles of illumination produced by the sports lighting modification show a reduction from the original design, except at Receptor No.9 (4110 Whitsett Avenue) for which illumination was calculated to increase negligibly by a few hundredths of a footcandle (an amount that is not detectable by the human eye). All measurements remain far below the Los Angeles Municipal Code (LAMC) and River

<sup>1</sup> Two of the four poles in the pool area (i.e., the two poles on the eastern side of the pool) will have luminaires mounted such that they serve both the pool area and the adjacent tennis courts.

<sup>2</sup> The reduction of two poles at the tennis courts was accomplished by relocating those luminaires to nearby poles at the eastern side of the swimming pool.

Improvement Overlay (RIO) District<sup>3</sup> thresholds for illumination. Further, the modified sports lighting system continues to be an improvement over existing conditions which produce higher levels of off-site glare at adjacent residences and along the Zev Greenway given the imprecise optics and shallow orientation of the existing driving range and tennis court lights. Please refer to Topical Response No. 4 – Aesthetics, of this Final EIR, for a more detailed discussion of the modified lighting system. Also, refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which includes updates to the lighting analysis in the Draft EIR to reflect the modified lighting system.

(b) *Swimming Pool Area*

With regard to noise and visual massing from the swimming pool area, the number of bleacher seats have been reduced from 348 to 214 seats, the noise reduction canopy has been reduced in size, and the diving boards and associated diving competitions have been eliminated (which standardizes the pool depth at eight feet rather than the eleven foot diving well that was originally required to support those activities). The reduction of the canopy would reduce the massing as viewed from off-site locations. However, since the redesigned canopy would be smaller than the previous design, it would not provide as much noise reduction as the prior, larger canopy. A Supplemental Noise Analysis, included as Appendix F of this Final EIR, provides the noise levels from the Project with the design modifications around the swimming pool area and composite noise levels (encompassing all activities and operation of the Project Site) at the adjacent off-site noise sensitive receptors. As analyzed therein, noise levels with the Project design modifications from the swimming pool area would be up to 3.5 dBA higher than analyzed in the Draft EIR (at one receptor location – R3<sup>4</sup>). As indicated in the Draft EIR, outside of a laboratory, a change of 3 dBA in ambient noise levels is considered to be a barely perceivable difference.<sup>5</sup> At 3.5 dBA, this increase would not be a substantial increase in the severity of impacts from the swimming pool area as analyzed in the Draft EIR. Moreover, composite noise levels that account for all Project Site activities with all the Project design modifications would be the same or lower at all of-site locations with the Project design modifications. Neither the Project with or without the design modifications would result in a significant noise impact based on the City's thresholds utilized in the Draft EIR. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, of this Final EIR, for a more detailed discussion of the noise levels associated with the Project design modifications in the swimming pool area. Also, refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which includes updates to the noise analysis in the Draft EIR to reflect the swimming pool area with the Project's design modifications.

In addition, concerns regarding avian collisions were raised in public comments regarding the swimming pool buildings. Although the Project as evaluated in the Draft EIR would

<sup>3</sup> Zoning Information (ZI 2358), RIO Improvement Overlay District

<sup>4</sup> R3 = Single-family residential uses at the corner of Teesdale Avenue and Valley Spring Lane.

<sup>5</sup> Harvard-Westlake River Park Project Draft EIR, page IV.K-5, March 2022.

not result in any significant impacts to the movement of migratory birds or have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species, the Project design modifications could potentially serve to further reduce potential avian collisions concerns. As shown on Figure II-13, Swimming Pool Elevations – East and West Views, as revised in Chapter 3 of this Final EIR, the glass within the pool area buildings would be limited to small glass areas with anodized aluminum metal and glass garage door.

(c) *Athletic Fields, Pool, and Tennis Court Bleacher Seating*

With regard to noise, the number of outdoor bleacher seats associated with the athletic fields, pool, and tennis courts would be revised as follows: Field A: 488 to 542 seats (10 additional seats on the east sideline and 44 additional seats on the west sideline); Field B: 255 to 109 seats; Pool: 348 seats to 214 seats; and tennis courts: 100 to 84. The total outdoor bleacher seating with the Project design modifications, including the swimming pool, athletic fields, and tennis courts, would be reduced from 1,191 to 949 seats, for a reduction of 242 outdoor seats. Because athletic activities could occur simultaneously on the Project Site, the noise analysis in the Draft EIR and Supplemental Noise Analysis conservatively analyzed noise from all Project Site athletic activities to determine whether noise impacts would occur. Furthermore, the Supplemental Noise Analysis reflects the Project with design modifications updated site plan (Figure II-6 in Chapter 3 of this Final EIR). For example, the modeled noise levels at the off-site receptor locations account for the modified pool area, which includes a reduced canopy that formerly provided additional noise attenuation across the Project Site. As analyzed in the Supplemental Noise Analysis, noise levels from the collective athletic activities under the Project with design modifications scenario would result in a maximum noise level increase of 1.1 dBA ( $L_{eq}$ ) at one off-site receptor (R3) compared to the Project without design modifications, which would not be a perceptible difference.<sup>6</sup> At well below 3 dBA, this increase would not be a perceptible change from the noise levels as analyzed in the Draft EIR. Moreover, as stated above, composite noise levels that account for all Project Site activities with all the Project design modifications would be the same or lower at all of-site locations with the Project design modifications. Again, neither the Project with or without the design modifications would result in a significant noise impact based on the thresholds utilized in the Draft EIR. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, of this Final EIR, for a more detailed discussion of the noise levels associated with the athletic activities under the Project with design modifications scenario. Also, refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which includes updates to the noise analysis in the Draft EIR to reflect the modified bleacher seats.

<sup>6</sup> Based on a comparison of ambient plus Project noise levels in Table IV.K-12 and Table IV.K-13 in the Draft EIR to Table 2 and Table 3 in the Supplemental Noise Analysis, respectively.

*(d) Gymnasium*

The Project design modifications to the gymnasium would include increasing the indoor bleacher seating from 1,026 seats to 1,056 seats. As these seats are indoor and noise would be substantially contained to within the building, there would be no change to off-site noise levels from the small change in seating. Also, as discussed below, since the number of parking spaces has been reduced by 129 spaces and no off-site parking would be permitted for any event or use of the Project Site, the minor change in indoor seating with the reduced number of parking spaces would not result in increased traffic to/from the Project Site. That is, the Draft EIR analyzed noise levels with 532 spaces, and now with 403 spaces, visitors that could have parked at the Project Site with the additional 129 spaces, would now be required to shuttle to the Project Site. Thus, individual vehicle trips to/from the Project Site during events when the gymnasium may be at or near full capacity would be reduced. The Transportation Assessment (TA) prepared for the Project analyzed the circulation of three (3) shuttles during the periods of School use. Under the Project with design modifications, assuming that most of the event attendees would arrive at the Upper School campus around the same time, shuttles would be operated at the maximum capacity of 24 passengers at a time, resulting in 6 additional shuttle round trips (129 passengers divided by 24 passengers per shuttle trip) between the Project Site and the Upper School campus.

In addition, concerns regarding avian collisions were raised in public comments regarding the gymnasium. Although the Project as evaluated in the Draft EIR would not result in any significant impacts to the movement of migratory birds or have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species, the Project design modifications could potentially serve to further reduce potential avian collisions concerns. The gymnasium will continue to rely in part on natural lighting, as part of the Project design modifications, and the majority of the building will continue to be covered by various metal louvers, porcelain tile and slate stone cladding. However, the window area of the south side (second floor) of the gymnasium (previously covered with metal louvers) has been removed from the Project design and will be converted to solid walls, and the window area of the north side of the gymnasium has been reduced in size. Note that on the inside of the gymnasium, a shade curtain would be installed and would typically be placed in its down position during athletic uses, which would also reduce light visible from the outside. The glass on the north side of gymnasium would be substantially obscured by a terrace area and HVAC systems, and the curtain on the inside of the gymnasium (when down). See updated Figure II-8, *Gymnasium Elevations – North and South Views*, and Figure II-25, *Rendering of the Southwestern Corner of the Gymnasium and Community Room*, as revised in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, for illustration of the modified gymnasium design.

Also, the number of solar panels on the gymnasium would be reduced from 426 to 379 panels. The reduction in solar panels was a design correction that still allows the Project to meet LAMC requirements, which were previously exceeded under the Project analyzed

in the Draft EIR. The reduction in the number of panels, made in order to provide serviceable pathways between banks of panels, would have no new or substantial increase in the severity of environmental effects under CEQA thresholds. Corrections have been made in Chapter 3 of this Final EIR to reflect the corrected number of solar panels and change in corresponding operational and energy and greenhouse gas (GHG) calculations. Corresponding modeling runs are included in Appendix K, Supplemental Greenhouse Gas and Energy Modeling Data, to this Final EIR.

(e) *Parking*

With regard to traffic and construction related air quality and noise, the Project design modifications would reduce the number of subterranean parking from 503 spaces to 386 spaces, and reduce the number of surface lot spaces from 29 to 17 spaces. Overall, the number of parking spaces would be reduced from 532 to 403, for a total reduction of 129 spaces. The reduced number of parking spaces would have the effect of reducing traffic along Moorpark Avenue, Whitsett Avenue, and Ventura Boulevard, to/from the Project Site since no off-site parking would be permitted by the Project. That is, visitors that could have parked at the Project Site with the additional 129 spaces, would now be required to shuttle to the Project Site during those occasions when the lot could reach capacity. Additionally, the reduced size of the subterranean parking structure would require less excavation as discussed below, which would result in a shorter duration of the construction excavation phase and a reduction in construction-related GHG emissions. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, of this Final EIR, for a more detailed discussion of the noise levels associated with the Project design modifications. Refer to Topical Response No. 9 - Transportation and Parking During Construction and Operations, for a discussion of the Project's proposed parking program with the Project design modifications. Also, refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which includes updates to the Draft EIR to reflect the updated parking space numbers with the Project design modifications.

(f) *Grading*

With regard to traffic and construction related air quality and noise, as stated above, because of the reduced number of spaces, the footprint of the one level subterranean parking garage would be smaller. The modified subterranean parking structure would result in 53,000 cubic yards less of excavation compared to that analyzed as part of the Draft EIR. Thus, the overall amount of excavation would be reduced from 250,000 cubic yards to 197,000 cubic yards. This reduction in grading would reduce the number of haul truck trips from 35,714 trips to 28,142, a reduction of 7,572 truck trips<sup>7</sup>. This would reduce the excavation phase (with dirt hauling) from seven months to 5.5 months, although the overall construction schedule would still remain at approximately 30 months given

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<sup>7</sup> The Project design modifications would result in a reduction in grading of 53,000 cubic yards. As each haul truck carries 14 cubic yards, that equates to a reduction of 3,786 trucks, or 7,572 truck trips.

overlapping construction phases. With the reduced grading, the duration of the Project's on-site and off-site significant and unavoidable construction noise impacts would be reduced as would construction-related GHG emissions. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, of this Final EIR, for a more detailed discussion of the noise levels associated with the Project design modifications. Refer to Topical Response No. 9 - Transportation and Parking During Construction and Operations, for a discussion of the Project's construction-related traffic impacts with the Project design modifications. Also, refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which includes updates to the Draft EIR to reflect the reduced grading with the Project design modifications.

(g) *Water*

With regard to water supply, in consultation with the City and in accordance with Los Angeles City Charter Sections 671, 672, and 673, the Project's one-million-gallon stormwater capture and reuse system was reduced in size (down to approximately 350,000 gallons pending final design) and scale so as to capture and treat stormwater only from the Project Site, and not from the 39-acre residential neighborhood to the north. While the Draft EIR did acknowledge the benefits of capturing and treating runoff from the off-site area, this benefit was not quantified as part of the Draft EIR's analysis of the Project's hydrology, water quality, or water supply impacts. The Project would still similarly comply with all applicable water quality regulations as analyzed in the Draft EIR. All hydrology and water quality impacts from the Project would continue to be less than significant without the need for mitigation. Also, the Draft EIR's analysis of water supply did not take credit for water captured and reused by the on-site system, including captured water from off-site areas, so the analysis of water supply impacts does not change with the reduced capacity of the stormwater capture and reuse system. Moreover, although the Project's water demand would result in a less-than-significant impact on water supply, in an effort to support water conservation, all previously contemplated water features (such as recirculating streams and ponds west of the gymnasium building) within the Project Site have been removed. Refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which includes updates to the Draft EIR to reflect the removal of the off-site water collection from the Project's capture and reuse system with the Project design modifications.

(h) *CEQA Implications*

CEQA anticipates circumstances where new information can be included in a Final EIR without recirculation of the Draft EIR if the new information is intended to clarify or amplify information in the Draft EIR and does not result in significant new or substantially increased environmental impacts. The proposed Project design modifications are intended to address public comments and generally have the effect of reducing environmental less-than-significant and significant and unavoidable impacts as analyzed in the Draft EIR and would not result in higher activity, new impacts, or substantial increases in the severity of impacts evaluated in the Draft EIR.

Overall, the Project modifications would reduce the duration of the Draft EIR’s significant and unavoidable construction noise impacts, and less-than-significant impacts related to light and glare, air emissions (with mitigation), GHGs, traffic, and water demand, while overall composite operational noise impacts would be similar to those identified in the Draft EIR. None of the modifications would result in an increase in any CEQA impacts identified in the Draft EIR. Because the Project modifications do not result in new or substantially increased severity of environmental effects over those identified in the Draft EIR, the Project’s design modifications would not require recirculation of the Draft EIR (refer to Chapter 1, *Introduction*, of this Final EIR, for additional details regarding recirculation criteria).

## c) Topical Response No. 3 – Enforcement of Public Access

### (1) Introduction

This topical response is provided in response to comments received on the Draft EIR regarding Harvard-Westlake's (School's) commitment to provide public access to the community of the Project Site, including whether the School will be required to provide public access and how the School or City will guarantee the public access.

### (2) Discussion

#### (a) *The Project was Specifically Designed to Incorporate Public Access*

The Draft EIR is clear that public access to the Project Site is an integral part of the Project. As described in Chapter II, *Project Description*, of the Draft EIR on pages II-2 and II-33 through II-35, the Project has been designed to provide daily, 7:00 a.m. to 9:00 p.m., public access to an approximately 0.75-mile landscaped pathway and other landscaped areas totaling 5.4 acres, and continued all day public use of the putting green and clubhouse/café. In addition, as shown in Table II-3, *Public Use Days and Hours*, on page II-34 of the Draft EIR, the public would have use of the tennis courts when courts are available, even if some of the courts are in use by the School. Public use of the tennis courts could be through walk-on play or through advanced reservations. With the tennis courts, the Project would provide a total of seven (7) acres of publicly accessible open space and recreation area. The gymnasium community room, gymnasium courts, and athletic fields would be available to preapproved groups when not in use by the School (preapproved groups are further described below). The swimming pool would be available for public use under approved swim programs because of certified lifeguarding requirements.

The public pedestrian pathway circumnavigating the Project Site would be available daily from 7:00 a.m. to 9:00 p.m. and would be accessed via gateways off Valley Spring Lane, Bellaire Avenue, and immediately north of LAFD Fire Station No. 78 along Whitsett Avenue. The public pedestrian pathway would be separated from School field activities by landscaped berms and fencing within the interior of the Site, to avoid conflation of public use of the athletic facilities when in use by the School. The public pathway would be extensively planted with native vegetation and trees and would comply with the Americans with Disability Act (ADA). The pathway would provide seating and would be available for any member of the public free of charge and without reservation, for dog walking, general exercise, and observation of the natural setting and biodiversity around the Project Site. The pathway would connect to an ADA-compliant pedestrian ramp that would provide access to the Zev Greenway.

With the exception of the tennis courts, other recreational facilities including the gymnasium, sports fields, and swimming pool would only be available during those

periods of the day when not in use by the School. The School's use would comprise a minor part of the day on weekdays, as discussed below. School use on Saturdays could take place intermittently, between 9:00 a.m. and 6:00 p.m., and are anticipated to be less frequent than weekday use. Concurrent public use of the Project Site on Saturdays would still be supported in the same manner as during school days. On Sundays, no School athletics uses would be permitted and the entire Project Site would be wholly available for public use. The tennis courts would be available to the public, even at times when some of the courts are in use by the School. In addition, the walking pathway and putting green are active uses that would be available to the public 7:00 a.m. to 9:00 p.m., seven days a week.

Harvard-Westlake students would primarily attend classes on the Upper School campus during the academic day and would generally not arrive at the Project Site until 3:00 p.m. The athletic fields, gymnasium, and tennis courts would therefore be fully available for public use from 7:00 a.m. until 2:30 p.m., equal to 7.5 hours each weekday (the half-hour differential between the cessation of public uses and the arrival of Harvard-Westlake students being necessary to provide sufficient time for the return of equipment, clean-up, and visitor egress). Based on the School's 2018-19 athletics calendar and the most conservative assumption that all School athletics activities would be scheduled at the Project Site (except for football games), approximately 50 percent of school days would not include outdoor athletic activities after 5:30 p.m. On such days, and providing the aforementioned 30 minutes of clean-up and egress time, public use could resume at 6:00 p.m. and continue until 8:00 p.m. when all outdoor activities would be required to cease (except for the tennis courts, which could be used until 9:00 p.m.). Reserved accordingly, public use on 50 percent of school days could total 9.5 hours out of the 14 hours that the Project Site's two multi-purpose fields and tennis courts would be open and operational. The Project's pool would be subject to more limited hours given the necessity of providing certified lifeguard supervision. The gymnasium basketball courts would be available to preapproved public groups by reservation (refer to discussion of preapproved public groups below). As described in Table II-3 of the Draft EIR, the pool would be available for members of approved swim programs daily from 7:00 a.m. to 9:00 a.m., or for periods of time after weekdays at 9:00 a.m., or on weekends, if the approved swim program provides dedicated, certified lifeguard supervision at the program's own expense (and assuming the pool is not in use by the School or other swim program).

The requirement for reservations would be a necessary component of coordinated public use in order to ensure that all participants are able to fully access the desired facility(ies) without unintended, simultaneous use by other individuals or groups. Given the layout of the athletic facilities and ability to move freely between the pool, athletic fields, and gymnasium, public use of those facilities would not be supported when they are in use by the School. As a result of public feedback and interest, however, public use of the tennis courts would be possible even if School tennis uses were underway on one or more of the eight courts (if the School were not using all of the courts).

In addition, in order to provide easier public access into the Project Site, the Project would provide off-site improvements to the segment of Valleyheart Drive, south of LAFD Fire Station 78, and portions of the Zev Greenway adjacent to the Project Site would have direct access to the walking pathway circumnavigating the Project Site. Furthermore, as described on page II-20 of the Draft EIR, the Project's gymnasium would include a ground-level community room available for public use by organizations through a reservation system. The community-accessible meeting space would be located along the southeastern corner of the building with the main entrance facing the Los Angeles River and be located adjacent to newly-landscaped areas, benches, other seating, and walking pathways. In addition to the community room, the Project's "River Room" would be located along the southwestern corner of the gymnasium building. While not directly reservable for general public use, the River Room would be used by Harvard-Westlake and preapproved environmental organizations to offer publicly-accessible classes, educational programming, nature walks, lectures, and cultural experiences relating to the role of the Los Angeles River in the City's evolution and those who have inhabited the area over time.

By providing a variety of accessible recreational opportunities, the Project would support the following: field, pool, and gym-based sports by pre-approved community groups or swim program members when not in use by the School; continued playing of tennis on eight courts; and regular access to approximately 5.4 acres (235,224 square feet) of passive open space, including the three-quarter mile long pedestrian pathway system described above. Several comments were received requesting clarity on what types of groups would be permitted to use the Project Site, and what the process for receiving pre-approval might entail. Based on information received from Harvard-Westlake, the pre-approval requirement for groups ensures that: a) the group is familiar with and abides by the conditions of Project Site usage (including, but not limited to, preferred driving routes, allowable hours of operation, and prohibition on parking in the neighborhood); b) the group or organization is able to provide appropriate supervision of its intended activities and participants; and c) the use of facilities can be managed in a way that best supports the aggregate, desired activity or program schedules of public groups across the Project Site. A group would consist of any organization or league that has a registration process for its own participants, provides trained staffing and/or coaching, provides supervision commensurate with its activities and number of participants, maintains liability insurance covering its participants, and has an executed/up-to-date agreement in place with the School. Group use of the tennis courts, such as for a tournament or tennis club, would be permissible as is individual use. With the exception of the walking pathway, putting green, café, and clubhouse, use of recreational facilities by entities other than the School would require a fee to help offset the cost of basic maintenance and security functions.

The Draft EIR lists among the Project Objectives that the Project would provide academic opportunities for science labs, outdoor classes, bird-watching, and other non-athletic school activities. Harvard-Westlake classes would be primarily held on the Upper School campus, and no classroom buildings are proposed as part of the Project. Since academic use of the Project Site is an important Project Objective, the Project Site would be used

for academic purposes. Academic use would be primarily conducted after regular school hours since students and teachers would need to travel from the Upper School campus to the Project Site. Because travel to the Project Site would reduce or interrupt the amount of regular school-hour instructional time (given the Upper School's fixed class periods), use of the Project Site for academic purposes prior to 3:00 p.m. on school days would be relatively infrequent. The academic use of the Project Site would not occupy any of the athletic recreational facilities and would not impede or conflict with any public use of the Project Site.

To facilitate public use of the Project Site, the Project would preserve the existing clubhouse structure and café to function as a visitor center, and the putting green would be preserved for public use. At the visitor center, members of the public would check in for tennis court reservations, use of the putting green, and for other information. The visitor center would be available for all reservation activities although an on-line reservation system would also be available to expedite visitor check-in and reservations. The clubhouse would also include an interpretive exhibit displaying the history of the property and its use as the Weddington Golf & Tennis facility. Additionally, the public would have access to Field A or the gymnasium for such activities as lectures, or community meetings, with outdoor events on Field A including such activities as "Movies in the Park," local concerts, or other performances (referred to in the Draft EIR as public special events). Public events would be scheduled so they do not occur concurrently with school events.

It should also be noted that under existing conditions the Project Site is composed of a private fee-only recreational golf and tennis facility, contains non-native and invasive species and large expanses of water-intensive grass, and has no connection to the Zev Greenway. In contrast, the Project would provide 5.4 acres of publicly-accessible open space that would be available without charge. The proposed landscape plan is consistent with the RIO District Ordinance guidelines and would replace many of the non-native and invasive species that had been previously introduced to the Project Site. As described on pages II-51 through II-52 of the Draft EIR, the primary goals of the Project's landscape design are to (i) create a dense tree canopy for natural habitat and learning opportunities, (ii) provide a high level of visual quality with respect to adjacent residential neighborhoods and public enjoyment, and (iii) create a diverse and pleasant outdoor setting for public use and relaxation. The landscaping would also enhance the connection between the Project Site and the adjacent Zev Greenway where currently no connection exists. In aggregate, the 240 trees to be removed would be replaced by 393 California native trees in addition to three understory planting zones throughout the Project Site, resulting in approximately 28,800 new shrubs and perennials located on the Project Site (refer to Figure IV.C-6, Planting Zone Plan, of the Draft EIR). All of these landscape features would enhance public enjoyment of the Project Site. (See also Topical Response No. 5 - Biological Resources, in this Final EIR, and Sections IV.C, *Biological Resources*, and IV.L.3, *Parks and Recreation*, pages IV.L.3-22 through IV.L.3-27, of the Draft EIR.)

Furthermore, the Project's commitment to public access is reflected in the Project Objectives set forth in Chapter II, *Project Description*, of the Draft EIR. Per Section 15124(b) of the CEQA Guidelines, "... The statement of objectives should include the underlying purpose of the project and may discuss the project benefits." Of the nine Project Objectives, three are solely dedicated to promoting public access:

- Project Objective 2: "Provide opportunities for shared use of a variety of types of recreational facilities and activities for the community."
- Project Objective 4: "Create new publicly-accessible open space with a broad array of recreational facilities in a safe and secure environment for the surrounding community and the public to use similar to a City-owned park, while also providing a community room, café, and indoor and outdoor areas for public gatherings, performances, and occasional special events."
- Project Objective 5: "Increase public access to and enhance the adjacent Los Angeles River and Zev Greenway through a network of publicly-accessible pathways, a new direct connection to the Zev Greenway, and a landscape plan that would restore native plant communities, create habitat for various species, and support the goals of the Los Angeles River Improvement Overlay District Ordinance, the Los Angeles River Revitalization Master Plan, and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes."

(Page II-13 of the Draft EIR)

*(b) The Public Access and Shared Facilities Components of the Project Will be Secured Through the Project's Conditional Use Permit.*

As summarized above, the Project was clearly designed to permit and encourage public use of the open space and recreational facilities on the Project Site and to enhance the public's ability to access the Zev Greenway. Nonetheless, some commenters have expressed concern that once the Project is approved, the School will not maintain the Project's public access component, and that the City would have no enforcement mechanism to ensure that the open space and recreational facilities are accessible during the hours set forth in the Draft EIR.

However, these concerns are misplaced. As described on page II-8 of the Draft EIR, the Project Site is zoned A1, which is defined as an agricultural zone in the Los Angeles Municipal Code (LAMC), and a school use is permitted in the A1 zone with a conditional use permit (CUP) pursuant to LAMC Section 12.24. Accordingly, pursuant to LAMC Section 12.24 T, the School has requested a Vesting Conditional Use Permit to allow the operation of a private-school athletic and recreational campus in the A1 zone. (Page II-62, *Requested Permits and Approvals*, of the Draft EIR.) In general, if the City approves a CUP, it may impose conditions on a project. In the City of Los Angeles, the LAMC specifically allows the imposition of conditions that further the findings required for approval of a CUP (LAMC Section 12.24 F). The LAMC also requires that specific findings be made to support approval of the CUP, including a finding that "the project will

enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region” (LAMC Section 12.24 E). In addition to providing school facilities, the Project would provide publicly accessible open space and shared use recreational facilities, features that substantially advance environmental sustainability as compared to existing conditions (such as a photovoltaic array to reduce energy demand, a landscape plan consisting entirely of native species, and a stormwater capture and reuse system). Although not a publicly owned park/recreational facility, the Project’s open space areas would nonetheless support many of the identified priorities and needs, including the need for walking pathways in the Project Site vicinity as identified by the Los Angeles Department of Recreation and Parks 2009 Citywide Community Needs Assessment. The Needs Assessment prioritizes recreation needs for the South San Fernando Valley as following: No. 1 - walking and biking trails, No. 2 - small neighborhood parks, No. 4 - nature trails, No. 8 - indoor gyms, No. 9 - outdoor tennis courts, No 12 - outdoor swimming pools, No. 13 - nature/environment centers, No. 19 - golf courses/driving ranges, No. 21 - youth soccer fields, and No. 25 - adult soccer fields.<sup>8</sup> Furthermore, the City may impose conditions that ensure the public access and shared use elements of the Project, including the hours that open space areas and pathways must be accessible to the public and the requirements for shared use of the recreational facilities. LAMC Section 12.24 F provides a mechanism for enforcement of such condition. Pursuant to LAMC Section 12.24 F:

**F. Conditions of Approval.** In approving a project, the decision-maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. ...

The [Planning] Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar quasi-judicial approval granted pursuant to this section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in Section 19.01 of this Code. ...

If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar quasi-judicial approval granted pursuant to this section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time

<sup>8</sup> City of Los Angeles Department of Recreation and Parks, 2009 Citywide Community Needs Assessment, Final Report, Figure 1.8.1a, *Prioritized Facility and Program Needs by Geographic Area*, page 54.

prescribed by the Department, revocation proceedings pursuant to Subsection Z. of this section may commence.

Furthermore, pursuant to LAMC Sections 12.24 Z and 12.24 AA, if the School fails to comply with the conditions of the CUP, the City can revoke, temporarily suspend, or impose further restrictions on the conditional use. In the event of a revocation, the Project would be subject to all the regulations of the A1 zone. Since the A1 zone does not permit a school use without a CUP, the School would not be able to continue operating the School facilities until, and unless, it receives a new CUP. Thus, at the City's discretion, potential conditions of approval could be imposed and the enforcement mechanism would ensure that the public access and shared use of recreational facilities would continue.

*(c) Project Design Modifications*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, storm water capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. However, none of the design modifications affect public access to the Project Site and as such, the impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications.

**(3) Conclusion**

The above discusses the Project's (with or without design modifications) public access and shared facilities components that would be secured through the Project's conditional use permit. The discussion is provided for informational purposes. The Project's public access features were appropriately described in the Draft EIR. No new or additional analysis is required for this issue since the Project would not result in significant new or substantially increased environmental impacts evaluated in the Draft EIR.

## d) Topical Response No. 4 – Aesthetics

### (1) Introduction

This topical response is provided in response to comments received on the Draft EIR regarding the Project's aesthetics impacts. Commenters were primarily concerned that the heights of the field lights would impact views across the Project Site; the removal of trees would result in adverse scenic resources impacts; the scale of the gymnasium and overall Project would not be suitable for the Agricultural zoning of the Project Site or the scale of the neighborhood; and lighting for the Project's multipurpose athletic fields, tennis courts, and swimming pool would result in light and glare impacts. Based on the questions provided in Appendix G of the CEQA Guidelines, the Initial Study, included in Appendix A of the Draft EIR, determined that environmental issues related to views, scenic resources, and visual character would be less than significant and did not warrant further analysis in the Draft EIR. The Initial Study further determined that light and glare impacts would be potentially significant and would be further evaluated in the Draft EIR.

### (2) Discussion

As discussed above, the Initial Study determined that the Project would not result in potentially significant impacts regarding scenic vistas, scenic resources within a state scenic highway, or conflict with applicable zoning or other regulations governing scenic quality. Analyses of these issues are provided in the Initial Study, Section 4, *Environmental Impact Analysis*, Item I, *Aesthetics*. The Initial Study, which invited public comments, was circulated to the public for 30 days beginning September 30, 2020, and is included as Appendix A of the Draft EIR. The Initial Study findings are summarized below.

#### (a) Views

Under CEQA, impacts to views refer to blocked scenic vistas from public locations such as streets and parks. As evaluated in the Initial Study (see pages 57 and 58 of the Initial Study, contained in Appendix A of the Draft EIR), the proposed field light poles, ranging in height from 40 feet to 80 feet, would be partially visible from adjacent public streets. However, the field light poles would be broadly set back from each other and, due to their narrow structure, would not substantially block views of scenic vistas across the Project Site. Because of intervening trees, scenic vistas or long-range views of the background mountains are minimally visible in views across the Project Site, with some limited distant views present between trees, such as between the Mexican Fan palms on Valley Spring Lane. Moreover, the Project would not encroach into the public right-of-way and would not block public scenic vistas of the Hollywood Hills through south-facing street corridors. In addition, the Project's field lighting poles, at a maximum height of 80 feet, would be lower than many of the wooden poles that support the existing golf driving range netting and reach a height of approximately 90 feet. The Project's sports lighting poles would also have a diameter similar to the driving range netting poles. No community concerns were expressed regarding the existing 90-foot-high poles as being highly visible and

blocking existing views across the Project Site. Impacts related to views across the Project Site were determined to be less than significant. As such, the Project would not result in an environmental effect that would exceed CEQA threshold standards. This topic was recommended for no further evaluation in the Draft EIR.

(i) *Project Design Modifications*

With regard to scenic vistas, the Project design modifications include a reduced overall scale/massing of the swimming pool area due to the reduced size and height of the pool canopy. Because of this reduction at the swimming pool area, the Project's already less than significant impact regarding views to and across the Project Site from off-site vantages would be incrementally reduced, with impacts remaining less than significant, similar to that evaluated in the Initial Study.

Also, with regard to the field lights, the Project design modifications would reduce the overall number of light poles on the Project Site from within the two athletic fields, swimming pool and tennis courts from 39 to 22 poles, as described in Topical Response No. 2 – Modifications to the Project Design and as shown in the updated Figure II-27, Light and Signage Plan for the Project, in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. The height of the four light poles on each of Field A and Field B would all be 80 feet. The six light poles on Field A analyzed in the Draft EIR were up to 70 feet tall, and the seven light poles on Field B analyzed in the Draft EIR ranged from 60 to 80 feet tall. The Initial Study impact analysis and conclusions of views would remain unchanged with the Project design modifications since the Initial Study evaluated light poles up to 80 feet in height, and those poles that have increased in height would still be set away from each other and, due to their narrow structure, would not substantially block views of scenic vistas across the Project Site, similar to the Project without the design modifications. Also, the light poles with the Project design modifications would continue to be shorter than the existing 90-foot-high poles on the Project Site, and the total number of light poles under the Project with the design Modifications would be less than analyzed in the Draft EIR. For these reasons, the Initial Study's less than significant impacts regarding views would not change under the Project with design modifications.

(b) *Scenic Resources*

Significant impacts on scenic resources under CEQA refer to significant damage to natural resources such as trees and historic resources within a state scenic highway. As discussed in the Initial Study (see page 59 of the Initial Study, contained in Appendix A of the Draft EIR), the Project Site does not contain natural scenic resources, such as rock outcroppings or sizeable areas of native vegetation, nor is the Project Site within the view field of a state or local scenic highway.<sup>9</sup> The nearest eligible state scenic highway is along

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<sup>9</sup> State of California, Department of Transportation, Officially Designated State Scenic Highways, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed September 1, 2020.

California State Route 1, approximately 10.44 miles west of the Project Site.<sup>10</sup> As such, development of the Project would not substantially damage scenic resources as the Project Site is not within a State Scenic Highway.

Nonetheless, commenters raised concerns about the removal and replacement of existing trees and the effects on the Project Site's scenic visual quality. It should be noted, however, that as discussed in the Initial Study, the Project would be designed to comply with the requirements of the City's Department of Public Works, Urban Forestry Division, which requires the replacement of street trees (trees within the street public right-of-way) on a 2:1 basis and approval by the Board of Public Works. Thus, the Project would not conflict with the tree replacement regulations. The Project has also been designed so that mature street trees would be retained along Bellaire Avenue, Whitsett Avenue, and the Zev Greenway. In addition, the Project would retain the majority of mature street trees along Valley Spring Lane with the exception of two smaller sections of trees along Valley Spring Lane. The areas of mature tree retention on Valley Spring Lane, Bellaire Avenue, Whitsett Avenue, and the Zev Greenway and tree removal along Valley Spring Lane, as well as the sections of tree removal on Valley Spring Lane, are illustrated in Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan*, and Figure IV.C-5, *Tree Planting Plan*, on pages IV.C-36 and IV.C-37, respectively, of the Draft EIR. The removed trees on Valley Spring Lane would be replaced with fast growing Velvet Ash in 48-inch boxes to contribute to the screening of the Project Site from the public street. The Project's tree planting program would also comply with the *Los Angeles River Master Plan Landscaping Guidelines* with respect to recommended tree and shrub species within the River Implementation Overlay (RIO) District. Because the majority of street trees would remain, the few removed street trees would be replaced at a 2:1 ratio, and the Project's tree planting program over the entire Project Site would result in an overall increase of 153 trees beyond existing conditions (or a 36 percent increase), the Project's tree canopy would not result in a diminishment of tree resources. Refer to Topical Response No. 5 – Biological Resources/Trees, for additional discussion of the Project's tree replacement program and long-term effects to the tree canopy.

In addition, although the Project Site is not located within a state scenic highway, comments were received regarding the Project's effects on historical resources which contribute to the Project Site's scenic visual quality. As reflected in Chapter II, *Project Description*, of the Draft EIR, and in Section IV.D, *Cultural Resources*, page IV.D-30 and IV.D-31, Project Design Feature CUL-PDF-1: Rehabilitation Plan, the distinctive character-defining features of the Project Site as identified in the Historic-Cultural Monument (HCM) designation would be retained. Specifically, the Project Site would remain a private recreational facility open for public use in Studio City, and the character defining features of the HCM, specifically the clubhouse, putting green, golf ball-shaped light standards, and brick wall with weeping mortar, would all be retained such that the

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<sup>10</sup> State of California, Department of Transportation, Officially Designated State Scenic Highways, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed September 1, 2020.

Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility. The Project would maintain significant open space and mature landscaping and would not alter the Project Site in a manner that would significantly impact its historic character. See Topical Response No. 6 - Historic Resources, of this Final EIR for additional discussion of the Project's impacts to historical resources, including the Project's preservation of the historic-related character defining features.

(i) *Project Design Modifications*

With regard to scenic resources, the Project design modifications would not affect the Project tree removal and replacement program. Also, none of the design modifications directly or indirectly affect any of the Project Site's character-defining features. As the Project Site is not within a state scenic highway, the analysis of scenic resources impacts in the Initial Study would not change under the Project with design modifications.

(c) *Visual Quality*

As identified in the Initial Study, the Project is located within an urbanized area. As such, based on the CEQA Guidelines question, the Project does not require the evaluation of existing visual character or quality of public views of the Project Site and its surroundings. The CEQA threshold, however, requires that a Draft EIR evaluate a project's potential conflict with regulations that govern scenic quality (see page 57 of the Initial Study contained in Appendix A of the Draft EIR). As discussed on pages 59 through 60 of the Initial Study, the Project would not conflict with regulations that govern scenic quality including the requirements of the City's Department of Public Works, Urban Forestry Division, the RIO landscaping regulations, including the implementation of the Los Angeles River Master Plan Design Guidelines and Plant Palettes, and the individual design and community design and landscaping policies of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Community Plan (Community Plan) Design and Landscaping policies. This is further shown in the evaluations provided in Tables LU-1 through LU-6 in Appendix J of the Draft EIR regarding conflicts with land use plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental impact.

As discussed in the Initial Study, page 59, the Project would also not conflict with the individual design and community design and landscaping policies of the Community Plan. In accordance with Community Plan design policies, the vast majority of onsite parking would be located below grade to blend with the character of the Project Site. A smaller 29-space surface parking lot would be located in the southern sector of the Project Site, which would not be adjacent to or directly visible from the surrounding public streets. Decorative walls and landscaping would be used to screen the Project's uses from off-site residential uses. No building within the Project Site would exceed 30 feet in height. In accordance with the Community Plan Community Design and Landscaping policies, open space available to the public would maximize pedestrian accessibility, and circulation, open walkways, benches, and trees would maximize solar exposure and protection, and the Project would feature plant, tree, and shrub species consistent with

the *Los Angeles River Master Plan Landscaping Guidelines* consistent with RIO District regulations.

Although visual character is not evaluated in an urban area under CEQA thresholds, comments were received regarding the size of the gymnasium within the Project Site and neighborhood setting. The gymnasium would have a maximum height of 30 feet, consistent with the Property's A1-1XL-RIO zoning designation and, thus, is considered to be at a compatible scale given allowable heights and adjacent neighborhood structures. The gymnasium building would have a total floor area of 80,249 square feet in two above-grade and one below-grade level. The total floor area of the two levels above grade would be approximately 53,499 square feet and the building footprint would be approximately 26,750 square feet. The above-grade floor area and building footprint would not conflict with applicable and/or allowable City building requirements within the 17.2-acre Project Site. The gymnasium's proposed location, with its northwest corner (the nearest point to Valley Spring Lane) and 646 feet south of the curb line along Valley Spring Lane, would be set back far enough so as not to substantially disrupt southward views.

Comments were also received regarding the 30-foot height limitation on the Project Site under the existing zoning, and whether the limitation was adopted to regulate scenic quality. Because the gymnasium building and swimming pool canopy would not exceed 30 feet in height, the Initial Study determined that the Project would be in compliance with this height requirement. Although the Project is seeking the applicable entitlements for the field lights to allow heights in excess of 30 feet, these would not differ substantially in appearance from the existing 90-foot-high wooden poles supporting the netting for the golf driving range or existing utility poles in the area. Light poles in themselves would not be highly visually intrusive as shown in the elevations provided in Figure II-15, *Valley Spring Lane Elevations*; Figure II-16, *Valley Spring Lane and Whitsett Avenue Elevations*; Figure II-17, *Whitsett Avenue Elevations*; and Figure II-18, *Bellaire Avenue and Zev Yaroslavsky Greenway Elevations*. These figures illustrate the visible field light poles and show that the views are softened by the intervening rows of mature trees between the street and the on-site facilities. As such, the poles, in themselves, would not substantially contrast with the existing setting.

The Initial Study did, however, determine that the field lights had the potential for light and glare impacts and recommended further evaluation of light and glare in the Draft EIR (see below). While the City's intent in adopting the 30 foot height limitation in the early 1970's is not clear, it is not a CEQA issue. The agricultural A1 zone allows for buildings up to 45 feet in height, while the 1XL height district further restricts buildings to not more than 30 feet in height. The Project conforms to the total allowable building height as determined by the A1-1XL-RIO zone, and is requesting the applicable entitlements to address the heights requested for light poles and fences/walls on the Project Site.

For all the foregoing reasons, the Initial Study determined that the Project would not conflict with applicable zoning and other requirements governing scenic quality and, thus, recommended for no further evaluation of this topic in the Draft EIR.

(i) *Project Design Modifications*

With regard to visual quality, the Initial Study evaluated the Project's potential to conflict with existing zoning or other regulations that govern scenic quality. The Project design modifications would comply with applicable zoning and other regulations in a similar manner as the Project without design modifications. No changes to the Initial Study in this regard would occur with the Project design modifications and impacts would remain less than significant as evaluated in the Initial Study.

(d) *Light and Glare*

The Initial Study determined that the Project's exterior lighting, specifically field lights, pool lights, tennis court lights, and illuminated scoreboards, would have the potential to result in light and glare that could affect nighttime views in the area (see page 60 of the Initial Study, contained in Appendix A of the Draft EIR). As such, a detailed analysis of lighting impacts was included in Section IV.A, *Aesthetics*, of the Draft EIR.

The approach to determining lighting impacts was based, in part, on an assessment of existing lighting conditions, the identification of light sensitive receptors (land uses such as residences that are sensitive to nighttime lighting), and a comparison of the future lighting levels to the existing lighting levels at sensitive receptor locations. As discussed in Section IV.A of the Draft EIR, the lighting analysis was based on a Lighting Technical Report prepared by StudioK1, lighting specialists who conducted site-specific field testing to establish existing light levels/conditions and projected future level light/conditions based on the design of proposed lighting equipment and facilities (contained in Appendix B of the Draft EIR). The area's light sensitive receptors include the Zev Greenway and nearby off-site residential locations. Nearby residences are considered sensitive receptors in the evaluation of light and glare impacts since exterior light sources have the potential to disturb indoor residential activities (such as sleep) or outdoor recreation activities, such as the use of balconies and patios. The Zev Greenway is a sensitive receptor since it is subject to the RIO District's lighting limitations, which are intended to preserve the natural character of the river front. The RIO is a special use district that the City established in 2014 by Ordinance Nos. 183144 and 183145 to support implementation of the Los Angeles River Revitalization Plan, a long-term blueprint for a variety of comprehensive improvements intended to make the Los Angeles River a landmark and a catalyst for sustainability.

Based on the Lighting Technical Report's quantitative discussion of illuminance (light levels seen on an object or ambient, which are expressed in foot candles) and quantitative analysis of luminance (glare, which is expressed in candela per square meter or  $\text{cd}/\text{m}^2$ ), the Draft EIR focuses on whether the Project would cause or substantially increase adverse nighttime lighting effects on light sensitive receptors.

The existing conditions were surveyed from several locations surrounding the Project Site (i.e., the receptor locations) to gather a baseline and document any off-site areas currently affected by light or glare from the existing uses on the Project Site. The study locations

include 12 residential points along Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue, as well as a 13th location on the Zev Greenway, which is the nearest point on the Zev Greenway to the Project Site and light sources. These locations are illustrated in Table 2, *Summary of Calculated Off-Site Lighting*, Figure 8, *Offsite Illuminance* (which pertains to ambient light levels) and Figure 9, *Offsite Luminance* (which pertains to glare levels) in Appendix B, Lighting Technical Study, of the Draft EIR. The effects of the Project on off-site illuminance are summarized in **Table IV.A-1, Summary of Calculated Off-Site Illuminance**, on page IV.A-17 of the Draft EIR. Table IV.A-1 in the Draft EIR includes those representative light sensitive receptor locations identified in Table 2 of the Lighting Technical Study.

The increases in illumination levels are not based on incremental changes to existing conditions, but on modeled calculations of illuminance levels from Project lighting (expressed in foot candles unit of measurement) at the sensitive receptor locations compared to regulatory standards.

Three analyses were prepared by StudioK1 for the Project's lighting evaluation, the first two of which are based on the computer calculations that were generated by Musco Lighting for the proposed sports lighting equipment. The Musco Lighting study utilizes photometry files, which define the amount of candela (light) emitted at any angle in a sphere around the fixture.

First among StudioK1's three analyses, the proposed sports field lighting fixtures were evaluated for off-site spill lighting illuminance at all surrounding properties to determine if the Project would produce two or more foot candles of light at any sensitive receptor, as per LAMC Section 93.0117(b). As per LAMC Section 13.17 F, compliance with the RIO District Ordinance was also evaluated against thresholds of 0.20 horizontal and vertical foot candle at the Project Site boundary and no greater than 0.01 horizontal foot candle 15 feet beyond the Project Site boundary.

Second, the proposed sports field lighting fixtures were evaluated for glare impacts (i.e., luminance) from the nearest, most impactful light fixture at all surrounding sensitive receptors outside the property line of the Project Site, per the requirements set forth in LAMC Section 13.17 F.

Finally, general hardscape lighting, building lighting, and sign lighting were evaluated using the California Energy Code (Energy Code) and the RIO District Ordinance. The RIO District Ordinance determines the type of lighting, intensity, and size that may be used on the Project Site between the athletic facilities and surface parking in order to avoid impacting neighboring properties and the Zev Greenway. Compliance with the Energy Code would limit the wattage, spill lighting, and operation of the lighting fixtures for pedestrian and vehicular circulation at the Project Site. These factors are all designed to provide neighbor-friendly lighting environments and reduce unnecessary energy use when sites are unoccupied or nonoperational. By also following the requirements of the RIO District Ordinance, the Project's sports lighting designs would eliminate the spill

lighting that currently crosses the Project Site's property line into the Zev Greenway and Los Angeles River areas.

The results of the analyses are provided on pages IV.A-13 through IV.A-21 in Section IV.A of the Draft EIR and in Appendix B of the Draft EIR. Figure II-27, *Light and Signage Plan*, for the Project is provided in Chapter II, *Project Description*, of the Draft EIR.

(i) *Illuminance (Light Levels)*

In Section IV.A of the Draft EIR, pages IV.A-13 to IV.A-15 describe in detail the Project's lighting program, including the number of light fixtures and poles, the locations and heights of poles, and the locations and sizes of illuminated scoreboards. Existing lighting conditions are described on pages IV.A-7 to IV.A-9 in the Draft EIR.

(a) Existing illuminance

The existing tennis court lighting is provided by eight 500-watt induction floodlights per court for a total of 128 fixtures. The existing 16 tennis courts are currently the brightest sources of light within the Project Site. The existing driving range at the Weddington Golf & Tennis facility is currently illuminated with six golf ball-shaped light standards that have five 1,000-watt floodlights each integrated into the golf ball-like head. There are four additional floodlights mounted to the north end of the driving range canopy, bringing the total number of driving range floodlights to 34. These floodlights are all aimed at 90-degrees from the ground so that the lighting is cast horizontally down the range at night toward the west and Bellaire Avenue. The floodlights feature a conical reflector to direct the light from each lamp onto the range, but no additional control features are used to reduce the glare or uplight. The underside of the driving range canopy has fluorescent striplights to provide illumination for golfers at the driving range stalls. Many of the existing lighting fixtures use legacy lamp sources, induction and metal halide, with internal fixture optics around the lamp to control the beam pattern. Due to the size of the lamps in the fixtures, controlling the light is less precise than a small point source, such as LED. In addition, existing fixtures are tilted upward to cast the lighting across the intended area to maximize their effectiveness. This further exposes the lights to the surrounding receptors and was the primary source of glare found during the field survey.

(b) Future Illuminance

The Project's lighting fixtures that would be utilized by the Project would be specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. The Light Control Visor (shield) would be specifically engineered so that light from the fixture can reach the destination surface, in this case athletic fields, the pool, or tennis courts, while the edges of the visor block any high angles which would otherwise impact neighboring sites. The Project's lighting fixtures would be tilted downward toward the target which further enhances effectiveness of the shield.

Although the field lighting would contribute to an increase in ambient light compared to existing conditions on the Project Site itself (which is the intended result so that nighttime athletics uses can be conducted safely), these light sources would not be directed skyward or contribute to sky glow. Light increases (illuminance) from the Project would not result in a substantial change in the character of the ambient light and would produce a smaller area of sky glow as compared to existing conditions (refer to Section IV.A, *Aesthetics*, of the Draft EIR, page IV.A-16). This is illustrated in the Lighting Technical Report (Appendix B of the Draft EIR), by the extent of the contour lines in Figure 5, *Existing Off-Site Illuminance*, and Figure 8, *Off-Site Illuminance*, of the Lighting Technical Report. As shown in Figure 5, the existing illuminance extends beyond the Project Site boundary and to several lots deep within various areas of the adjacent residential uses. Figure 8 demonstrates illuminance with the development of the Project. When comparing Figure 8 to Figure 5, there is a discernible decrease in the radius and intensity of illuminance from the Project Site compared to existing conditions. The Project lighting shows far more control with only minimal spill beyond the Project Site boundary in a few areas. This comparison demonstrates the new lighting system would provide less intrusion into neighboring sites than the existing Project Site lighting. Further, the Project's outdoor lighting would be in use from dusk to no later than 8:00 p.m. daily (9:00 p.m. for the tennis courts). Field lights would not be used on a daily basis. Existing tennis court lights are kept on up to 10:00 p.m. and lighting for the driving range may extend to 11:00 p.m. Because of the lighting technology for the Project's field and tennis court lights, as well as the reduced hours in which outdoor lighting would be in use compared to existing conditions, the Project's overall off-site light and glare levels and duration would be less than under existing conditions.

The effects of the Project on off-site illuminance are summarized in Section IV.A, Table IV.A-1, *Summary of Calculated Off-Site Illuminance*, in the Draft EIR. As shown therein, light spill at the property line of all the residential properties surrounding the Project Site would be well within the LAMC Section 13.17 F maximum of 0.20 horizontal and vertical foot candles of light at the Project Site boundary, and no greater than 0.01 horizontal foot candle 15 feet beyond the Project Site. Table IV.A-1 shows that the Project's illuminance would have a range of 0.00 to 0.06 horizontal foot candles and 0.00 to 0.09 vertical foot candles. The golf ball-shaped light standards with 1,000 watt bulbs currently used to illuminate the driving range would be repurposed as area lighting for the courtyard adjacent to the clubhouse and tennis courts and replaced with bulbs not exceeding 50 watts.

(ii) *Luminance (Glare)*

Existing lamps on the Project Site are directly visible with no optical control, thus contributing to existing perceived glare. Glare is the light a user might perceive as the brightness or point intensity of a lighting fixture when directly viewed from a distance. Musco Lighting evaluated the glare produced by existing and proposed fixtures at any given point on and off the Project Site, including at twelve points within the adjacent residential neighborhood and, as a thirteenth point, the Zev Greenway (sensitive

receptors). Figure 9 (Off-Site Luminance) in the Lighting Technical Report (Appendix B of the Draft EIR) illustrates the 13 receptor sites and the calculated values in candela (directly visible light or glare) across the Project Site and the surrounding area. Each point on this grid reflects the maximum candela value for the fixture with the highest potential for glare at any given pole on the Project Site. The effects of the Project on off-site luminance are summarized in Table IV.A-2, *Summary of Calculated Off-Site Luminance*, on page IV.A-20 of the Draft EIR. As shown therein, the Project would result in reductions in glare at most of the off-site residences. For example, the values at 4068 Whitsett Avenue would be reduced from 3,500  $\text{cd}/\text{m}^2$  under existing conditions to approximately 5.8  $\text{cd}/\text{m}^2$  following Project construction. In other words, the new lighting system would produce substantially less candela, or glare, than the existing on-site lighting for twelve of the thirteen evaluated receptors. Modeled candela per square meter calculations ( $\text{cd}/\text{m}^2$ ) for one receptor (4202 Bellaire Avenue) would increase slightly compared to existing conditions, however, this minor increase would be 6.4  $\text{cd}/\text{m}^2$ , which is comparable to the brightness of a single candle flame (7.5  $\text{cd}/\text{m}^2$ ). Further, the modeled measurements do not take into consideration substantial intervening Project landscaping, which would result in a greater reduction in glare at all receptors. The conclusions for the receptor at 4202 Bellaire Avenue, for instance, would be reduced, if landscape were taken into consideration, given the substantial additional landscaping in proximity to Field B (refer to section IV.C, *Biological Resources*, Figure IV.C-5 - *Tree Planting Plan*).

### (iii) *Illuminated Scoreboards*

The Project would include illuminated scoreboards at the two playing fields and within the pool area. As described in page IV.A-18 and Appendix B of the Draft EIR, the Project would strategically layout the scoreboards so that no scoreboard directly faces an adjacent sensitive receptor. This layout of the scoreboards creates long distances to any directly facing receptor and steep oblique viewing angles to closer receptors adjacent to the fields. Due to either the long distance or steep viewing angle, the illumination effects of these signs would be nearly nonexistent at the sensitive receptors resulting in no exceedance of LAMC Section 14.4.4 E requirement, which limits light intensity from signage to no more than 3.0 foot candles above ambient lighting at residential property boundaries. Signs and sign lighting would be restricted by the Energy Code, which limits the allowable wattage for internally and externally illuminated signs. This applies to directional signs, message boards, as well as scoreboards, on the Project Site. Per Energy Code Section 140.8, internally illuminated signs are allowed up to 12 watts per square foot, while externally illuminated signs can use 2.3 watts per square foot of illuminated sign area. Signs must also comply with Energy Code Section 130.3, which requires photosensor controls to switch off signs during daylight conditions or have at least 65 percent dimming capabilities for signs illuminated both at night and day. In addition, any Electronic Message Center greater than 15kW would be required to reduce power by 30 percent in an energy event. These maximum allowable power restrictions for signs would keep the illumination to a minimum while maintaining functional viewing.

*(e) Project with Design Modifications*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications, including a change in the Project’s field lighting program, would be implemented for the Project based on public comments. Although light and glare impacts under the Project would be less than significant, lighting impacts would be further reduced at some receptor locations with the design modifications and a reduction in the number of light poles. The modified lighting program and effects of the design modifications are evaluated in detail in Appendix B.1, Supplemental Lighting Report Memorandum, and in Appendix B.2, Supplemental Lighting Report Appendix, of this Final EIR. As discussed therein the lighting program would be modified as follows:

- The Project’s three 70-foot field lights on the west sideline of Field A and three 70-foot-tall light poles on the east sideline of Field A (a total of six field lights at Field A) would be changed under the Project with design modifications to a total of four 80-foot-tall light poles on the east and west sidelines of the field (two on each sideline).
- The Project’s three 80-foot-tall field lights on the north side of Field B, one 60-foot-tall field light on the east side of Field B, two 60-foot-tall field lights on the south side of Field B, and one 70-foot-tall field light on the south side of Field B (a total of seven field lights at Field B) would be changed under the Project design modifications to two 80-foot-tall field lights on the north side of Field B, and two 80-foot-tall field lights on the south side of Field B (for a total of four field lights at Field B). The 60-foot-tall light pole on the east side of Field B and 70-foot-tall field light on the south side of Field B would be eliminated under the Project with design modifications.
- The Project’s 14 light poles located at the swimming pool with varying heights between 21 feet and 60 feet would be changed under the Project’s design modifications to four 55-foot-tall lights.<sup>11</sup>
- The Project’s twelve 40-foot-tall court lights located on all four sides of the tennis courts would be changed under the Project’s design modifications to a total ten court light poles at 40-feet-tall.<sup>12</sup>

The changes in field lights are illustrated in revised Figure II-27, *Light and Signage Plan for the Project*, in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. The total change in the number of light poles would be reduced from 39 poles under the Project to 22 poles under the Project with design modifications (a reduction of 17 poles).

<sup>11</sup> Two of the four poles in the pool area (i.e., the two poles on the eastern side of the pool) will have luminaires mounted such that they serve both the pool area and the adjacent tennis courts.

<sup>12</sup> The reduction of two poles at the tennis courts was accomplished by relocating those luminaires to nearby poles at the eastern side of the swimming pool.

As shown in Chapter 3 of this Final EIR, Table IV.A-1, Summary of Calculated Off-Site Illuminance, the calculated off-site illuminance (horizontal and vertical) would be well within the applicable LAMC thresholds. As shown therein, the footcandles of illumination produced by the sports lighting revision under the Project with design modifications show a reduction from the original design, except at receptor No. 9 (4110 Whitsett Avenue) for which illumination was calculated to increase negligibly by a few hundredths of a footcandle. All measurements remain far below the LAMC and RIO thresholds for illumination. Using the revised candela plot from Musco Lighting, a similar result for offsite glare, or candela per square meter ( $\text{cd}/\text{m}^2$ ), was observed.

Table IV.A-2, Summary of Calculated Off-site Luminance, as revised in Chapter 3 of this Final EIR, under the Project with design modifications, minor fluctuations in glare were calculated. Additionally, Table IV.A-2 shows that luminance levels would substantially decrease, except at one receptor location, under the Project with design modifications compared to existing luminance levels. Under the Project with design modifications, luminance levels would decrease at eight of the 13 analyzed receptor locations including luminance levels within the RIO District compared to the Project without the design modifications. The minor increases at the remaining six sensitive receptors would, as with the Project without the design modifications, continue to be substantially below existing luminance levels.

Under the Project with design modifications compared to the Project without design modifications, decreases in off-site luminance ranged from 0.3 to 9.7  $\text{cd}/\text{m}^2$  (the largest decrease being located at the property line adjacent to the Zev Greenway), while increases ranged from 0.1 to 2.0  $\text{cd}/\text{m}^2$ . All such increases are minor and generally comparable to the light produced by a single candle flame (7.5  $\text{cd}/\text{m}^2$ ). Under existing conditions, the existing lighting produces off-site glare as high as 3,700  $\text{cd}/\text{m}^2$  at adjacent residences and 4,375  $\text{cd}/\text{m}^2$  along the Zev Greenway given the imprecise optics and shallow orientation of the existing driving range and tennis court lights. In comparison, under the Project with design modifications, the maximum glare intensity would be 7.2  $\text{cd}/\text{m}^2$ , significantly decreasing the overall glare intensity, with the exception of one receptor location (4202 Bellaire Avenue).

The Project Site lighting conditions can also be viewed graphically via illuminance plots. As described in the Draft EIR's Lighting Report (Appendix B of the Draft EIR), existing lighting extends well beyond the Project Site boundary (Figure 5, Existing Off-Site Illuminance, in the Lighting Report). This simulation, for both existing and post-Project conditions, does not account for landscaping, changes in elevation, intervening structures, or geography of the Project Site that might reduce lighting views to some areas. The blue line (also referred to as isoline) included in the figure represents the extent of measurable lighting that is produced by sources on the existing Project Site. By contrast, the Project's field lighting system for the Project with design modifications is shown in Figure 8, Off-Site Illuminance, of the Supplemental Lighting Report Memorandum (Appendix B.1 of this Final EIR). Similar to the Project's original lighting layout, the revised design reflects tighter control of on-site light sources and yields a

significant reduction in off-site glare, reducing the lighting levels that the surrounding neighborhoods would experience. Therefore, similar to the Project without design modifications, the Project with design modifications would result in less than significant light and glare impacts.

### (3) Conclusion

Because of improvements in lighting technology, precision placement and angulation of source lights, as well as precise site planning, with the exception of a light level increase equivalent to one candle at one location (4202 Bellaire Avenue), the Project's lighting program, without design modifications, would reduce the Project Site's existing ambient light and glare conditions as compared to existing conditions. Note also that the modeled illuminance and luminance measurements do not take into account landscaping between the receptors and the Project Site. All light and glare levels under the Project without design modifications would be below regulatory standards. Therefore, the Project without design modifications would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Similar to the Project lighting impacts analyzed in the Draft EIR, the Project's lighting program with design modifications would also reduce the existing ambient light and glare conditions with the exception of one receptor location (4202 Bellaire Avenue), similar to the Project without design modifications. All light and glare levels under the Project with design modifications would be below regulatory standards. Therefore, the Project with design modifications would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. As such, the Project with the design modifications would not result in significant new or substantially increased environmental impacts as evaluated in the Draft EIR.

## e) Topical Response No. 5 – Biological Resources/ Trees

### (1) Introduction

This topical response addresses comments received on the Draft EIR regarding the Project's removal and replacement of trees from a biological resources perspective. The Draft EIR's evaluation of tree impacts from a biological resources perspective was included in Section IV.C, *Biological Resources*, and specifically assessed under Threshold (e), which, under Appendix G of the CEQA Guidelines, evaluates whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. A Tree Report was prepared for the Project by Carlberg Associates to support preparation of the Draft EIR analysis of impacts to trees.<sup>13</sup> In addition, a number of public comments inquired about how the Project's tree removal and replacement program would affect long-term sequestration and the tree canopy. Thus, based on the Carbon Sequestration and Tree Canopy Study, included in Appendix C of this Final EIR, information on these issues is also included in this topical response for informational purposes.

Also, with regard to aesthetics impacts related to the Project's tree removal and replacement program, please refer to Topical Response No. 4 - Aesthetics, and the Project's Initial Study (included in Appendix A of the Draft EIR). As evaluated on pages 59 and 60 of the Initial Study, because the Project Site is located in an urbanized area, the analysis of visual character and quality under Threshold (c) evaluated whether the Project would conflict with applicable zoning and other regulations governing scenic quality. As analyzed therein, the Project would not conflict with any of the applicable plan and policies, including those pertaining to tree removal and replacement.

### (2) Discussion

#### (a) *City of Los Angeles Municipal Code – Protected Trees and Shrubs*

Native species of oak (*Quercus* sp., except scrub oak [*Q. dumosa*]), Southern California black walnut (*Juglans californica*), California bay laurel (*Umbellularia californica*) and western sycamore (*Platanus racemosa*) trees at least four inches in diameter (cumulative for multi-trunked trees) at 4.5 feet above the ground level at the base of the tree or diameter-at-breast height are protected in the City under Ordinance No. 177,404, which became effective April 23, 2006. On December 11, 2020, the City adopted Ordinance No. 186,873, extending protection status to two native shrub species, the Mexican Elderberry (*Sambucus mexicana*) and toyon (*Heteromeles arbutifolia*) shrubs, and amending

<sup>13</sup> Carlberg Associates, City of Los Angeles Tree Report Harvard-Westlake River Park Campus, October 2020. Appendix A of Appendix D, Biological Technical Report, of the Draft EIR.

provisions of Los Angeles Municipal Code (LAMC) Sections 12.21, 17.02, 17.05, 17.06, 17.51, 46.00, 46.01, 46.02, 46.03, 46.04, and 46.06.

LAMC Section 17.05 R prohibits, without a permit, the removal of any regulated protected tree, including “acts which inflict damage upon root systems or other parts of the tree...” and requires replacement of all regulated protected trees that are removed on at least a four-to-one basis with trees that are of a protected variety. Replacement trees must be at least 15 gallons or larger, measure one inch or more in diameter at a foot above the base, and measure at least seven feet in height from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. Similarly, a protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees, to the extent feasible as determined by the Advisory Agency, Board of Public Works, or certified arborist. Further, when replacing more than two protected trees or shrubs, the permit at issue must be considered at a full public hearing of the Board of Public Works. The City also requires preparation of a report by a tree expert identifying protected on-site trees, impacts to trees related to grading and construction, and mitigation measures for impacts to protected trees. However, native trees that have been planted as part of a tree planting program are exempt from these ordinances and are not considered protected.

(b) *Existing Conditions*

As discussed on page II-1, in Chapter II, *Project Description*, of the Draft EIR, the area proposed for the Project consists of a 16.1-acre (701,428-square-foot) parcel, owned by the School (Property) located at 4047, 4141, and 4155 N. Whitsett Avenue and 12506, 12600, and 12630 W. Valley Spring Lane; and a 1.1-acre (47,916-square-foot) parcel the School leases from the Los Angeles County Flood Control District (Leased Property) (portion of Assessor Parcel Number [APN] 2375-018-903), which collectively comprise the 17.2-acre (749,344-square-foot) project site (Project Site). As discussed on page IV.C-13 of the Draft EIR, the Project Site (Property and Leased Property) and the off-site improvement areas (approximately 1.7 acres) combined together comprise the Biological Study Area, which is approximately 18.9 acres (refer to Figure IV.C-1, Plant Communities, on page IV.C-17 of the Draft EIR for an illustration of the Biological Study Area). The off-site improvement areas associated with the Project include improvements to the segment of Valleyheart Drive south of LAFD Fire Station 78, portions of the Zev Greenway adjacent to the Project Site, and an Americans with Disabilities Act (ADA)-compliant accessible pedestrian ramp leading to the Zev Greenway at Coldwater Canyon Avenue (Coldwater Canyon Avenue Riverwalk Path Ramp). The Biological Study Area is located in a developed urban area in the community of Studio City within the City of Los Angeles.

Although habitat within the Project Site is primarily non-native ornamental landscaping, it does support a large number of trees and some shrubs, though shrubs are minimal since the Project Site is predominantly comprised of maintained turf for the golf course and driving range. The Tree Report prepared for the Project evaluated a total of 421 trees, located both on the Project Site and off-site surrounding areas. Of the 421 trees

inventoried and evaluated, 258 trees are located on-site, and 163 trees are located off-site. The off-site trees include 87 trees surrounding the Project Site located in the public right-of-way and 76 trees located off-site within the Zev Greenway area.<sup>14</sup> The inventoried trees are generally concentrated along the western and northern boundaries of the Project Site and along the Los Angeles River, as well as scattered throughout the golf course. Non-native (and non-protected) tree species vary and include cedar, olive, palm, pine, and gum trees, among others. Mexican fan palms (*Washingtonia robusta*) (174), Aleppo pine (*Pinus halepensis*) (56), and blue gum eucalyptus (*Eucalyptus globulus*) (42) make up more than half of all the inventoried trees.<sup>15</sup> Mexican fan palms are considered invasive species by the California Invasive Plant Council and are listed in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes as “plants that should never be planted along the river.”<sup>16,17</sup>

Land uses immediately surrounding the Project Site include residential neighborhoods to the north, west, and east and the Zev Greenway and the Los Angeles River to the south and southwest. This portion of the Los Angeles River is entirely channelized and does not support any vegetation within the channel. Some native vegetation is planted along the southwestern-facing slope north of the channel, which is part of a half-mile stretch of native habitat restored along the Zev Greenway.<sup>18</sup> There is also a row of mature western sycamore (*Platanus racemosa*) and ornamental African sumac (*Searsia lancea*) trees planted along the top of the southern bank of the Los Angeles River. The adjoining property to the southeast is LAFD Fire Station 78.

(i) *City-Protected and Non-Protected Significant Trees*

The City’s Protected Tree and Shrub Ordinance protects native tree and shrub species (i.e., western sycamores, indigenous oak species, California bay laurels, southern California black walnuts, Mexican elderberry, and toyon). None of the on-site private property trees are protected by the Protected Tree and Shrub Ordinance, and all trees planted on-site are ornamental, non-native trees. Trees located in public rights-of-way are generally protected regardless of species or size, and these total 87 off-site trees. As discussed on page IV.C-28, in Section IV.C, *Biological Resources*, of the Draft EIR, there are 30 young oak and sycamore trees and a number of native shrubs, including Mexican elderberry and toyon, in the off-site Zev Greenway area; however, these were planted (not naturally occurring) and are, therefore, not considered a protected tree or shrub since any tree planted or

<sup>14</sup> Carlberg Associates. City of Los Angeles Tree Report Harvard-Westlake River Park Campus, October 2020. Appendix A of Appendix D, *Biological Resources Technical Report*, of the Draft EIR.

<sup>15</sup> For plant and wildlife species, scientific names are only included with common names upon first mention. They are only referred to by common names thereafter.

<sup>16</sup> California Invasive Plant Council, The Cal-IPC Inventory, <https://www.cal-ipc.org/plants/inventory/>.2020, accessed December 10, 2020.

<sup>17</sup> Los Angeles County Public Works, Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, January 2004, page 38.

<sup>18</sup> Community Conservation Solutions. The Zev Yaroslavsky L.A. River Greenway Trail, <https://www.conservationolutions.org/la-river/>, accessed November 18, 2020.

grown as part of a tree planting program is not protected under the City's Protected Tree and Shrub Ordinance.<sup>19</sup> As discussed in the Biological Resources Technical Report (Appendix D of the Draft EIR), there were no Mexican elderberry or toyon found within the Project Site. One significant, protected, off-site tree, a coast live oak, was identified, is located in the Zev Greenway and would be preserved by the Project.

All trees over eight inches in diameter-at-breast height, or located within the public right-of-way are "significant trees" according to the direction of the Department of City Planning. Based on their measured trunk diameters, 304 on- and off-site trees are considered significant, non-protected trees.

(c) *Project Improvements*

One of the Project Objectives is to "Implement a tree planting program that substantially increases the number of trees on the Project Site with native and River Improvement Overlay (RIO) compliant tree species, while removing invasive exotic and non-RIO compliant tree species."<sup>20</sup> In line with this objective, the Project's landscape design includes the planting of healthy trees that are consistent with the Los Angeles RIO District Ordinance<sup>21</sup> and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes<sup>22</sup> (Landscaping Guidelines).

The Project's tree removal and tree replacement program is outlined in **Table 2-3, Tree Removal and Replacement Program**, which is the same as Table II-2, *Tree Removal and Replacement Program*, in Chapter II, *Project Description*, of the Draft EIR. As shown therein and discussed on page IV.C-29, in Section IV.C, *Biological Resources*, of the Draft EIR, 240 trees would be removed by the Project. The majority of the trees to be removed, 75 percent (179 trees), are non-RIO compliant (including 121 Mexican fan palms). Of the 240 trees to be removed, 209 are located on-site (Project Site), 31 trees (including 26 Mexican fan palms) are located off-site in the public right-of-way, and no trees would be removed within the Zev Greenway Area (off-site). The Project would increase the number of trees on-site from 258 to 383, a 49-percent increase. The Project would increase the number of off-site trees from 163 to 191, a 17-percent increase. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions (i.e., a 36 percent increase).

<sup>19</sup> LAMC Section 17.02, which states: "The definition [of protected species] shall not include any tree or shrub grown or held for sale by a licensed nursery, or trees planted or grown as part of a tree planting program."

<sup>20</sup> The "RIO" designation indicates a River Improvement Overlay (RIO) District related to the Project's location in proximity to the Los Angeles River. Zoning Information (ZI 2358), RIO Improvement Overlay District.

<sup>21</sup> City of Los Angeles, Zoning Information (Z.I) No. 2358 River Improvement Overlay District Ordinance Nos. 183144 and 183145, effective August 20, 2014, revised January 12, 2015.

<sup>22</sup> Los Angeles County Public Works, Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, January 2004.

**TABLE 2-3  
TREE REMOVAL AND REPLACEMENT PROGRAM**

Area	No. of Existing Trees	Existing Trees to be Removed	New Trees to be Planted	Trees under Project Conditions	Net Change
<b>Property (On-Site)</b>	227	198	299	328	+101
<b>Leased Property (On-Site)</b>	31	11	35	55	+24
<b>Zev Greenway (Off-Site)</b>	76	0	38	114	+38
<b>Right-Of Way (Off-site)</b>	87	31	21	77	-10
<b>Totals</b>	<b>421</b>	<b>240</b>	<b>393</b>	<b>574</b>	<b>+153</b>

SOURCE: ESA, 2021.

*(d) Project Impacts*

As discussed on pages IV.C-49 to IV.C-56 of Section IV.C, *Biological Resources*, of the Draft EIR, the Project would not conflict with any local policies or ordinances protecting biological resources in the City's General Plan Framework Element, Conservation Element, Open Space Element, the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, or tree preservation ordinance.

*(i) RIO District Ordinance and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes*

In addition to being consistent with the above plans, as discussed on pages IV.C-52 to IV.C-54, in Section IV.C, *Biological Resources*, of the Draft EIR, the Project is designed to be consistent with the RIO District Ordinance and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Plant materials would consist entirely of native plants that have low to medium water demand. The Project's landscape design includes the maintenance and planting of healthy trees that are consistent with the RIO District Ordinance and Landscaping Guidelines; maintenance and enhancement of native habitat for wildlife; contribution to the environmental and ecological health of the City's watershed system; and increased public access to the Los Angeles River. The Project would remove invasive Mexican fan palms, which are not RIO District-compliant species. Section F.1, Development Guidelines, of the RIO District Ordinance (adopted August 2014 and codified in LAMC Section 13.17) requires 75 percent of a project's newly landscaped area to be planted with any combination of the following: native trees, plants and shrubs, or species defined as WatershedWise, or species listed in the Los Angeles County River Master Plan Landscaping Guidelines and Plant Palettes.. The Landscaping Guidelines, Design Guideline 7 (Plants That Should Never Be Planted along the River) states: "Mexican fan palms (*Washingtonia robusta*), may be attractive to the uneducated eye, but their aggressive domination of riverside landscapes displaces opportunities for

native plant species and the habitats they shape.” The Landscape Guidelines state that aggressive plant species shall not be allowed in new plantings and “only plant species included in the Landscape Guideline’s “Short List” or “Plant Community Lists” shall be allowed in plantings along the river.” The Mexican fan palm is not listed on the Landscape Guidelines’ lists of approved species.<sup>23</sup>

The Project’s landscape plan consists entirely of native trees, the vast majority of which would also be species sourced from the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes that would be planted in locations that promote the restoration of native plant communities along the Los Angeles River. As previously described, the Project would also result in a 36-percent net increase in trees for a total of 574 trees within the on-and off-site Project areas. Furthermore, the Project’s native landscaping would enhance the existing off-site native habitat along the Zev Greenway. The replacement trees would have a minimum 24-inch box size, though many would be sourced at larger sizes. Native species would include California sycamore, coast live oak, Engelmann oak (*Quercus engelmannii*), valley oak, velvet ash (*Fraxinus velutina*), toyon, and big berry manzanita (*Arctostaphylos glauca*) in the Project Site and white alder (*Alnus rhombifolia*), velvet ash, California sycamore, Mexican elderberry, California bay laurel, and toyon in the off-site improvement areas. The new RIO District-compliant trees would be planted in locations that promote the restoration of native plant communities along the Los Angeles River and create habitat and canopy cover for various species. Introduction of climate-appropriate planting in these areas would also provide shelter and food sources for bird and animal species around the Biological Study Area and the Los Angeles River. For these reasons, the Project would be consistent with the RIO District Ordinance and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.

(ii) *City-Protected and Non-Protected Significant Trees*

As stated above and on pages IV.C-54 to IV.C-56 in Section IV.C, *Biological Resources*, of the Draft EIR, of the 421 trees inventoried by Carlberg Associates, a total of 240 trees would be removed and replaced under the Project (except for four trees that would be removed that are deemed dead, and are, therefore, not subject to replacement requirements). Figure IV.C-4, Tree Removal Program, on page IV.C-36 of the Draft EIR illustrates the Project’s tree removal plan, and Figure IV.C-5, Tree Planting Plan, on page IV.C-37 illustrates the Project’s tree planting plan. No trees would be removed within the off-site Zev Greenway area. The Project would retain the eucalyptus trees along Valley Spring lane, the Aleppo and Canary Island pines along Bellaire Avenue, and the mature trees within the vicinity of the existing clubhouse, which would be retained. Approximately 50 percent (121 trees) of the 240 trees to be removed are Mexican fan palms and, in total, 75 percent (179 trees) are not RIO District-compliant and are considered invasive species. Other non-native (and non-protected) tree species that would be removed include cedar, olive, palm, pine, and gum trees, among others.

<sup>23</sup> County of Los Angeles, Los Angeles River Master Plan District Landscaping Guidelines and Plant Palettes, January 2004, page 38.

Existing Mexican fan palms removed as part of the Project's tree removal program would be replaced by other non-Mexican fan palm tree species, in compliance with the RIO District requirements that excludes this tree species from 75% of new tree plantings. As discussed on page IV.C-55 of the Draft EIR, the other 119 trees of the 240 trees to be removed are scattered throughout the Biological Study Area, mostly within the on-site area. Of the 119 trees, four trees (2 blue gum eucalyptus and 2 olives) are standing dead, and one native coast live oak,<sup>24</sup> a City-ordinance protected tree, is located off-site in the southeastern corner of the Zev Greenway area. This oak tree would likely require some measure of canopy pruning and root pruning to accommodate updates to the existing asphalt driveway that is located under the northern canopy of the tree.<sup>25</sup> Although the tree would be preserved, since the updates to the asphalt driveway could inflict damage to the root system, the Project's actions would be considered an encroachment and would still require a permit per the City's Protected Tree and Shrub Ordinance.<sup>26</sup> In the unlikely circumstance the coast live oak requires replacement, the Project would adhere to applicable replacement requirements in the City's Protected Tree and Shrub Ordinance. In addition to possible encroachment on this single native coast live oak tree, seven coast redwood trees within the Project Site on the golf course would be removed. Although coast redwood trees are native to California, they are not locally indigenous to Southern California and not City-protected trees and, therefore, are analyzed only as significant trees. As previously described, the City defines "significant trees" as trees with a trunk diameter of eight inches or greater at breast height or trees that are located within the public right-of-way. No other native trees would be removed or encroached upon. A detailed discussion of the tree assessment and arborist recommendations are contained in Appendix D of the Draft EIR.

Removed non-protected "significant" trees, including Mexican fan palm species, would be replaced at a 1:1 ratio, and removed street trees from the public right-of-way would be replaced at a 2:1 ratio, as required by the City's Department of Public Works, Urban Forestry Division. All replacement trees would be RIO-compliant. In aggregate, the Project would remove 240 trees and provide 393 California native replacement trees, which would exceed the minimum trees replacement requirement.

The removal of 209 significant on-site trees and 31 public street trees would result in potentially significant impacts. As such, the Project would implement Mitigation Measure BIO-MM-3, which has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, requiring that Harvard-Westlake School submit to the Department of City Planning and/or the City's Urban Forestry Division a landscape plan

<sup>24</sup> Coast live oak (*Quercus agrifolia*) is also referred to as California live oak in the City of Los Angeles Protected Tree and Shrub Ordinance; however, for purposes of this document, it is referred to as coast live oak.

<sup>25</sup> A protected tree permit under LAMC Section 17.05 would be required for any damage to the root system of this protected tree.

<sup>26</sup> If plans change and trees protected by the City's Tree Preservation and Protection Ordinance are proposed for removal, the City of Los Angeles will require mitigation tree plantings at a ratio of 4:1 and a Protected Tree Removal Permit will be required.

or tree plan depicting replacement of each “non-protected” significant tree removed at a minimum 1:1 ratio prior to issuance of a building permit. The actual mitigation requirement may be modified by the Department of City Planning dependent on their view of dead tree removals and removal of Mexican fan palms. As set forth in Mitigation Measure BIO-MM-3, the replacement tree locations and species shall be to the satisfaction of the Department of City Planning and/or the City’s Urban Forestry Division and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Furthermore, pursuant to this mitigation measure, replacement trees shall be planted in the Biological Study Area as shown on the Project’s landscape plan, as represented in Figure IV.5, Tree Planting Plan, and Figure IV.6, Planting Zone Plan, on pages IV.C-37 and IV.C-38, respectively, of the Draft EIR , and the removal of 31 public street trees shall require a tree removal permit approved by the Board of Public Works and mitigation plantings, which is typically a ratio of 2:1, to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. Mitigation Measure BIO-MM-3 also requires that if any of the on-site, off-site, or public street trees die within three years, as a consequence of construction, they will be replaced. With incorporation of Mitigation Measure BIO-MM-3, the Project would mitigate impacts to City-protected and non-protected significant trees to a less-than-significant level.

(e) *Tree Canopy and Carbon Sequestration*

(i) *Tree Canopy*

A supplemental analysis of the Project’s tree canopy is provided within Appendix C, Carbon Sequestration and Tree Canopy Study, of this Final EIR. All existing trees were included in the calculation of canopy coverage in order to appropriately characterize current conditions on the Project Site. Similarly, existing trees that would be preserved by the Project were included in the calculation of the Project’s canopy coverage. As discussed in detail in Appendix C, pages 3 through 5 of the study, approximately 20 percent of the Project Site is currently covered by tree canopy. Absent development of the Project, that level will not significantly increase further given the relative maturity of existing trees. The Project’s canopy coverage will reach a similar level between Years five and 10 of operation (Year 5 the canopy coverage would be approximately 15 percent, Year 10 the canopy cover would be approximately 28 percent) (see Figure 10, Year 5 Canopy Coverage of Project Trees, and Figure 11, Year 10 Canopy Coverage of Project Trees, in the Carbon Sequestration and Tree Canopy Study).

Given the diverse range of species in the Project’s tree replacement program and their respective growth rates, tree maturation points vary from 10 to 50 years, with a weighted average of 25 years. At Year 25 of Project operation (following construction), 53 percent of the Project Site would be under canopy coverage, or approximately 2.5 times more coverage than existing conditions (see Figure 12, Year 25 Canopy Coverage of Project Trees, of the Carbon Sequestration and Tree Canopy Study). The Project’s favorable points of comparison are largely the result of the biological characteristics of the existing tree mix. Notably, the prevalence of Mexican fan palms on the Project Site, which are

comprised of fibrous strands, lack branches and extensive leaf systems, and provide nominal canopy coverage. Refer to the Carbon Sequestration and Tree Canopy Study in Appendix C of this Final EIR for additional details on the methodologies and modeling conducted to determine the Project's projected future tree canopy coverage on the Project Site.

(ii) *Carbon Sequestration*

The City received numerous public comments related to the Project's effects on carbon sequestration due to the removal of existing trees on-site. While there is not a Threshold of Significance in Appendix G of the CEQA Guidelines related to carbon sequestration, nonetheless, a supplemental analysis of the Project's carbon sequestration from trees is provided within Appendix C, Carbon Sequestration and Tree Canopy Study, of this Final EIR for informational purposes. Rates of carbon sequestration (measured as pounds of carbon dioxide [CO<sub>2</sub>]) were calculated by comparing the existing trees on the Project Site that are to be removed with the replacement trees that would be planted as part of the Project. Existing trees to remain under the Project were not included in the carbon sequestration analysis, as the carbon sequestration benefits from such trees would be included equally in the analysis of existing and Project conditions. As summarized on PDF pages three through five in the Carbon Sequestration and Tree Canopy Study, during Year 2 of Project operation, the annual CO<sub>2</sub> sequestration rate of the Project's replacement trees would be approximately equivalent to existing sequestration rates. Existing carbon sequestration for the trees to be removed by the Project is 44,633 pounds as shown in Figure 1, Annual Sequestration of Existing Trees and Palms, of the Carbon Sequestration and Tree Canopy Study (see PDF page 7 of 39 in Appendix C of this Final EIR).

Year 2 carbon sequestration rates for the Project's replacement trees would be 43,160 pounds, as shown in Figure 4, Year 2 Sequestration of Project Trees, of the Carbon Sequestration and Tree Canopy Study (PDF page 9 of 39 of Appendix C). After Year 2 of Project operation, the replacement trees would sequester CO<sub>2</sub> at increasingly greater rates than existing trees. Specifically, during Year 5 of Project operation, the replacement trees would sequester more than 73,000 pounds of CO<sub>2</sub> as shown in Figure 5, Year 5 Sequestration of Project Trees (see PDF page 10 of 39 of Appendix C). Sequestration would increase to 131,000 pounds in Year 10, as shown in Figure 6, Year 10 Sequestration of Project Trees, (see PDF page 10 of 39 of Appendix C). Over the lifetime of the Project's replacement trees, approximately 8.7 million pounds of CO<sub>2</sub> would be sequestered. In comparison, the existing trees to be removed would sequester 2.6 million pounds over their lifetime, if left in place.

As with the tree canopy, the Project's higher amount of carbon sequestration is the result of the biological characteristics of the existing tree mix, particularly the prevalence of Mexican fan palms. Mexican fan palms are comprised of fibrous strands and lack branches and extensive leaf systems that would, otherwise, support carbon sequestration. For example, a single mature Mexican fan palm (60-80' in height) is estimated to sequester 34 pounds of CO<sub>2</sub> per year. By contrast, a single Engelmann Oak

or Valley Oak in a 48" box size would sequester 100 pounds of CO<sub>2</sub> in the first year following planting, more than three times that of a mature Mexican fan palm. Refer to the Carbon Sequestration and Tree Canopy Study in Appendix C of this Final EIR for additional details on the methodologies, data sources, and modeling conducted to determine the Project's projected future carbon sequestration of the Project's replacement trees on the Project Site.

(f) *Project Design Modifications*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, storm water capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. However, none of the design modifications directly or indirectly affect the Project's tree removal and replanting program. The overall number of trees being removed under the Project with design modifications will remain as analyzed in the Draft EIR. As such, the biological resources impact analysis and conclusions applicable to tree removal and replacement included in the Draft EIR is not affected by the Project design modifications.

(3) **Conclusion**

As discussed above, the Project would increase the number of trees on-site from 258 to 383 (a 49-percent increase). The number of off-site trees would increase from 163 to 191 (a 17-percent increase). In total, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees beyond the 421 trees under existing conditions (or a 36 percent increase). The Project's tree removal and planting program would not conflict with applicable biological resources policies in the City's General Plan Framework Element, Conservation Element, Open Space Element, and the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan. The tree removal and replacement program would be consistent with the RIO District Ordinance and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, as well as the LAMC tree protection requirements. With implementation of Mitigation Measure BIO-MM-3, potentially significant direct impacts to City-protected and non-protected significant trees would be reduced to a less-than-significant level. Thus, as discussed in Section IV.C, *Biological Resources*, of the Draft EIR, the Project with mitigation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant.

The Project's tree replacement program would result in a greater canopy cover by Year 10 compared to existing conditions. The existing Project Site has a canopy cover of 20 percent. Existing trees are primarily mature and would not increase in canopy size. Under the Project's tree removal and replacement program, the canopy cover would be 15 percent by Year 5 and would increase to 28 percent by Year 10.

Existing carbon sequestration from the trees to be removed by the Project is 44,633 pounds. Year 2 carbon sequestration rates for the Project's replacement trees would be 43,160 pounds. After Year 2 of Project operation, the replacement trees would sequester CO<sub>2</sub> at increasingly greater rates than existing trees. Over the lifetime of the Project's replacement trees, approximately 8.7 million pounds of CO<sub>2</sub> would be sequestered. In comparison, the existing trees to be removed would sequester 2.6 million pounds over their lifetime, if left in place.

As discussed above, the biological resource impacts pertaining to the Project's tree removal and replacement program are appropriately addressed in the Draft EIR. Further, the Project with design modifications would not directly or indirectly affect the Project's tree removal and replanting program and as such, the impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications. As such, the Project with the design modifications would not result in significant new or substantially increased environmental impacts as evaluated in the Draft EIR.

## f) Topical Response No. 6 – Historic Resources

### (1) Introduction

This topical response addresses comments received on the Draft EIR concerning impacts to historical resources. Additionally, this topical response provides background information regarding the City’s designation in 2021 of the Project Site as a Historic-Cultural Monument (HCM), which identified the character-defining features of the Project Site that contribute to the HCM designation.

### (2) Discussion

#### (a) *City of Los Angeles Historic-Cultural Monument Designation*

In 2021, based on the findings of the Los Angeles Cultural Heritage Commission, the City Council designated the Project Site an HCM under the name “Studio City Golf and Tennis Club.” In the determination that the Project Site qualified as an HCM, the findings from the City Council noted:

Studio City Golf and Tennis Club “exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community” as an excellent example of a 1950s private recreational facility open for public use in Studio City (HCM Criterion 1).

Studio City Golf and Tennis Club “embodies the distinctive characteristics of a style, type, period, or method of construction,” including the clubhouse, golf ball light standards, putting green, and brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property, as an excellent example of a 1950s community recreational facility (HCM Criterion 3).<sup>27</sup>

#### (b) *Identification of Character-Defining Features*

Character-defining features for the Project Site were formally determined by the City as part of the designation of the property as an HCM. The identification of character-defining features in the Draft EIR was based on substantial evidence, which included a detailed review of the development history of the Project Site, consideration of the National Park Service guidance for the evaluation of the significance of the golf course design, and evaluation of the association of the Project Site with post-World War II recreational uses in the San Fernando Valley.

<sup>27</sup> Studio City Golf and Tennis Club Historic-Cultural Monument Application, Council File: 21-0470, Revised Findings, as modified by PLUM Committee, September 14, 2021, adopted by City Council, September 29, 2021.

Page IV.D-33 of the Draft EIR specifically concluded the following:

“The overall effect of the Project is consistent with the historic character of the Project Site, and therefore complies with the Standards for Rehabilitation. As further described in the Historical Report, provided in Appendix E-1, of this Draft EIR, use of the Project Site for athletic and recreational purposes is consistent with its historic use; the historic character of the Project Site overall would be retained; the identified character-defining features would be retained and rehabilitated; and the proposed new construction would not destroy historic materials, features, and spatial relationships that characterize the Project Site. Accordingly, the Project would not result in a substantial adverse change in the significance of a historical resource, the Project Site would retain all of the identified character features and will retain sufficient historic integrity to remain eligible as an HCM, and the Project would not have a significant impact on the environment as defined by CEQA.”

This conclusion was based on the substantial evidence presented in the Historic Resources Technical Report (Historical Report) included as Appendix E-1 to the Draft EIR, which discusses all features of the Project Site, including those that were not designated by the City as character-defining features. For example, the Historical Report discusses on pages 46 through 48 the progression of alterations on the Project Site from 1955 through 2018. These alternations include a 1957 redesign; the realignment and shortening of some holes in 1973 and 2018; the reduction in width of the driving range in 1976 and 1980 to accommodate additional tennis courts, and the removal of four tennis courts in 2006 to accommodate the construction of the adjacent fire station. Because of these changes, the golf course was not included in the City’s HCM designation of the Project Site. (See photographs on page 48 of the Historical Report showing the difference in the golf course from its 1956 design to its 2019 layout, including additions of the tennis courts which started in 1973.)

Therefore, the analysis in the Draft EIR and the formal designation of the former Studio City Golf and Tennis Club, as adopted by the City Council, correctly identify the historical significance and character-defining features of the Project Site. The character-defining features are:

- Private recreational facility open for public use
- Clubhouse
- Golf ball [-shaped] light standards
- Putting green
- Brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property<sup>28</sup>

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<sup>28</sup> Studio City Golf and Tennis Club Historic-Cultural Monument Application, Council File: 21-0470, Revised Findings, as modified by the PLUM Committee, September 14, 2021, adopted by City Council, September 29, 2021.

As noted in Section IV.D, *Cultural Resources*, of the Draft EIR and the Historical Report, several historic resource evaluations of the Project Site were prepared prior to the environmental review for the Project. These include the 2012 Historic Resources Report<sup>29</sup> prepared by Architectural Resources Group for an earlier project proposed by Planning Associates Inc., and a recommendation of potential historic significance by SurveyLA in 2013. In addition, there were further opinions presented as part of the public hearing process for the 2021 HCM nomination. While these previous evaluations and opinions identify potential historic significance for the Project Site and the associated features, none of the prior analyses or professional opinions represent an official determination or designation of the Project Site as a historical resource. The features and use of the Project Site as a golf course are not considered character-defining features of the Project Site as determined by the City and it is the City's identification of the character-defining features of the Project Site, as well as the HCM designation, that appropriately provide the basis for the analysis in the Draft EIR. Therefore, the City appropriately reviewed all of the evidence, and determined the historical significance and character-defining features of the Project Site as identified in Section IV.D, *Cultural Resources*, of the Draft EIR and the Historical Report included as Appendix E-1 to the Draft EIR.

Furthermore, the Supplemental Historic Memorandum, prepared by Historic Resources Group in November 2022 (included in Appendix F of this Final EIR), further supports the cultural and historic resources impact analysis and conclusions in the Draft EIR. Specifically, with regard to the golf course, the golf course does not represent an important example of golf course design; it does not rise to the level of significance of other important examples of the type in California; and it has been extensively altered which has compromised its integrity of design. Therefore, the character defining features have been appropriately identified to recognize the use of the property as a publicly-accessible recreational facility, with the associated features of the clubhouse, golf ball-shaped light standards, putting green, and brick wall with weeping mortar.

(c) *Evaluation of Impacts and Project Design Features*

As noted in the Draft EIR and on pages 66-74 of the Historical Report included as Appendix E-1 to the Draft EIR, the Project has been evaluated for potential impacts to the City-identified character-defining features of the Project Site. As stated on pages IV.D-32 and IV.D-33 in Section IV.D, *Cultural Resources*, of the Draft EIR, the Project would not result in significant adverse impacts to historical resources on the Project Site. The Project would retain those features as identified by the City as character-defining, including maintaining the historic use of the Project Site as a recreational facility that is open for public use; the clubhouse; golf ball-shaped light standards; putting green; and brick wall with weeping mortar. Further, the Project has been designed to comply with the *Secretary of the Interior's Standards for Rehabilitation* (Standards) as required for a designated HCM.

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<sup>29</sup> Architectural Resources Group, Weddington Golf & Tennis Club: Historic Resources Assessment Report, January 30, 2012.

According to guidance from the National Park Service, “a project meets the Standards when the overall effect of all work is consistent with the property’s historic character.”<sup>30</sup> Following implementation of the Project, the Studio City Golf and Tennis Club (now Weddington Golf & Tennis) would maintain its historic use and overall character as a recreational site. All of the character-defining features of the Project Site would be retained. The clubhouse would be rehabilitated and would retain its historic function as the primary entrance to the Project Site as the visitors’ center. New construction proposed for the Project Site would be low-scale and sited to be minimally visible from the surrounding neighborhood. The Project would maintain significant open space and mature landscaping and would not significantly increase the density on the Project Site in a manner that would impact its historic character. Overall, the Project is consistent with the Standards based on an evaluation of the overall effect of the proposed work in the context of the specific features that contribute to the Project Site’s significance as a 1950s recreational facility. Therefore, the Draft EIR correctly concludes that the Project would not result in a substantial adverse change to the significance of a historical resource on the Project Site.

Moreover, the Historical Report considered the golf course, and other non-designated features that the Project would replace, in analyzing whether the Project would potentially impact the character of the Project Site such that it would no longer be able to convey its significance. (See pages 67 through 74 of the Historical Report, which discusses compliance with Standards 1 through 10 and concludes, among other things, that removal of the golf course would not impact the historical association, character, materials, or spatial relationships that characterize the HCM). For example, in regard to Standard 1, the Historical Report concluded on page 68 that the Project would repurpose the existing private golf course for use as an athletic and recreational facility for Harvard-Westlake School and the public. Therefore, the Project proposes a compatible new use for the Project Site that is consistent with the historic character of the Studio City Golf and Tennis Club (now Weddington Golf & Tennis) as a post-World War II recreational facility. With the implementation of the Project, the Project Site would continue to be used for recreational purposes and would maintain its historic association as a recreational amenity for the community. Similarly, with regard to Standard 3, the Historical Report states on page 70 that the Project Site would remain a private recreational facility open for public use in Studio City and specifically discusses the features which would be demolished, concluding that the features that are proposed for removal, including the nine-hole golf course, would be replaced with compatible new recreational facilities. Therefore, the historic character of the Project Site would be retained and preserved following completion of the Project. The Historical Report reiterated on page 77 that the Project would retain all the character-defining features and replace the non-character-defining features with new recreational facilities that are consistent with the historic use. Therefore, the Historical Report concluded that the Project Site would retain all of the

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<sup>30</sup> U.S. Department of the Interior, National Park Service, “Technical Preservation Services: Cumulative Effect and Historic Character,” <https://www.nps.gov/tps/standards/applying-rehabilitation/cumulative-effect.htm> (accessed February 2022).

identified character-defining features in the HCM designation as adopted by City Council in 2021 and would retain sufficient historic integrity to convey its significance as a post-World War II recreational facility.

As demonstrated above, the Historical Report did not just dismiss the golf course in its current altered state as unimportant to the determination of the Project's impact on the HCM. The Historical Report evaluated all aspects of the Project for the potential to impact the Project Site such that it would no longer convey its significance as a post-World War II recreational facility. This included discussion of the treatment of those features identified as character-defining, other extant site features and their relationship with the historic features on the Project Site, and the compatibility of the proposed new construction with the historic recreational use of the Project Site. For example, the Historical Report discussed on pages 68 through 69 the open space and mature trees on the Project Site and concluded that the Project would maintain significant open space on the Project Site, including ample greenspace and mature landscaping and trees. The Project would remove 240 of the 421 inventoried trees and add 393 new California native trees, resulting in a net increase of 153 trees beyond existing conditions. The Project would also maintain the existing eucalyptus along Valley Spring Lane, the Aleppo and Canary Island pines along Bellaire Avenue, and the mature trees within the vicinity of the existing clubhouse. While no specific trees were identified by the City as character-defining, the Historical Report determined that maintaining a large number of mature trees is consistent with the historic character and use of the Project Site; maintaining mature trees along the periphery of the Project Site would help to maintain the existing relationship between the Project Site and the surrounding neighborhood; and the tree planting program and retained trees in proximity to the clubhouse would be compatible with and support the historic character of the clubhouse. Thus, the Historical Report considered potential impacts to the Project Site overall, and the ability of the features to collectively convey the significance of the designated HCM following implementation of the Project.

Accordingly, the Draft EIR appropriately analyzed the impacts of the Project on the HCM, including the impact of features that were not specifically delineated as character-defining features, and provided substantial evidence to support the analysis.

The conclusions in the Draft EIR are based on the Project as designed, and the conclusion of no significant adverse impacts to historical resources is not contingent on the implementation of the Project Design Features (PDF) to reduce or minimize potential impacts. Because the Draft EIR evaluates the overall plan for the Project Site, the PDFs related to the treatment of historical resources on the Project Site are included to reflect the Applicant's commitment to recognizing the history of the Project Site. Further, they reflect standard measures undertaken during design development and permitting to ensure the appropriate treatment of designated HCMs as details are further refined. Therefore, the PDFs, including the retention of a historic preservation professional as part of the design team, the approval of specific details related to the relocation of the golf ball-shaped light standards, and the rehabilitation of the clubhouse, are part of the normal approval and implementation process for projects involving designated HCMs in the City.

The Draft EIR correctly states that the Project, as designed, would not result in significant adverse impacts to historical resources on the Project Site. Therefore, no mitigation measures or further action on the Draft EIR would be required.

*(d) Project Design Modifications*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, storm water capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. However, none of the design modifications directly or indirectly affect any of the Project Site’s character-defining features and as such, the cultural resources/historic resources impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications.

**(3) Conclusion**

As discussed above, the historical resources impacts of the Project are appropriately addressed in the Draft EIR and Historical Report included as Appendix E-1 to the Draft EIR. Further, the Project with design modifications would not directly or indirectly affect any of the Project Site’s character-defining features and as such, the cultural resources/historic resources impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications. As such, the Project with the design modifications would not result in significant new or substantially increased environmental impacts as evaluated in the Draft EIR.

## **g) Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health**

### **(1) Introduction**

This topical response addresses comments received on the Draft EIR concerning potential Project impacts, specifically those related to the use of artificial turf and associated impacts on localized heat effects and health. The information presented below is based on content provided in Section IV.H, *Hazards and Hazardous Materials*, of the Draft EIR, and the Summary of Artificial Turf Studies on Human Health Technical Memorandum, prepared by Environmental Science Associates (ESA) dated October 6, 2021, included as Appendix H-2, PDF pages 1671 to 1691 of Appendix H, to the Draft EIR. Additionally, Appendix E.1, Supplemental Artificial Turf Field Materials Analysis by Exponent (Exponent 2022) dated December 21, 2022, Appendix E.2, Supplemental Analysis of Artificial Turf Fields by Gradient (Gradient) dated December 18, 2022, Appendix E.3, Field Turf Testing Report by David Teter Consulting dated November 22, 2022, and Appendix E.4, Supplemental Artificial Turf Field Materials Analysis by Exponent (Exponent 2023) dated February 16, 2023, have been added to the Final EIR as additional studies in support of the analysis contained in the Draft EIR and were also used to present the information below. These four appendices provide analysis results for the turf materials that are proposed for use in the Project and an analysis of artificial turf topics such as per- and polyfluoroalkyl substances (PFAS), standards related to PFAS, metals, and studies performed on the safety of artificial turf.

### **(2) Discussion**

#### *(a) Health Effects from the Use of Artificial Turf*

##### *(i) Components of Artificial Turf and Potential Health Hazards*

As discussed in Section II, *Project Description*, of the Draft EIR the Project would include two athletic fields that feature porous synthetic grass that would substantially reduce water consumption for irrigation compared to the current golf course while providing a year-round playing surface for both Harvard-Westlake and the community's year-round athletic and recreational uses. Additionally, it would avoid the use of pesticides associated with the current golf course, and avoid the emission of greenhouse gases associated with regular mowing, maintenance, and disposal of the existing natural turf grass. Furthermore, artificial turf is a consumer product that is approved for public use by all applicable regulatory bodies in the United States and in California. The Project's incorporation of artificial turf fields, as a sustainable alternative to natural turf fields, is consistent with the manner and circumstances for which turf fields are regularly put to use in the City.

Studies of health effects from artificial turf are discussed on pages IV.H-33 through IV.H-44 in Section IV.H, *Hazards and Hazardous Materials*, of the Draft EIR, with a more

detailed discussion in Appendix H-2, PDF pages 1676 through 1688 in Appendix H, to the Draft EIR. As discussed on pages IV.H-31 through IV.H-33 of the Draft EIR, the artificial turf to be installed for the Project would consist of four components: fiber, infill, backing, and underlayment. Artificial turf-related concerns include exposure to metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), PFAS, and methicillin-resistant *Staphylococcus aureus* (MRSA).

(ii) *Concepts of Human Health Risk Evaluation*

A human health risk assessment (HHRA) is the process used to estimate the nature and probability of adverse effects in humans who may be exposed to chemicals (in this case, the chemicals in or on the artificial turf) which could pose a health risk. As discussed on page IV.H-29 of the Draft EIR, an HHRA provides a risk characterization, which includes the assessment of non-carcinogenic (non-cancer) and carcinogenic (cancer) risks to potential on-site receptors on the artificial turf fields. Potential exposure pathways for chemicals that are present on or in the artificial turf materials include breathing (i.e., inhalation exposure), skin contact with the material (i.e., dermal exposure), and/or ingestion of the material (i.e., ingestion exposure). According to the California Department of Toxic Substances Control (DTSC) and United States Food and Drug Administration, a compound is considered carcinogenic if it is above a dose level in which there are no measurable carcinogenic risks. Cancer risk is deemed negligible (“*de minimis*”) when the excess lifetime cancer risk is at or below  $1 \times 10^{-6}$  (1 additional case of cancer per 1,000,000 exposed persons).<sup>31,32</sup> Risk reduction is generally recommended when estimates exceed the maximum acceptable risk of  $1 \times 10^{-4}$  (1 additional case per 10,000 exposed persons or 100 additional cases per 1,000,000 exposed persons). To address potential additive non-cancer effects, the Hazard Index (HI) is used. An HI of less than 1.0 means that the maximum impacted sensitive receptor would be exposed to concentrations at a level in which adverse non-cancer health effects would not be known or expected to occur. A HI of greater than 1.0 indicates that adverse effects are possible, but it is not a measure of the probability of adverse effects.

(iii) *Artificial Turf HHRA Studies*

A new HHRA was not prepared for the Project because numerous HHRAs have been conducted on the potential toxicological effects of exposure to artificial turf. Available scientific studies describing the effects of artificial turf on human health include independent studies conducted by, or reviewed and approved by, government agencies as well as studies that utilize government agency analysis methodologies.<sup>33</sup> These

<sup>31</sup> DTSC, 2023. DTSC Toxicity Criteria Rule for Human Health Risk Assessments, Responses to Frequently Asked Questions, What does the Toxicity Rule do?. Available: DTSC Toxicity Criteria Rule for Human Health Risk Assessments | Department of Toxic Substances Control (ca.gov). Accessed January 2023.

<sup>32</sup> California Code of Federal Regulations Title 21, Chapter I, Subchapter E, Part 500, Section 200.82

<sup>33</sup> These studies all provide a more rigorous analysis using standard methods and practices including being peer reviewed.

studies assess inhalation, ingestion, and dermal contact exposure pathways and provide a risk characterization. A summary of these studies is included in Section IV.H.3.d) for Threshold (a) in Subsection (1)(c)(iii), *Artificial Turf Studies*, of the Draft EIR and are discussed in more depth in Appendix H-2, PDF pages 1676 through 1689 in Appendix H, to the Draft EIR. The potential for the Project's artificial turf to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials was analyzed based on the findings of these independent studies and assessments.

#### (a) Inhalation Exposure Pathway HHRAs

The inhalation of vapors and particulates was discussed in several HHRAs, including for VOCs, SVOCs, and particulate matter (PM). These studies are summarized on pages IV.H-33 through IV.H-42 of the Draft EIR and PDF pages 1676 through 1687 of Appendix H to the Draft EIR, their results are presented in **Table 2-4**, *Summary of HHRA Findings from Studies of the Inhalation of Vapors and Particulate Matter Above Artificial Turf*, below.

Overall, the studies (as cited in Table 2-4) conclude that human health risks from playing on synthetic turf fields are minimal, even though low concentrations of some chemicals have been demonstrated to leach from the tire crumb or volatilize as vapor. The key findings of Table 2-4 indicate that cancer risks are below the *de minimis* level in all the studies, except for a few results which were only slightly above the *de minimis* level but were on the lower end of the acceptable risk range<sup>34</sup>. Chronic non-cancer risks were not elevated above an HI of 1, for acute or chronic risks in any of the studies<sup>35</sup>. As summarized in Table 2-4, outdoor synthetic turf fields would not result in vapors or particulate matter that would cause an exceedance of health-based risk threshold levels. Therefore, Project impacts related to health risks from vapor and particulate matter in the air space above an artificial turf field or in the spectator seating areas would be less than significant.

#### (b) Ingestion Exposure Pathway

Health effects related to the ingestion of crumb rubber material by users of artificial turf fields were discussed in several of the HHRAs. These studies are summarized on pages IV.H-33 through IV.H-41 and pages IV.H-42 through IV.H-43 of the Draft EIR and Appendix H-2, PDF pages 1676 through 1687 in Appendix H, to the Draft EIR, their results are presented in **Table 2-5**, *Summary of HHRA Findings from Studies of the Ingestion of Crumb Rubber Material in Artificial Turf*, below.

Overall, the studies (as cited in Table 2-5) conclude that human health risks from playing on synthetic turf fields are minimal, even though ingestion of artificial turf products can

<sup>34</sup> See Table 2-4: 2009 OEHHA Study, 2017 Gradient Study, 2009 New York State Study, 2010 Connecticut Study, and 2008 Bainbridge Island Evaluation.

<sup>35</sup> See Table 2-4: 2010 CalRecycle Study, 2017 Gradient Study, 2009 New York State Study, 2010 Connecticut Study, 2008 Bainbridge Island Evaluation.

occur. Cancer risks were below the *de minimis* level in all the studies, except one result that was only slightly above the *de minimis* level and was on the lower end of the acceptable risk range<sup>36</sup>. Chronic non-cancer risks were not elevated above a HI of 1, for acute or chronic risks in all studies<sup>37</sup>. Based on the results of the studies outlined in Table 2-5, Project health risk impacts related to ingestion of artificial turf products would be less than significant.

(c) Dermal Contact Exposure Pathway

Health effects related to dermal (i.e., skin) contact with crumb rubber material by users of artificial turf fields were analyzed in several of the HHRAs. These studies are summarized on pages IV.H-33 through IV.H-41 and page IV.H-44 of the Draft EIR and Appendix H-2, PDF pages 1676 through 1687 of Appendix H, to the Draft EIR. The results of these studies are presented in **Table 2-6, Summary of HHRA Findings from Studies of Dermal Contact with Crumb Rubber Material in Artificial Turf**, below.

Overall, the studies (as cited in Table 2-6) indicate that human health risks from playing on synthetic turf fields are minimal, even though dermal contact with artificial turf products can occur. Cancer risks were below the *de minimis* level in all the studies<sup>38</sup>. Chronic non-cancer risks were not elevated above an HI of 1, for acute or chronic risks in all studies<sup>39</sup>. The HHRAs found that dermal contact with surfaces comprised of recycled tires or crumb rubber would not cause skin sensitization in children, nor would contact with these surfaces be expected to elicit skin reactions in children already sensitized to latex. The studies concluded that none of the estimated cancer risks for dermal contact would cause an exceedance of health-based risk levels. Additionally, the 2017 Gradient study concluded that the multi-pathway risk assessment (child spectator/youth soccer player inhalation, ingestion, and dermal) for recycled rubber in synthetic turf fields indicated cancer risks and non-cancer hazards below *de minimis* limits. Therefore, Project health risk impacts related to dermal contact would be less than significant.

<sup>36</sup> See Table 2-5: 2007 Integrated Waste Management Board, 2017 Gradient Study, and 2008 Bainbridge Island Evaluation.

<sup>37</sup> See Table 2-5: 2017 Gradient Study and 2008 Bainbridge Island Evaluation.

<sup>38</sup> See Table 2-6: 2017 Gradient Study and 2008 Bainbridge Island Evaluation.

<sup>39</sup> See Table 2-6: 2007 Integrated Waste Management Board and 2017 Gradient Study.

**TABLE 2-4**  
**SUMMARY OF HHRA FINDINGS FROM STUDIES OF THE INHALATION OF VAPORS AND PARTICULATE MATTER ABOVE ARTIFICIAL TURF**

Study	Material Studied	Contaminants	Users	Supporting Data	Findings
2009 OEHHA Study	Indoor artificial turf (3 stadiums, 10-18°C, 45-53% humidity) and crumb rubber	69 VOCs 22 polycyclic aromatic hydrocarbons (PAHs) 3 phthalates PM10 PM2.5	Soccer players ages 5 to 55	Highest concentrations detected were used by OEHHA to calculate the increased lifetime cancer risk from the 8 PAHs Indoor fields were used, which have a higher concentration of VOCs than outdoor fields.	<b>Cancer Risk</b> Benzene, formaldehyde, naphthalene, nitromethane, and styrene are above the <i>de minimis</i> level of 1 in 1,000,000, but they are on the low end of the acceptable range of 1 in 1,000,000 to 100 in 1,000,000
2010 CalRecycle Study	4 artificial turf athletic fields containing recycled crumb rubber (aged 8 months, 1 year, 2 years, and 5 years). Natural turf field analyzed for comparison	VOCs and PM2.5	15 to 18 year old youth soccer players	8 air samples collected over each artificial turf fields and natural turf. Detected VOC concentrations over artificial turf did not increase as the surface temperature increased (as much as 55°F over the course of the day).	Acute exposures to persons using these fields were below the health-based screening levels for those chemicals. Chronic exposures were all below health-based screening levels. For both the acute and chronic exposure scenarios, adverse health effects are unlikely to occur in persons using these fields. Sampling data of three artificial turf fields found similar concentrations of PM2.5 upwind of the fields as directly on the fields. Therefore, there is no public health concern related to PM or heavy metals associated with PM at artificial fields.
2017 Gradient Study	Recycled crumb rubber and indoor and outdoor artificial turf fields	Number of Chemicals Evaluated: 139 from the recycled rubber composition studies; 213 from the outdoor air studies; 172 from the indoor air studies.	Youth Outdoor Soccer Player (YOSP) 6-18 years Youth Indoor Soccer Player (YISP) 6-18 years Youth Composite Soccer Player (YCSP) 6-18 years Adult Spectator (AS) Child Spectator (CS)	Conducted a comprehensive literature review to identify studies containing information about the concentrations of chemicals in recycled rubber or air sampling data to be used in a risk assessment. Number of Studies with Data: 37 recycled rubber composition studies; 7 outdoor air studies; 2 indoor air studies. Number of Samples: 130 from the recycled rubber composition studies; 76 from the outdoor air studies; 17 from the indoor air studies.	<b>Cancer Risk and Non-Cancer Hazard by Pathway for Recycled Rubber Fields</b> All receptor cancer risks were below <i>de minimis</i> risk and all non-cancer risk had a HI < 1. The HI 1 for the CS was related to potential ingestion of cobalt in recycled rubber, but since it is below the acceptable hazard limit, it is unlikely to result in non-cancer effects.  <b>Cancer Risk and non-cancer hazard by pathway for natural soil fields</b> Some of the cancer risks were above the <i>de minimis</i> risk but were within the USEPA's target risk range of $1 \times 10^{-6}$ to $1 \times 10^{-4}$ and all non-cancer risk had a HI < 1, which is below the <i>de minimis</i> risk level. The cancer risk results for the natural soil field analysis indicate that cancer risks were consistent with (but slightly higher than) those from exposure to recycled rubber fields. Similarly, the non-cancer hazard index was consistent with (but generally lower than) those from exposure to natural soil fields.
2009 New York State Study	Laboratory analysis of crumb rubber material and air sampling at two artificial turf fields.	VOCs and SVOCs from off-gassing of crumb rubber samples and 23 metals. VOCs, SVOCs, PM from air sampling at artificial turf fields VOCs, SVOCs, and metals for water sampling. SVOCs for downgradient groundwater samples.	Users of the artificial turf fields.	Study focused on surface water and groundwater, air sampling at the surface of the fields, and elevated surface temperatures as indicators of the potential for heat-related illness at synthetic turf fields.	Potential non-cancer risks from target chemicals had a HI < 1. Potential cancer risks exceeded the target of 1 in 1,000,000 for four chemicals: benzene and three forms of pentadiene. All other chemicals were well below the target. However, the estimated risks of the on-field samples were similar to those for the upwind, background samples and could not be attributed to turf emissions.

**TABLE 2-4  
SUMMARY OF HHRA FINDINGS FROM STUDIES OF THE INHALATION OF VAPORS AND PARTICULATE MATTER ABOVE ARTIFICIAL TURF**

Study	Material Studied	Contaminants	Users	Supporting Data	Findings
2010 Connecticut Study	Off-gassing and leaching of chemicals in crumb rubber. Stormwater sampling of artificial turf fields and upwind background sampling. Air sampling at 5 fields during active play.	200 chemicals analyzed including VOCs, SVOCs, rubber related chemicals and PM10. 4 VOCs identified as associated with turf emissions: methyl isobutyl ketone, acetone, toluene, and ethylbenzene. 2 SVOCs were identified as above background levels: benzothiazole and butylated hydroxytoluene	Youth ages 6 – 18 and adults for indoor and outdoor field types Exposures 3 hrs/day, 4 days/wk, for 8 months/year	The Connecticut Department of Public Health analyzed a total of 27 chemicals.	The study concluded that the cancer risks were only slightly above <i>de minimis</i> levels of 1 in 1,000,000 for all scenarios evaluated, including children playing at the indoor facility, the scenario with the highest exposure. The calculated risks were reported to be within typical risk levels from ambient pollution sources and below target risks associated with many air toxics regulatory programs. Chronic non-cancer risks had an HI < 1; for acute risk, the hazard index was close to 1 for children playing at the indoor field.
2008 Bainbridge Island Evaluation	Review of Scientific Literature on crumb rubber materials	Acetaldehyde, arsenic, benzene, benzo(a)pyrene, bis(2-ethylhexyl)phthalate, methyl isobutyl ketone, carcinogenic PAHs, total PCBs, toluene, xylene, zinc	Youth ages 8-10 Teenagers 11-18	The youth (8 -10) scenario assumes 3 hours/day for 261 days/year, for 3 years. The teenage scenario assumes 3 hours/day for 261 days/year, for 7 years.	For both age groups, the assessment addressed health risks via dermal contact with tire crumb leachate, inhalation of VOCs, and ingestion of whole tire particles. None of the estimated cancer risks exceeded <i>de minimis</i> excess cancer risk of 1 in 1,000,000, and the non-cancer HI for each chemical was a maximum of 0.05, far below an HI of 1.

**SOURCES:**

OEHHA, Chemicals and particulates in the air above the new generation of artificial turf playing fields, and artificial turf as a risk factor for infection by methicillin-resistant *Staphylococcus aureus* (MRSA), Literature review and data gap identification, July 2009.

CalRecycle/OEHHA, Safety Study of Artificial Turf Containing Crumb Rubber Infill Made from Recycled Tires: Measurements of Chemicals and Particulates in the Air, Bacteria in the Turf, and Skin Abrasions Caused by Contact with the Surface, October 2010.

Michael K. Peterson, Julie C. Lemay, Sara Pacheco Shubin, Robyn L. Prueitt, Comprehensive multipathway risk assessment of chemicals associated with recycled ("crumb") rubber in synthetic turf fields, Environmental Research, Volume 160, 2018, Pages 256-268, ISSN 0013-9351.

Lim, Ly, & Walker, Randi, An assessment of chemical leaching, releases to air and temperature at crumb-rubber infilled synthetic turf fields. New York State Department of Environmental Conservation (NYDEC), 2009.

University of Connecticut Health Center, Artificial Turf Field Investigation in Connecticut, Final Report, July 27, 2010; Connecticut Department of Public Health, Human Health Risk Assessment of Artificial Turf Fields Based Upon Results from Five Fields in Connecticut, July 28, 2010; Connecticut Agricultural Experimental Station, 2009 Study of Crumb Rubber Derived From Recycled Tires, Final Report, revised May 4, 2010; Connecticut Department of Environmental Protection, Artificial Turf Study, Leachate and Stormwater Characteristics Final Report, July 2010; Connecticut Academy of Science and Engineering, Committee Report: Peer Review of an Evaluation of the Health and Environmental Impacts Associated with Synthetic Turf Playing Fields, June 15, 2010.

Winward Environmental LLC, Initial Evaluation of Potential Human Health Risks Associated with Playing on Synthetic Turf Fields on Bainbridge Island, 2008.

**TABLE 2-5  
SUMMARY OF HHRA FINDINGS FROM STUDIES OF THE INGESTION OF CRUMB RUBBER MATERIAL IN ARTIFICIAL TURF**

Study	Material Studied	Contaminants	Users	Supporting Data	Findings
2007 Integrated Waste Management Board (CalRecycle) Study	Outdoor playground and track surfaces constructed from recycled waste tires	One time ingestion of 10 grams of tire shreds 212 chemicals released by tire shreds in gastric digestion experiment	3-year old child – ingestion of tire shreds 1-12 years for playground use	Evaluation of toxicity due to ingestion of tire shreds based on existing literature (46 studies) Released chemicals from the gastric digestion simulation were compared to their health-based screening values. Hand-to-surface-to-mouth activity was tested by wipe sampling of playground surfaces. Zinc and four PAHs were measured at levels that were three times background.	Only zinc exceeded its health-based screening value. It is unlikely that a onetime ingestion of tire shreds would produce adverse health effects. Seven of the chemicals leaching in very small amounts from tire shreds in published studies were carcinogens, yielding a $1.2 \times 10^{-7}$ cancer risk for the one-time ingestion. This risk is well below the <i>de minimis</i> level of $1 \times 10^{-6}$ . Gastric digestion simulation suggested a low risk of noncancer acute health effects. Five chemicals were carcinogens. If the released chemicals were ingested as a onetime event and averaged over a lifetime, the cancer risk would be $3.7 \times 10^{-8}$ (3.7 in one hundred million), well below the <i>de minimis</i> risk level. One carcinogen, PAH chrysene, was found in the wipe sampling. Chrysene gave an increased cancer risk of 2.9 in one million, slightly above the <i>de minimis</i> risk level, but within the acceptable cancer risk range of 1 in one million to 100 in one million.
2017 Gradient Study	Recycled crumb rubber and indoor and outdoor artificial turf fields	For adults and youth older than 6 years of age an ingestion rate of 50 mg/day of recycled rubber particles was used.  For children spectating a soccer game, an ingestion rate of 100 mg/day was used.  It was assumed adult spectators would not ingest recycled rubber particles.	Youth Outdoor Soccer Player (YOSP) 6-18 years Youth Indoor Soccer Player (YISP) 6-18 years Youth Composite Soccer Player (YCSP) 6-18 years Adult Spectator (AS) Child Spectator (CS)	The ingestion rates used represent one-half of the upper-bound value for daily soil and dust ingestion and would likely overestimate the consumption of recycled rubber, because recycled rubber particles are generally larger than soil particles and only a limited amount of time each day is spent playing on these surfaces. Using one-half metals and PAHs contributed the most to the incidental ingestion and dermal contact risks and hazards.	<b>Cancer Risk and Non-Cancer Hazard by Pathway for Recycled Rubber Fields</b> All receptor cancer risks were below <i>de minimis</i> risk and all non-cancer risk had a HI < 1. The HI of 1 for the CS was related to potential ingestion of cobalt in recycled rubber, but since it is below the acceptable hazard limit, it is unlikely to result in non-cancer effects.  <b>Cancer Risk and Non-Cancer Hazard by Pathway for Natural Soil Fields</b> Some of the cancer risks were above the <i>de minimis</i> risk but were within the USEPA's target risk range of $1 \times 10^{-6}$ to $1 \times 10^{-4}$ and all non-cancer risk had an HI < 1. The cancer risk results for the natural soil field analysis were consistent with (but higher than) those from exposure to recycled rubber fields. Similarly, the non-cancer hazard results were consistent with (but generally lower than) those from exposure to natural soil fields.
2008 Bainbridge Island Evaluation	Review of Scientific Literature on crumb rubber materials	Incidental ingestion rate: Child 0.2 g/day Teenager 0.1 g/day	Child Teenager	Assumes the consumption of 0.2 g/day of the rubber granules by children (USEPA default value for soil ingestion). Because the consumption of the rubber granules is unlikely for all groups except very young children, the value used for teenagers is 0.1 g/day. These values are conservative and assume the consumption of 73 g/year of rubber by children, and 36.5 g/year are by teenagers.	For both age groups, the assessment addressed health risks via dermal contact with tire crumb leachate, inhalation of VOCs, and ingestion of whole tire particles. Despite the use of a highly conservative exposure model (assuming that children and teenagers playing on a sport team will use the turf fields 5 times a week for either 3 or 7 years), cancer risks resulting from incidental ingestion of tire crumb were all several orders of magnitudes below the USEPA risk threshold level of 1 in 1,000,000 and non-cancer risks were all less than 1.0.

## SOURCES:

OEHHA, Chemicals and particulates in the air above the new generation of artificial turf playing fields, and artificial turf as a risk factor for infection by methicillin-resistant *Staphylococcus aureus* (MRSA), Literature review and data gap identification, July 2009.

Michael K. Peterson, Julie C. Lemay, Sara Pacheco Shubin, Robyn L. Prueitt, Comprehensive multipathway risk assessment of chemicals associated with recycled ("crumb") rubber in synthetic turf fields, Environmental Research, Volume 160, 2018, Pages 256-268, ISSN 0013-9351.

Winward Environmental LLC, Initial Evaluation of Potential Human Health Risks Associated with Playing on Synthetic Turf Fields on Bainbridge Island, 2008.

**TABLE 2-6  
SUMMARY OF HHRA FINDINGS FROM STUDIES OF DERMAL CONTACT WITH CRUMB RUBBER MATERIAL IN ARTIFICIAL TURF**

Study	Material Studied	Contaminants	Users	Supporting Data	Findings
2007 Integrated Waste Management Board (CalRecycle) Study	Laboratory study where guinea pigs were exposed to pieces of playground surfaces made from recycled tires.	Styrene-butadiene rubber (SBR) Ethylene propylene diene monomer (EPDM) rubber Crumb rubber	3-year-old child – ingestion of tire shreds 1-12 years for playground use	Skin sensitization testing consisted of three 6-hour induction exposures; each exposure separated by one week from the preceding exposure. All test samples were applied to the animals' skin. Then, after an additional two weeks, the animals were challenged with the test sample for 6 hours and examined after 24 and 48 hours for signs of erythema (skin reddening).	85 guinea pigs were used for the testing. No animal showed a positive skin reaction following any of the three doses. A follow up study was done since the animals did not show a reaction. No animals showed a positive reaction in the follow up study either. Thus, the SBR tiles, SBR crumb and EPDM tiles were considered not to be contact skin sensitizers.  These results suggest that recycled tires (SBR) used in playground surfaces do not cause skin sensitization in children.
2017 Gradient Study	Recycled crumb rubber and indoor and outdoor artificial turf fields	Contact with recycled crumb rubber material	Youth Outdoor Soccer Player (YOSP) 6-18 years Youth Indoor Soccer Player (YISP) 6-18 years Youth Composite Soccer Player (YCSP) 6-18 years Adult Spectator (AS) Child Spectator (CS)	Dermal absorption values were obtained from the United States Environmental Protection Agency's (USEPA's) dermal risk assessment guidance for soil. For PAHs, an absolute value of 0.002 was used for PAHs in the main analysis. The dermal absorption fractions used for other substances in the risk assessment are 0.03 for arsenic; 0.13 for naphthalene; 0.14 for PCBs; and 0.1 for SVOCs.  Skin adherence factor values are not available for recycled rubber, so the USEPA's recommended activity-specific soil-to-skin adherence factors for children and adolescents was used to calculate dermal absorption for receptors exposed to recycled rubber. To assess mutagenic compounds, the soil-to-skin adherence factor of 0.04 mg/cm <sup>2</sup> for all age groups was used.  Metals and PAHs contributed the most to the incidental ingestion and dermal contact risks and hazards.	<b>Cancer Risk and Non-Cancer Hazard by Pathway for Recycled Rubber Fields</b> All receptor cancer risks were below <i>de minimis</i> risk and all non-cancer risk had an HI < 1. The HI of 1 for the CS was related to potential ingestion of cobalt in recycled rubber, but since it is below the acceptable hazard limit, it is unlikely to result in non-cancer effects.  <b>Cancer Risk and Non-Cancer Hazard by Pathway for Natural Soil Fields</b> Some of the cancer risks were above the <i>de minimis</i> risk but were within the USEPA's target risk range of 1 x 10 <sup>-6</sup> to 1 x 10 <sup>-4</sup> and all non-cancer risk had an HI < 1.  The cancer risk results for the natural soil field analysis indicate that cancer risks were consistent with (but higher than) those from exposure to recycled rubber fields. Similarly, the non-cancer hazard results for the recycled rubber exposure scenarios were consistent with (but generally lower than) those from exposure to natural soil fields.
2008 Bainbridge Island Evaluation	Review of Scientific Literature on crumb rubber materials	Dermal adherence factor Child 1 mg/cm <sup>2</sup> Teenager 1 mg/cm <sup>2</sup>	Child Teenager	Highly conservative – assumes 100% adherence and absorption of chemicals through skin. This value is likely to be much lower.	For both age groups, the assessment addressed health risks via dermal contact with tire crumb leachate, inhalation of VOCs, and ingestion of whole tire particles.  Despite the use of a highly conservative exposure model, cancer risks resulting from dermal contact of tire crumb were all several orders of magnitudes below the EPA risk threshold level of 1 in 1,000,000 and non-cancer risks were all less than 1.0.

**SOURCES:**

OEHHA, Chemicals and particulates in the air above the new generation of artificial turf playing fields, and artificial turf as a risk factor for infection by methicillin-resistant *Staphylococcus aureus* (MRSA), Literature review and data gap identification, July 2009;  
Michael K. Peterson, Julie C. Lemay, Sara Pacheco Shubin, Robyn L. Prueitt, Comprehensive multipathway risk assessment of chemicals associated with recycled ("crumb") rubber in synthetic turf fields, Environmental Research, Volume 160, 2018, Pages 256-268, ISSN 0013-9351;  
Winward Environmental LLC, Initial Evaluation of Potential Human Health Risks Associated with Playing on Synthetic Turf Fields on Bainbridge Island, 2008.

(d) Exposure to Per- and Polyfluoroalkyl Substances (PFAS)

The synthetic turf carpet is made up of artificial grass blades formed through a molding and extrusion process, which utilizes low levels of a fluoropolymer processing aid that is considered a PFAS. These fluoropolymer materials are not used as the base material for the artificial grass blades, but instead, are used as an additive at parts per million (ppm) levels to prevent clogging of the extruding machines.

PFAS are a family of thousands of chemicals that vary widely in their chemical and physical properties, as well as their potential risks to human health and the environment.<sup>40</sup> PFAS impart oil, water, stain, and soil repellency, chemical and thermal stability, and friction reduction in a range of products, including consumer products such as carpets, clothing, furniture, outdoor equipment, cosmetic products, non-stick cookware, and food packaging. PFAS are regularly detected in drinking water, soil and groundwater, fire extinguishing foam, food (e.g., seafood), food packaging (e.g., paper food packaging like wrappers at fast food restaurants, microwave popcorn bags, pizza boxes), household products (e.g., clothes, carpeting, upholstery, non-stick cookware, paints, lubricants, boxed cake mixes), dust from household products, and personal care products (e.g., lotions, lipsticks, mascara, cleansers, nail polish, shaving cream, foundation, eyeliner, dental floss), and biosolids (soil amendments), as well as at manufacturing or chemical production facilities.<sup>41</sup> Small-molecule PFAS are of potential concern due to their widespread production and use, their ability to move and persist in the environment, and their ability to accumulate in the body over time.<sup>42</sup> The primary exposure route identified by the United States Environmental Protection Agency (USEPA) and State regulatory agencies is through consumption of PFAS in drinking water.

As stated earlier, PFAS refers to a group of thousands of manmade compounds containing carbon-fluorine bonds, some of which are associated with a risk of cancer or reproductive toxicity. The term PFAS is frequently used to describe a set of small perfluorinated alkyl surfactants, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), two PFAS that have been the most extensively produced and used in a wide range of products to reduce surface tension and stabilize mixtures of insoluble substances, such as in soaps and detergents, paints, shampoos and conditioners, and adhesives. However, current definitions of the term “PFAS” include a far larger set of substances and materials and can be so broad as to include

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<sup>40</sup> Interstate Technology Regulatory Council, 2020. History and Use of Per- and Polyfluoroalkyl Substances (PFAS) found in the Environment, August. Available: [https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history\\_and\\_use\\_508\\_2020Aug\\_Final.pdf](https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf). Accessed June 2022.

<sup>41</sup> USEPA, 2022. Our Current Understanding of the Human Health and Environmental Risks of PFAS, March 16. Available: <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>. Accessed June 2022.

<sup>42</sup> USEPA, 2022. Our Current Understanding of the Human Health and Environmental Risks of PFAS, March 16. Available: <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>. Accessed June 2022.

fluoropolymers such as polytetrafluoroethylene (PTFE) and fluorinated ethylene propylene (FEP), which have significantly different physical and chemical properties compared to PFOS and PFOA.<sup>43</sup> These PFAS substances are all very different from one another from the perspective of chemistry, structure, and corresponding properties, which is why they are used for different purposes and in different ways. As a result, any discussion related to the presence of PFAS in a specific context, whether for performance, sourcing, environmental persistence, or health risk, must consider the specific chemistries that are present, not just the presence of “PFAS” generally, or the total amount of PFAS present.<sup>44</sup>

Two common and important categories of PFAS are small-molecule<sup>45</sup> surfactants (like PFOA and PFOS) and fluoropolymers (polymers containing a carbon-only polymer backbone with fluorine atoms directly attached to it).<sup>46</sup> While both of these types of PFAS contain poly- or perfluorinated carbon chains, their specific molecular characteristics differ in important ways. One of the features of a small molecule surfactant is its functional group (often a carboxylate, sulfonate, or similar anionic group), which allows it to interact with water-based substances and materials at that location and confers surfactant activity.<sup>47</sup> Fluoropolymers, in contrast, have far larger poly- or perfluorinated chain segments and do not include reactive functional groups. As a result, fluoropolymers do not act as surfactants, are considered immobile in the environment, and are stable under many chemical and environmental conditions.<sup>48</sup>

Certain applications of fluoropolymers that involve direct contact with humans and/or food are regulated by the FDA. For example, fluoropolymers are used in the development and production of pharmaceuticals because of several beneficial properties, including

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<sup>43</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>44</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>45</sup> The term “small molecule” is used to differentiate molecules with low molecular weights (for example, below 500 daltons) from larger molecules like polymers and proteins that have different properties and characteristics as a result of their size. The term is often used to distinguish molecules of different sizes in biological contexts because molecular size is one characteristic that influences the ability of a molecule to enter a cell. See, e.g., Li, Q., & Kang, C. (2020). Mechanisms of action for small molecules revealed by structural biology in drug discovery. *International Journal of Molecular Sciences*, 21(15), 5262.

<sup>46</sup> Note that other polymers that include fluorine atoms (such as polyethers and polymers with fluorinated side chains) are typically referred to as “fluorinated polymers,” and are not included in the definition of the term “fluoropolymer.” Buck, R. C., Franklin, J., Berger, U., Conder, J. M., Cousins, I. T., De Voigt, P., ... and van Leeuwen, S. P. (2011). Perfluoroalkyl and polyfluoroalkyl substances in the environment: terminology, classification, and origins. *Int. Env. Assess. and Management* 7(4), 513-541.

<sup>47</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>48</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

their chemical inertness, resistance to high temperatures, and ability to be easily cleaned.<sup>49</sup> Fluoropolymers have been approved in various forms for use in food contact applications and cookware since the 1960s, and have been described by the FDA as containing “a negligible amount of PFAS capable of migrating to food.”<sup>50</sup> Another important application of fluoropolymers is in medical devices such as permanent medical implants. At present, there is a 50+ year history of material and product testing (e.g., laboratory, animal and human studies of biocompatibility) and real world data associated with permanent implants and other medical devices that support the use of fluoropolymers in direct, long term contact with the body.<sup>51</sup> This helps illustrate the importance of separately assessing the benefits and risks associated with different types of PFAS: while EPA limits certain small-molecule PFAS (small molecule surfactants and, specifically, PFOA and PFOS) concentrations in drinking water in order to protect human health, FDA-approved fluoropolymer sutures and implants (among other devices) are intended for use within the human body to enhance human health.

Fluoropolymers are also used as additives in other materials. One additive application that is relevant to artificial turf products is the use of certain fluoropolymers, including polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF), as processing aids in the formulation of artificial turf fibers.<sup>52</sup> These fluoropolymer processing aids are added to the polymer formulations at low levels, typically around 100-1000 parts per million (ppm), to facilitate processing and prevent certain types of processing issues (e.g., sharkskin or surface melt fracture) that may be encountered during the fiber-forming process.<sup>53</sup> The addition of processing aids influences the frictional properties of the manufactured fibers, which may reduce skin abrasion when a user’s skin slides along the surface of the turf.<sup>54</sup>

Like fluoropolymers more generally, the properties of these fluoropolymer processing aids are significantly different than those of small-molecule fluorosurfactants such as PFOA and PFOS. These processing aids are inert materials that are known to withstand the high melting temperatures and extrusion processes for plastic component formation

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<sup>49</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>50</sup> Certain PFAS have been approved for use in food contact and cookware applications, including fluoropolymer processing aids. U.S. FDA. Authorized Uses of PFAS in Food Contact Applications. Available: <https://www.fda.gov/food/process-contaminants-food/authorized-uses-pfas-food-contact-applications>, Accessed January 2023.

<sup>51</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>52</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>53</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>54</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

without deterioration.<sup>55</sup> Like fluoropolymers for other food contact applications, specific examples of fluoropolymer processing aids have been approved for use in food contact and packaging by the FDA for decades, in part because processing aids are used at such small amounts that only “a negligible amount of PFAS is capable of migrating” from materials made with them.<sup>56</sup>

Because the characteristics of fluoropolymers are measurably different from those of fluorosurfactants (and other small-molecule PFAS), fluoropolymers are often considered to be distinct types of PFAS.<sup>57</sup> Polymers are generally considered lower risk because of molecular size, and this is also true for fluoropolymers (often >100,000 daltons<sup>58</sup>).<sup>59</sup> Concern is also reduced for inert substances like fluoropolymers, compared to substances with functional groups that interact with water, such as small molecule fluorosurfactants. Many studies have assessed fluoropolymers for risk in the context of medical devices and food contact; the Organization for Economic Cooperation and Development (OECD) designates “polymers of low concern,” as “those deemed to have insignificant environmental and human health impacts.”<sup>60,61</sup> As with any assessment, molecules are not interchangeable, but generally, studies have found fluoropolymers to be of low concern for PFAS exposure unless they contain certain amounts of residual fluorosurfactant(s) from the manufacturing process.<sup>62</sup>

In some instances, the detection of fluorine is cited as the sole basis for concluding that artificial turf fibers and backing materials contain PFAS.<sup>63</sup> However, fluorine is an element that may be present in many chemical forms, and the literature provides examples of numerous fluorine-containing substances that have been well characterized and described to offer acceptable and beneficial attributes (for example, fluoride in

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<sup>55</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>56</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>57</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>58</sup> A Dalton is a unit used to express the molecular weight of proteins, equivalent to atomic mass unit.

<sup>59</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>60</sup> Korzeniowski, S.H., Buck, R.C., Newkold, R.M., Kassmi, A.E., Laganis, E., Matsuoka, Y., Dinelli, B., Beauchet, S., Adamsky, F., Weilandt, K., Soni, V.K., Kapoor, D., Gunasekar, P., Malvasi, M., Brinati, G. and Musio, S. (2023), A critical review of the application of polymer of low concern regulatory criteria to fluoropolymers II: Fluoroplastics and fluoroelastomers. *Integr Environ Assess Manag.* <https://doi.org/10.1002/ieam.4646>

<sup>61</sup> USEPA, 2021. National PFAS Testing Strategy: Identification of Candidate Per- and Poly-fluoroalkyl Substances (PFAS) for Testing. National PFAS Testing Strategy (epa.gov). Accessed January 2022.

<sup>62</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>63</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

toothpaste). Even if present as organic fluorine, not all fluorinated compounds will be considered PFAS according to different definitions. Additionally, within the group of compounds that may be considered PFAS, different compounds have different properties, which matters in the assessment of environmental risk of a product such as artificial turf.<sup>64</sup>

To investigate the potential linkage between the detected concentration of fluorine in artificial turf with the presence of specific PFAS, a recent study was conducted on plastic- and rubber-containing artificial turf fields in Stockholm, Sweden (Cambridge, 2022).<sup>65</sup> In this study, samples were subjected to total fluorine (TF), extractable organic fluorine (EOF) and targeted PFAS analysis. TF was observed in all 51 artificial turf samples (range: 16 – 313, 12 – 310, and 24 – 661 µg F/g in backing, filling, and blades, respectively),<sup>66</sup> while EOF and target PFAS occurred in less than 42 percent of all samples (less than 200 and less than 1 ng/g, respectively).<sup>67,68</sup> A subset of samples extracted with water confirmed the absence of fluorine. Moreover, application of the total oxidizable precursor assay revealed negligible perfluoroalkyl acid (PFAA) formation across all three sample types, indicating that the fluorinated substance(s) in artificial turf are not low molecular weight PFAA-precursors.<sup>69</sup> Collectively, these results point towards polymeric organofluorine (e.g., fluoroelastomer, polytetrafluoroethylene, polyvinylidene fluoride), consistent with patent literature.<sup>70</sup> The combination of poor extractability and recalcitrance towards advanced oxidation suggests that leaching and/or conversion to mobile perfluorinated alkyl acids is limited over the lifetime of an artificial turf and/or

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<sup>64</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>65</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>66</sup> 1 µg/g = 1 mg/kg = 1 pp.m.

<sup>67</sup> 1 ng/g = 0.001 mg/kg, 1 ng/g = 1 pp.m

<sup>68</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>69</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>70</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

following accidental ingestion of artificial turf components and that these compounds pose a negligible human health risk from dermal, inhalation, and ingestion exposure.<sup>71,72</sup>

Furthermore, it is useful to compare the levels of small molecule PFAS described in the above study to levels of specific PFAS that might be expected to be present in soil samples to evaluate the potential for increased health risk. A review article published in the *Remediation Journal* collected information on background and ambient levels of two predominant PFAS (i.e., PFOS and PFOA) in North America in both abiotic media (soil, sediment, surface water, and public drinking water supplies) and selected biotic media (human tissues, fish, and shellfish) that were not associated with a known point source of PFAS.<sup>73</sup> PFOS was detected in every soil sample taken in North America at concentrations between 0.018 – 2.55 µg/kg (PFOA was detected at 0.059 – 1.84 µg/kg), with much higher concentrations found in the eastern U.S. (greater than 0.184 µg/kg).<sup>74</sup> Widespread ambient soil and sediment concentrations were well below human health-protective thresholds for direct contact exposures.<sup>75</sup> Surface water, drinking water supply waters (representing a combination of groundwater and surface water), fish and shellfish tissue, and human serum levels ranged from less than to greater than available health-based threshold values.<sup>76</sup> In comparison, the Cambridge 2022 study found levels of targeted PFAS (which included PFOS and PFOA) at less than 1 ng/g, which is equivalent to 1 µg/kg, well within the range of PFOA and PFOS detected in these soil samples.<sup>77</sup>

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<sup>71</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>72</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>73</sup> Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

<sup>74</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>75</sup> Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

<sup>76</sup> Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

<sup>77</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

Since these levels were well below the safe soil USEPA Regional Screening Levels (RSL) by two to three orders of magnitude, human health risk is negligible.<sup>78</sup>

In addition, the USEPA has proposed designating certain specified PFAS, namely PFOA and PFOS, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund<sup>79</sup>. The proposed designation of PFOA and PFOS as hazardous substances under CERCLA must undergo a formal public rulemaking process, which has not occurred. Nonetheless, it is not expected that the Project's use of artificial turf would be subject to the USEPA proposed designation under CERCLA, if promulgated, since the artificial turf itself would not contain PFAS and would not constitute a release or threatened releases of PFAS into the environment under CERCLA. Additionally, the PFAS testing performed on the FieldTurf sample indicated that PFOA, PFOS and GenX<sup>80</sup> were not detected above the laboratory reporting limits for both pre-TOP assay and post-TOP assay testing results<sup>81</sup>. Thus, these three PFAS would not present a public health concern with respect to the Project's proposed use of artificial turf.

(e) Metals and PFAS Testing Results of FieldTurf Artificial Turf

The Project proposes the use of FieldTurf, consisting of the Core Vertex 2.5 fiber<sup>82</sup> and Cryogenic Crumb Rubber<sup>83</sup>, as the artificial turf. The proposed FieldTurf Core Vertex 2.5 fiber was tested, for the Project, for the presence of PFAS and the proposed Cryogenic Crumb Rubber was tested for the presence of metals (Eurofins, 2022<sup>84</sup>). FieldTurf components have been evaluated on a few prior occasions for the presence of PFAS

<sup>78</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>79</sup> USEPA, EPA Proposes Designating Certain PFAS Chemicals as Hazardous Substances Under Superfund to Protect People's Health, <https://www.epa.gov/newsreleases/epa-proposes-designating-certain-pfas-chemicals-hazardous-substances-under-superfund>. Accessed August 30, 2022.

<sup>80</sup> GenX is a trade name for a chemical that went into production around 2010 as an alternative to a perfluorooctanoic acid (also known as PFOA or C8) in the synthesis of polytetrafluoroethylene (PTFE) (i.e., Teflon).

<sup>81</sup> TOP assay means analysis for one or more specific components. David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>82</sup> Core Vertex 2.5 Fiber is FieldTurf's branded grass blade type.

<sup>83</sup> Cryogenic rubber consists of ground-up recycled tires that are cryogenically frozen, then shattered into small, smooth-edged particles. This smooth shape allows for consistent flow of water through the infill without raising and displacing any rubber while still suspending rubber and sand in a layered system. FieldTurf, Loughborough University Study Validates Superior Quality of Cryogenic Versus Ambient Rubber, June 13, 2016, <https://fieldturf.com/en/articles/detail/loughborough-university-study-validates-superior-quality-of-cryogenic-versus-ambient-rubber/>. Accessed April 7, 2023.

<sup>84</sup> Eurofins Sacramento. 2022. "Analytical Report re: PFAS Product Testing." Report to David Teter Consulting. 320-90614-1. 38p., September 28.

(TRC Companies, Inc., 2022<sup>85</sup>, Teter, 2019<sup>86</sup>).<sup>87</sup> Results from a recent analytical sampling (TRC Companies, Inc., 2022) conducted on behalf of the City of Portsmouth, New Hampshire, indicated no detectable concentrations of PFAS in a sample of FieldTurf grass carpet analyzed using a modified version of a USEPA standardized method for detecting 70 specific PFAS.<sup>88</sup> After oxidative treatment, under the Total Oxidizer Precursor (TOP) assay method<sup>89</sup>, one sample exhibited very low level, trace concentrations of a limited number of PFAS at orders of magnitude lower than health-protective soil screening levels, indicating no significant risk from exposure to these compounds.<sup>90,91</sup> The TOP assay method post-oxidation analyses did not result in a significant increase of PFAAs, indicating that the materials do not contain a significant mass of precursor PFAS and that the artificial turf does not represent a significant human health risk. Similarly, concentrations of PFAS were below detectable limits in analytical testing conducted on 1-square-foot samples from six types of FieldTurf grass carpet using the standard method (Teter, 2019).<sup>92,93</sup>

Additional testing of artificial turf material that has been described in the news media has utilized test methods that evaluate fluorine content of a sample without identifying individual PFAS, including the total fluorine and total organic fluorine (TOF) methods. One such article was published August 3, 2022 in the E&E News publication Greenwire. The Greenwire article implies that “high levels of organic fluorine” detected during TOF testing of Portsmouth’s artificial turf demonstrates an environmental and health risk.<sup>94</sup> However,

<sup>85</sup> TRC Companies, Inc. 2022. Technical Memorandum to P. Rice (Portsmouth, New Hampshire, Dept. of Public Works), et al. re: Evaluation of PFAS in Synthetic Turf. 143p., June 7. Memorandum (cityofportsmouth.com). Accessed February 2023.

<sup>86</sup> Teter, D. [David Teter Consulting]. 2019. Letter to D. Gill (FieldTurf) re: FieldTurf synthetic turf carpet PFAS testing results. 2p., November 25. fieldturf-pfas-dtc.pdf (wordpress.com). Accessed January 2023.

<sup>87</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>88</sup> The standard method for analyzing PFAS is the US EPA Method 537 Modified.

<sup>89</sup> The TOP assay method is an additional step added to Method 537 that allows for a broader range of complex PFAS that may not be measured by the standard method. The TOP assay simulates the breakdown of PFAS over time into more commonly measured PFAS, like PFOA and PFOS using a harsh oxidizer.

<sup>90</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>91</sup> TRC Companies, Inc. 2022. Technical Memorandum to P. Rice (Portsmouth, New Hampshire, Dept. of Public Works), et al. re: Evaluation of PFAS in Synthetic Turf. 143p., June 7. Memorandum (cityofportsmouth.com). Accessed February 2023.

<sup>92</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>93</sup> Teter, D. [David Teter Consulting]. 2019. Letter to D. Gill (FieldTurf) re: FieldTurf synthetic turf carpet PFAS testing results. 2p., November 25. fieldturf-pfas-dtc.pdf (wordpress.com). Accessed January 2023.

<sup>94</sup> Exponent, 2023. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.4 to the Final EIR.

because both the amount and nature of the substances present in the turf will influence the risks associated with the material, it is crucial to understand the identity of the PFAS that may be present in the materials when conducting a risk assessment.<sup>95</sup> For artificial turf materials, this is especially important because fluoropolymer processing aids used in artificial turf manufacturing are considered to be of low concern for PFAS exposure compared to other PFAS (such as perfluorooctanoic acid, “PFOA” or perfluorooctanesulfonate, “PFOS”) that could also contribute to the level of “organic fluorine” detected by the TOF method.<sup>96</sup> Further, with respect to potential degradation, the Greenwire article makes statements that are not supported by the peer-reviewed literature about two fluoropolymer materials that are used as additives in artificial turf manufacturing, polyvinylidene fluoride (PVDF) and poly(vinylidene fluoride-co-hexafluoropropylene) (PVDF-HFP). The Greenwire article does not cite a source for its assertion of fluoropolymer material degradation. The potential for how PVDF, PVDF-HFP, and other fluoropolymer materials are likely to break down under different conditions have been studied by multiple authors and data is available in the peer-reviewed scientific literature. The peer-reviewed literature demonstrates that PVDF materials are durable under typical environmental conditions.<sup>97</sup> Additionally, the Greenwire article confused two different guidance levels by comparing the concentration of PFOS found in the post-oxidation turf carpet sample (135 ppt) to EPA health advisories for PFOS in drinking water (20 ppq) instead of the PFOS soil screening level (130 ppb). In fact, the turf carpet’s post-oxidation PFOS level is three orders of magnitude lower than the soil screening level.<sup>98</sup>

In addition to the studies mentioned above related to the PFAS content of artificial turf materials, there have been dozens of regulatory and peer-reviewed studies that have evaluated exposure and risk related to artificial turf and recycled rubber infill in the past decade and all studies found that there is no evidence that the levels of chemicals in recycled rubber infill present a public health concern.<sup>99</sup> The most recent study, conducted by the Japanese National Institute of Health Sciences, conducted four studies of synthetic turf infill and concluded that risk related to the exposure to metals from synthetic turf rubber granule infill is low.<sup>100</sup>

As part of this Final EIR, and specifically for the Project, testing was performed on FieldTurf cryogenic crumb rubber for total California Assessment Manual (CAM 17)

<sup>95</sup> Exponent, 2023. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.4 to the Final EIR.

<sup>96</sup> Exponent, 2023. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.4 to the Final EIR.

<sup>97</sup> Exponent, 2023. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.4 to the Final EIR.

<sup>98</sup> Exponent, 2023. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.4 to the Final EIR.

<sup>99</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>100</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

metals and PFAS on the FieldTurf Core Vertex 2.5 Fiber product using the standard and TOP assay methods by Eurofins, a laboratory widely regarded as experienced in PFAS testing (Eurofins, 2022).<sup>101</sup> Since crumb rubber is made from recycled tires, certain metallic elements that are used in the manufacturing of tires are expected to be found in crumb rubber. Test results from a sample of the fresh crumb rubber proposed for use in the Project's artificial turf field, Cryogenic Rubber 14-30, demonstrate that levels of the tested metals are consistent with, or lower than, the levels of metals reported in published studies of other fresh crumb rubber (i.e., crumb rubber after grinding, and before use in an application like infill).<sup>102</sup> None of the metals detected in the crumb rubber sample exceeded USEPA Regional Screening Levels (RSLs) for unrestricted residential use.<sup>103</sup> The detected concentration of zinc in the crumb rubber was 14,000 ppm, which is an expected result as the concentration of zinc in crumb rubber typically ranges from 7,000 to 20,000 ppm, and does not affect any human health exposure aspects because the USEPA regional screening level for zinc in an unrestricted use scenario is 23,500 ppm (noncarcinogenic child) or 235,000 ppm (noncarcinogenic adult), assuming a hazard index of 1, which is more than 50 percent higher than the laboratory tests for the Project's turf formulation.<sup>104</sup>

As mentioned above, a fluoropolymer processing aid, which is considered a PFAS, is used in the extruding process of the artificial turf fibers. The FieldTurf Vertex CORE 2.5 fiber product, which is proposed for the Project, was analyzed for an extended list of 68 PFAS using USEPA Method 537 Modified, which is currently considered the most comprehensive testing approach for target compounds.<sup>105</sup> No listed molecular PFAS of concern were detected above the reporting limit in the pre-weathered sample.<sup>106</sup> The FieldTurf Core Vertex 2.5 fiber product was then subjected to the TOP assay method which uses both heat and an aggressive hydroxyl radical oxidation process to attempt to break down precursor compounds of PFAS into measurable perfluoroalkyl acids (PFAA). This method is more harsh than typical conditions that artificial turf would be subject to in

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<sup>101</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>102</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>103</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>104</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>105</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>106</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

the outdoor environment.<sup>107</sup> Perflurorobutanoic acid (PFBA) and Perfluoro-2-methoxypropionic acid (MTP) were detected in the post-TOP assay sample at concentrations just above their respective reporting limits<sup>108</sup>, 1.7 ppb and 5.9 ppb, respectively.<sup>109</sup> However, PFBA was also detected in the method blank and both PFBA and MTP were detected in the laboratory control spike and/or laboratory control spike duplicate indicating contamination of the instrument or other interference that would overstate the detected concentration of PFBA and MTB in the tested artificial turf.<sup>110,111</sup> These analytical issues are unlikely to affect the validity of the results, although they likely resulted in overestimated post-TOP assay concentrations of PFBA and MTP.<sup>112</sup> While there are no regulatory screening levels for these two specific forms of PFAS detected in the FieldTurf samples after oxidation, the levels that were detected are significantly lower than proposed regulatory limits for PFAS content in products, and lower than residential soil screening levels for any form of PFAS issued by USEPA.<sup>113,114</sup> Therefore, PFAS compounds used to produce or that may be found in artificial turf or recycled rubber infill do not present a public health concern because they were not detected or only very small detectable concentrations of PFAS were found in the artificial turf proposed for the Project, all of which were at least an order of magnitude lower than health protective screening levels.<sup>115</sup> These results are provided in Appendix E.3 to this Final EIR. Appendices E.1 and E.2, to this Final EIR, are from experienced scientific firms that analyzed the test results and offered their professional opinion on PFAS.

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<sup>107</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>108</sup> Reporting limits represent concentrations at which quantification of the substance can be performed at an acceptable level of accuracy and repeatability. Reporting limits vary based on the type of sample as well as the method and equipment used. The reporting limit used was 1 ppb for all PFAS.

<sup>109</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>110</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>111</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>112</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

<sup>113</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>114</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>115</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

## (f) Microplastics and Potential for PFAS Leaching

Regarding microplastics and the potential impacts of PFAS and microplastics entering surface water, although the Draft EIR does not call out a discussion of microplastics, the Draft EIR does discuss the health effects of crumb rubber, which are the microplastics in artificial turf that could migrate to surface waters. One comment received during the circulation of the Draft EIR refers to a 2016 report titled *Swedish sources and pathways for microplastics in the environment*. This report states that the “[m]ost important emissions for microplastics were found to be from road wear and abrasion of tyres.”<sup>116,117</sup> This report also mentions that rubber infill from artificial turf is the second largest source of microplastics, but it mentions many other sources of microplastics as well. Additionally, this report states “[h]owever, it is not necessarily the sources with the largest microplastic emissions that contribute the most to the microplastic loads in the sea.”<sup>118</sup> In fact, the report has no data for the quantity of microplastics that reach the sea from tire wear, artificial turfs, and many other sources.<sup>119</sup> The report further states “[m]icroplastics from both traffic and artificial turfs are likely to be transported to the sea mainly via stormwater, but since there is no available data on microplastics in stormwater it was not possible to determine to what extent these two sources contribute to the pool of marine microplastics.”<sup>120</sup> The same can be said for artificial turf, and the report authors indicate as a “knowledge gap” that “the study would be more complete with studies of actual spill of granulates.”<sup>121</sup> Since the report acknowledges incomplete data and lack of data concerning the amount of microplastics from artificial turf that are in the sea and its relative contribution compared to all sources of microplastics, the issue of artificial turf fields’ contribution to microplastics is unknown. Therefore, any analysis of the potential of microplastics which may migrate from the Project Site to the Los Angeles River would be speculative and, as such, not required by CEQA.

Regarding the comment that PFAS and other toxic chemicals will migrate with these microplastics and leach into surface waters or groundwater, while microplastics in the environment from artificial turf could potentially collect in stormwater drains and get mixed

<sup>116</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>117</sup> “Tyre” is the British English spelling of “tire”.

<sup>118</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>119</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>120</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>121</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March, page 33. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

with stormwater, no studies have yet to be conducted to quantify the movement of infill granules from artificial turf fields to the surrounding environment. Refer to Sections (2)(iii)(a), (2)(iii)(b), and (2)(iii)(c) of this Topical Response for an evaluation of studies and health risks that were conducted on crumb rubber infill that illustrate that health risks from microplastics would be less than significant. Refer to Section (2)(iii)(d) of this Topical Response for a discussion of why the fluoropolymers used in the extrusion process are considered immobile in the environment, stable under many chemical and environmental conditions,<sup>122</sup> and would not leach into surface water or groundwater.

A Tetra Tech Report (2021) conducted on behalf of the Martha's Vineyard Commission in Massachusetts performed a Synthetic Precipitation Leaching Procedure (SPLP) process<sup>123</sup> on the artificial turf samples which simulates leaching as it is a synthetic precipitation leaching procedure. The Tetra Tech Report stated<sup>124</sup> that the targeted PFAS compounds were not detected in the total PFAS analysis at concentrations above the reporting limits or the method detection limits (MDL).<sup>125</sup> Therefore, the targeted PFAS may be present in the synthetic turf components, but at concentrations below the MDLs achieved by the laboratory.<sup>126</sup> The SPLP assay resulted in detection of Perfluoroheptanoic acid (PFHpA), perfluorooctanoic acid (PFOA), perfluorobutanoic acid (PFBA) perfluoropentanoic acid (PFPeA), perfluorodecanesulfonic acid (PFDS), and perfluorohexanoic acid (PFHxA) in the samples of the synthetic turf components at concentrations lower than the MDLs achieved by the laboratory.<sup>127</sup> The detection of PFAS compounds in the samples of the synthetic turf components via SPLP PFAS

<sup>122</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March, page 33. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>123</sup> USEPA Method 1312, which reduces the particle size of the sample by crushing, cutting, or grinding until the material passes a 9.5 mm standard sieve. The material is then placed into an extraction vessel with an extraction fluid and gently rotated for 18 ± 2 hours at ambient temperature. The extraction fluid is a 60/40 weight percent mixture of sulfuric and nitric acids to reagent water to achieve a pH of about 4.2 standard units. Following extraction, the recovered fluid is filtered and then analyzed.

<sup>124</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>125</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>126</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>127</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

analysis, but not via total PFAS analysis, suggest that these products contain PFAS compounds that were not extractable via the analytical method utilized for total PFAS analysis (isotope dilution method) but were extractable by the more rigorous SPLP extraction process. The report concludes that the SPLP testing that was performed assessed the products in a manner that likely results in significantly more aggressive degradation (mechanical reduction of particle size and extraction via acidic solution) than the anticipated conditions during the life of the synthetic turf field.<sup>128</sup> Therefore, no significant risks can be identified based on available data.<sup>129</sup> Additionally, based on the current regulatory standards for PFAS in Massachusetts, there are no significant risks associated with the discharge of PFAS from the synthetic turf field into groundwater.<sup>130,131</sup>

Furthermore, refer to Section (2)(iii)(e) of this topical response for a discussion on the results of metals and PFAS testing performed for the Final EIR on FieldTurf artificial turf, the artificial turf proposed for the Project. TOP assay sampling results showed slightly elevated levels for two types of PFAS, but the types detected are not subject to concentration limits by any regulatory agency (unlike PFOS and PFOA), and the levels that were detected are significantly lower than proposed regulatory limits for those forms of PFAS that are restricted in use, as well as being lower than residential soil screening levels for any form of PFAS issued by the USEPA.<sup>132</sup> For the majority of metals detected, the concentrations were below, and in some cases far below, the environmental screening levels for residential soil issued by USEPA. Three metals (i.e., cobalt, arsenic, and chromium) were either above the soil screening levels or could not be directly compared against these levels.<sup>133</sup> However, these three metals were found to either be comparable in concentration to background levels typically found in California soil, and/or to leach from the crumb rubber at only low levels compared to concentrations considered

<sup>128</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>129</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>130</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>131</sup> There was no surface water in proximity to the field, so they used the SPLP test to see if PFAS would leach into groundwater.

<sup>132</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>133</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

acceptable in drinking water.<sup>134</sup> Moreover, see Final EIR Appendices E.1, E.2, and E.3 which provide the FieldTurf testing results and peer analysis.

In summary, the concern for potential PFAS and other toxic chemicals leaching from microplastics in artificial turf is unsupported. SPLP testing degrades the artificial turf in a manner that likely results in significantly more aggressive deterioration (mechanical reduction of particle size and extraction via acidic solution) than the anticipated conditions during the life of the synthetic turf field.<sup>135</sup> TOP testing mimics the type of oxidative degradation that could take place during a product's lifetime of use.<sup>136</sup> The SPLP results for artificial turf samples, in the Tetra Tech Report and the TOP assay results for the artificial turf proposed for the Project, concluded that PFAS and other compounds in artificial turf or recycled rubber infill do not present a public health concern.<sup>137,138</sup> Additionally, the fluoropolymers expected to be present in artificial turf do not act as surfactants (the short-chain type of PFAS that have potential human health considerations and are subject to regulation), are considered immobile in the environment, and are stable under many chemical and environmental conditions.<sup>139</sup> Metals testing in the artificial turf proposed for the Project resulted in concentrations that were generally below screening levels.<sup>140</sup> The three metals above screening levels were comparable in concentration to background levels and/or are known to leach from crumb rubber at only low levels compared to concentrations considered acceptable in drinking water.<sup>141</sup> Therefore, there are no significant risks associated with the discharge of PFAS or other toxic chemicals from microplastics in an amount that would be harmful to groundwater or any receiving waters, such as the Los Angeles River.

<sup>134</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>135</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>136</sup> Exponent, 2023. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.4 to the Final EIR.

<sup>137</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>138</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>139</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>140</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>141</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

(g) Exposure to *Staphylococcus aureus*

Regarding potential exposure to *Staphylococcus aureus* from contact with the artificial turf fields, the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry and the USEPA, in collaboration with the Consumer Product Safety Commission (CPSC), has conducted a multi-agency research effort to characterize the constituents in crumb rubber, including bacteria. The study, released in July 2019, collected tire crumb rubber infill material from 40 artificial turf fields, indoor and outdoor, located across the United States.<sup>142</sup> The analysis found higher concentrations of total bacteria in outdoor fields relative to indoor fields, but a gene commonly associated with the human skin microbiome (i.e., *Staphylococcus aureus*) was detected more often in indoor fields than outdoor fields.<sup>143</sup> With respect to artificial turf and natural turf, the USEPA cites to a study in which researchers found 2 of 30 samples (7 percent) collected from synthetic turf were positive for a species of *Staphylococcus* compared to 6 of 12 samples (50 percent) collected from natural turf and concluded that the current generation of synthetic turf containing crumb rubber infill harbors fewer bacteria than natural turf.<sup>144</sup>

Another study conducted by The Pennsylvania State University, titled *A Survey for the Presence of Staphylococcus aureus in the Infill Media of Synthetic Turf*, sampled the total microbial population of several infilled artificial turf systems and determine if *Staphylococcus aureus* was present.<sup>145</sup> Infill material and fiber samples were collected from twenty fields. In addition, other surfaces from public areas, from an athletic training facility, and from natural turfgrass rootzones were also sampled. Each sample was analyzed for total organism populations and for the presence *Staphylococcus aureus*. There were generally lower numbers of total microbes present in the infill or fibers of the synthetic turf systems tested compared to natural turfgrass rootzones and *Staphylococcus aureus* was not found on any of the playing surfaces.

A further study was conducted by The Pennsylvania State University, titled *Human health issues on synthetic turf in the USA*,<sup>146</sup> which surveyed 20 infilled artificial turf fields to determine microbial population and test for the presence of *Staphylococcus aureus* bacteria. Surfaces other than athletic playing surfaces were also tested for the presence

<sup>142</sup> USEPA, Synthetic Turf Field Recycled Tire Crumb Rubber Research Under the Federal Research Action Plan, Final Report Part 1–Tire Crumb Rubber Characterization Volume 1, EPA/600/R-19/051.1, July 2019.

<sup>143</sup> USEPA, Synthetic Turf Field Recycled Tire Crumb Rubber Research Under the Federal Research Action Plan, Final Report Part 1–Tire Crumb Rubber Characterization Volume 1, EPA/600/R-19/051.1, July 2019.

<sup>144</sup> USEPA, Synthetic Turf Field Recycled Tire Crumb Rubber Research Under the Federal Research Action Plan, Final Report Part 1–Tire Crumb Rubber Characterization Volume 1, EPA/600/R-19/051.1, July 2019.

<sup>145</sup> McNitt, A.S., Petrunak, D.M. and Serensits, T.J., A Survey for the Presence of *Staphylococcus aureus* in the Infill Media of Synthetic Turf. *Acta Hort.* 783, 567-572, 2008.

<sup>146</sup> Serensits, T.J., A.S. McNitt, and D.M. Petrunak, Human health issues on synthetic turf in the USA, Proceedings of the Institution of Mechanical Engineers, Part P: Journal of Sports Engineering and Technology published online 13 June 2011.

of microbes and *Staphylococcus aureus*. *Staphylococcus aureus* colonies were not found to be present on any field; however, *Staphylococcus aureus* colonies were found on other tested surfaces that athletes commonly come into contact with, such as sports and weight equipment. Based on the findings of the survey, the study determined that concerns related to infilled synthetic turf harboring and providing a breeding ground for *Staphylococcus aureus* is unwarranted.

Based on these studies, Project health risk impacts related to exposure to *Staphylococcus aureus* on artificial turf would be less than significant.

(b) *Heat Effects from the Use of Artificial Turf*

For informational purposes only and not related to a significance criteria Appendix H, *Hazardous Materials Documentation*, PDF pages 1688 and 1689, of the Draft EIR provides a discussion of studies on heat effects from artificial turf. Milone & MacBroom, Inc., conducted a temperature evaluation study designed to measure the temperature rise of artificial turf materials under a number of environmental conditions.<sup>147</sup> Two fields within Connecticut constructed by FieldTurf in 2007 were selected for this study, one of which (Field F) is located in the northern portion of the state, while the other (Field G) is located in the southern portion of the state. The results of the study indicate that solar heating of the materials used in the construction of artificial turf playing surfaces does occur and is most pronounced in the polyethylene and polypropylene fibers used to replicate natural grass.

Maximum temperatures of approximately 156 degrees Fahrenheit (F) on the surface of the artificial grass fibers were noted when the fields were exposed to direct sunlight for a prolonged period of time. The corresponding ambient temperature was 102 degrees F and the air temperature at 2 feet and 5 feet above the artificial turf surface was 103 and 101 degrees F, respectively. The crumb rubber temperature at 1-inch depth was 111.5 degrees F. As a comparison, the temperatures at the natural turf location at this same time was 99 degrees F on the surface of the natural grass, 101 and 102 degrees F at 2 feet and 5 feet above the surface, respectively, and 86 degrees F at 1-inch depth. Rapid cooling of the fibers was noted if the sunlight was interrupted or filtered by clouds. Significant cooling was also noted if water was applied to the synthetic fibers in quantities as low as one ounce per square foot.<sup>148</sup> The elevated temperatures noted for the fibers generally resulted in a localized air temperature increase of less than 5 degrees during periods of calm to low winds. For artificial turf, the air temperatures above the surface decrease rapidly with increasing height.

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<sup>147</sup> Milone & MacBroom, Inc., *Thermal Effects Associated with Crumb Rubber In-filled Synthetic Turf Athletic Fields*, December 2008.

<sup>148</sup> The proposed Project does not include the installation of irrigation systems for its artificial turf fields.

The New York State Department of Health report, *An Assessment of Chemical Leaching, Releases to Air and Temperature at Crumb-Rubber Infilled Synthetic Turf Fields*,<sup>149</sup> describes a temperature survey conducted to gain a better understanding of the surface temperature of artificial turf fields and the potential for field users to suffer from heat-related illness. For the two artificial turf fields in this study (Thomas Jefferson Field and John Mullaly Field), the center of the field as well as a shaded edge area were selected for measurements and both areas were comprised of green-colored synthetic grass. An additional center location was selected for one field consisting of white artificial turf. Field measurements were conducted in August (11 days) and September (6 days). The results of the temperature survey show higher surface temperatures for artificial turf fields as compared to the measurements obtained on nearby grass and sand surfaces. Surface temperatures for the Thomas Jefferson Field grass and sand showed that the average synthetic turf surface was 42 degrees F higher than the grass surface temperature and 40 degrees F higher than the sand surface temperature. Surface temperatures for the John Mullaly Field grass and sand showed that the average synthetic turf surface was 26 degrees F higher than the grass surface temperature and 35 degrees F higher than the sand surface temperature. The temperature survey found little difference for the indicators of heat stress between the synthetic turf, grass, and sand surfaces, on any given day. Although little difference between indicators of heat stress measurements was found, the synthetic turf surface temperatures were much higher and prolonged contact with the hotter surfaces may have the potential to create discomfort, cause thermal injury and contribute to heat-related illnesses. The report recommended that awareness of the potential for heat illness and how to recognize and prevent it should be raised among users and managers of athletic fields, athletic staff, coaches and parents.

Based on these studies there was little difference in the indicators of heat stress between the synthetic turf, grass, and sand surfaces, on any given day. However, since synthetic turf surface temperatures were much higher and prolonged contact with the hotter surfaces may have the potential to create discomfort, cause thermal injury and contribute to heat-related illnesses, anyone who uses the athletic fields should be made aware of the potential for heat illness and how to recognize and prevent heat illness. With proper notification and awareness, Project health risk impacts related to heat effects from artificial turf would be preventable.

(c) *Possible Disposal/Recycling Options for the Artificial Turf*

Although recycling options of artificial turf in the past have consisted primarily of repurposing field components, turf recycling plants do exist and more are being built in the U.S., Europe, and around the world. Two such artificial turf recycling companies are discussed below, both of which are anticipated to be available for Project use when the Project's artificial turf has reached its end-of-life (expected to be approximately eight years after installation). Since the only operating artificial turf recycling facility was in

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<sup>149</sup> Lim, Ly, & Walker, Randi, *An assessment of chemical leaching, releases to air and temperature at crumb-rubber infilled synthetic turf fields*. New York State Department of Environmental Conservation (NYDEC), 2009.

Denmark at the time the Draft EIR was circulated, disposal was the option chosen for analysis in the Draft EIR, and as stated on page IV.H-45, compliance with applicable regulatory requirements would ensure that Project impacts related to disposal of artificial turf would be less than significant. If instead of disposal, recycling plants are operational and are able to take the Project's artificial turf, the components would be separated and then used as feedstock for new materials. If the Project was able to recycle the artificial turf, instead of disposing of it, hazardous material and waste-related impacts would be similar to or less than those analyzed for disposal in the Draft EIR.

Re-Match turf recycling has had a working plant in Herning, Denmark, since June 2016, which can process up to 800 tonnes/week of artificial turf, equal to almost four full-sized soccer fields.<sup>150</sup> In March 2022, the second Re-Match turf recycling factory was completed in the Netherlands, which will be able to recycle the equivalent of more than 250 soccer fields per year.<sup>151</sup> The Re-Match process is patented technology that offers an environmentally sustainable recycling process that uses no chemicals or water and generates no pollution.<sup>152</sup> The artificial turf is separated into clean, raw materials using their separation technology. The raw materials, sand, backing, rubber, and plastic fibers are sold and used in new production cycles, and even for new synthetic turf fields. Re-Match plans to build 24 Re-Match facilities worldwide, with the next two locations to come on-line located in Erstein, France, and Pennsylvania, USA.<sup>153</sup> No date was given for when these new locations would be operational.

Additionally, in September of 2022, a Netherlands company, TenCate Grass, announced the launch of an initiative for a first of its kind program in the U.S. to recycle end-of-life artificial turf. TenCate aims to remove 50 artificial turf fields and send them to California where they will be shredded. The shredded material will then be shipped to Texas for pre-processing after which it will be broken down to feedstock that can be used to create new turf and other products.<sup>154</sup> TenCate's goal is to "keep turf out of landfills and put it back

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<sup>150</sup> Re-Match turf recycling, 2016. Re-Match is Up and Running!, April 16. Re-Match is Up and Running! - Re-Match. Accessed December 2022.

<sup>151</sup> Re-Match turf recycling, 2022. Dutch Re-Match factory building completed three months ahead of schedule, March 28. Dutch Re-Match factory building completed three months ahead of schedule - Re-Match. Accessed December 2022.

<sup>152</sup> Re-Match turf recycling, 2022. Re-Match turf recycling, 2022. Turf recycling - Re-Match. Accessed December 2022.

<sup>153</sup> Re-Match turf recycling, 2022. Re-Match turf recycling, 2022. Turf recycling - Re-Match. Accessed December 2022.

<sup>154</sup> Carolina Recycling Association, 2022. TenCate Grass launches synthetic turf recycling program, September 20. TenCate Grass launches synthetic turf recycling program – Carolina Recycling Association (cra-recycle.org). Accessed December 2022.

to use”.<sup>155</sup> Once the pilot program is complete, TenCate plans to expand the initiative across the U.S.<sup>156</sup>

(d) *Project Design Modifications*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, stormwater capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. However, none of the design modifications directly or indirectly involves the analyses related to artificial turf and its effects on health or localized heat effects and as such, the impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications.

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<sup>155</sup> Sportsfield Management, 2022. TenCate Grass Launches Synthetic Turf Recycling Program in the U.,S., September 29. TenCate Grass launches synthetic turf recycling program (sportsfieldmanagementonline.com), Accessed December 2022.

<sup>156</sup> Recycling Today, 2022. TenCate Grass launches synthetic turf recycling program, <https://www.recyclingtoday.com/news/tencate-grass-launches-synthetic-turf-recycling-program/>. Accessed April 4, 2023.

## **h) Topical Response No. 8 – Noise: Construction and Operation Impacts**

### **(1) Introduction**

This topical response addresses comments received on the Draft EIR concerning potential noise and vibration impacts of the Project. Issues raised focused on ambient noise levels, Project construction noise and vibration impacts on sensitive receptors, construction vibration impacts on buildings, operational noise impacts on sensitive receptors, and mitigation measures proposed to reduce construction noise and vibration impacts. The information presented below for the Project is based on the content provided in Section IV.K, *Noise*, of the Draft EIR, and the Noise Technical Report for the Harvard-Westlake River Park Project, prepared by Acoustical Engineering Services, Inc. (AES) dated March 2022, which is included as Appendix K to the Draft EIR. The mobile source noise analysis was based on traffic data provided in the Harvard-Westlake River Park Project Transportation Assessment (TA), prepared by Fehr & Peers dated April 2021, which is included in Appendix M of the Draft EIR. This topical response also addresses the noise impacts associated with the Project design modifications described in Topical Response No. 2, Modifications to the Project Design. The analysis of noise impacts with the Project design modifications incorporates the noise impact findings of the Supplemental Noise Analysis included in Appendix F of this Final EIR.

### **(2) Discussion**

#### ***(a) Noise-Sensitive Receptor Locations***

Some land uses are considered more sensitive to noise than others due to the types of activities typically involved at the receptor location and the effect that noise can have on those activities and the persons engaged in them. The 2006 L.A. CEQA Thresholds Guide states that residences, schools (pre-school, elementary, middle, and high schools), motels and hotels, libraries, religious institutions, hospitals, nursing homes, auditoriums, concert halls, amphitheatres, playgrounds, and parks are generally more sensitive to noise than commercial and industrial land uses. Eight off-site locations were selected as noise-sensitive receptors for the purpose of evaluating Project impacts, which include Receptors R1 to R6 located within 500 feet of the Project Site, as well as Receptor R7 that is located beyond 500 feet from the Project Site and Receptor R8 located adjacent to the proposed Coldwater Canyon Avenue Riverwalk Path Ramp, as listed below:

1. Single-family residential uses on west side of Bellaire Avenue.
2. Single-family residential uses at the corner of Bellaire Avenue and Valley Spring Lane.
3. Single-family residential uses at the corner of Teesdale Avenue and Valley Spring Lane.
4. Single-family residential uses at the corner of Babcock Avenue and Valley Spring Lane.

5. Multi-family residential uses on the east side of Whitsett Avenue.
6. Multi-family residential uses on the east side of Whitsett Avenue. Church use on the east side of Whitsett Avenue near the intersection with Valleyheart Drive and directly across the street from existing Los Angeles Fire Station No. 78.
7. Single-family residential uses on Sunswept Drive.
8. Multi-family residential uses north of the proposed Coldwater Canyon Avenue Riverwalk Path Ramp. This receptor location was only evaluated for potential impacts from construction related to the proposed off-site improvements at the Coldwater Canyon Avenue Riverwalk Path.

All other noise-sensitive land uses regulated by the City are located at greater distances from the Project Site and would experience lower noise levels from potential sources of noise emanating from the Project Site due to distance loss. There are no pre-school, elementary, middle, or high schools within 500 feet of the Project Site.

Comments were raised regarding construction noise impacts to locations greater than 500 feet from the Project Site. As stated on page IV.K-35 of the Draft EIR, the 2006 L.A. CEQA Thresholds Guide identifies a distance of 500 feet as the screening criterion with respect to construction activities. The 500-foot distance model under the Thresholds Guide is consistent with industry standards and science related to the attenuation of sound over distance.<sup>157</sup> Therefore, receptors located greater than 500 feet from the Project Site typically would not need to be specifically evaluated and ambient noise levels at distances greater than 500 feet are not required. A distance-based screening criterion is appropriate because noise attenuates (reduces) with increasing distance from the noise source. As discussed on page IV.K-6 of the Draft EIR, noise levels from a construction site are attenuated at a rate between 6 dBA for acoustically “hard” sites and 7.5 dBA for “soft” sites for each doubling of distance from the reference measurement, as their energy is continuously spread out over a spherical surface (e.g., for hard surfaces, 80 dBA at 50 feet attenuates to 74 dBA at 100 feet, 68 dBA at 200 feet, etc.). Hard sites are those with a reflective surface between the source and the receiver, such as asphalt or concrete surfaces or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the reduction in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface, such as soft dirt, grass, or scattered bushes and trees, which in addition to geometric spreading, provides an excess ground attenuation value of 1.5 dBA (per doubling distance). Additionally, intervening buildings and other structures that block the line-of-sight from the Project’s construction site to an off-site receptor location would also block noise levels by a minimum of 10 dBA. Thus, with distance attenuation of noise and the presence of intervening buildings and structures between the Project Site and off-site uses greater than 500 feet from the Project Site, construction noise impacts to locations

<sup>157</sup> California Department of *Transportation, Technical Noise Supplement to the Traffic Noise Analysis Protocol*, Section 2. 1, *Physics of Sound*, September 2013. According to this source, receptors that are located beyond 500 feet from a project area do not need to be considered for analysis unless there is a reasonable expectation that noise impacts would extend beyond that boundary.

greater than 500 feet from the Project Site would generally be less than those within 500 feet and were largely appropriately screened out for evaluation in accordance with the 2006 L.A. CEQA Thresholds Guide. The Draft EIR evaluates noise impacts at noise-sensitive receptor locations in all directions from the Project Site (i.e., to the north, east, west, and south). However, despite the noise-sensitive receptors to the south (location R7) being located more than 500 feet from the Project Site; they were nonetheless included in the analysis since they could have a line-of-sight to the Project Site and to provide a conservative, comprehensive analysis and evaluate noise impacts to the south of the Project Site.

(b) *Vibration-Sensitive Receptor Locations*

Typically, groundborne vibration generated by man-made activities (e.g., rail and roadway traffic, operation of mechanical equipment, and typical construction equipment) diminishes rapidly with distance from the vibration source. Project construction activities, such as construction equipment and jack hammering, would have the greatest effect on vibration sensitive land uses. With respect to potential structural damage, structures in close proximity to the Project Site are considered vibration sensitive receptors. Vibration sensitive receptors, with respect to structural damage, are located fronting the streets along Bellaire Avenue to the west, Valley Spring Lane to the north, and Whitsett Avenue to the east of the Project Site. The structures in the vicinity of the Project Site are Category I (Los Angeles Fire Department (LAFD) Fire Station 78), Category II (Multi-family residential buildings and church use on the east side of Whitsett Avenue, east of the Project Site), and Category III (Single-family residential buildings on the north side of Valley Spring Lane, north of the Project Site and single-family residential buildings west of Bellaire Avenue, west of the Project Site). Additionally, vibration was analyzed for construction of the Coldwater Canyon Avenue Riverwalk Path Ramp. The closest vibration sensitive receptor to the Coldwater Canyon Avenue Riverwalk Path Ramp is a Category III (multi-family residential use directly to the north along Coldwater Canyon Avenue) receptor. As discussed in Section IV.D, *Cultural Resources*, of the Draft EIR, the character defining features of the Project Site's historic resources as identified in the City of Los Angeles Historic-Cultural Monument (HCM) designation include the clubhouse, putting green, golf ball-shaped light standards, and brick wall with weeping mortar, which would be considered a Category IV structure (buildings extremely susceptible to vibration damage). See Table IV.K-1, *Construction Vibration Damage Criteria*, in Section IV.K, *Noise*, of the Draft EIR, for additional details on the building category uses to assess construction vibration damage.

With respect to human annoyance, off-site sensitive land uses include buildings in which vibration-sensitive equipment is used (e.g., hospitals, research, medical offices, and manufacturing); residential land uses and buildings where people normally sleep; schools; and churches. Industrial or commercial (including office) uses are not considered vibration-sensitive. All of the off-site sensitive receptors listed above in Subsection 2(a), *Noise-Sensitive Receptor Locations*, were analyzed for impacts related to vibration-related human annoyance.

(c) *Ambient Noise Levels*

Comments were raised on the Draft EIR questioning the adequacy of the ambient noise level measurements, whether they represent the ambient noise level for the area, and the dates and duration of the measurements. As discussed in Section IV.K, *Noise*, pages IV.K-20 through IV.K-25, the predominant existing noise source surrounding the Project Site is traffic noise from major roadways, such as Whitsett Avenue to the east and Ventura Boulevard to the south. Secondary noise sources include local roadway traffic, landscaping equipment, and other typical urban noise from residences. Other noise sources include general residential and commercial-related activities associated with trash collection activities, loading and unloading activities, and surface parking lots. The Project Site itself contains an existing surface parking lot that generates noise as vehicles enter and exit the parking lot, and as people open and close their vehicle doors and walk to and from their vehicles. Additionally, the onsite golf course, driving range, putting green, clubhouse, and 16 tennis courts generate noise from people utilizing these facilities.

As discussed above, eight off-site noise-sensitive receptor locations were identified to represent noise-sensitive uses within the Project area. The locations of the noise-sensitive receptors are listed in **Table 2-7, Summary of Ambient Noise Measurements at Noise Sensitive Receptors**, as Receptor Locations 1 through 8 with the approximate distances to the Project Site. Table 2-7 is the same table as Table IV.K-6, *Summary of Ambient Noise Measurements*, in the Draft EIR. Ambient noise levels were measured at all eight locations (R1 through R8). The measured environmental noise levels at R1 through R8 represent the current ambient noise levels in the vicinity of the Project Site and are used to establish the existing ambient noise level at the noise-sensitive receptors within the Project area.

As indicated in Table 2-7, the existing ambient noise levels at the receptor locations ranged from 50.5 dBA  $L_{eq}$  (at receptor location R1) to 69.5 dBA  $L_{eq}$  (at receptor location R5). Based on field observation and measured sound data, the current ambient noise environment in the vicinity of the Project Site is controlled primarily by vehicular traffic on local roadways, commercial uses, and other typical urban noise. The existing ambient noise environment at all measurement locations currently exceed the City's presumed daytime ambient noise standard of 50 dBA ( $L_{eq}$ ) for residential use as established in the Los Angeles Municipal Code (LAMC) Section 111.01(a) and 111.03 and other conditions in Section 111.02. As described on pages IV.K-14 and IV.K-15 of the Draft EIR, the LAMC identifies the location (at an adjacent property line and at a location appropriate for the particular noise source being measured) and length of the time period (at least 15 minutes  $L_{eq}$ ) for conducting ambient noise measurements as indicated below in the relevant sections from the LAMC.

**TABLE 2-7  
SUMMARY OF AMBIENT NOISE MEASUREMENTS**

Receptor Location	Approximate Distance to Project Site <sup>b</sup> (ft)	Measured Ambient Noise Levels (dBA) <sup>a</sup>	
		Daytime (10 a.m. to 12 p.m.) 15-min L <sub>eq</sub>	Evening (7 p.m. to 10 p.m.) 15-min L <sub>eq</sub>
R1: Single-family residential uses on west side of Bellaire Avenue, west of the Project Site.	60	50.5	52.6
R2: Single-family residential uses at the corner of Bellaire Avenue and Valley Spring Lane, north of the Project Site.	60	51.1	55.1
R3: Single-family residential uses at the corner of Teesdale Avenue and Valley Spring Lane, north of the Project Site.	60	53.0	54.7
R4: Single-family residential uses at the corner of Babcock Avenue and Valley Spring Lane, north of the Project Site.	60	63.5	58.5
R5: Multi-family residential uses on the east side of Whitsett Avenue, east of the Project Site.	90	69.5	64.6
R6: Multi-family residential uses and church use on the east side of Whitsett Avenue, east of the Project Site.	90	64.6	68.3
R7: Single-family residential uses on Sunswept Drive, south of the Project Site.	800	57.1	57.2
R8: Multi-family residential uses north of the proposed Coldwater Canyon Avenue Riverwalk Path Ramp <sup>c</sup>	1,100	53.8	N/A

<sup>a</sup> Detailed measured noise data, including hourly L<sub>eq</sub> levels, are included in Appendix K of the Draft EIR.

<sup>b</sup> Distances are estimated based on Google Earth map and are referenced to the nearest receptor property boundary, and not the building or dwelling itself.

<sup>c</sup> Receptor location R8 is evaluated for potential impacts from construction related to the proposed off-site improvements at the Coldwater Canyon Avenue Riverwalk Path.

SOURCE: AES, 2022; ESA 2022.

- LAMC Sections 111.01(a) and 111.03 define the ambient noise as the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. The actual ambient noise level is the measured noise level averaged over a period of at least 15 minutes L<sub>eq</sub> at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured.

- LAMC Section 111.02 provides procedures and criteria for the measurement of the sound level of “offending” noise sources. In accordance with the LAMC, a noise level increase of 5 dBA over the existing average ambient noise level at an adjacent property line is considered a noise violation. To account for people’s increased tolerance for short-duration noise events, the Noise Regulation provides a 5-dBA allowance for noise occurring more than five but less than fifteen minutes in any one-hour period and an additional 5-dBA allowance (total of 10 dBA) for noise occurring five minutes or less in any one-hour period.

Therefore, consistent with LAMC procedures, the measured existing ambient noise levels were used in the Draft EIR as the baseline conditions for the purposes of determining Project impacts.

As shown in the monitoring data files provided in Appendix K of the Draft EIR, the ambient noise measurements were taken for a period of at least 15 minutes at the eight selected off-site locations on February 11, 2020 (receptor locations R1, R3, R4, R6 and R7), November 11, 2020 (receptor locations R2 and R5)<sup>158</sup>, and March 1, 2022 (receptor location R8).<sup>159</sup> The measurements for receptor locations R2 and R5 (conducted on November 11, 2020) were added after the ambient measurements for the initial five receptor locations were completed on February 11, 2020, in response to public comment received during the October 19, 2020 scoping meeting for the Project. The measurement for receptor location R8 (conducted on March 1, 2022) was used to evaluate the proposed Americans with Disabilities Act (ADA)-compliant off-site improvements at the Coldwater Avenue Riverwalk Path Ramp, located west of the Project Site at the junction of the Los Angeles River and Coldwater Canyon Avenue. The measurements taken before the City of Los Angeles “Safer at Home” order issued on March 19, 2020 represent typical ambient conditions. The measurements taken after the “Safer at Home” order are conservative (i.e., lower than a typical condition), given the lower traffic volume associated with the COVID-19 pandemic and, therefore, provide for a more environmentally protective analysis as the ambient baseline noise associated with passing traffic would be slightly lower due to reduced traffic volumes. Two 15-minute measurements were conducted at the off-site receptor locations (R1, R2, R4, R5, R6 and R7), with one taking place during daytime and hours (between 10:00 A.M. and 12:00 P.M.) and another during the evening hours (between 7:00 P.M. and 10:00 P.M.). A 15-minute measurement was conducted

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<sup>158</sup> The measurements taken on February 11, 2020, and November 11, 2020, were conducted by AES, Inc. The existing ambient noise measurements for receptor locations R2 and R5 are conservative (i.e., lower than a typical condition), given the lower traffic volume associated with the COVID-19 pandemic and, therefore, lower ambient noise associated with passing traffic.

<sup>159</sup> The measurement taken on March 1, 2022 was conducted by ESA.

at the off-site receptor location R8 during daytime hours. In addition to the 15-minute noise measurements, a 24-hour measurement was taken at receptor location R3.<sup>160</sup>

The ambient noise measurement locations were selected because they are representative of the noise environment of the existing off-site noise-sensitive receptors. As previously mentioned, the predominant existing noise source surrounding the Project Site is traffic noise. All ambient noise measurement locations near the Project Site were placed along the nearby streets and the nearby noise-sensitive receptors; therefore, these locations were representative of the ambient noise levels surrounding the Project Site. Furthermore, as noted on page IV.K-35 of the Draft EIR, the 2006 L.A. CEQA Thresholds Guide identifies a distance of 500 feet as the screening criterion with respect to construction activities. Therefore, receptors located greater than 500 feet from the Project Site would not need to be specifically evaluated, and ambient noise levels at distances greater than 500 feet are not required. Thus, the locations and time period for the ambient noise level measurements comply with the LAMC specifications and provide adequate and representative ambient noise data measured in the Project area.

(d) *Construction Noise*

(i) *On-Site Construction Noise*

(a) *Construction Noise Modeling*

Comments were raised regarding the accuracy of the modeled construction noise levels in the Draft EIR. Section IV.K, *Noise*, of the Draft EIR presents a conservative analysis of construction noise by incorporating the following assumptions: (1) assuming all pieces of construction equipment anticipated to be used for the specific construction stages and construction activities would be in use simultaneously; (2) assuming that the noisiest equipment used during the various construction stages and construction activities would be located on the Project Site in the applicable construction work area for the construction activity at the closest distance to the sensitive receptor location (the model assumes a 25-foot spread between equipment pieces to provide realistic construction noise levels since multiple equipment pieces cannot occupy the same spaces); (3) estimating noise levels at the property line of each sensitive receptor location and without benefit of any intervening walls, landscaping, windows, or structures; and (4) assuming the more conservative attenuation rate of 6 dBA per doubling of distance for acoustically “hard”

<sup>160</sup> A 24-hour measurement was conducted at receptor location R3 to document the current ambient noise pattern (i.e., noise level fluctuations with respect to time of day/night) during the Project proposed operation hours in the vicinity of the Project Site. To provide an environmentally conservative analysis, the lowest measured hourly  $L_{eq}$  during the proposed operations hours was used as the existing ambient level. Receptor location R3 was selected as a standard representation since it is located adjacent to the Project Site, near the location of the Project’s proposed Field B, track and pool, and located midblock on Valley Spring Lane within a lower (more sensitive) noise environment.

sites (e.g., asphalt and concrete surfaces) instead of 7.5 dBA per doubling of distance for acoustically “soft” sites (e.g., soft dirt, grass or scattered bushes and trees).

Related to assumptions (1) and (2) in the prior paragraph, to present a conservative impact analysis, the estimated noise levels were calculated assuming all pieces of construction equipment are operating simultaneously and the loudest pieces are near the affected receptors. The noise model assumed the two noisiest pieces of construction equipment would operate in the construction area nearest to the affected receptors. Additional construction equipment, if applicable for each phase, was modeled in groups of two with incremental 25-foot spacing between each group, as construction equipment would typically be spread out across the Project Site (detailed calculations are provided in Appendix K of the Draft EIR). This is a conservative assumption because all equipment related to a construction phase is rarely used simultaneously. The spread between the equipment pieces (and proximity of the loudest pieces nearest to the sensitive receptor) reflects the loudest potential construction condition since construction equipment is typically mobile and physically spaced throughout a construction site for reasons of safety and physical constraints. Additionally, for the purposes of providing a conservative analysis, no noise reduction from trees was applied to the Project construction noise calculations.

Regarding the metric used to evaluate noise impacts, the 2006 L.A. CEQA Thresholds Guide Exhibit I.1-1 and I.1-2 (pages I.1-8 and I.1-9 of the Thresholds Guide) cites to construction noise levels from the United States Environmental Protection Agency (USEPA) research and documentation.<sup>161</sup> As noted on page 12 of the USEPA documentation, engine noise typically predominates, with exhaust noise usually being most significant. Other sources of noise from construction equipment include mechanical and hydraulic transmission and actuation systems, and cooling fans. According to the USEPA documentation, the typical operating cycles of construction equipment includes one or two minutes of full-power (and therefore full power noise levels) followed by three or four minutes at lower power. Given fluctuating engine power levels combined with the fact that construction equipment would be mobile throughout the Project Site, the time-averaged equivalent ( $L_{eq}$ ) noise level of construction equipment is the appropriate metric to use for construction noise analyses consistent with the analysis provided in the Draft EIR. The  $L_{max}$  or the maximum, instantaneous noise level experienced during a given moment in time is not appropriate since it assumes construction equipment is operating at full power for the entire construction period, which is not consistent with USEPA research which, as cited above, states that the majority of the noise cycle for construction equipment is at a lower engine power. Therefore, the noise analysis in the Draft EIR used the appropriate noise metric for evaluating impacts.

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<sup>161</sup> USEPA, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB206717, 1971.

## (b) Construction Noise Impacts

The Draft EIR disclosed a conservative analysis of potential construction noise levels in order to avoid underestimating Project construction noise impacts. As concluded on page IV.K-40 of the Draft EIR, the Project would result in the generation of a temporary increase in ambient noise levels in the vicinity of the Project in excess of standards established by the City, and on-site construction noise impacts would be potentially significant. Potentially significant construction noise impacts would be lessened with implementation of feasible mitigation measures (see Draft EIR pages IV.K-59 and IV.K-60). Implementation of Mitigation Measures NOI-MM-1 (temporary noise barriers), NOI-MM-2 (locating the use of certain construction equipment away from the nearest sensitive uses), and NOI-MM-3 (noise shielding and muffling devices for construction equipment), as described on page IV.K-58 of the Draft EIR, would reduce the Project's on-site construction noise impacts at the off-site noise sensitive receptors, to the extent technically feasible.<sup>162</sup> Specifically, the construction noise levels would be reduced by a minimum of 15 dBA at receptor locations R1 through R4, 12 dBA at receptor locations R5 and R6, and 8 dBA at receptor location R7, which would reduce the construction noise impacts at receptor locations R4 through R7 to less-than-significant levels. However, the construction noise levels at receptor locations R1 through R3 would still exceed the 5-dBA significance threshold during certain months of construction when there would be multiple simultaneous construction activities and some equipment used near the periphery of the Project Site. Consequently, with implementation of technically feasible mitigation measures, construction noise impacts at noise-sensitive receptor locations R1 through R3 would still exceed the significance threshold temporarily during certain months of construction, when there would be multiple simultaneous construction activities and some equipment used near the periphery of the Project Site (see shaded values in Table IV.K-21, page IV.K-60 of the Draft EIR which represents the sensitive receptor locations and the months when significant impacts would occur). Construction noise levels would be lower than shown in Table IV.K-21 when equipment would be in use in the interior portions of the Project Site, with equipment noise reduced (attenuating) at a rate of at least 6 dBA per doubling of distance between the equipment and the sensitive receptor. The mitigated noise levels in Table IV.K-21 conservatively assumes that the noisiest equipment used during the various construction stages and construction activities would be located on the Project Site in the applicable construction work area for the construction activity at the closest distance to the sensitive receptor location. There are no other feasible mitigation measures that could be implemented to reduce the temporary noise impacts from on-site construction. Therefore, construction noise impacts associated with on-site noise sources would remain temporarily significant and unavoidable.

<sup>162</sup> Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers, and/or other noise reduction devices or techniques during the operation of the equipment. LAMC Chapter XI, Art. 1, Section 112.05.

(ii) *Off-Site Improvements at Coldwater Canyon Avenue Construction Noise*

Off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp would result in a temporary increase in ambient noise levels in the vicinity of the improvement in excess of standards established by the City and off-site construction noise impacts would be potentially significant (Draft EIR page IV.K-42). Implementation of Mitigation Measure NOI-MM-3 would reduce the construction noise impacts from the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp at the off-site noise sensitive receptor (receptor location R8), to the extent technically feasible.<sup>163</sup> Construction noise levels at the sensitive receptor location north of the Coldwater Canyon Avenue Riverwalk Path Ramp (receptor location R8) would still exceed the 5-dBA significance threshold, as noise barriers would not be effective given that the construction work would take place at a lower elevation than the sensitive receptors. The sensitive receptors would still have a direct line-of-sight to the Coldwater Canyon Avenue Riverwalk Path Ramp construction site and any benefits of a noise barrier would not occur. It is not feasible to install a construction noise barrier of sufficient height that would block the line-of-sight for receptor location R8 due to technical limitations including barrier foundation needs and wind load capacities. The construction work area is within 100 feet from the nearest off-site sensitive land uses. Thus, Mitigation Measures NOI-MM-1 and NOI-MM-2 are not technically feasible for construction of the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp. Therefore, construction noise impacts associated with construction of the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp would remain temporarily significant and unavoidable.

(iii) *Off-Site Construction Traffic Noise*

The analysis on page IV.K-43 of the Draft EIR concluded that off-site construction traffic noise would not result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the Project in excess of standards established by the City. As shown in Table IV.K-10, *Estimate of Off-Site Construction Traffic Noise Impacts*, on page IV.K-44 of the Draft EIR, construction truck traffic noise would be consistent with existing ambient noise levels. As such, off-site construction traffic noise impacts would be less than significant.

Comments were raised regarding the lack of discussion of construction staging and construction traffic noise from vehicles along haul routes. As stated on page II-61 in Chapter II, *Project Description*, of the Draft EIR, all construction staging of materials and equipment and worker parking would be confined to the Project Site. Construction haul routes would be identified as required by Project Design Feature TRAF-PDF-1: Construction Management Plan (CMP) (see Draft EIR page IV.M-26). The haul route for the Project is described on page IV.K-42 of the Draft EIR. The CMP would contain

<sup>163</sup> Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers, and/or other noise reduction devices or techniques during the operation of the equipment. LAMC Chapter XI, Art. 1, Section 112.05.

information regarding any temporary short-term lane/street closures if required, a detour plan, haul routes, and a staging plan. This would ensure that construction activities of the concurrent and related projects<sup>164</sup> and associated hauling activities are managed in collaboration with one another and the Project. However, it is expected that inbound haul trucks would access the Project Site from the US-101, head southbound to Coldwater Canyon Avenue, eastbound on Moorpark Street, and southbound on Whitsett Avenue to access the Project Site. Outbound haul trucks would leave the Project Site and head southbound on Whitsett Avenue, westbound on Ventura boulevard, and northbound on Coldwater Canyon Avenue to reach the US-101. No additional staging or use of off-site areas is proposed. Construction traffic noise impacts were fully analyzed and disclosed in the Draft EIR, inclusive of the haul routes, and were summarized in Table IV.K-10 of the Draft EIR. The Project would not result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the Project in excess of standards established by the City, and off-site construction traffic noise impacts would be less than significant.

(e) *Construction Vibration*

(i) *Vibration Impact Criteria*

As discussed on pages IV.K-9 through IV.K-11 of the Draft EIR, the Federal Transit Administration's (FTA) published the Transit Noise and Vibration Impact Assessment Manual, which provides criteria for construction vibration damage and building and groundborne vibration impact criteria for general assessment. The FTA Manual also provides technical guidance for conducting noise and vibration environmental analyses, using a screening distance of 100 feet for highly vibration-sensitive buildings and 50 feet for lesser vibration-sensitive buildings including residential uses.<sup>165</sup> The screening levels recognize that vibrations caused by construction equipment diminish in strength with increasing distance from the construction equipment.<sup>166</sup> Buildings within the screening distance were included in the quantified analysis for vibration impacts.

Comments were raised regarding the criteria used to evaluate vibration impacts to buildings in the Project vicinity. As discussed in Section IV.K, *Noise*, of the Draft EIR, the vibration levels were calculated based on the FTA's *Transit Noise and Vibration Impact Assessment Manual*. As stated on page IV.K-28 of the Draft EIR, the City has not adopted criteria to assess vibration impacts during construction. Thus, for this Project, the City

<sup>164</sup> Related project includes the continued construction of The Shops at Sportsmen Landing for a conservative analysis even though that project has completed construction. For further information, see Topical Response No. 12 - Related Projects: Adequacy of the Cumulative Mobile Source Noise and Traffic Analyses.

<sup>165</sup> FTA, Transit Noise and Vibration Impact Assessment, Table 6-18, Screening Distances for Vibration Assessments, 2018, page 136.

<sup>166</sup> FTA, Transit Noise and Vibration Impact Assessment Manual, 2018, p. 182.

has determined to utilize the FTA's criteria for structural damage and human annoyance impact evaluations.

Regarding structural damage, the FTA has adopted vibration criteria that are commonly used to evaluate potential structural damage to buildings by building category from construction activities. Category I refers to reinforced-concrete, steel, or timber (no plaster) buildings. Category II refers to engineered concrete and masonry (no plaster) buildings. Category III refers to non-engineered timber and masonry buildings. Category IV refers to buildings extremely susceptible to vibration damage.

Regarding human annoyance, as stated on page IV.K-10 of the Draft EIR, FTA Category 1 are buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Furthermore, the FTA specifically states that the criteria for Category 1 are based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses with primarily daytime use, such as schools, churches, other institutions, and quiet offices, that do not have vibration-sensitive equipment but still have the potential for activity interference due to vibration.

(ii) *Vibration Impacts – On Site*

Comments were raised asserting that the modeled construction vibration levels in the Draft EIR were lowered to minimize impacts.

Section IV.K, *Noise*, of the Draft EIR presents a conservative impact analysis by assuming that vibration-generating equipment (i.e., a vibratory roller) may be in use at a very close distance to buildings. Since vibration-generating equipment may, at times, be used in close proximity to the buildings, the Draft EIR calculated maximum vibration levels and identified less than significant vibration impacts for off-site building damage based on these maximum vibration levels. As shown in Table IV.K-23 on page IV.K-64 of the Draft EIR, the estimated vibration levels at the buildings adjacent to the Project Site construction areas would be up to 0.16 inch/second PPV, which would not exceed the applicable significance thresholds for structural damage (i.e., 0.50 inch/second PPV, 0.30 inch/second PPV, or 0.20 inch/second PPV, depending on the FTA building category) at the buildings adjacent to the Project Site. The maximum vibration level at off-site buildings of up to 0.16 inch/second PPV is calculated based on vibration-generating equipment (i.e., a vibratory roller) in use at a very close distance of 30 feet to LAFD Fire Station 78 building to the south of the Project Site construction areas (based on a setback of 30 feet from its property lines relative to the Project Site construction areas). All other off-site buildings are located at greater distances from the Project Site construction areas and, therefore, would be subject to lower vibration levels than the less-than-significant

levels for building damage that would occur at the adjacent LAFD Fire Station 78. As such, vibration impacts related to structural damage would be less than significant.

The Draft EIR also considered potential vibration damage to on-site structures that would remain as part of the Project, including the existing clubhouse building, putting green and brick wall with weeping mortar located in the northeastern corner of the Project Site, which were conservatively analyzed as Category IV structures (buildings extremely susceptible to vibration damage) for potential structural damage impacts. Grading, utilities and trenching, and landscaping construction activities would occur in the vicinity of the clubhouse. Per Project Design Feature CUL-PDF-1, vibratory rollers would not be used within 40 feet of the clubhouse, putting green and low brick wall with weeping mortar. Also, large dozers (300 horsepower and greater) and caisson drills will not be used on the Project Site within 25 feet of the clubhouse, putting green and low brick wall with weeping mortar; loaded trucks will not be used on the Project Site within 20 feet of the clubhouse, putting green, and low brick wall with weeping mortar; and jackhammers will not be used on the Project Site within 12 feet of the clubhouse, putting green, and low brick wall with weeping mortar. Vibration levels at the above distances from the clubhouse, putting green, and brick wall with weeping mortar for the specified equipment would be up to approximately 0.11 inches per second PPV, which would not exceed the significance threshold of 0.12 inches per second PPV. Furthermore, as discussed in Chapter II, *Project Description*, the Project would rehabilitate the clubhouse as part of the Project to improve its usability and address deferred maintenance. The clubhouse would remain as part of the Project and function as a visitor center. Rehabilitation of the clubhouse that would occur as part of the Project would further improve the structural integrity of the building given its history of deferred maintenance. Therefore, the modeled construction vibration levels in the Draft EIR were not lowered to minimize impacts.

In addition, Table IV.K-24, *Construction Vibration Impacts – Human Annoyance*, on page IV.K-66 of the Draft EIR, presents the estimated vibration velocity levels due to construction equipment at the off-site vibration sensitive receptors relative to human annoyance vibration impact thresholds. As indicated in Table IV.K-24, the estimated vibration levels due to on-site construction equipment would be below the significance threshold for human annoyance at all off-site receptor locations.

### (iii) *Vibration Impacts – Off-Site Improvements*

With regard to off-site improvements associated with the Coldwater Canyon Avenue Riverwalk Path Ramp, the Project could potentially exceed applicable thresholds for human annoyance for sensitive receptors north of the Coldwater Canyon Avenue Riverwalk Path Ramp (receptor location R8). As indicated in Table IV.K-24, and discussed on pages IV.K-65 and IV.K-68 of the Draft EIR, vibration impacts regarding human annoyance at nearby sensitive receptors could exceed the significance thresholds (72 VdB at residential uses at receptor location R8). There are no feasible mitigation measures that could reduce human annoyance to a less than significant level, and the human annoyance construction-related vibration impact would be significant and unavoidable at receptor location R8.

(f) *Operational Noise*

(i) *On-Site Noise*

Comments were raised regarding concerns with the accuracy of noise level measurements associated with the Project's mechanical equipment, athletic activities, special events, and parking facilities. As explained in Section IV.K, *Noise*, of the Draft EIR and as clarified below, operational on-site noise impacts were evaluated based on conservative assumptions to provide maximum impacts and to avoid underestimating impacts, and were calculated appropriately.

(a) *Fixed Mechanical Equipment*

The Project would include new mechanical equipment (e.g., air ventilation equipment), which would be located at the roof level (e.g., gymnasium building and restrooms) and within the building structure (e.g., pool pump and underground parking). As shown in Table IV.K-11 on page IV.K-45 of the Draft EIR, estimated on-site mechanical equipment noise levels at the off-site receptor locations from the mechanical equipment would range from 43.2 dBA ( $L_{eq}$ ) at receptor location R2 to 55.1 dBA ( $L_{eq}$ ) at receptor location R5. Existing ambient noise levels range from 50.5 dBA ( $L_{eq}$ ) at receptor location R1 to 64.6 dBA ( $L_{eq}$ ) at receptor locations R5 and R6. Existing ambient plus Project noise levels would range from 51.3 dBA ( $L_{eq}$ ) at receptor location R1 to 65.1 dBA ( $L_{eq}$ ) at receptor location R5. All of the combined Existing Ambient plus Project noise level measurements are below the significance threshold of 5 dBA ( $L_{eq}$ ) above ambient noise levels at each receptor location. Therefore, impacts from mechanical equipment noise would be less than significant.

(b) *Athletic Activities*

The Project would include two outdoor athletic fields. Field A would be located along the eastern portion of the Project Site adjacent to Whitsett Avenue and set back from the eastern Project Site boundary by approximately 25 feet (eastern property line to the east side bleachers). Field B would be located in the northwestern corner of the Project in proximity to Valley Spring Lane and set back from the northern Project Site boundary by approximately 35 feet (northern property line to the north side bleachers). The swimming pool, located along the northern portion of the Project Site in proximity to Valley Spring Lane, would be set back from the northern Project Site boundary by approximately 95 feet and would be designed with a 30-foot overhead canopy above the swimming pool bleachers and pool buildings. As discussed in Chapter II, *Project Description* of the Draft EIR, page II-20, this overhead canopy, would be acoustically-treated with sound and echo-reduction materials designed to reduce the transfer and reverberation of noise from the pool to the surrounding area. The canopy would provide acoustic shielding for noise sensitive receptors located to the north, east, and west of the Project Site. In addition, eight tennis courts would be located at the northeastern portion of the Project Site. To get a conservative noise estimate, the Draft EIR assumed that both outdoor athletic fields, swimming pool, and tennis courts would be in use simultaneously. As discussed on page IV.K-46 and as shown in Table IV.K-12 of the Draft EIR, estimated noise levels from the

outdoor athletic activities would range from 52.0 dBA ( $L_{eq}$ ) at receptor location R2 to 64.7 dBA ( $L_{eq}$ ) at receptor location R5, which would be below the significance threshold of 5-dBA ( $L_{eq}$ ) increase above the ambient noise levels at each receptor location. In addition to the  $L_{eq}$  noise analysis (per the LAMC), noise impacts in terms of  $L_{10}$  impact noise metric were also evaluated representing the intermittent noise levels (e.g., cheering sound). The  $L_{10}$  metric is defined as the noise level exceeded 10 percent of a specified time period (e.g., 6 minutes in an hour). The community noise environment changes from moment to moment, requiring the noise exposure to be measured over periods of time to legitimately characterize a noise environment and to evaluate cumulative noise impacts. To account for people's increased tolerance for short-duration noise events, the Noise Regulations provide a 5-dBA allowance for a noise source that causes noise lasting more than 5 but less than 15 minutes in any one-hour period, and an additional 5-dBA allowance (for a total of 10 dBA) for a noise source that causes noise lasting 5 minutes or less in any one-hour period.

As discussed on page IV.K-46 and as shown in Table IV.K-13 of the Draft EIR, the estimated outdoor athletic activities noise levels (in terms of  $L_{10}$ ) at the off-site sensitive receptors would range from 58.1 dBA ( $L_{10}$ ) at receptor location R2 to 68.9 dBA ( $L_{10}$ ) at receptor location R5 which would be below the significance threshold of a 10-dBA increase above ambient noise levels at each receptor location (page IV.K-47 of the Draft EIR). Because the dBA in  $L_{10}$  would be below the significance threshold, impacts from athletic activities noise would be less than significant.

### (c) Special Events

The Project would include outdoor School-related and public special events, which would be held at Field A (or inside the gymnasium which, for the purposes of this Draft EIR, were not evaluated given that interior noise would not be heard at nearby sensitive receptor locations). School-related special events at Field A would include events, such as alumni reunions, parent receptions, school meetings, and parent association activities, which may reach up to 30 special events per year, 27 of which are conservatively assumed to have up to 500 people and three at 2,000 people. The outdoor public special events at Field A would be limited to a maximum of 500 persons, could not take place at the same time as School athletics uses, and would include activities such as "Movies in the Park."

Noise sources associated with special events typically include amplified sound systems and noise from people in attendance (voice and clapping). Per Project Design Feature NOI-PDF-2, the Project would include an amplified sound system for special events (e.g., movies or music) at the north end of Field A facing south to reduce off-site noise for residential uses that would not exceed 92 dBA ( $L_{eq-1hr}$ ) at a distance of 50 feet from the amplified speaker sound system. Noise levels of 75 dBA and 71 dBA ( $L_{eq}$ ) at a distance of 3.3 feet for males and females (speaking in loud voice), respectively, were assumed for the analysis. To represent a worst-case noise scenario, it was assumed that 100 percent of the people (half of which would be male and the other half female) would be talking and clapping at the same time. As discussed on page IV.K-49 and as shown in

Table IV.K-14 of the Draft EIR, the estimated noise levels from School-related special events would range from 49.6 dBA ( $L_{eq}$ ) at receptor location R2 to 67.3 dBA ( $L_{eq}$ ) at receptor location R6. The Project noise levels from School-related special events, in addition to ambient noise levels, would be below the significance threshold of 5 dBA ( $L_{eq}$ ). As discussed on page IV.K-49 and as shown in Table IV.K-15 of the Draft EIR, the estimated noise levels from public special events would range from 46.0 dBA ( $L_{eq}$ ) at receptor location R2 to 65.2 dBA ( $L_{eq}$ ) at receptor location R6. The Project's generated noise from public special events, in addition to the ambient noise levels, would be below the significance threshold of 5 dBA ( $L_{eq}$ ) at each receptor location. Therefore, impacts from special event noise would be less than significant.

(d) Parking Facilities

Parking for the Project would be provided in both a surface parking lot (29 parking spaces) and a below-grade parking structure (503 parking spaces). The above-ground surface parking would be located at the southeastern portion of the Project Site between the multi-purpose gymnasium and Field A, which would be mostly shielded to the off-site sensitive receptors. Sources of noise within the below-grade parking structure would primarily include vehicular movements and engine noise and vehicle door opening and closing. Noise generated within the underground parking structure would be effectively shielded from off-site sensitive receptor locations, as the structure would be fully enclosed on all sides. As discussed on page IV.K-50 and as shown in Table IV.K-16 of the Draft EIR, the estimated noise levels from the Project surface parking lot would be well below existing ambient noise levels and the significance threshold of 5 dBA ( $L_{eq}$ ) above ambient noise levels. Therefore, impacts from parking facilities would be less than significant.

(ii) Off-Site Traffic Noise

Comments were raised regarding the accuracy of the modeled operational traffic noise levels in the Draft EIR. As explained in the Draft EIR, the traffic noise impacts were evaluated by comparing the increase in noise levels under two scenarios to ensure that the analyses are accurate, comprehensive, and conservative (i.e., environmentally protective). The traffic noise analysis for the "existing without Project" condition compared to the "existing plus Project" condition does not take into account additional non-Project related traffic volumes from future year growth into the existing baseline values. This comparison is provided in Table IV.K-18 in the Draft EIR. The traffic noise analysis for the "future without Project" condition compared to the "future plus Project" condition takes into account additional non-Project related traffic volumes from future year growth into the future baseline values. This comparison is provided in Table IV.K-19 in the Draft EIR.

As discussed on page IV.K-52 of the Draft EIR for the "existing plus Project" condition, traffic from the Project during the 3-4 p.m. hour would result in a maximum noise increase of 0.1 dBA along Whitsett Avenue (between Valley Spring Lane and Ventura Boulevard), Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard), Moorpark Street (between Coldwater Canyon Avenue and Whitsett Avenue), and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue). During the 5-6

p.m. hour, the Project-related traffic noise would result in an increase of 0.1 dBA along Moorpark Street (between Coldwater Canyon Avenue and Whitsett Avenue) and an increase of 0.2 dBA increase along Whitsett Avenue (between Valley Spring Lane and Ventura Boulevard), Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard), and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue). Roadway segments along Valley Spring Lane between Bellaire Avenue and Whitsett Avenue and between Whitsett Avenue and Laurel Canyon Boulevard experience slight decreases in noise levels as a result of decreasing traffic volumes along the roadway segments under the “existing with Project” scenario based on the traffic modeling in the Project’s Transportation Assessment (Appendix M). Typically, a minimum 3-dBA change in the noise environment (increase and/or decrease) is considered as a threshold of human perception.

As discussed on page IV.K-54 of the Draft EIR, for the “future (2025) plus Project” condition, traffic noise from the Project during the 3-4 p.m. hour would result in an increase of 0.1 dBA along Whitsett Avenue (between Valley Spring Lane and Ventura Boulevard), Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard), Moorpark Street (between Coldwater Canyon Avenue and Whitsett Avenue), and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue). During the 5-6 p.m. hour, the Project-related traffic noise would result in an increase of 0.1 dBA along Whitsett Avenue (between Valley Spring Lane and Ventura Boulevard) and Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard) and an increase of 0.2 dBA along Ventura Boulevard, Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard), and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue). The Project-related traffic with the Special Events under the “left turn allowed at Valleyheart Drive”<sup>167</sup> would result in an increase of 0.1 dBA along Whitsett Avenue (between Moorpark Street and Valley Spring Lane) and Moorpark Street (between Coldwater Canyon Avenue and Whitsett Avenue), 0.5 dBA along Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard) and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue), and 0.6 dBA along Whitsett Avenue (between Valley Spring Lane and Ventura Boulevard). The Project-related traffic with the Special Events under the “left turn not allowed at Valleyheart Drive” would result in an increase of 0.6 dBA along Whitsett Avenue (between Valley Spring Lane and Ventura Boulevard), Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard) and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue). The estimated noise increases, under all options, would be below the 5-dBA significance threshold. Project traffic noise impacts are fully evaluated in the Draft EIR under two scenarios (“existing plus Project”, and “future plus Project”), and, as such, the traffic noise impacts are not minimized or downplayed. Therefore, the Project would not result in the generation of a substantial permanent

<sup>167</sup> As the southern driveway into the Project’s below-grade parking structure would be for ingress only, the “left turn allowed at Valleyheart Drive” scenario models the potential turning movement of cars exiting the 29-space surface parking lot and the roundabout located immediately southeast of the gymnasium.

increase in ambient noise levels in the vicinity of the Project in excess of standards established by the City, and Project-related traffic noise increases would be less than significant. Furthermore, the analyses provide an accurate, comprehensive, and conservative (i.e., environmentally protective) disclosure of traffic noise impacts.

*(iii) Off-Site Improvements at Coldwater Canyon Avenue Riverwalk Path Ramp*

Noise from pedestrian use of the Coldwater Canyon Avenue Riverwalk Path Ramp was analyzed for 10 individuals (representing a group of people walking/jogging on the ramp) who would be using the Coldwater Canyon Avenue Riverwalk Path Ramp simultaneously at a given time. As discussed on page IV.K-51 and as shown in Table IV.K-17 of the Draft EIR, the estimated noise level from operation of the Coldwater Canyon Avenue Riverwalk Path Ramp is compared to the ambient noise level and significance threshold. Estimated noise levels from the Coldwater Canyon Avenue Riverwalk Path Ramp would be below the existing ambient noise levels and the significance threshold of 5 dBA ( $L_{eq}$ ) above ambient levels. Therefore, noise impacts from operation of the Coldwater Canyon Avenue Riverwalk Path Ramp would be less than significant.

*(iv) Composite Noise Level Impacts from Project Operations*

An evaluation of composite noise levels, including all Project-related noise sources plus existing ambient noise levels, was conducted to identify the potential maximum Project-related noise level increase that may occur at the noise-sensitive receptor locations. The overall sound environment at the sensitive receptors surrounding the Project Site would include contributions from each on-site and off-site (traffic) individual noise source associated with maximum daily operation of the Project (all athletic fields, tennis courts, and swimming pool with maximum noise at each location). Principal on-site noise sources associated with the Project would include mechanical equipment, athletic activities, parking facility, and noise from occasional special events, including from the amplified sound system. Combined noise levels from each operational noise source were estimated by logarithmically adding together the noise levels from all the operational noise sources at the maximum impacted noise-sensitive receptor locations, assuming simultaneous contribution of noise from each source. As discussed on page IV.K-56 and as shown Table IV.K-20 of the Draft EIR, the Project would result in a maximum increase of 0.7 dBA CNEL at receptor location R2 to 3.0 dBA CNEL at receptor location R7. The increases in noise levels due to Project operations at off-site receptor locations R1 through R4 and R7 would be below the 5-dBA CNEL significance threshold, and the estimated noise levels would fall within the conditionally acceptable (60 to 70 CNEL) land use category for residential. The estimated noise level increase at off-site receptor locations R5 and R6 would be below the 3-dBA CNEL significance threshold, and the estimated noise levels would fall within the normally unacceptable (70 to 75 CNEL) land use category for residential and the normally unacceptable (70 to 80 CNEL) land use

category for churches.<sup>168</sup> Therefore, the Project's operational composite noise impacts would be less than significant.

*(g) Operational Vibration*

As discussed on page IV.K-67 of the Draft EIR, Project operation would include typical commercial-grade stationary mechanical and electrical equipment, such as air handling units, condenser units, and exhaust fans, which would produce vibration at low levels that would not cause building damage or human annoyance vibration impacts to on- or off-site buildings or occupants. According to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), pumps or compressors generate groundborne vibration levels of 0.5 in/sec PPV at 1 foot.<sup>169</sup> Project mechanical equipment, including air handling units, condenser units, and exhaust fans, would be located within enclosed mechanical rooms on basement levels and building rooftops. Therefore, groundborne vibration from the operation of such mechanical equipment would not impact any of the off-site sensitive receptors. Due to the rapid attenuation characteristics of groundborne vibration and distance from the Project Site to receptors, there is no potential for operational impacts with respect to groundborne vibration. Therefore, vibration impacts from Project operations would be less than significant.

*(h) Cumulative Noise and Vibration*

*(i) Construction and Operational Traffic Noise*

Please refer to Topical Response No. 12 – Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses, for a discussion of construction and operational cumulative traffic/mobile source noise impacts. As discussed therein, given that it is possible that the Project and related projects could contribute to cumulative off-site construction traffic noise levels and could exceed a significance threshold with sufficiently high cumulative traffic levels, cumulative off-site construction traffic noise impacts would be temporarily significant and unavoidable. During operation, the estimated cumulative noise increases would be below the 5-dBA significance threshold. Therefore, the Project's contribution to off-site traffic noise during operation would not be cumulatively considerable, and off-site cumulative traffic noise impacts associated with Project operation would be less than significant.

<sup>168</sup> A different threshold for off-site receptor locations R5 and R6 is used since noise levels from existing traffic conditions correspond with the City's land use categorization of "normally unacceptable". Therefore, the Project would have an impact if it resulted in a 3 dBA CNEL increase, rather than the 5 dBA CNEL increase associated with the "normally acceptable" or "conditionally acceptable" categorizations per the City of Los Angeles Noise Element.

<sup>169</sup> America Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., Heating, Ventilating, and Air-Conditioning Applications, 1999.

(ii) *On-Site Construction Noise*

Cumulative construction noise impacts were discussed and analyzed on pages IV.K-69 and IV.K-72 of the Draft EIR. Related Project Nos. 1 through 5 are located within 1,000 feet of the Project Site, as listed below:

- Related Project No. 1 – 12833 Ventura Boulevard (Sportsmen’s Lodge – Addition of health club and restaurants to existing hotel)
- Related Project No. 2 – 12548 Ventura Boulevard (Retail/apartments/other)
- Related Project No. 3 – 12582 Ventura Boulevard (Other)
- Related Project No. 4 – 12544 Ventura Boulevard (Other)
- Related Project No. 5 – 12833 Ventura Boulevard (Sportsmen’s Lodge – Apartments, Restaurant)

Related Project Nos. 1 and 5 are located approximately 630 feet west of the Project Site and approximately 120 feet south of the nearest residential use to the proposed Coldwater Canyon Avenue Riverwalk Path Ramp location. While construction related to Related Project No. 1 was at or near completion at the time the Draft EIR was in preparation, the Draft EIR analysis conservatively evaluated this related project by assuming that construction of this related project could occur at the same time as the Project. Residences located at the corner of Valleyheart Drive and Bellaire Avenue (represented by receptor location R1) are located between the Project Site and the Related Project Nos. 1 and 5 and could therefore be exposed to construction noise from both the Project and the Related Project Nos. 1 and 5 (again, conservatively assuming that Related Project No. 1 was not already completed). The estimated Project construction noise level at receptor R1 would exceed the 5-dBA significance threshold and the construction related noise from Related Project Nos. 1 and 5 would contribute to the cumulative noise impacts.

Related Project Nos. 2, 3 and 4 are approximately 530 feet south of the Project Site. Exact construction schedules for these related projects are not known. Nonetheless, the Draft EIR conservatively assumed that construction of these related projects could occur at the same time as the Project. There are residences along Sunswept Drive (represented by receptor location R7), which could be exposed to the construction noise from both the Project and these related projects. These related projects are located approximately 150 to 400 feet from receptor location R7. The estimated Project construction noise level at receptor location R7 would result in a noise level of up to 61.3 dBA  $L_{eq}$  with implementation of mitigation measures, which would not exceed the significance threshold of 62.1 dBA  $L_{eq}$  (5-dBA over the ambient). However, since receptor location R7 along Sunswept Drive has a direct line-of-sight to Related Project Nos. 2, 3, and 4, construction-related noise from Related Project Nos. 2, 3, and 4 could contribute to significant cumulative noise impacts. For instance, if any one of Related Project Nos. 2, 3, or 4 contribute a noise level identical to the Project, the combined noise level would

be approximately 64.3 dBA  $L_{eq}$  given that two equal noise levels result in a 3-dBA increase when added together (i.e., 61.3 dBA + 61.3 dBA = 64.3 dBA).

Based on the above, there would be potential cumulative noise impacts at the nearby sensitive uses (receptor locations R1 and R7) in the event of concurrent construction activities with Related Project Nos. 1 through 5. Construction-related noise levels from the related projects would be intermittent and temporary, and it is anticipated that, as with the Project, the related projects would comply with the construction hours and other relevant provisions set forth in the LAMC. In addition, noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through proposed mitigation measures for each individual related project and compliance with locally adopted and enforced noise ordinances. The Project would implement Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3 to reduce construction noise impacts. However, the Draft EIR conservatively concluded that the Project's contribution to cumulative construction noise associated with on-site construction equipment would be cumulatively considerable and would represent a significant and unavoidable cumulative impact at receptor locations R1 and R7.

(iii) *Off-Site Improvements at Coldwater Canyon Avenue Riverwalk Path Ramp: Construction Equipment Noise*

Related Project Nos. 1 and 5 are located approximately 120 feet south of the nearest residential use to the proposed Coldwater Canyon Avenue Riverwalk Path Ramp location. While construction related to Related Project No. 1 was at or near completion at the time the Draft EIR was in preparation, the Draft EIR analysis conservatively evaluated this related project assuming that construction of this related project could occur at the same time as construction of the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp. The residential uses in the vicinity of the Coldwater Canyon Avenue Riverwalk Path Ramp location could be exposed to construction noise from both the Coldwater Canyon Avenue Riverwalk Path Ramp and the Related Projects 1 and 5. The estimated Project construction noise level at receptor location R8 would exceed the 5-dBA significance threshold and the construction related noise from Related Project Nos. 1 and 5 would contribute to the cumulative noise impacts. There are no feasible mitigation measures to reduce the impact. As such, the Project would have a significant and unavoidable cumulative impact at receptor location R8.

(iv) *Construction Groundborne Vibration*

(a) *On-Site Construction Vibration - Cumulative*

Due to rapid attenuation characteristics of groundborne vibration, only related projects located adjacent to the same sensitive receptors would result in cumulatively considerable vibration impacts. None of the related projects are located adjacent to the sensitive receptors identified for the Project. Related Project Nos. 1 and 5 are approximately 630 feet west of the Project Site, and Related Project Nos. 2, 3, and 4 are approximately 530 feet south of the Project Site. There are residences along Sunswept

Drive (represented by receptor location R7), which could be exposed to the construction vibration from both the Project and these related projects. These related projects are located approximately 150 to 400 feet from the receptor location R7. At the distances described above, operation of vibratory construction equipment would not exceed structural damage or human annoyance thresholds. Other related projects are further away from the Project Site and sensitive receptors and would experience lower levels of vibration. Therefore, construction of the Project, when considered together with Related Project Nos. 1, 2, 3, 4, and 5 would not result in a cumulatively considerable contribution and would have a less-than-significant cumulative impact with regard to groundborne vibration (structural damage and human annoyance) at receptor locations R1 through R7.

(b) Off-Site Improvements at Coldwater Canyon Avenue Riverwalk Path Ramp: Construction Equipment Vibration

Related Project Nos. 1 and 5 are approximately 120 feet south of the nearest residential use to the proposed Coldwater Canyon Avenue Riverwalk Path Ramp location. At the distances described above, operation of vibratory construction equipment would not exceed structural damage thresholds. However, groundborne vibration exceeding the human annoyance threshold at receptor location R8 would occur as a result of construction of the proposed Coldwater Canyon Avenue Riverwalk Path Ramp, and Related Projects could contribute to the human annoyance vibration impact. Therefore, construction of the Project, when considered together with Related Project Nos. 1, 2, 3, 4, and 5 would not result in a cumulatively considerable contribution and would have a less-than-significant cumulative impact with regard to structural damage caused by groundborne vibration at receptor location R8. However, the Project would result in a cumulatively considerable contribution and would have a significant and unavoidable cumulative impact with regard to human annoyance from groundborne vibration at receptor location R8.

(v) *Operations Noise (On-Site and Off-Site Improvements at Coldwater Canyon Avenue Riverwalk Path Ramp)*

Cumulative operational noise impacts are discussed on pages IV.K-72 and IV.K-73 of the Draft EIR. As discussed therein, similar to the Project, each of the related projects that have been identified in the vicinity of the Project Site would also generate stationary-source and mobile-source noise due to ongoing day-to-day operations. Due to provisions set forth in the LAMC that limit stationary source noise from items such as rooftop mechanical equipment and amplified sound, noise levels would be less than significant at the property line for each related project. As analyzed above, noise impacts associated with the Project on-site operations would be less than significant. Therefore, based on the distance of the related projects from the Project Site and the operational noise levels associated with the Project, the Project's contribution to operational noise would not be cumulatively considerable, and cumulative noise impacts associated with operation of the Project (both on-site and the off-site improvements at Coldwater Canyon Avenue Riverwalk Path Ramp) and related projects would be less than significant.

(vi) *Operation Groundborne Vibration*

Cumulative operational groundborne vibration impacts are discussed on page IV.K-76 of the Draft EIR. As discussed therein, Related Project Nos. 1 and 5 are approximately 630 feet west of the Project Site and approximately 120 feet south of the nearest residential use to the proposed Coldwater Canyon Avenue Riverwalk Path Ramp location. Related Project Nos. 2, 3, and 4 are approximately 530 feet south of the Project Site and approximately 150 to 400 feet from the residences along Sunswept Drive (represented by receptor location R7). These residences could be exposed to the operational vibration from both the Project and these related projects. At the distances described above, operation of vibratory operational equipment would not exceed structural damage or human annoyance thresholds. Other related projects are further away from the Project Site and sensitive receptors and would experience lower levels of vibration. Due to the rapid attenuation characteristics of groundborne vibration and distance from each of the related projects to the Project Site, there is no potential for cumulative operational impacts with respect to groundborne vibration. Therefore, operation of the Project (both on-site and the off-site improvements at Coldwater Canyon Avenue Riverwalk Path Ramp), when considered together with Related Project Nos. 1, 2, 3, 4, and 5 would not result in a cumulatively considerable contribution and would have a less-than-significant cumulative impact with regard to groundborne vibration or human annoyance.

(i) *Project Design Modifications: Construction Noise and Vibration*

The Project's design modifications are discussed under Topical Response No. 2 – Modifications to the Project Design. As discussed therein, the Project design modifications reduce the Project's soil excavation from 250,000 cubic yards to 197,000 cubic yards of soil to be exported off-site. This reduction in grading would reduce the number of haul truck trips from 35,714 trips to 28,142, a reduction of 7,572 truck trips. This would reduce the excavation phase (with dirt hauling) from seven months to 5.5 months, although the overall construction schedule would still remain at approximately 30 months given overlapping construction phases. The daily maximum construction activity (and construction traffic) during excavation would not change. As such, while there would be a temporary corresponding reduction in construction noise and vibration from the reduced construction activity for approximately 1.5 months compared to the Project without the design modifications, the evaluations of impact significance (Project-level and cumulative) for the estimated construction noise and vibration levels as analyzed in the Draft EIR would not materially change, and the same significant and unavoidable construction-related noise and vibration impacts would occur. The Project design modifications do not affect the off-site improvements associated with the Coldwater Canyon Avenue Riverwalk Path Ramp and as such, do not affect the construction noise and vibration impact analyses associated with these off-site improvements.

(j) *Project Design Modifications: Operations*

(i) *Traffic and Parking*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, storm water capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. As related to traffic and parking noise, the Project with design modifications would reduce subterranean parking from 503 spaces to 386 spaces and surface parking would be reduced from 29 spaces to 17 spaces. On most days throughout the year (non-Special Event days), traffic and parking spaces utilized on-site would be the same with or without the Project design modifications. However, the reduced number of parking spaces with the Project design modifications would have the effect of reducing traffic to/from the Project Site along Whitsett Avenue, Moorpark Avenue, and Ventura Boulevard since no off-site parking would be permitted by the Project. That is, visitors that could have parked at the Project Site with the additional 129 spaces, would now be required to shuttle to the Project Site from the School's Upper School campus during those occasions when the on-site parking reaches capacity. The circulation of the School's three shuttles would accommodate the additional passengers which could result from the Project design modifications. This modification would result in an increase of six additional round trip shuttle trips (or 12 individual trips to/from the Project Site) as compared to those analyzed in the Draft EIR. Assuming that most of the event attendees would arrive at the Upper School campus around the same time, shuttles would be operated at the maximum capacity of 24 passengers at a time. Compared to the Project without design modifications, which would result in a maximum 0.6 dBA noise level increase along Coldwater Canyon between Moorpark Street and Ventura Boulevard (see Table IV.K-18 on page IV.K-53 of the Draft EIR), the shift in traffic (vehicles or shuttles) to the Upper School campus along Coldwater Canyon would have a negligible effect on noise levels of less than approximately 1 dBA, well below the 5 dBA impact threshold. This would be an imperceptible change in noise levels under the Project with design modifications compared to the Project without design modifications, with the resulting noise levels being less than significant, similar to the impact conclusion in the Draft EIR. As shown in Table IV.K-20, *Composite Noise Impacts*, of the Draft EIR, the Project's traffic and parking noise levels are both below ambient noise levels. While the reduction in traffic and parking noise to noise sensitive receptors near the Project Site would be reduced under the Project with design modifications, any such reduction would represent a negligible change to the noise levels included for the Project in Table IV.K-20 of the Draft EIR with operational noise impacts remaining less than significant.

(ii) *Swimming Pool Area*

A Supplemental Noise Analysis, provided in Appendix F of this Final EIR, was prepared to analyze the operational noise impacts associated with the Project design modifications. The Project with design modifications would reduce the number of bleacher seats at the swimming pool from 348 to 214 seats. Also, in the swimming pool area, the Project design

modifications would also reduce the height and extent of the Project's 30-foot-high noise attenuation canopy to 14.5 feet high over just the western side of the pool bleachers, remove the diving facilities, and eliminate the School's proposed diving competition program.

Table 1, *Estimated Pool Operation Noise Levels – Updated Design*, in the Supplemental Noise Analysis (included as Appendix F of this Final EIR) includes a comparative analysis of the estimated noise levels included in the Draft EIR to the noise levels that would occur with the Project design modifications in terms of  $L_{eq}$  and  $L_{10}$  noise descriptors. These same swimming pool noise levels in terms of  $L_{eq}$  and  $L_{10}$  have been incorporated as corrections to Draft EIR Table IV.K-12, *Athletic Activities Noise Levels –  $L_{eq}$  Analysis*, and Table IV.K-13, *Athletic Activities Noise Levels –  $L_{10}$  Analysis*, in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. As analyzed therein, noise levels with the Project design modifications from the swimming pool area would be up to 3.5 dBA  $L_{eq}$  (or 3.3 dBA  $L_{10}$ ) higher than analyzed in the Draft EIR (at one receptor location – R3<sup>170</sup>). Minor increases in noise  $L_{eq}$  levels from the pool area at receptor locations R6 and R7 would also occur at 1.5 and 1.7 dBA  $L_{eq}$  (or 1.1 and 1.4  $L_{10}$ ), respectively. As indicated in the Draft EIR, outside of a laboratory, a change of 3 dBA in ambient noise levels is considered to be a barely perceivable difference.<sup>171</sup> At 3.5 dBA, this increase would not be a substantial increase in the severity of impacts from the swimming pool area as analyzed in the Draft EIR. As analyzed on pages IV.K-45 and IV.K-46 of the Draft EIR, noise from the pool area would occur together with the Project Site's other athletic activities. Thus, the Draft EIR appropriately analyzed noise from the swimming pool together with all on-site athletic activities in Table IV.K-12 and Table IV.K-13. As shown in these updated tables in Chapter 3 of this Final EIR, and discussed in the Athletic Activities subsection below, the collective noise levels from the Project Site's athletic activities would remain below the  $L_{eq}$  and  $L_{10}$  noise impact thresholds in the Draft EIR, and impacts would remain less than significant. In addition, a minor decrease of 0.2 dBA  $L_{10}$  would occur at receptor location R2, while the  $L_{eq}$  noise level would remain the same (see Table IV.K-12 and IV.K-13 in Chapter 3 of this Final EIR). There would also be minor decreases in noise levels at receptor locations R1, R4, and R5 with a maximum reduction up to 2.2 dBA  $L_{10}$  (at receptor location R4) (see Table IV.K-13 in Chapter 3 of this Final EIR).

As discussed above, the noise level changes at the pool area only under the Project with design modifications would be no more than 3.5 dBA higher than the Project without design modifications at one receptor location, which would be just beyond a barely perceptible change compared to the Project without design modifications, and still below the City's noise impact thresholds when analyzed together with all of the Project Site's athletic activities. As such, there would be no substantial increase in the severity of

<sup>170</sup> R3 = Single-family residential uses at the corner of Teesdale Avenue and Valley Spring Lane.

<sup>171</sup> Harvard-Westlake River Park Project Draft EIR, page IV.K-5, March 2022.

impacts and impacts from outdoor athletic activities would remain less than significant, similar to the Project without design modifications.

(iii) *Athletic Activities*

The Project with design modifications would reduce the overall indoor and outdoor seating from 2,217 seats to a total of 2,005 seats. Total outdoor seating would be reduced from 1,191 bleacher seats to 949 bleacher seats, including the swimming pool area. Outdoor seating at Field A would increase from 488 to 542 seats, decrease at Field B from 255 to 109 seats, decrease at the swimming pool from 348 to 214 seats, and decrease at the tennis courts from 100 to 84 seats.

The Supplemental Noise Analysis, provided in Appendix F of this Final EIR, analyzed the operational noise impacts associated with the Project design modifications relating to all outdoor athletic activities combined, including the swimming pool area. The noise levels from all of the Project's athletic activities, including Field A, Field B, swimming pool, and tennis courts, in terms of  $L_{eq}$  and  $L_{10}$  are shown in Table 2, *Athletic Activities Noise Levels –  $L_{eq}$  Analysis (Updated Design)*, and Table 3, *Athletic Activities Noise Levels –  $L_{10}$  Analysis (Updated Design)*, in the Supplemental Noise analysis. The noise levels presented in Tables 2 and 3 in the Supplemental Noise Analysis have been incorporated as revisions to Draft EIR Table IV.K-12, *Athletic Activities Noise Levels –  $L_{eq}$  Analysis*, and Table IV.K-13, *Athletic Activities Noise Levels –  $L_{10}$  Analysis*, in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR.

The outdoor athletic activities noise levels (in terms of  $L_{eq}$ ) at the off-site sensitive receptors with the Project design modifications are shown in the updated Table IV.K-12. Compared to the Project without the design modifications, the maximum increase in ambient plus Project noise levels under the Project without design modifications would be 0.9 dBA at receptor location R3. Noise levels at receptor locations R1, R4 and R5 would decrease by 1 dBA or less, while noise levels at receptor locations R6 and R7 would increase by 0.3 dBA. As presented in the updated Table IV.K-12 in Chapter 3 of this Final EIR, the noise levels (in terms of  $L_{eq}$ ) from the outdoor athletic activities with the modified pool design would be below the significance threshold of 5 dBA ( $L_{eq}$ ) increase above the ambient noise levels at all receptors, similar to the Project without design modifications. As shown in Table IV.K-12 in Chapter 3 of this Final EIR, the Project with design modifications' increase in noise would range between 1.5 dBA and 4.1 dBA over ambient noise levels. Accordingly, the noise levels under the Project with design modifications would be between 0.9 and 3.5 dBA below the 5 dBA significant impact threshold.

The outdoor athletic activities noise levels (in terms of  $L_{10}$ ) at the off-site sensitive receptors with the Project design modifications are shown in the updated Table IV.K-13. Compared to the Project without the design modifications, the maximum increase in ambient plus Project noise levels under the Project without design modifications would be 1.1 dBA at receptor location R3. Noise levels at receptor locations R1, R4 and R5 would decrease by 0.7 dBA or less, while noise levels at receptor locations R6 and R7

would increase by 0.3 dBA or less. As indicated in the updated IV.K-13, the noise levels from the outdoor athletic activities would be below the significance threshold of a 10 dBA increase above ambient noise levels at all receptor locations, similar to the Project without the design modifications. As shown in Table IV.K-13 in Chapter 3 of this Final EIR, the Project with design modifications' increase in noise would range between 3.9 dBA and 8.4 dBA over ambient noise levels. Accordingly, the noise levels under the Project with design modifications would be between 1.6 and 6.1 dBA below the 10 dBA significant impact threshold.

As discussed above, the noise level changes under the Project with design modifications would be no more than 1.1 dBA higher than the Project at one receptor location, which would not be a perceptible change compared to the Project without design modifications, and still below the City's noise impact thresholds. As such, there would be no substantial increase in the severity of impacts and impacts from outdoor athletic activities would remain less than significant, similar to the Project without design modifications.

*(iv) Composite Noise Levels*

The Supplemental Noise Analysis, provided in Appendix F of this Final EIR, analyzed the composite operational noise impacts associated with the Project design modifications relating to all outdoor athletic activities combined, including the swimming pool area, as well as traffic, mechanical equipment, parking and special events. The composite noise levels from all of the Project's athletic activities, including Field A, Field B, swimming pool, and tennis courts, in terms of CNEL are shown in Table 4, Composite Noise Impacts (Updated Design), in the Supplemental Noise analysis. The noise levels presented in Table 4 in the Supplemental Noise Analysis have been incorporated as revisions to Draft EIR Table IV.K-20, Composite Noise, in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. As analyzed therein, the Project with design modifications would result in noise level increases of 0.7 dBA CNEL at receptor location R2 to 3.0 dBA CNEL at receptor location R7, the same range of noise increases as the Project without the design modifications. The Project with design modifications would result in changed CNEL noise level increases at only 3 receptor locations. The CNEL noise level at R3 would increase from 1.0 to 1.2 dBA (a 0.2 dBA increase), while noise levels at R4 and R5 would decrease from 2.7 to 2.4 dBA and 1.8 to 1.7 dBA, respectively. As with the Project without design modifications, the increases in noise levels with the Project design modifications at off-site receptor locations R1 through R4, and R7 would be below the 5 dBA CNEL significance threshold and the estimated noise levels would fall within the conditionally acceptable (60 to 70 CNEL) land use category for residential. The estimated noise level increase at off-site receptor locations R5 and R6 would be below the 3 dBA CNEL significance threshold, as the estimated noise levels would fall within the normally unacceptable (70 to 75 CNEL) land use category for residential and the normally unacceptable (70 to 80 CNEL) land use category for churches.

As discussed above, the composite noise level changes under the Project would be no more than 0.2 dBA CNEL higher than the Project at one receptor location (R3), which

would not be a perceptible change compared to the Project without design modifications, and still below the City's noise impact thresholds. As such, there would be no substantial increase in the severity of impacts and composite noise impacts would remain less than significant, similar to the Project without design modifications.

### (3) Conclusion

As discussed above, the construction and operational noise and vibration impacts are appropriately addressed in the Draft EIR. Thus, no new or additional analysis is required for these issues. As discussed above, the Project with design modifications would not substantially increase the severity of noise or vibration impacts evaluated in the Draft EIR and the noise/vibration impact conclusions in the Draft EIR would remain unchanged.

## i) **Topical Response No. 9 – Transportation and Parking During Construction and Operations**

### (1) Introduction

This topical response primarily addresses comments received during the public circulation period for the Draft EIR related to transportation issues that are not required to be addressed under the California Environmental Quality Act (CEQA) and City of Los Angeles CEQA requirements. Such issues include parking, level of service (LOS), congestion, and delay on surrounding roadways. This topical response also addresses the methodology for calculating the Project's vehicle miles traveled (VMT), which is utilized for the CEQA-required transportation impact assessments included in the Draft EIR. Emergency access is evaluated as a CEQA-required issue in the Draft EIR, and is addressed in Topical Response No. 10 – Emergency Access. In addition, Topical Response No. 12 - Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses, provides a detailed discussion of cumulative transportation impacts. The analyses of CEQA-required transportation issues were evaluated in Section IV.M, *Transportation*, of the Draft EIR, with supporting data provided in Appendix M, Transportation Assessment, of the Draft EIR. The Transportation Assessment (TA) includes both CEQA and non-CEQA required analyses in compliance with the City of Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG) (July 2020).

### (2) Discussion

#### (a) *CEQA Versus Non-CEQA Transportation Analysis Requirements*

Pursuant to Senate Bill 743 (SB 743), the California Natural Resources Agency adopted the Office of Planning and Research's (OPR's) recommended vehicle miles traveled (VMT) guidelines on December 28, 2018. The guidelines resulted in changes to Section 15064.3 and Appendix G of the CEQA Guidelines that effectively removed automobile delay and associated LOS as the metric to evaluate transportation impacts pursuant to CEQA, and replaced it with VMT. Accordingly, pursuant to these changes, the City adopted VMT as a CEQA threshold to determine transportation impacts. Therefore, as further described below, the analysis of transportation impacts in Section IV.M, *Transportation*, of the Draft EIR was focused on VMT and other analyses required by Appendix G of the CEQA Guidelines. Transportation issues not required to be analyzed under CEQA are presented in Chapter 4 of the TA (Appendix M of the Draft EIR). As such, responses to comments on the non-CEQA issues are not required to be provided in this Final EIR, and are provided herein only for informational purposes independent of CEQA requirements.

(b) *CEQA Transportation Analysis Requirements*

As explained on page IV.M-4 in Section IV.M, *Transportation*, of the Draft EIR, SB 743 directed OPR to develop revisions to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts and define alternative metrics to the metrics used for traffic LOS. Subsequent related changes to CEQA requirements for transportation impact analyses included the elimination of automobile delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts for land use projects and plans in California. The updates to the CEQA Guidelines establish VMT as the primary metric for evaluating a project's environmental impacts on the transportation system. These changes to the way transportation impacts are assessed under CEQA were made to help ensure new development projects are built in a way that promotes options that would result in Californians driving less, while also promoting the achievement of climate and environmental goals, health and safety for residents, increased quality of life, and economic growth by co-locating jobs, services, transit, and housing.

As presented on pages IV.M-4 and IV.M-5 in Section IV.M, *Transportation*, of the Draft EIR, and in accordance with the current CEQA Guidelines and the City's CEQA transportation thresholds, the Project would be considered to have a significant impact related to transportation if it would:

- Threshold (a): Conflict with a program, plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities.
- Threshold (b): Conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b).
- Threshold (c): Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Threshold (d): Result in inadequate emergency access.

The required VMT analysis under Threshold (b) considers two different uses for the Project as specified in the July 2020 LADOT TAG. First, the Project is classified as an education facility since it would be owned and operated by Harvard-Westlake School (School) and utilized by their students, employees, and authorized individuals and organizations in conjunction with their operation as a private high school. Per Section 2.2.4 of the July 2020 LADOT TAG, it is assumed that the Project would attract people (employees and visitors) from a broader area and not just the immediate vicinity. Second, the community use component (publicly-accessible walking pathways and recreational areas and facilities) of the Project would be classified as a community-serving recreational facility. Per LADOT, and as stated in the TA Memorandum of Understanding (MOU) provided as Appendix A to the TA (see Appendix M of the Draft EIR) and in the LADOT Transportation Assessment letter dated June 11, 2021 included in Appendix M of the Draft EIR, community-serving recreational facilities are exempt from VMT analysis. Community-serving recreational facilities usually draw people locally, rather than

regionally, and thus tend to reduce, not increase, VMT since visitors could go to a closer recreational facility rather than one that was further away. Therefore, the VMT calculation for the Project (consistent with CEQA Guidelines Section 15064.3) focuses on the Harvard-Westlake athletic activities as an educational facility.

Per Section 2.2.4 of the July 2020 LADOT TAG, the Project would result in a significant VMT impact if the Project is expected to result in a net increase in daily VMT. The Project's VMT was calculated by multiplying the estimated average number of daily trips by an average trip length for each group of users and took credit for existing VMT for existing Weddington Golf & Tennis users, which would be eliminated by the Project. As shown in Table IV.M-5, Project Net Total Daily VMT Estimate, on page IV.M-41 of the Draft EIR, the Project would result in an estimated net decrease of 2,098 daily VMT. Thus, VMT impacts would be less than significant.

The evaluation of the Project's transportation impacts with respect to any potential conflict with adopted transportation plans and policies, roadway hazards, and emergency access are evaluated on pages IV.M-27 through IV.M-46 in Section IV.M of the Draft EIR. As discussed therein, impacts related to applicable threshold standards were determined to be less than significant.

For an analysis of the Project's potential impact on emergency services, refer to Section IV.L.1, *Public Services – Fire Protection*, and Section IV.L.2, *Public Services – Police Protection*, of the Draft EIR as well as Topical Response No. 10 – Emergency Access, provided in this Final EIR.

(c) *Non-CEQA Transportation Analysis Requirements*

Several comments on the Draft EIR relate to parking, LOS, congestion, and delay on surrounding roadways during both construction and operation. Based on SB 743 and the City's TAG guidance, LOS, congestion, delay, and parking effects are no longer considered impacts on the environment and, therefore, such effects were not evaluated as CEQA impacts in the Draft EIR. As such, responses to comments on these issues are not required to be provided in this Final EIR, and are provided herein only for informational purposes independent of CEQA requirements.

The City, through the LADOT TAG, continues to require that transportation assessments analyze various non-CEQA transportation topics, such as pedestrian, bicycle and transit access, intersection operations, project access, construction period traffic effects, and residential street cut-through effects. The City's TAG also establishes various criteria for these analyses where corrective actions may be appropriate to address non-CEQA adverse effects. These issues are discussed in the non-CEQA portion (Chapter 4) of the TA prepared for the Project, which is included in Appendix M of the Draft EIR. The results of these analyses of non-CEQA topics and the proposed corrective actions identified in the TA would be addressed through potential Project conditions of approval.

*(d) Traffic Effects*

A number of comments on the Draft EIR raise concerns about the current level of traffic on Whitsett Avenue, the current level of congestion on nearby arterials, increases in traffic, increases in congestion, increases in traffic on residential neighborhood streets, and whether cumulative traffic issues with other large projects have been addressed. The issues related to these concerns are addressed in the subsections below and in Topical Response No. 12 - Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses. Note that pursuant to CEQA, the Project has no authority or responsibility to reduce or address existing traffic conditions on local roadways. Note also that future baseline increases on Whitsett Avenue without the Project, and, therefore, to which the Project would not contribute, are background conditions that are not considered to be the Project's impacts on the environment as those increases would occur without the Project.

*(i) Project Construction Traffic*

As discussed above, effects of the Project (including construction activities) on traffic LOS, congestion, and delay are not considered to be CEQA impacts and thus, are not required to be included in the Draft EIR. However, an analysis of the effects of Project construction on traffic was conducted in the TA as part of the "Non-CEQA" Transportation Assessment using the City's criteria for evaluating construction period effects, which require an evaluation of potential temporary traffic constraints (e.g., temporary lane closures), temporary loss of access (e.g., loss of vehicle, bicycle, or pedestrian access to nearby parcels), and temporary loss of bus stops or rerouting of bus lines. This evaluation is presented in Chapter 4 of the TA.

With regard to CEQA impacts, the Draft EIR analyzed the Project's construction activity impacts in regard to emergency access on page IV.M-44 in Section IV.M, *Transportation*, of the Draft EIR. As evaluated therein, the Project would not result in inadequate emergency access during construction. Please refer to Topical Response No. 10 – Emergency Access, which discusses emergency access during Project construction in further detail.

*(ii) Project Operations Traffic*

As discussed above, effects of the Project on traffic LOS, congestion, and delay are not considered to be CEQA impacts. Nonetheless, they are addressed in Chapter 4 of the TA (see Appendix M of the Draft EIR). As required by the LADOT TAG, this includes a quantitative analysis of the effects of the Project on intersection operations and driveway LOS, as well as on residential street traffic.

As discussed in Chapter 4 of the TA, this process consisted of conducting counts of existing traffic volumes at the study intersections and residential street segments, factoring the existing counts upwards to consider ambient traffic growth, estimating and adding traffic generated by other known related projects in the vicinity of the Project that were not constructed as of the time of the traffic counts (including both the commercial

project and the residential project at the Sportsmen's Lodge site), and estimating and adding traffic generated by the Project (including traffic generated by student shuttles, Harvard-Westlake athletic practices and games, employees, and community use of facilities on the Project Site). Two scenarios were evaluated: one representing a 90th percentile day<sup>172</sup> for all days of Harvard-Westlake use across a year (the Non-Event Scenario); and a second representing a day with a worst-case Special Event (500 attendees in single-occupant automobiles). The 500-attendee event is considered the worst-case Special Event from a traffic perspective because it would have an assumed average vehicle occupancy (AVO) of 1.0 and result in 500 vehicles, whereas attendees to the 2,000-attendee event would arrive via bus with an assumed AVO of 40, resulting in 50 vehicles. Further details regarding the methodologies used in this analysis can be found in the TA.

LADOT considers the Project's effects on operations to be constrained if the Project's traffic would contribute to unacceptable queuing on an Avenue or Boulevard (as designated in the Mobility Plan 2035) at project driveway(s) or would cause or substantially extend queuing at nearby signalized intersections. As evaluated in the TA, the Project would be considered to contribute to unacceptable or extended queuing if one of the following conditions is met after the addition of Project traffic:

1. Turn pocket capacity is exceeded and:
  - a. the projected peak hour intersection LOS is D and the turn lane queue increases by greater than 75 feet on any approach with the directional approach LOS at E or F, or
  - b. the projected peak hour intersection LOS is E or F and the turn lane queue increases by greater than 50 feet on any approach with the directional approach LOS at E or F.
2. Cross streets or alleys are blocked.
3. Gridlock congestion, which is defined as the condition where traffic queues between closely-spaced intersections and impedes the flow of traffic through upstream intersections.

Under the LADOT TAG, a local residential street would be considered excessively burdened if the new trips generated by the Project result in increases in average daily traffic (ADT) volumes as follows:

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<sup>172</sup> Instead of the maximum day trip scenario, the analysis in the TA selected the 90th percentile total trips for each peak hour, as the 90th percentile would represent most days of the school year and exclude the exceptional days such as big rivalry game days that only occur on a handful of days a year.

<b>Projected ADT with Project (Final ADT)</b>	<b>Project-Related Increase in ADT</b>
1 to 999	120 or more
1,000 to 1,999	12% or more of final ADT
2,000 to 2,999	10% or more of final ADT
3,000 or more	8% or more of final ADT

As discussed in Chapter 4 of the TA, per the City’s criteria, no instances were found where the Project would cause or substantially contribute to unacceptable queuing at nearby study intersections under either the Harvard-Westlake athletic use (Non-Event) scenario or the worst-case Special Event scenario. At the Project’s north driveway, north-south through vehicles on Whitsett Avenue would be unimpeded and vehicles turning right to exit the Project driveway onto Whitsett Avenue would experience no worse than a LOS D (representing an average stopped delay of 25 to 35 seconds, acceptable for a stop-controlled movement) in the Non-Event scenario. Similarly, in the Non-Event scenario at the Whitsett Avenue and Valleyheart Drive intersection, north-south through vehicles on Whitsett Avenue would be unimpeded and vehicles turning from Valleyheart Drive to Whitsett Avenue would experience no worse than a LOS D. In the worst-case Special Event scenario, vehicles turning from the north driveway onto Whitsett Avenue may experience a LOS E (35 to 50 seconds of average delay) but vehicles turning from Valleyheart Drive onto Whitsett Avenue would experience a LOS F. However, this would primarily occur if all of the vehicles that are estimated to turn left from Valleyheart Drive to northbound Whitsett Avenue actually attempt to do so. In actuality, if conditions for a left-turn become this onerous, motorists will react and turn right instead, reducing the average delay. The corrective action suggested in the TA, prohibiting left turns from Valleyheart Drive to Whitsett Avenue on days with large Special Events, would further enforce this and would achieve LOS B. Since these large Special Events would be infrequent (and the methodology used to analyze the scenario assumes the worst-case AVO of 1.0), the TA suggests that to meet the corrective action, this could be accomplished by using traffic control officers as part of an event management plan to be developed with LADOT.

As discussed in Chapter 4, of the TA, per the City’s criteria, the Project would not create an excessive burden on any of the surrounding residential streets in either the Non-Event Scenario or the Special Event Scenario. That is, the City’s criteria for an impact to a residential street segment is the addition of 120 trips. As shown in Table 14 of the TA (PDF page 90 of 217 in Appendix M of the Draft EIR), none of the street segments analyzed in the TA would have 120 or more added trips from the Project during either the Non-Event or Special Event scenarios. The preferred driving route to access the Project Site would use local arterial roadways such as Coldwater Canyon Avenue, Moorpark Avenue, and Whitsett Avenue. The preferred driving route would be widely communicated to Project Site visitors (including Harvard-Westlake spectators, students, employees, and parents, visiting teams from other schools, and other public users of the Project Site)

through the School's website and reservation site. The School would maintain a progressive disciplinary system of enforcement for the preferred driving route, up to and including the loss of permission to park at the Project Site. As such, the majority of trips would use Whitsett Avenue to either Moorpark Street or Ventura Boulevard.

Cumulative traffic impacts are addressed in Topical Response No. 12 - Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses, in this Final EIR.

(e) *Parking Effects*

A number of comments on the Draft EIR raise concerns about the potential for parking spillover from the Project Site to residential streets in the surrounding neighborhood. While CEQA Guidelines Appendix G does not identify parking supply or the availability of parking as an environmental issue related to transportation impacts, the following discussions are provided for informational purposes in consideration of public comments inquiring about the Project's parking features.

(i) *Project Construction Parking*

Project Design Feature TRAF-PDF-1 described on page IV.M-26 in Section IV.M, *Transportation*, of the Draft EIR mandates that construction worker and equipment parking on the adjacent residential streets would be prohibited. As discussed in Chapter 4, *Mitigation Monitoring Program*, of this Final EIR, the mitigation monitoring program specifies that LADOT will serve as the monitoring and enforcement agency for the implementation of this PDF and requires the approval of the CMP prior to issuance of building permit, as well as periodic field inspections.

At 16.1 acres, the Project Site is sufficiently large to accommodate the construction worker and equipment parking on site. As discussed in Chapter 4 in the TA, the number of construction workers would vary throughout the construction period, with Phase 5 (architectural finishes) generating the highest number of employees: 140 workers on site per day on peak activity days. Even if all of these 140 employees were to be on site at the same time and assuming as a worst case that each employee drove to the site in a single-occupant vehicle, parking all of these vehicles would only require approximately five percent of the Project Site. Therefore, parking spillover would be controlled during Project construction and parking spillover to residential streets in the surrounding neighborhood would not occur.

(ii) *Project Operations Parking*

Project Design Feature TRAF-PDF-3 on page IV.M-27 in Section IV.M, *Transportation*, of the Draft EIR states the following:

**TRAF-PDF-3:** On days in which event attendance is expected to surpass 300 spectators, including parents and other spectators, students will not be permitted to drive to the Project Site and will be required to use the School's shuttle service. Shuttles will follow a prescribed driving route, travelling northbound on Coldwater

Canyon Avenue, turning right at Moorpark Street, and turning right onto Whitsett Avenue. Spectators will park on the Project Site, and tickets and parking passes will be required to enter the Project Site. Spectators without a parking pass will be directed to park on the School's Upper Campus and ride the School-provided shuttles to the Project Site. Parking in the neighborhood will not be permitted and will be enforced by security personnel.

A number of comments on the Draft EIR questioned the ability of Harvard-Westlake to enforce this PDF and to ensure that spectators do not park on residential streets. Concerns expressed included the viability of the proposed parking pass program, the inability of Harvard-Westlake security personnel to enforce rules on the public streets, signage, and congestion that may be caused by motorists who attempt to enter the Project Site without a parking pass.

To further clarify implementation of Project Design Feature TRAF-PDF-3, this PDF has been modified to include a Parking and Transportation Management Plan that would be employed by Harvard-Westlake School for all School-related athletic competitions or Special Events that are expected to draw more than 300 attendees. The Parking and Transportation Management Plan would include appropriate tools to manage and control traffic and parking for the competitions or events so that impacts to the surrounding areas are minimized. Potential measures would include, but are not limited to, a parking reservation system to manage attendance, off-site parking at the Harvard-Westlake Upper School campus, attendant-assisted parking, temporary increases in traffic management and parking personnel as needed, use of security personnel, signage, and other measures. See addition to Project Design Feature TRAF-PDF-3 in Chapter 3, *Revisions, Clarifications and Additions to the Draft EIR*, of this Final EIR. As noted in Chapter 3, the Parking and Transportation Management Plan would be submitted to LADOT for review and approval, and would be monitored for a minimum of three years with annual monitoring reports submitted to LADOT for review.

The use of a reservation system for participation in recreational activities and attendance at School-related or public events is discussed in Chapter II, *Project Description*, pages II-33 and II-34 of the Draft EIR. The implementation of a reservations program for public use of recreational facilities is to accommodate smoothly those who wish to use the School's facilities. Specifically, the requirement that groups or organizations be pre-approved ensures that the group or organization is able to provide appropriate supervision of its intended activities and participants, and that the group or organization is familiar with and abides by the conditions for use of the Project Site (including, but not limited to, preferred driving routes and the prohibition on parking in the neighborhood). Attendance at special events would also require reservations and parking passes to enter the Project Site. The reservation program would require communication and coordination between the School and attendees, including the use of assigned parking or access via the shuttle service from the Upper Campus. Security personnel would monitor "walk-ins" who may have parked within the off-site neighborhood and are not confirmed to be residents living in the neighborhood or arriving via public transportation. Such walk-ins

would be required to return to their vehicle and, if on-site parking is available return to park within the Project Site. It would be incumbent upon the School to communicate the protocol for use of facilities to attendees. Pedestrian access to the Project Site's athletic facilities would also be relegated to the pedestrian entrance located in proximity to Whitsett Avenue and Valley Spring Lane, which would facilitate pedestrian monitoring. The School's prohibition of off-site parking and the provided shuttle program would reduce the numbers of pedestrians less familiar with the area and would, thus, support pedestrian safety.

As discussed above, the School would implement a ticketing and parking pass reservation system to control the number of spectator or attendee vehicles allowed to park at the Project Site. Spectators or attendees receiving parking passes would be provided information regarding how to access the on-site parking garage. Once 300 parking reservations have been made, information would be provided to additional people reserving tickets that they will be required to park at the School's Upper School campus and be shuttled to the Project Site. Guests seeking to attend a School athletic competition or Special Event without a parking reservation would be denied access to the Project Site. Harvard-Westlake would inform other schools participating in athletic competitions and organizations planning special events of the rules regarding transportation and parking, including the ticketing and parking reservation system. These mechanisms would be enforced by Harvard-Westlake security, and violations could result in rescinding of permission to use the Project Site, temporarily or even permanently.

Regarding spectators or attendees who may attempt to enter the Project Site for an athletic event or special event without a parking pass, there is sufficient room within the Project Site to manage such motorists without causing congestion. For vehicles entering the northern driveway to the garage, security personnel would check for passes at the subterranean entry gate within the garage. If security determines that an entering vehicle does not have a parking pass, that vehicle would be quickly directed to a nearby location within the garage where security would then converse with the motorist, give them directions to exit the garage and travel to the Upper School campus, and then watch them actually exit the garage. For vehicles entering the garage from the southern driveway, security personnel would check for passes at the at-grade entrance to the garage. If security determines that an entering vehicle does not have a parking pass, that vehicle would be redirected to the roundabout and provided directions to the School's Upper School campus. Security personnel would watch the vehicle actually exit the roundabout back to Valleyheart Drive.

Regarding the ability of security personnel to enforce the on-street parking restriction, it is acknowledged that Harvard-Westlake has no authority to tell people what they can or cannot do in public places. Nevertheless, the Project Site is privately-owned and Harvard-Westlake can control access to its private property. If someone attempts to enter the Project Site for an athletic competition or special event, they would be stopped by security personnel. A good faith effort would be made by security personnel to determine where

the visitor has parked. If it is suspected that they parked in the neighborhood, they would be denied entrance. Such action is within the School's legal rights.

Regarding rideshare services, Harvard-Westlake would work with transportation network companies (TNCs), such as Uber and Lyft, to route TNC vehicles to the southern driveway and roundabout and to implement geofencing<sup>173</sup> along Whitsett Avenue.

(f) *Project with Design Modifications*

(i) *Construction Traffic*

The Project's design modifications are discussed under Topical Response No. 2 – Modifications to the Project Design. As discussed therein, the Project design modifications reduce the Project's soil excavation from 250,000 cubic yards to 197,000 cubic yards of soil to be exported off-site. This reduction in grading would reduce the number of haul truck trips from 35,714 trips to 28,142, a reduction of 7,572 truck trips.<sup>174</sup> This would reduce the excavation phase (with dirt hauling) from seven months to 5.5 months, although the overall construction schedule would still remain at approximately 30 months given overlapping construction phases. The daily maximum construction activity (or construction traffic) during excavation, upon which the comparison to the TA's non-CEQA evaluation factors are based, would not change. As such, aside from a shorter period of construction traffic during the excavation phase, the TA's evaluation of construction-related non-CEQA criteria related to potential temporary traffic constraints (e.g., temporary lane closures), temporary loss of access (e.g., loss of vehicle, bicycle, or pedestrian access to nearby parcels), and temporary loss of bus stops or rerouting of bus lines would not change with the Project's design modifications. The Project would implement the Project Design Feature TRAF-PDF-1 in the same manner with or without the Project design modifications.

(ii) *Operational Traffic*

As discussed under Topical Response No. 2 – Modifications to the Project Design, the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces. The reduced number of parking spaces would have the effect of reducing traffic to/from the Project Site since no off-site parking would be permitted by the Project. That is, visitors that could have parked at the Project Site with the additional 129 spaces, would now be required to shuttle to the Project Site during those occasions when the on-site parking reaches capacity. The TA assumed circulation of three (3) shuttles between the Project Site and the Upper Campus. Under the Project with design modifications,

<sup>173</sup> Geofencing is a location-based technology service in which a mobile, desktop or cloud-based app or other software uses GPS, RFID (radio frequency identification), Wi-Fi or cellular data to trigger a pre-programmed action when a mobile device or RFID tag or mobile device enters or exits a virtual boundary set up around a geographical location, known as a geofence.

<sup>174</sup> The Project design modifications would result in a reduction in grading of 53,000 cubic yards. As each haul truck carries 14 cubic yards, that equates to a reduction of 3,786 trucks, or 7,572 truck trips.

assuming that most of the event attendees would arrive at the Upper School campus around the same time, shuttles would be operated at the maximum capacity of 24 passengers at a time, resulting in 6 additional shuttle round trips (129 passengers divided by 24 passengers per shuttle trip) between the Project Site and the Upper School campus over an approximate 1-hour period.

With regard to VMT, the Project as analyzed in the Draft EIR would result in a net decrease in VMT, and as such, VMT impacts would be less than significant. With the reduced traffic to/from the Project Site during larger events when the on-site parking may reach capacity, vehicle occupants that would have parked at the Project Site in the former 129 spaces would be shuttled from the Upper School campus. Per the TA, the majority of visitors to the Project Site would be exiting the US-101 freeway at Coldwater Canyon Avenue. From the Coldwater Canyon Avenue exit ramp, the distance to the Project Site via the preferred driving route is approximately the same as the distance to the Upper School campus. Since Harvard-Westlake students, other Harvard-Westlake visitors, and Special Event attendees all have the same average trip length to the Project Site as evaluated in the Draft EIR, the shift in parking from the Project Site to the Upper School campus for vehicles that could have parked at the Project Site without the Project design modifications would not substantially change the VMT for the Project. Since VMT is calculated based on average daily trips, under the Project with design modifications, the additional daily trip generation from the six (6) additional shuttle trips during special events when spread out over the course of the school year would be less than 1 trip per day and less than 1 daily VMT. The Project without design modifications has a total daily VMT of 3,932 daily VMT, thus, this incremental change in VMT would represent a fraction of one percent of the Project's daily VMT and would immaterially effect the daily VMT. Furthermore, noting that the Project would result in a net decrease of 2,098 daily VMT compared to existing conditions, the Project with design modifications would similarly result in a substantial decrease in VMT compared to existing conditions. As such, the same less than significant VMT impacts would occur for the Project with design modifications.

With regard to non-CEQA traffic impacts, the TA did include an analysis for informational purposes that analyzed the Project's effect on traffic conditions in 2025. Table 10 (PDF page 67 of 217 in Appendix M of the Draft EIR) of the TA included trip generation estimates for the Project, which included a maximum of 550 total (50 inbound and 500 outbound) trips during the 5-6 P.M. peak hour under the Special Events Scenario. Table 11 (PDF pages 75 and 76 of 217 in Appendix M of the Draft EIR) of the TA shows the levels of service (LOS) and vehicle queues for the study area intersections in 2025 (Project Opening Year) during non-events and Special Events. As shown in Table 11, per the City's criteria, no instances were found of the Project where its vehicle trips were projected to cause or substantially contribute to unacceptable queuing at nearby signalized intersections. As the Project with the design modifications would reduce the maximum outbound trips assigned to Whitsett Avenue, Moorpark Street, and Ventura Boulevard because of the reduced number of parking spaces, there would be a reduction in Project trips from the Project Site during the 5-6 P.M. peak hour Special Event scenario in Year 2025. Thus, there would generally be a minor decrease in traffic and queuing along these

roadways and serving intersections compared to that analyzed in the TA. Compared to the Project without design modifications, the additional vehicles parked at the Upper School campus could add up to 129 vehicle passenger trips leaving the Upper Campus school and six shuttle round trips (or 12 one-way trips to/from the Project Site) along Coldwater Canyon Avenue between the Upper School campus and Moorpark Street, including through the intersections of Coldwater Canyon Avenue/Ventura Boulevard and Coldwater Canyon Avenue/Moorpark Street. The addition of these trips would represent an incremental increase to peak hour existing traffic conditions compared to the Project without design modifications and would not substantially degrade intersection LOS at any of the study area intersections or trigger an operational issue based on the changes to queuing. Regardless, LOS outputs and queuing are non-CEQA issues that are not required to be analyzed in the Project's EIR.

Cumulative traffic impacts are addressed in Topical Response No. 12 - Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses, in this Final EIR.

*(iii) Parking*

During construction, while the Project design modifications would result in fewer overall haul truck trips, there would not be a substantial change in the number of on-site construction workers. Thus, the same parking features and analysis that was included in the Draft EIR for construction worker parking would apply to the Project with design modifications. As discussed above, there is adequate space on-site to accommodate all construction parking. As such, the Project design modifications would not have any effect on the construction parking.

The adequacy of parking for the Project is not considered a significant impact on the environment. As discussed under Topical Response No. 2 – Modifications to the Project Design, the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces. With the reduced number of parking spaces, the Project would still prohibit off-site parking via implementation of Project Design Feature TRAF-PDF-3 and in the same manner as the Project without the modifications, as discussed above. The provided parking would be consistent with LAMC Section 12.21 A.4(e), which requires one parking space per five fixed seats for high schools, general assembly, and auditoriums. The Project with design modifications would provide a total of 2,005 seats. Divided by five, the required parking spaces would be 401 parking spaces. The requirement would be exceeded by two spaces under the Project with design modifications.

*(g) Traffic Signal at Whitsett Avenue and Valley Spring Lane Intersection*

Following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The Project's traffic consultant, Fehr & Peers, prepared a memorandum that documents the

implications to the findings of the Draft EIR for the Project resulting the City's recent installation of the traffic signal. The memorandum is included as Appendix L, Traffic Signal Memorandum, of this Final EIR.

The memorandum states the thresholds of significance for analyzing Project impacts and outlines how this change in intersection control type (i.e., a two-way stop-controlled intersection to a traffic signal) could affect the findings and conclusions of the TA in the Draft EIR. As concluded in the memorandum, the change in intersection control from unsignalized to signalized at the intersection of Whitsett Avenue and Valley Spring Lane does not affect the findings and conclusions identified in the Draft EIR (Section IV.M, *Transportation*) or the TA contained in Appendix M of the Draft EIR.

The change in intersection control from unsignalized to signalized at the intersection of Whitsett Avenue and Valley Spring Lane would not change the less-than-significant impact finding for the review for conflicts with plans, programs, ordinances, or policies. The VMT calculated for the Project would not be affected by the traffic signal. The traffic signal would not change the alignment of the adjacent roadways, the number or location of proposed pedestrian, bicycle, or vehicle accesses to the Project Site, or cause the Project to introduce other hazardous design features, nor would it effect freeway off-ramp safety. Also, the traffic signal would not affect emergency access for the Project construction phase nor for operational conditions.

Finally, the addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

### (3) Conclusion

As discussed above, the CEQA transportation impacts and the non-CEQA construction and operational traffic effects and parking components of the Project are appropriately addressed in the Draft EIR and/or the TA provided as Appendix M to the Draft EIR. Thus, no new or additional analysis is required for these issues. As discussed above, the Project with design modifications would not result in significant new or substantially increased environmental impacts as evaluated in the Draft EIR.

## j) Topical Response No. 10 – Emergency Access

### (1) Introduction

This topical response addresses comments received on the Draft EIR regarding emergency access and effects to operations at the adjacent Los Angeles Fire Department (LAFD) Fire Station 78. The purpose of the evaluation of fire protection services in Section IV.L.1, *Public Services – Fire Protection*, of the Draft EIR is to consider whether the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. In addition, pages IV.M-44 to IV.M-46 in Section IV.M, *Transportation*, of the Draft EIR evaluated whether the Project would result in inadequate emergency access as required pursuant to Appendix G of the CEQA Guidelines.

### (2) Discussion

#### (a) Existing Conditions

As shown in Table IV.L.1-3, *Fire Stations Located in the Project Vicinity*, of the Draft EIR, LAFD Fire Station 78 at 4041 Whitsett Avenue is located nearest and adjacent to the Project Site. Per the City's ZIMAS website, LAFD Fire Station 78 is the first due fire station for the Project Site. The other four stations named by LAFD that would provide support for fire protection services to the Project Site are LAFD Fire Stations 108, 86, 102, and 97, located (by driving distance) approximately 2.5 miles south, 2.6 miles east, 2.9 miles north, and 2.9 miles southeast, respectively, of the Project Site. The closest fire station with an Engine Company is LAFD Fire Station 108, and the closest station with a Truck Company is LAFD Fire Station 78.

As discussed in Section IV.M, *Transportation*, page IV.M-18 of the Draft EIR, the primary driveway for LAFD Fire Station 78 is used for the departure of the larger fire trucks from the station bays. This driveway is located on Whitsett Avenue, north of Valleyheart Drive. The station also has two driveways on the north side of Valleyheart Drive. Of these two driveways, the westerly driveway is used for the return of the larger fire vehicles, which swing wide and use most of the Valleyheart Drive roadway to enter the fire station before proceeding to the bays in the station building. The easterly driveway to the fire station is used for the entry and departure of smaller vehicles, such as ambulances.

#### (b) Project Improvements

Vehicle parking for the Project would be provided at grade and in an underground parking area located on the eastern portion of the Project Site. Vehicles would enter the Project Site on Whitsett Avenue via the primary driveway located approximately 725 feet south of Valley Spring Lane (to the north of Field A) (referred to as north driveway) and via a secondary driveway at the western end of the existing paved portion of Valleyheart Drive

located just south of LAFD Fire Station 78 (referred to as south driveway). Both driveways would provide access to the proposed single-level underground parking structure. No new driveways would be installed along Valley Spring Lane or Bellaire Avenue. The Project would eliminate two existing potential conflict locations by removing the existing service driveway on Valley Spring Lane and the existing driveway egress to the north of LAFD Station 78. All emergency vehicles, including fire trucks/engines, could enter the Project Site via the south driveway and smaller emergency vehicles, such as ambulances and trucks, could also access the Project Site via the north driveway.

To minimize conflicts with emergency vehicles exiting LAFD Fire Station 78, a flashing red warning light(s) would be installed on the southern exit driveway within the Project Site at a location before vehicles reach Valleyheart Drive to hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. This warning light would be activated by a remote control button pressed by LAFD staff in the emergency vehicle when it is approaching Valleyheart Drive from Whitsett Avenue or exiting from one of the two LAFD driveways on Valleyheart Drive. This feature is identified as Project Design Feature TRAF-PDF-2 on page IV.M-28 in Section IV.M, *Transportation*, of this Draft EIR. The remote control is discussed in more detail below.

(c) *Project Impacts*

(i) *Construction*

The Project would include temporary construction activities (e.g., temporary lane closures, etc.) and generate construction traffic that could potentially affect emergency access to the Project Site and surroundings. The Project would not require construction activities that would take place within the right-of-way, which would necessitate temporary lane, alley, or street closures for more than a day at a time. Furthermore, emergency access would be maintained at all times as no road closures would be necessary. Although construction activities would not require full street closures (i.e., at least one travel lane would be open at all times in both directions) and most Project construction activities would be confined to the Project Site, the Project would implement a Construction Management Plan (CMP) (see Project Design Feature TRAF-PDF-1) to reduce the potential for traffic-related conflicts.

With implementation of Project Design Feature TRAF-PDF-1, the majority of construction-related traffic, including hauling activities and construction worker trips would occur outside the typical weekday commuter a.m. and p.m. peak periods. The Project would also employ temporary traffic controls, such as flag persons, to control traffic movement during temporary traffic flow disruptions. Traffic management personnel would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. Appropriate construction traffic control measures (e.g., detour signage, delineators, etc.) would also be implemented, as necessary, to ensure emergency access to the Project Site and traffic flow are maintained on adjacent rights-of-way, as well as minimizing response times. Furthermore, pursuant to California Vehicle Code (CVC) Section 21806, the drivers of emergency vehicles are

able to avoid traffic by using sirens to clear a path of travel or by driving in the lanes of opposing traffic to respond to emergencies in a timely manner.

As discussed in Section IV.L.1, *Public Services – Fire Protection*, of the Draft EIR, with the short-term nature of the construction activities and with implementation of a CMP, the Project's construction activities would not result in the need for a new fire station or the expansion of an existing facility, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios. In addition, as discussed in Section IV.M, *Transportation*, of the Draft EIR, the Project would not result in inadequate emergency access during construction. Therefore, impacts regarding fire protection services and emergency access during Project construction would be less than significant.

(ii) *Operation*

As indicated above, LAFD Station 78 is located on the north side of Valleyheart Drive, which serves as access to the Project's southern, secondary driveway. As part of the Project design and per Project Design Feature TRAF-PDF-2, a flashing red warning light(s) would be installed on the southern exit driveway within the Project Site at a location before vehicles reach Valleyheart Drive to hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. The primary objective of the warning light is to assist the return of the fire trucks and other vehicles to the fire station via Valleyheart Drive, as the vehicle turning radii for some of the vehicles are large and require the width of the entire Valleyheart Drive roadway to maneuver. There are two LAFD driveways on the north side of Valleyheart Drive that may use this warning light – the eastern driveway is used for the departure and return of the smaller emergency apparatus and the western driveway is used for the return of the larger fire trucks.

The warning light would help to minimize conflicts between vehicles leaving the Project Site's 17 space surface parking lot and emergency vehicles leaving/returning to the station. Further, the warning light would minimize eastbound queues by vehicles leaving the Project Site along Valleyheart Drive at Whitsett Avenue when emergency vehicles need to access Valleyheart Drive. Although not required, the warning light could be activated by LAFD, at their discretion, during the initial stages of response mobilization, before LAFD vehicles actually depart, allowing any inbound or outbound vehicles at the Project Site to clear the LAFD driveways on Valleyheart Lane, effectively maintaining unfettered emergency vehicle access to the fire station. Also, the Project would include an at-grade security kiosk located near the roundabout with a security guard nearby to assist with traffic management when the warning light is activated. Additionally, the southern driveway for the subterranean parking garage would allow for vehicular entry only; all vehicles exiting from the subterranean parking garage would do so via the north driveway onto Whitsett Avenue, which would reduce vehicular traffic on Valleyheart Drive and potential conflicts with the LAFD Station 78 driveway on Whitsett Avenue (refer to Chapter II – *Project Description*, page II-53). Finally, the site plan for the Project would be reviewed by the LAFD prior to issuance of a building permit as part of standard

permitting and plan check requirements to ensure that all emergency vehicle safety requirements (including those related to emergency access) are met.

While Project Design Feature TRAF-PDF-2 does not require the emergency responders to use the remote controls, and the findings in the Draft EIR do not change if the remote controls are not used, it provides an option if emergency responders observe impediments from vehicles exiting the Project Site and choose to use the remote control. If they choose not to use the remote control in the event of an emergency, smaller apparatus and other emergency vehicles departing using the eastern LAFD driveway on Valleyheart Drive would still be able to employ the traditional method of sirens and horns to alert other drivers of their presence. Valleyheart Drive, with a right-variable roadway width of at least 26 feet, also provides enough roadway width for smaller LAFD emergency vehicles to maneuver around other vehicles on Valleyheart Drive as necessary. In regard to the return of larger fire trucks that need to swing wide on Valleyheart Drive to enter the western LAFD driveway, returning vehicles would not be responding to an emergency situation. If the emergency responders choose to not activate the remote control warning light, it is likely that they would simply have personnel hold traffic on Valleyheart Drive while the truck enters the driveway. Such a technique is commonly used at fire stations when, for example, returning apparatus needs to back into a fire station from a public street.

Regarding the design and capacity of Valleyheart Drive at the Project's roundabout, as stated on page II-53 of the Draft EIR, Section II, *Project Description*, of the Draft EIR, the roundabout is designed to accommodate passenger vehicles, shuttles, garbage trucks, as well as emergency vehicles. The capacity of the roundabout to accommodate turning fire trucks is illustrated in Figure 3-3, *Fire Truck (NCHRP Report Aerial Fire Truck) Autoturn*, in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. Figure 3-3, which is added to Appendix M, *Transportation Assessment*, of the Draft EIR, is intended to clarify the adequacy of the turnaround.

It is acknowledged that at certain times, such as at the end of a large interscholastic competition or following a School or community Special Event, the Project would temporarily increase traffic on surrounding roadways. However, the area surrounding the Project Site includes an established street system, consisting of freeways, primary and secondary arterials, and collector and local streets, which provide regional, sub-regional, and local access and circulation within the local Project vicinity. Based on the Project Site's location within a highly urbanized area of the City, the streets surrounding the Project Site were designed as standard streets in terms of pavement width and thickness, curb and gutter, and horizontal and vertical curvature. Therefore, the street system surrounding the Project Site is not considered substandard and would be able to adequately accommodate event vehicle trips and traffic. As mentioned below, none of the streets adjacent to the Project Site are a City-designated disaster route that would be impacted by event traffic.

Emergency response is routinely facilitated, particularly for high priority calls, through the use of sirens to clear a path of travel (including bypassing of signalized intersections), by driving in the lanes of opposing traffic pursuant to CVC Section 21806, and by deploying multiple station response. In addition, because of the grid pattern of the local street system and the proximity to multiple freeways, each of the fire stations that serves the Project Site have multiple routes available to respond to emergency calls at the Project Site.

Operation of the Project would not include the installation of barriers (e.g., perimeter fencing, fixed bollards, etc.) that could impede emergency vehicle access to the Project Site and the Project vicinity. Furthermore, the Project's driveways and internal circulation would be designed to incorporate all applicable City Building Code and Fire Code requirements regarding Project Site access, including requirements to provide adequate emergency vehicle access. Such features would help to ensure fire response times are not substantively increased.

Compliance with applicable Los Angeles Building Code and Fire Code requirements would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in Los Angeles Municipal Code (LAMC) Section 57.118, and which are required prior to the issuance of a building permit. As discussed in Section IV.L.1, *Public Services - Fire Protection*, of the Draft EIR, impacts on fire protection services from Project implementation would be less than significant. In addition, as discussed in Section IV.H, *Hazards and Hazardous Materials*, of the Draft EIR, none of the streets adjacent to the Project Site are a City-designated disaster route.

In response to the City's request for information from LAFD on the Project, the LAFD letter included in Appendix L-1 of the Draft EIR stated:

"The Los Angeles Fire Department continually evaluates fire station placement and overall Department services for the entire City, as well as specific areas. The development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following: 1. Increased staffing for existing facilities. (I.E., Paramedic Rescue Ambulance and EMT Rescue Ambulance resources.) 2. Additional fire protection facilities. 3. Relocation of present fire protection facilities."

The above statement is standard language in the LAFD responses to development projects. The LAFD letter also includes a number of listed recommendations pertaining to firefighting personnel and apparatus access. LAFD in their letter states that, "[t]he inclusion of the above listed recommendations, along with any additional recommendations made during later review of the proposed project will reduce the impacts to an acceptable level."

At this time, LAFD has not identified any plans for constructing a new station in the Project area as a result of the Project-specific or cumulative impacts in the service area. If LAFD determines that new facilities are necessary at some point in the future, such facilities (1) would occur where allowed under the designated land use, (2) would be expected to be located on parcels that are infill opportunities on lots that are typically between approximately 0.5 to 1 acre in size (similar to nearby Stations 78, 108, 86, 102 and 97), and (3) could qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332 or Mitigated Negative Declaration and would not be expected to result in significant impacts. Therefore, development of a station at this scale is unlikely to result in significant impacts and projects involving the construction or expansion of a fire station, if needed in the future, would be addressed independently pursuant to CEQA.

(d) *Project with Design Modifications*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), reduced parking, grading, storm water capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. However, none of the design modifications directly or indirectly affect emergency access to the Project Site and as such, the impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications.

(3) **Conclusion**

Overall, despite the Project's periodic and temporary increase in localized traffic, the Project would not significantly impair the LAFD from responding in a timely manner to emergencies at the Project Site or the surrounding area. The Project would provide for emergency access into the Project Site and would not substantially interfere with emergency access in the surrounding neighborhood such that response times are substantively increased. The Project would also provide a warning light system to maintain adequate access for emergency vehicles to enter and return to the adjacent LAFD Fire Station 78 to ensure that interference with station operation would not occur. In addition, the inclusion of LAFD's applicable recommendations provided in their letter, dated February 20, 2021, along with LADOT's recommendations as presented on PDF pages 6 and 7 of 217 in Appendix M of the Draft EIR, along with any additional recommendations made during standard permitting and plan check requirements would further ensure adequate emergency access is provided by the Project. In conclusion, as discussed in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, and as summarized above, impacts to fire protection services, including operations at LAFD Fire Station 78, as well as emergency access associated with LAFD Fire Station 78, would be less than significant. Moreover, the analysis in Section IV.L.1 of the Draft EIR concluded that Project operation would not result in the need for a new fire station or the expansion of an existing facility, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.

## k) Topical Response No. 11 – Recreation: Golf and Tennis Facilities

### (1) Introduction

This topical response addresses comments received on the Draft EIR regarding the effects of the removal of the existing private golf and tennis facilities on the local community. Also, comments were received that inquired about the public's ability to use the on-site recreation facilities, including at times when the on-site facilities may be in full or partial use by Harvard-Westlake School (School). In accordance with the thresholds contained in Appendix G of the CEQA Guidelines, the Draft EIR evaluated Project impacts on parks and recreational facilities and considers whether the Project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of these facilities would occur or be accelerated, and whether the Project includes recreational facilities or requires the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. CEQA Guidelines Section 15131 specifically states that social effects of a project which do not cause a physical change to the environment "shall not be treated as significant effects." Therefore, the Draft EIR does not address the effects of the removal or relocation of recreational facilities on the expectations or preferences of recreationists, such as what time of day Project or alternate facilities might be available to the public. The development of the Project's recreational facilities that would be available for public use was a primary subject of the Draft EIR and addressed throughout the document. Draft EIR Section IV.L.3, *Parks and Recreation*, also evaluated the effects of the removal of the golf course and driving range and reduction in tennis facilities with respect to secondary impacts on off-site, existing public parks and recreational facilities.

### (2) Discussion

#### (a) Existing Recreational Facilities

As discussed in Chapter II, *Project Description*, and Section IV.L.3 of the Draft EIR, the School purchased the Weddington Golf & Tennis Club in 2017. The School has maintained operation in the interim and allows the public, for a fee as with the prior Weddington Golf & Tennis Club, to use the existing, nine-hole, 27-par golf course and 16 lighted tennis courts. Additional existing facilities include a putting green, a 25-stall driving range, and café. The hours of operation are from 7:00 a.m. to sunset daily for the golf course, 7:00 a.m. to 11:00 p.m. daily for the driving range, and 7:00 a.m. to 10:00 p.m. daily for the tennis courts.

The School's uses, following the acquisition, have consisted of tennis team practices and tournaments on a portion of the tennis courts and occasional use of the driving range and golf course by the School's golf teams and summer camp. The majority of tennis courts are used for lessons with paid instructors, and open courts are available to the public throughout the day. The current demand for the on-site tennis courts, on average, is 96 one-hour sessions per weekday and 78 one-hour sessions per weekend day. This

indicates that the courts are not used to maximum capacity at any period throughout a typical weekday or weekend as maximum capacity consists of 240 one-hour sessions per day (16 courts available for 15, one-hour sessions).

The golf course, which plays 911 yards, is generally available to walk in (non-reservation) golfers, and serves on average approximately 100 golfers per weekday. Demand increases during the weekends to approximately 150 golfers per day (individuals, not groups of golfers). Since the course is typically played in groups of two to four, with groups of four comprising most weekend rounds, this would represent 25 to 50 rounds per weekday, and 38 to 50 rounds per weekend day (note this demand, as discussed below, was high during the Covid lockdown of indoor recreational facilities). The existing use represents a fraction of the use of a typical nine-hole golf course, which is approximately 250 rounds per day (or 500 to 1,000 golfers per day assuming that each round at municipal courses is played by two to four golfers) based on usage data provided by the City of Los Angeles Department of Recreation and Park (RAP) municipal golf courses.<sup>175</sup> The practice/driving range serves approximately 185 golfers per weekday and 250 golfers per weekend day. Although not specifically surveyed, based on the range of existing golfers' zip codes maintained by the operator, it is estimated that the existing golfers come from areas throughout the San Fernando Valley and areas of west Los Angeles and Hollywood.

*(b) Other Golf and Tennis Facilities in the Region*

The Draft EIR includes a survey of the availability and capacity of other golf and tennis facilities in the region that could serve the Project Site's displaced tennis players during construction and operation, and the golfers displaced by the permanent removal of the Project Site's golf facilities (other than the putting green which would remain under the Project). Table IV.L.3-4 on pages IV.L.3-15 and IV.L.3-16 of the Draft EIR provided a list of tennis courts in the East San Fernando Valley available to the public and determined that 71 courts would be available to the existing users of the Project Site. In addition, based on existing players' zip codes, the Draft EIR determined that some players who use the Project Site's tennis facilities also reside in Hollywood, Burbank, Toluca Lake and areas within the west Los Angeles basin, and would have more convenient access to additional public tennis facilities in those communities, which are not listed in Table IV.L.3-4.

The Draft EIR also includes a survey of nine-hole golf courses in the region, which were listed in Table IV.L.3-5 on page IV.L.3-17 of the Draft EIR. The golf courses included courses operated by the RAP and private, nine-hole golf courses. Similar to Weddington Golf Course, all of the seven identified off-site courses were available to the public for a

<sup>175</sup> City of Los Angeles Department of Recreation and Parks, City of Los Angeles Golf Courses, Management Desk, telephone conversation, March 26, 2021; City of Los Angeles Department of Recreation and Parks, City of Los Angeles Golf Division, email from Rick Reinschmidt, Acting Golf Manager, rick.reinschmidt@lacity.org, April 5, 2021. See footnote Nos. 25 and 26 on page IV.L.2- 26 of the Draft EIR.

fee. A survey performed for the Draft EIR in March and April 2021 determined that same-day tee times were available for the Roosevelt Municipal Golf Course, the Los Feliz Municipal Golf Course, the Rancho Park Municipal Golf Course, the Penmar Municipal Golf Course, and the private Van Nuys Golf Course. The municipal golf courses were open to the public between 6:30 a.m. and 6:45 p.m. and were able to accommodate up to 250 rounds per day. The Van Nuys nine-hole golf course accommodates a maximum of 300 rounds of golf per day on a “first come, first served” basis and had daily availability. Regarding municipal courses, the RAP’s Reservation Desk described the Los Feliz Golf Course as being particularly light, with tee times available throughout the weekday and weekends. All of the golf courses remained open during Covid-19 restrictions and the survey would be conservative given that these facilities may have absorbed additional recreationists for which other recreational facilities were closed.

(c) *Analysis Methodology*

Because the Project would result in the removal of existing private, fee-only recreational facilities, including a nine-hole, 27-par golf course and driving range and eight of the existing 16 tennis courts, the Draft EIR evaluated the effects of shifting the Project Site’s current users to other existing facilities. The existing putting green would remain onsite as part of the Project. The analysis of impacts to parks and recreational facilities in the Draft EIR identifies the potential demand that would be generated by the Project and the potential for that additional demand to result in the deterioration of existing facilities or need for expansion of existing and/or construction of new off-site facilities. The Draft EIR analysis also considered the extent to which park and recreational facilities provided by the Project would fulfill the RAP’s goals and policies and reduce demand for existing, off-site facilities.

(d) *Effects of the Project on Off-Site Recreational Facilities*

The Project’s construction and operation would require the relocation of existing Project Site users. As discussed on pages IV.L.3-20 through IV.L.3-27 in Section IV.L.3 of the Draft EIR, relocated tennis players would have access to 71 free and fee-required public courts in the San Fernando Valley East Tennis League network. According to the RAP websites for fee-required tennis courts, certain courts, such as the Sherman Oaks Tennis Center and the Encino Balboa Tennis Center, require reservations. The lead times for reservations, as accessed on the RAP websites on February 11, 2021, were from less than one day to three days, which indicate the availability of open courts throughout a typical week. Based on existing players’ zip codes, demand from relocated players would be spread over a large area and would not focus entirely on the courts nearest the Project Site. Regarding public tennis courts that require reservations, the reservation system at off-site courts would control the hours and rate of use, reduce the overall wear and tear on the concrete courts, and ensure that usage would not exceed the design capacity of the affected facilities. Therefore, the use of off-site tennis courts would not require the provision of new or upgraded public tennis courts in order for RAP to maintain adequate service ratios.

Table IV.L.3-6, *Projected Capacity of Future, On-Site Tennis Courts*, on page IV.L.3-25 in Section IV.L.3, *Parks and Recreation*, of the Draft EIR, shows the existing demand of the sixteen onsite tennis courts and the projected future demand of the Project's eight tennis courts. Future demand is based on the existing public usage of the sixteen tennis courts, which does not include the School's existing usage of the courts. As shown in Table IV.L.3-6, the existing sixteen courts provide to the public, on average, 96 sessions during a single weekday (480 sessions per week) and 78 sessions during a weekend day (156 sessions per week), for a total weekly average of 636 sessions. The weekly sessions total in Table IV.3-6 has been corrected in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, to reflect 636 weekly existing sessions. This session total only consists of public and teaching professional uses, and does not include School uses.

The Project would develop eight new tennis courts that could be used simultaneously by both the School and the public when not in full use by the School. The eight future tennis courts would have the capacity to accommodate at least 88 public sessions per weekday (440 sessions per week) and 112 public sessions per weekend day (224 sessions per week), for a total weekly capacity of 664 sessions. The weekly sessions total in Table IV.L.3-6 has been corrected in Chapter 3 of this Final EIR, to reflect a capacity of 664 weekly sessions. The table reflects the School's use of the tennis courts on weekdays between 3:00 p.m. and 6:00 p.m., which is a conservative assumption since the School would not use all eight courts every weekday during the year, particularly during summer months and School breaks. As shown in Table IV.L.3-6, in Chapter 3 of this Final EIR, there are on average 480 existing weekday and 156 weekend sessions, for a total of 636 existing weekly sessions. On weekends, there would be adequate capacity offered by the Project's eight courts to accommodate the same number of existing sessions, other than between the hours of 8:00 a.m. and 11:00 a.m. Although the weekday capacity would be eight sessions less than the existing average daily use, the weekend (per day) capacity would be 34 sessions more than the current average use. In addition, School-associated tennis activities would generally not occur on the weekends. Over a period of a week, the Project would accommodate 664 weekly sessions, which is greater than the current use of 636 weekly sessions, and as such would have adequate capacity to accommodate the existing average weekly sessions. However, as discussed on pages IV.L.3-20 and IV.L.3-25 in Section IV.L.3 of the Draft EIR, available capacity of the future onsite tennis courts could depend on the willingness of existing players to shift their preferred hours of use. Although this could cause inconvenience to some players, those who have preferred hours not available at the Project Site have other tennis court choices throughout the local area. The choice of some existing players to relocate to off-site courts would not increase demand at RAP facilities that would cause significant deterioration nor require the construction of new facilities.

The Project would also result in the relocation of approximately 100 weekday and 150 weekend daily golfers. Assuming golfers would seek out similar nine-hole, par-3 playing opportunities (a conservative assumption since some golfers may transition to using full, 18-hole golf courses), this would increase demand on the private Van Nuys nine-hole golf

course and the City's four nine-hole golf courses (e.g., Roosevelt Golf Course, Los Feliz Golf Course, Rancho Park, and Penmar Golf Course), and would increase demand on the region's driving ranges. As with the RAP's fee-required tennis facilities, golf course activity is generally conducted on a reserved tee-time basis. A survey of the websites of the nearby Van Nuys Golf Course and four municipal courses in the area determined that tee times are available daily. Although demand for golfing has increased during the COVID-19 pandemic because outdoor activities, such as golf, are permitted by Los Angeles County COVID-19 health guidelines while other types of recreational activity, such as indoor racquetball and basketball facilities, have been closed or open on a limited or intermittent basis, the City of Los Angeles Golf Courses Reservation Desk described the Los Feliz Golf Course as being light, typically reaching less than 80 percent of its 250-round per day capacity. This indicates that the Los Feliz Golf Course would have at least 50 unfilled, or available, rounds per day. The Rancho Park golf course was also described by the RAP's Reservation Desk as below capacity during weekdays but closer to capacity on weekends. As previously stated, the Project Site's golf course serves, on average, 100 individuals on each weekday and 150 individuals on each weekend day. In groups of two to four (standard practice for golf courses), this represents 25 to 50 rounds per weekday, and 38 to 50 rounds per weekend day (groups of four are encouraged on busier weekends at all golf courses). Because existing municipal golf courses have available capacity to accommodate the relocated golfers from the Project Site without exceeding the RAP's service ratio of 250 rounds per day for municipal courses (the daily round capacity of the Los Feliz and Rancho Park Golf Courses), the relocation of golfers would not increase demand at a level that would foreseeably require the provision of new or reconstructed public golf courses. As discussed on page IV.L-20 and IV.L.3-27 in Section IV.L.3 of the Draft EIR, the use of other, offsite courses could potentially inconvenience existing golfers but would not result in a significant impact with respect to CEQA thresholds.

(e) *Overall Onsite Public Recreational Opportunities*

As described in Section IV.L.3 of the Draft EIR, the Project would provide all-day public access to 5.4 acres of landscaped open space and a 0.75-mile pedestrian pathway which would provide direct access through the Project Site from Valley Spring Lane to the Zev Greenway. The open space and pathway would be open to the public daily from 7:00 a.m. to 9:00 p.m. Other public uses include the use of the community room in the gymnasium building in an area that lacks neighborhood park facilities. Other facilities, such as the multi-purpose athletic fields, swimming pool, gymnasium, and eight tennis courts, would be available for public use with reservations when not in use by the School. As described on page II-47 in Chapter II, *Project Description*, of the Draft EIR, most of the School's outdoor activities, including those at the athletic fields, would occur in the late afternoons and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. (based on the School's 2018-2019 athletics calendar). As shown by the estimated schedule of activity, School-sponsored athletic activities would occur for a limited number of hours, leaving recreational facilities available for public use the majority of the day. As discussed above, the availability of the onsite tennis courts could depend on the willingness of existing

players to shift their preferred hours of use. The hours and days of operation for public use of onsite facilities are outlined in Chapter II, Table II-3, *Public Use Days and Hours*, of the Draft EIR. Public use would also include the continued use of the clubhouse, café, and putting green. Please refer to Topical Response No. 3, *Enforcement of Public Access*, in this Final EIR which describes the public's guaranteed use of the Project Site.

Relocated golfers would increase demand on RAP's 9 hole par 3 golf courses, which have been shown to have available capacity to serve existing Weddington golfers, and would temporarily increase demand on off-site public tennis courts during construction. The Project, however, would be able to accommodate existing public demand for tennis courts during operation. Since the off-site golf courses would be able to accommodate relocated golfers and the Project would be capable of accommodating existing tennis players and provide other recreational facilities to the public within the Project Site during operation, the Draft EIR correctly determined that the Project would not increase demand at off-site golf or tennis facilities such that the substantial or accelerated physical deterioration of public park and recreational facilities would occur, or require the construction or expansion of recreational facilities that would have an adverse physical effect on the environment.

#### (f) *Project Design Modifications*

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, stormwater capture and reuse system, and water features were made to the Project in response to comments received on the Draft EIR. However, none of the design modifications directly or indirectly affect the use or availability of the on-site recreation facilities by the public, including the tennis courts or pathways. As such, the recreational impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications.

### (3) Conclusion

Based on the discussions above and analysis included in the Draft EIR, the Project Site's current golfers would be accommodated at other golf facilities without exceeding their capacity. Tennis players who use the existing Project Site tennis courts could also be accommodated at other facilities during construction without exceeding their capacity. After completion of Project construction, tennis players would have access to the eight new onsite tennis courts. Furthermore, the proximity of the Project Site to the surrounding residential neighborhood and the provision of recreational opportunities and park uses that do not currently exist in the area, would reduce demand on other local park facilities (excluding public tennis and golf facilities). The Project's recreational facilities would reduce demand for off-site parks and recreational uses and meet the criterion of neighborhood park uses within walking distance of the surrounding neighborhood, as well as provide the highest priority recreational uses (walking paths) and high priority uses (gymnasium and swimming pool) identified in the RAP's Citywide Community Needs Assessment for the South San Fernando Valley geographic area. Therefore, the Project

would not cause the substantial or accelerated physical deterioration of public park and recreational facilities, and would not require the construction or expansion of recreational facilities that would have an adverse physical effect on the environment.

As discussed above, the recreational impacts of the Project are appropriately addressed in the Draft EIR. Further, the Project with design modifications would not directly or indirectly effect the use or availability of the on-site recreation facilities by the public and as such, the impact analysis and conclusions included in the Draft EIR are not affected by the Project design modifications. As such, the Project with the design modifications would not result in significant new or substantially increased environmental impacts as evaluated in the Draft EIR.

## **I) Topical Response No. 12 – Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses**

### **(1) Introduction**

This topical response addresses comments received on the Draft EIR concerning potential impacts of the Project and related projects and the adequacy of the cumulative mobile source (or traffic) noise and transportation/traffic impact analyses. The topical response also discusses the cumulative noise effects that would occur under the Project with the modified design. The information presented below pertaining to the related projects list is based on the content provided in Chapter III, *Environmental Setting*, of the Draft EIR. The cumulative traffic noise impact analysis was provided in Section IV.K, *Noise*, of the Draft EIR, which was supported by a noise technical report, prepared by Acoustical Engineering Services, Inc. dated March 2022, and included as Appendix K of the Draft EIR (entitled *Noise Technical Report – Harvard-Westlake River Park Project*). The mobile source noise analysis was based on traffic data included in the Harvard-Westlake River Park Project Transportation Assessment (TA), prepared by Fehr & Peers dated April 2021, which is included in Appendix M of the Draft EIR. The TA also served as the primary basis in preparing Section IV.M, *Transportation*, of the Draft EIR.

### **(2) Discussion**

#### **(a) Related Projects - CEQA Guidelines Section 15130**

As discussed on pages III-3 through III-5 in Chapter III of the Draft EIR, Section 15130 of the CEQA Guidelines requires that an EIR consider the environmental effects of a proposed project individually as well as cumulatively. As defined in CEQA Guidelines Section 15355, cumulative impacts refer to two or more individual effects, which, when considered together, are considerable or which compound or increase other environmental impacts.

As set forth in CEQA Guidelines Section 15130, the determination of cumulative impacts is generally a two-step process. The first step is to determine whether or not the combined effects from the project and related projects would result in a potentially significant cumulative impact. If the answer is no, then the EIR only briefly needs to indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. If the answer is yes, then the analysis proceeds to the second step, which is to determine whether the project's incremental effects are cumulatively considerable. CEQA Guidelines Section 15065(a)(3) defines "cumulatively considerable" to mean that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. In accordance with CEQA Guidelines Section 15130(a)(3), a project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate

the cumulative impact. In addition, the lead agency is required to identify facts and analyses supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

CEQA Guidelines Section 15130(b) further provides that the discussion of cumulative impacts reflect “the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great of detail as is provided for the effects attributable to the project alone.” Rather, the discussion is to “be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute.”

CEQA Guidelines Section 15130(b) states that complying with one of the following two protocols is necessary to provide an adequate discussion of significant cumulative impacts:

- (A) A list of past, present, and probable future projects producing related or cumulative impacts including, if necessary, those projects outside the control of the agency; or
- (B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

Cumulative study areas are defined based on an analysis of the geographical scope relevant to each particular environmental issue. Therefore, the cumulative study area for each individual environmental impact issue may vary. For example, a cumulative land use impact generally may only affect the compatibility of uses within the vicinity of the project site, while a cumulative air quality impact may affect the entire South Coast Air Basin. The specific boundaries and the projected growth within those boundaries for the cumulative study area of each environmental issue are identified in the applicable environmental issue section in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR. For cumulative noise and transportation impacts, as applicable, a list of related projects was determined appropriate for analyzing cumulative impacts. Note that for cumulative VMT impacts under CEQA requirements, the VMT for the related projects is not applicable as the Project’s VMT impacts would be less than significant and consistent with the 2020-2045 RTP/SCS VMT reduction goals.

A list of proposed development projects in the area of the Project that could affect conditions in the Project area (e.g., by generating population increases requiring public services, increase in traffic, etc.) was prepared based on information obtained from the City of Los Angeles Department of Transportation (LADOT) and the Department of City

Planning. A total of five (5) potential related development projects were identified within the vicinity of the Project Site for inclusion in the cumulative impact analysis for the Draft EIR. These related projects are in varying stages of the approval/entitlement/development process and reflect the diverse range of land uses in the vicinity of the Project Site and the location of the Project Site in an urban, built-out environment. Specifically, the related projects comprise a variety of uses, including apartments, retail, restaurant and other mixed-use land uses. The list of five (5) identified related projects is provided in **Table III-1, Related Projects List**, of the Draft EIR, with the locations of each of the related projects presented in **Figure III-1, Related Projects Map**, of the Draft EIR.

According to the LADOT Transportation Assessment Guidelines (TAG), related projects are new development projects within a one-half mile radius of the Project Site plus one-quarter mile from the farthest outlying intersection. As part of the related projects, both development projects at the Sportsmen's Lodge were included. There are two separate Sportsmen's Lodge projects (No. 1 and No. 5) identified in the related projects list. The first (Related Project No. 1) is the replacement of the event/banquet facility with a shopping center with a gym (Equinox is the tenant) and various retail stores, which was approved in 2015, has already been built and is at or near full operation, with initial operations occurring in late 2021. The second (Related Project No. 5) is a more recent project, which would involve the demolition of a hotel and the construction of apartments and restaurant/retail uses that is currently undergoing its own discretionary City review process.

(b) *Cumulative Traffic Noise Analyses*

(i) *Cumulative Construction Traffic Noise*

As discussed on page IV.K-70 in Section IV.K, *Noise*, of the Draft EIR, Related Project No. 1, which was at or near completion at the time the Draft EIR was in preparation, was conservatively included in the Project's cumulative noise analysis. In other words, the analysis of cumulative construction traffic noise in the Draft EIR conservatively assumed that construction of all of the related projects, including Related Project No. 1, could occur at the same time as the Project. This is a conservative assumption because it assumes that the Sportsmen's Lodge projects (Related Projects Nos.1 and 5) could generate construction truck traffic at the same time as the Project and that these related projects, when added together with the Project, could generate an increase in cumulative construction traffic noise levels (even though, as indicated above, Related Project No. 1 opened in late 2021 and would therefore not have construction activities that would overlap with construction of the Project).

As shown in Table IV.K-10 of the Draft EIR, the Project would not result in any significant off-site construction noise impacts due to construction trips. The roadway in the vicinity of the Project Site that would have off-site construction noise levels from Project construction trucks closest to the significance threshold would be Whitsett Avenue (between Moorpark Street and Ventura Boulevard) during construction months 3-5, which

would have a maximum of up to 25 truck trips per hour<sup>176</sup> and would generate a noise level of approximately 64.0 dBA Leq (67.3 dBA when added to existing ambient noise), where the threshold of significance is 69.6 dBA Leq.

It is acknowledged on page IV.K-71 of the Draft EIR that if construction of the related projects would overlap with Project construction and construction trucks would utilize the same roadway network as the Project, cumulative off-site construction noise level increases could occur in the Project vicinity. For the purposes of the analysis, the number of construction trucks from related projects that would be needed to exceed the significance threshold was estimated to determine the potential for impacts. Based on the analysis, related projects contributing more than 38 truck trips per hour (i.e., a 150 percent increase from the Project's maximum anticipated number of hourly truck trips) would result in a cumulatively considerable contribution to off-site construction noise and impacts would be significant, assuming that the trucks from the related projects travel on the same roadway segments as the Project, including on Whitsett Avenue (between Moorpark Street and Ventura Boulevard). Related Project Nos. 2, 3, and 4 are on the order of one acre or less in size each and, therefore, would not be expected to generate a sizeable number of truck trips. These related projects would not cumulatively contribute 38 or more truck trips per hour due to the limited amount of construction activity on such small sites. However, as per the Draft EIR's assumption that all five (5) of the related projects, including the Sportsmen's Lodge projects (Related Projects Nos. 1 and 5, despite the start of operation for Related Project No. 1 in late 2021), could generate construction truck traffic at the same time as the Project, it is possible that truck traffic from multiple related projects could potentially overlap on some days with the Project and generate noise in excess of the significance threshold.

Regarding mitigation measures, as discussed on page IV.K-76 of the Draft EIR, residential land uses comprise the majority of existing sensitive uses in the Project Site vicinity that could be impacted by the temporary increase in construction traffic-generated noise levels. Installation of temporary sound barriers to mitigate vehicular noise would be inappropriate for residential land uses that face the roadway as it would be impractical and would create aesthetic and access concerns. Thus, there are no feasible mitigation measures that could be implemented to reduce the temporary cumulative off-site construction traffic noise impacts. Therefore, given that it is possible, albeit unlikely since Related Project No. 1 began partial operation in late 2021, that the Project and related projects could contribute to cumulative off-site construction traffic noise levels that could exceed a significance threshold, and that there are no feasible mitigation measures, cumulative off-site construction traffic noise impacts would be temporarily significant and unavoidable. The analysis of construction traffic noise impacts meets the applicable requirements of CEQA Guidelines Section 15130 and no further analysis is required.

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<sup>176</sup> While the Project would generate up to 50 truck trips per hour (inbound plus outbound), Whitsett Avenue between Moorpark Street and Ventura Boulevard would have inbound truck trips north of the Project Site and outbound truck trips south of the Project Site. Therefore, no portion of Whitsett Avenue would have both inbound and outbound truck trips.

*(ii) Cumulative Operational Traffic Noise*

Cumulative operational traffic noise impacts are discussed on pages IV.K-73 and IV.K-74 of the Draft EIR. As discussed therein, the Project and related projects in the area would produce off-site traffic volumes that would generate roadway noise. Roadway noise levels were projected using the Federal Highway Administration's (FHWA) Traffic Noise Model (TNM) and the roadway traffic volumes provided in the TA for the Project. Cumulative noise impacts due to off-site traffic were analyzed by comparing the projected increase in traffic noise levels from "existing" conditions to "future plus project" conditions to the applicable significance criteria. The "future plus project" conditions include traffic volumes from future ambient growth, related projects, and the Project. The traffic volume data is provided in the TA, prepared by Fehr & Peers dated April 2021, which is included in Appendix M of the Draft EIR.

Comments were received regarding the traffic volume data for the existing conditions scenario, which does not include operational traffic from the Sportsmen's Lodge projects. The Sportsmen's Lodge shopping center with gym and retail uses was recently completed and began operation in late 2021 (Related Project No. 1). The Sportsmen's Lodge apartments and restaurant/retail uses are not yet entitled or constructed (Related Project No. 5). Although Related Project No. 1 may currently contribute to ambient noise levels, the modeling of noise levels associated with existing conditions without Related Project No. 1 reflected a lower existing condition. The level of cumulative impact is the relative change between existing and future conditions. By not including the modeled traffic volume from Related Project No. 1 to the existing conditions scenario, traffic from Related Project No. 1 was added to the traffic noise generated by the Project and other related projects. As such, the Draft EIR analysis results in a slightly conservative traffic noise assessment. Note that, because the decibel scale used for noise analysis is a logarithmic calculation, sound energy is logarithmically added together (modeled) to obtain a resultant combined noise level. Using a slightly lower traffic volume for the existing condition means that the Project's and Related Project's incremental contribution to traffic noise would result in a slightly greater incremental increase in the traffic noise level. However, the exclusion of the traffic volume from Related Project No. 1 for the existing conditions scenario has little reductive effect on the Project's impact analysis given the Project's negligible modeled impact. As shown in Table IV.K-18 on page IV.K-53 of the Draft EIR, the Project's incremental change in traffic noise from operation ranges from approximately -0.3 dBA Leq (a slight reduction) to 0.2 dBA Leq (a slight increase). Even if the traffic volume from Related Project No. 1 were to be included for the existing conditions scenario, the Project's incremental change in traffic noise would be on the order of a change in the tenth decimal place (i.e., a change of less than 1 dBA Leq). As stated on page IV.K-5 of the Draft EIR, a change of 3 dBA in ambient noise levels is considered to be a barely perceivable difference for human hearing. Thus, given that the Project's incremental change in traffic noise levels, with or without the traffic volume from Related Project No. 1, would be on the order of a change in the tenth decimal place, the Project would result in a change in traffic noise levels far less than the significance

threshold, as defined on page IV.K-27 of the Draft EIR. As such, as concluded in the Draft EIR, the Project would have a less than significant impact.

As stated above, the “future plus project” conditions include traffic volumes from future ambient growth, related projects (including the Sportsmen’s Lodge projects [Related Project No. 1 and Related Project No. 5]), and the Project. Table IV.K-25 on page IV.K-74 of the Draft EIR provides a summary of the cumulative off-site traffic noise analysis under the “future (2025) plus project” condition. With regard to the traffic-related noise levels generated by the “future plus project” conditions, the traffic under this scenario accounted for trips generated by all the related projects, including the Sportsmen’s Lodge projects, as well as inclusion of an ambient growth factor of 0.6 percent per year applied to adjust the baseline year traffic volumes to reflect the effects of regional growth and development. This adjustment was applied to the baseline year (2020) traffic volume data to reflect the effect of ambient growth by the year 2025. LADOT approved this methodology to reflect regional growth and development based on consideration of the City of Los Angeles’ traffic demand model as part of the approved Memorandum of Understanding (MOU) (included in Appendix A in the TA), which outlines the methodology and assumptions included as part of the TA. This approach and methodology is consistent with standard City practice for evaluating cumulative impacts.

As indicated in Table IV.K-25, cumulative traffic noise during the 3-4 p.m. hour would result in a maximum increase of 0.5 dBA along Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard) and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue). Cumulative traffic noise increases at all other analyzed roadway segments would be less than 0.5 dBA. During the 5-6 p.m. hour, the cumulative traffic noise increase on a Special Event day would result in a maximum increase of 1.1 dBA occurring along Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard) and Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue). All other analyzed street segments would have a cumulative traffic noise increase of 1 dBA or lower. The estimated cumulative noise increases would be well below the 5-dBA significance threshold. Therefore, the Project’s contribution to off-site traffic noise would not be cumulatively considerable, and off-site cumulative traffic noise impacts associated with the Project would be less than significant.

Based on the above, the analysis of operational traffic noise impacts meets the applicable requirements of CEQA Guidelines Section 15130 and no further analysis is required.

### (c) *Cumulative Traffic Analyses*

Section IV.M, *Transportation*, of the Draft EIR, analyzed the potential Project impacts based on the TA, prepared by Fehr & Peers dated April 2021, which is included in Appendix M of the Draft EIR. The TA was prepared in accordance with the LADOT’s TAG adopted in July 2019 and updated in July 2020, and pursuant to an MOU approved by LADOT on June 3, 2020, documenting its assumptions and technical methodologies. The TAG sets forth the methodology for analyzing the CEQA Guideline’s Appendix G transportation thresholds, including the City’s adopted VMT thresholds and evaluation of consistency

with CEQA Guidelines Section 15064.3, subdivision (b). In accordance with SB 743 and Section 15064.3 (b), the State mandates that traffic congestion is not considered a CEQA impact. The LADOT MOU is included in Appendix A of the TA. LADOT reviewed the TA and provided an approval letter of the TA on June 11, 2021, which is included in Appendix M of the Draft EIR.

In accordance with the TAG, the CEQA-required analysis to be included within the Draft EIR section includes an assessment of whether the Project would result in: 1) potential conflicts with transportation-related plans, ordinances, or policies; 2) a substantial increase in vehicle miles traveled (VMT); or 3) increased hazards due to a geometric design feature or incompatible use. In addition, in accordance with Appendix G of the CEQA Guidelines, an assessment of whether the Project would result in inadequate emergency access is included. These required CEQA issues do not include traffic impacts from the Project or related projects related to levels of service (LOS), which in general terms, analyze traffic congestion at local intersections. These “non-CEQA” issues are discussed below.

The TAG also requires assessment of “non-CEQA” transportation issues, which include: 1) pedestrian, bicycle, and transit access; 2) project access, safety, and circulation; 3) construction traffic; and 4) residential street cut-through analysis. The analyses of these “non-CEQA” issues are included in the TA along with the aforementioned LOS analysis. However, since they are non-CEQA items, they are not analyzed in the Draft EIR unless they relate to the assessment of potential conflicts with transportation-related plans, ordinances, or policies mentioned above.

As part of the non-CEQA analyses, the TA did include an analysis of intersection LOS and queuing, which evaluated the Project’s traffic relative to signalized and unsignalized intersections in the local Project vicinity during the projected opening year (2025) of the Project. This analysis included traffic/trips generated by all the related projects, including both developments at the Sportsmen’s Lodge, as well as inclusion of an ambient growth factor of 0.6 percent per year applied to adjust the baseline year traffic volumes to reflect the effects of regional growth and development. As shown in Tables 11a and 11b on PDF pages 75 and 76 of 217, respectively, of the TA, per the City’s criteria, no instances were found where the Project was projected to cause or substantially contribute to unacceptable queuing at the study area intersections.

Also, LADOT approved the related projects list concurrently with the Project’s MOU in June 2020. It is common for related projects to be in varying stages of construction and/or phases of the City’s entitlement process at the time of a project’s MOU approval by LADOT. In June 2020, a definitive fully operational date for Related Project No. 1 would have been speculative nearly 1.5 years before operations commenced for Related Project No. 1. Thus, it would not have been reasonable to delay the Project’s TA due the status of Related Project No. 1. Related Project No. 1 was ultimately approved by LADOT in June 2021, with construction activities initiating in late 2021. Since Related Project No. 1 did not commence construction activity until late 2021, it was appropriately excluded from

the Baseline 2020 Year traffic conditions evaluated in the TA. However, traffic volumes from Related Project No. 1, as well as all the other related projects, were appropriately accounted for as part of the non-CEQA transportation analysis (i.e., level of service analysis) using City-approved methodologies in the TA for the Project's Opening Year 2025 buildout condition.

*(d) Project Design Modifications*

*(i) Cumulative Construction Traffic Noise*

The Project's design modifications are discussed under Topical Response No. 2 – Modifications to the Project Design. As discussed therein, due to the reduced footprint of the subterranean parking garage, the Project design modifications reduce the Project's soil excavation from 250,000 cubic yards to 197,000 cubic yards of soil to be exported off-site. This reduction in grading would reduce the total number of haul truck trips from 35,714 trips to 28,142, a reduction of 7,572 truck trips. This would reduce the excavation phase (with dirt hauling) from seven months to 5.5 months, although the overall construction schedule would still remain at approximately 30 months given overlapping construction phases. As explained in the Draft EIR on pages IV.K-34 and IV.K-35, noise impacts are analyzed based on the maximum daily activity.

While the Project design modifications would result in a reduction in the duration of the excavation activities, the daily maximum construction activity during excavation, upon which the comparison to traffic and noise standards are based, would not change. As such, since the maximum daily construction activity and mobile source noise would be the same as analyzed in the Draft EIR, the cumulative mobile source analysis and significant and unavoidable cumulative mobile source noise impact in the Draft EIR is not changed due to the Project design modifications. However, the duration of the cumulative off-site mobile source noise impacts related to excavation activities would be reduced.

*(ii) Cumulative Operational Traffic Noise*

As discussed under Topical Response No. 2 – Modifications to the Project Design, the Project design modifications would reduce the number of subterranean parking from 503 spaces to 386 spaces, and reduce the number of surface lot spaces from 29 to 17 spaces. Overall, the number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces. The reduced number of parking spaces would have the effect of reducing traffic along Moorpark Street, Whitsett Avenue, and Ventura Boulevard, to/from the Project Site since no off-site parking would be permitted by the Project. That is, visitors that could have parked at the Project Site with the additional 129 spaces, would now be required to shuttle from the Upper School campus to the Project Site during those occasions when the on-site parking could reach capacity. The TA assumed circulation of three (3) shuttles between the Project Site and the Upper School campus. Under the Project with design modifications, assuming that most of the event attendees would arrive at the Upper School campus around the same time, shuttles would be operated at the maximum capacity of 24 passengers at a time, resulting in 6 additional shuttle round trips

(129 passengers divided by 24 passengers per shuttle trip) between the Project Site and the Upper School campus.

As indicated on page IV.K-73 of the Draft EIR, the Project and related projects in the area would produce off-site traffic volumes that would generate roadway noise. Table IV.K-25, *Cumulative Off-Site Roadway Traffic Noise Impacts*, on page IV.K-74 of the Draft EIR provides a summary of the cumulative off-site traffic noise analysis under the “future (2025) plus project” condition. As indicated in Table IV.K-25, the maximum cumulative traffic noise increase would be 1.1 dBA along Coldwater Canyon Avenue (between Moorpark Street and Ventura Boulevard) during the Future (2025) condition with the Project and during a Special Event, assuming Left-Turn out would not be allowed at Valleyheart Drive. This increase would be a less than significant impact. Any potential decrease in Project traffic along Moorpark Street, Whitsett Avenue, and Ventura Boulevard with the design modifications could incrementally reduce the cumulative traffic noise level increases identified in Table IV.K-25, which are all below 1.1 dBA and well below the 5-dBA significance threshold. Compared to the Project without design modifications, which would result in a maximum 0.6 dBA noise level increase along Coldwater Canyon between Moorpark Street and Ventura Boulevard (see Table IV.K-18 on page IV.K-53 of the Draft EIR), the shift in traffic (vehicles or shuttles) to the Upper School campus along Coldwater Canyon would have a negligible effect on noise levels of less than approximately 1 dBA. This would be an imperceptible change in noise levels under the Project with design modifications compared to the Project without design modifications. Accordingly, even with additional traffic on Coldwater Canyon south of Moorpark from vehicles/shuttles going to/from the Upper School campus, the resulting cumulative noise level increase would be less than approximately 1.7 dBA with the cumulative change in traffic noise levels being less than significant, similar to the impact conclusion in the Draft EIR.

### (iii) *Cumulative Operational Traffic*

As discussed above and under Topical Response No. 2 – Modifications to the Project Design, the number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces. The reduced number of parking spaces would have the effect of reducing traffic to/from the Project Site since no off-site parking would be permitted by the Project. That is, visitors that could have parked at the Project Site with the additional 129 spaces, would now be required to shuttle from the Upper School campus to the Project Site during those occasions when the lot could reach capacity. The TA assumed circulation of three (3) shuttles between the Project Site and the Upper School campus. Under the Project with design modifications, assuming that most of the event attendees would arrive at the Upper School campus around the same time, shuttles would be operated at the maximum capacity of 24 passengers at a time, resulting in 6 additional shuttle round trips (129 passengers divided by 24 passengers per shuttle trip) between the Project Site and the Upper School campus.

Note that for cumulative VMT impacts under CEQA requirements, the VMT for the related projects is not applicable as the Project’s VMT impacts would be less than significant and

consistent with the 2020-2045 RTP/SCS VMT reduction goals. Pursuant to Section 2.2.4 of LADOT's TAG, cumulative VMT impacts are based upon consistency with the RTP/SCS. Therefore, a less than significant impact conclusion for the Project without and with design modifications, in combination with demonstrated consistency with the RTP/SCS, is sufficient to demonstrate that there is no cumulative VMT impact.

The TA did include a non-CEQA analysis for informational purposes that analyzed the Project's effect on traffic conditions in 2025 with the related projects considered. Table 10 (PDF page 67 of 217 in Appendix M of the Draft EIR) of the TA included trip generation estimates for the Project, which included a maximum of 550 total (50 inbound and 500 outbound) trips during the 5-6 P.M. peak hour under the Special Events Scenario. Table 11 (PDF pages 75 and 76 of 217 in Appendix M of the Draft EIR) of the TA shows the levels of service (LOS) and vehicle queues for the study area intersections in 2025 (Project Opening Year) during non-events and Special Events. As shown in Table 11, per the City's criteria, no instances were found of the Project where its vehicle trips were projected to cause or substantially contribute to unacceptable queuing at nearby signalized intersections.

As the Project with the design modifications would reduce the maximum outbound trips during a Special Events Scenario based on the reduced number of parking spaces, there would be a reduction in Project trips assigned to Whitsett Avenue, Moorpark Street, and Ventura Boulevard during the 5-6 P.M. peak hour Special Event scenario with the related projects in Year 2025. Thus, there would be a decrease in traffic and queuing from traffic along these roadway segments compared to that analyzed in the TA. Compared to the Project without design modifications, the additional vehicles parked at the Upper School campus could add up to 129 vehicle passenger trips leaving the Upper Campus school and six shuttle round trips (or 12 one-way trips to/from the Project Site) along Coldwater Canyon Avenue between the Upper School campus and Moorpark Street, including through the intersections of Coldwater Canyon Avenue/Ventura Boulevard and Coldwater Canyon Avenue/Moorpark Street. The addition of these trips would represent an incremental increase to peak hour existing traffic conditions compared to the Project without design modifications and would not substantially degrade intersection LOS at any of the study area intersections or trigger an operational issue based on the changes to queuing. Regardless, LOS outputs and queuing are non-CEQA issues that are not required to be analyzed in the Project's EIR.

### (3) Conclusion

As discussed above, both the cumulative mobile source (traffic) noise analysis in Section IV. K, *Noise*, in the Draft EIR, and the cumulative LOS analysis (a non-CEQA component) in the TA appropriately analyzed and included traffic generated by the related projects, including traffic generated by both related projects at the Sportsmen's Lodge. Thus, the respective analyses meet the applicable requirements of CEQA Guidelines Section 15130 for analyzing cumulative impacts and no new or additional analysis is required for these issues.

Modifications to the Project design as described in Topical Response No. 2 would not result in any new or significant off-site transportation or traffic noise impacts and therefore, would not contribute to a new significant impact or a substantial increase in the severity of cumulative impacts compared to the Project without the design modifications.

Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for further discussion on the Project’s transportation impacts.

## m) Topical Response No. 13 – Need for Project (Non-CEQA)

The City received comments that challenged the need for the Project; however, these comments do not represent a challenge to the sufficiency of the Draft EIR. An EIR is not intended or required to provide justification or demonstrate the need for a particular project, as the criteria by which a project's need might be evaluated is subject to significant variability and, often, subjective assessment. Rather, as required by CEQA, an EIR is intended to serve as an informational document to provide public agencies and the public with information about the potential effect(s) that a proposed project is likely to have on the environment, to list ways in which the significant effect(s) of such a project might be minimized, and to indicate alternatives to such a project. Notwithstanding the above, this topical response addresses comments related to the need for the Project for informational purposes.

Nine specific Project Objectives were identified in Chapter II, *Project Description*, on pages II-13 and II-14 of the Draft EIR. Primary among them is the construction of new athletic facilities for future generations of Harvard-Westlake students. The Draft EIR also states that “[t]he underlying purpose of the Project is to supplement the School’s athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future.” Objectives specifically include the development of a state-of-the-art indoor and outdoor athletic and recreational facility to support the School’s existing athletic programs and co-curricular activities; to provide opportunities for shared use of a variety of types of recreational facilities and activities for the community; and to provide opportunities for academic use of the Project Site through science labs and outdoor classes, bird watching, and other non-athletic school activities.

Though comments were received that the Project’s athletic facilities might replace those that already exist on the Upper School campus, the Project’s multipurpose fields, tennis courts, pool, and gymnasium would in fact supplement the School’s existing facilities, not replace them. Existing facilities are currently space-constrained, impinging on student participation, limiting the formation of new sports programs, capping the number of teams that can be supported within an existing sport, creating crowded and potentially unsafe practice conditions, reducing the possibility of intramural sports programs, and shifting athletic activities later into evening hours. The shortage has been derived from multiple factors over the years that increased program interest and scope and worsened constraints affecting available athletics spaces (e.g., spaces that are available fewer hours per day).

First, the number of existing athletics facilities at the Upper School campus are the same in 2022 as they were in the 1980s, despite changes that have significantly increased the number of students participating in athletics. Second, the overall desire of students to participate in sports, which has increased significantly since the 1991 merger that led to Harvard-Westlake. Since 2000, participation rates increased by 55 percent of students to

over 70 percent of students. The third factor stems from a California Interscholastic Federation (CIF) rule change that took effect in 2008 that allowed practices, conditioning, and competition for a single sport to take place year-round (the CIF governs sports programs for participating high schools). For many high schools with robust sports programs, the result of the rule change was that coaches immediately began to schedule conditioning and practice sessions during their team's non-competition season. Instead of two or three in-season teams coordinating use of a single facility during the same week, multiple out-of-season teams now needed to schedule space as well.

For Harvard-Westlake, the combination of these three factors have resulted in heightened stresses being placed on the School's longstanding and largely unchanged athletics facilities. As previously stated, the underlying purpose of the Project is to supplement the School's athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future, which can be implemented by an expansion of existing athletic and recreational facilities.

### 3. Responses to Comments

#### Comment Letter No. AG 1

Mathew Craig, Inspector II  
Los Angeles Fire Department  
Received April 11 and April 19, 2022

#### Comment No. AG 1-1

I received a notice of extension regarding this case. Please advise if you need anything from LAFD, I have recently taken over this process and do not know if you have received a response previously. I do not have a current request or proof of payment regarding a response request.

#### Response No. AG 1-1

*The below response was provided via e-mail by Kimberly Henry with the Department of City Planning on April 18, 2022.*

“Hi Inspector Craig,

We previously sent the LAFD Service Letter Request regarding this project, to LAFD (Captain Mittino at the time) on October 28, 2020, at the time that the Notice of Preparation was sent out for the Draft EIR. I then received LAFD's response on February 20, 2021. Therefore, as far as I know, I've received what we needed from LAFD for this project, unless you have additional comments on the project that you would like to provide.

I've attached the original Service Letter Request and the Response from LAFD that I received, for your reference. Please let me know if you need anything from me for this project, or if you'd like to provide any additional comments to us on the Project from LAFD.”

The comment explains that the commenter is new to the process and inquires whether anything is needed of the Los Angeles Fire Department (LAFD) at this time. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Nonetheless, to clarify the comment, the Department of City Planning previously sent the LAFD Service Letter Request regarding this Project to then-LAFD Captain Mittino on October 28, 2020, at the time that the Notice of Preparation was sent out for the Draft EIR. The Department of City Planning then received LAFD's response on February 20, 2021. Therefore, the City has received what it needed from LAFD for this Project. However, if there are any additional comments on the Project that the LAFD would like to provide, those comments would be forwarded to the decision makers.

## **Comment No. AG 1-2**

*The below response was provided via e-mail by Matthew Craig with LAFD on April 19, 2022.*

“As long as there have been no major changes to the scope of this project our original response remains the same. thank you”

## **Response No. AG 1-2**

*The below response was provided via e-mail by Kimberly Henry with the Department of City Planning on April 20, 2022.*

“No, there have been no major changes to the scope of this project.

Thank you for confirming that LAFD's original response remains the same. Have a great rest of your week!”

The above response by the Department of City Planning re-affirm no changes are needed to LAFD's original public service letter. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Thus, no further response is necessary.

## **Comment Letter No. AG 2**

Marshall Styers  
Environmental Specialist  
Environmental Planning and Assessment  
Los Angeles Department of Water and Power  
Received April 15 and April 19, 2022

### **Comment No. AG 2-1**

*The below e-mail was provided by LADWP on April 19, 2022.*

The Los Angeles Department of Water and Power (LADWP) is submitting a comment letter for the Harvard-Westlake Project. I have also attached the notification letter we received regarding the project for your reference. Please let me know if you have any questions, and thank you for the opportunity to provide comments on this project.

### **Response No. AG 2-1**

The comment indicates LADWP has provided a comment letter on the Project, which is addressed below in Response Nos. AG 2-2 to 2-7. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Thus, no further response is necessary.

### **Comment No. AG 2-2**

*Comment Nos AG 2-2 to AG 2-7 were included in a letter dated April 15, 2022*

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the Harvard-Westlake River Project (Project) Draft Environmental Impact Report. The mission of LADWP is to provide clean, reliable water and power to the City of Los Angeles. Based on our review of the Project Initial Study we respectfully submit the below comments.

### **Response No. AG 2-2**

The comment expresses appreciation for the opportunity to comment on the Project and describes LADWP's mission in providing clean, reliable water and energy to the City. The comment also introduces comments to be provided below but does not, in itself, comment on the adequacy or content of the Draft EIR. As such, no further response is necessary.

## Comment No. AG 2-3

### Comments:

#### Joint:

- 1) The City of Los Angeles, herein referred to as City, shall pertain to its employees, agents, consultants, contractors, officers, patrons, or invitees of the City, or by any other of the City's affiliated entities.
- 2) This response shall not be construed as an approval for any project.

## Response No. AG 2-3

The comment clarifies the definition and persons who are referred to as the City, but does not discuss the contents or adequacy of the Draft EIR. As such, no further response is necessary. However, as is requested in the comment letter, the LADWP's comments shall not be construed as an approval of the Project.

## Comment No. AG 2-4

### Water System:

#### IV. Environmental Impact Analysis I. Hydrology and Water Quality

1. The project description on page IV.I-28 indicates that the construction will require grading, excavation and dewatering activities below the historical groundwater level. These activities could potentially impact and/or deplete the San Fernando Basin's (SFB) groundwater supplies, a principle groundwater resource in the Upper Los Angeles River Area (ULARA). The City of Los Angeles (City) relies on groundwater from the SFB to supply its over four million customers. The City has prior and paramount pueblo water rights to the native ground waters rights, as well as the right to store and recapture water, as set forth in the judgment in *The City of Los Angeles v. City of San Fernando*, Los Angeles Superior Court Case No. 650079, dated January 26, 1979 (ULARA Judgment). To avoid impacting the City's rights, the project should incorporate the following:
  - a. Establish communication with the court appointed ULARA Watermaster, Richard C. Slade & Associates LLC, 14051 Burbank Boulevard, Suite 300, Sherman Oaks, CA 91401, Phone (818) 506-0418, <http://ularawatermaster.com/> and LADWP staff Mr. Manuel Aguilar at (213) 367-3465 or via email at [Manuel.Aguilar@ladwp.com](mailto:Manuel.Aguilar@ladwp.com). The ULARA Judgment requires safe yield operations for the SFB to ensure groundwater extractions over the long-term do not create a condition of overdraft. Basin management in SFB is achieved by collective efforts of a court-appointed Watermaster and an administrative committee consisting of representatives from the City's LADWP and other public water supply agencies.

- b. Install flow meters on extraction wells and report extractions to LADWP. Contact LADWP staff Mr. Manuel Aguilar at (213) 367-3465 or via email at Manuel.Aguilar@ladwp.com for information on how to report extractions.
- c. Compensate the City by annual payment for the loss incurred from groundwater extractions. Contact LADWP staff Mr. Manuel Aguilar at (213) 367-3465 or via email at Manuel.Aguilar@ladwp.com for more information.

## Response No. AG 2-4

The comment correctly indicates that Project construction will require grading, excavation and dewatering activities should groundwater be encountered. As stated on page IV.I-21 of the Draft EIR, groundwater was encountered within the soil borings cited in the Preliminary Geotechnical Report (Appendix G-1 of the Draft EIR) at varying depths between 24.5 and 49.5 feet below ground surface (bgs).<sup>1</sup> The historical highest groundwater is at ground surface.<sup>2</sup> Project construction requires excavation and grading of the Project Site to a maximum depth of approximately 21 feet. Thus, based on the soil boring information included in the Preliminary Geotechnical Report, groundwater would not be encountered. Nonetheless, based on the historical highest groundwater level, the Draft EIR conservatively concludes that temporary dewatering activities may be needed during excavation activities. As discussed on page IV.I-28 of the Draft EIR, the temporary dewatering would comply with all relevant National Pollutant Discharge Elimination System (NPDES) requirements related to construction and discharges from dewatering operations. If dewatering is required, the treatment and disposal of the dewatered water would occur in accordance with the requirements of LARWQCB's Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.<sup>3</sup> Temporary construction-related dewatering impacts are analyzed on page IV.I-34 of the Draft EIR. As analyzed therein, the dewatered water would be disposed to the public storm drainage system under the LARWQCB permit and in accordance with NPDES requirements related to construction and discharges from dewatering operations. Dewatering during construction would not result in the substantial removal of groundwater that would reduce the local groundwater table. Further, dewatering would only occur temporarily during construction, if even necessary at all, and would not continue post-construction. That is, no long-term extraction affecting groundwater would occur. For these reasons, the Project would not be expected to impede sustainable groundwater management of the San Fernando Valley Groundwater Basin. Nonetheless, while no

<sup>1</sup> Geotechnologies, Inc., Geotechnical Engineering Investigation, Proposed Academic and Athletic Development, 4141 Whitsett Avenue, Studio City, CA. July 2, 2019 and revised July 20, 2020. Provided in Appendix G-1 of the Draft EIR.

<sup>2</sup> KPFF Consulting Engineers, Harvard-Westlake River Park Hydrology and Water Quality Report, February 2022, page 6. Provided in Appendix H of the Draft EIR.

<sup>3</sup> KPFF Consulting Engineers, Harvard-Westlake River Park Hydrology and Water Quality Report, 4141 Whitsett Avenue, Studio City, CA 91604, February 2022, page 15. Provided in Appendix I of this Draft EIR.

long-term extractions would occur, the School would contact the ULARA Watermaster and LADWP, as required by the ULARA Judgment, and install/implement necessary extraction equipment and reporting actions, along with payment of required fees, as determined appropriate through consultation between the School and LADWP, should dewatering activities be necessary to avoid impacting the City's rights.

### **Comment No. AG 2-5**

2. Beneficial reuse of dewatering discharge (as an alternative to discharging to the storm drain or sewer) on or off-site is encouraged as a conservation measure. In addition to water conservation, beneficial reuse may reduce or eliminate costs associated with storm drain and sewer permitting and monitoring. Common applications of Beneficial Reuse include, Landscape irrigation, Cooling tower make-up, and Construction (dust control, concrete mixing, soil compaction, etc.)

### **Response No. AG 2-5**

If dewatering is necessary during construction activity, such activities would be subject to compliance with the applicable regulatory requirements as discussed in Response No. AG 2-3 above. However, consistent with this comment, the Project contractor would use water collected during construction dewatering for dust control or soil compaction, as feasible, and consistent with applicable LARWQCB permit requirements.

### **Comment No. AG 2-6**

#### **Power System:**

- 1) The Project encompasses an area with various LADWP overhead and underground distribution lines. LADWP advises the City to coordinate overhead or underground electrical distribution conflicts through the following email address: [dwpps.coordination@ladwp.com](mailto:dwpps.coordination@ladwp.com).

### **Response No. AG 2-6**

The comment requests coordination with the LADWP regarding overhead and underground distribution lines. Consistent with this comment, the Project contractor would coordinate with LADWP regarding the locations and protection of any underground or overhead electrical distribution systems.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. AG 2-7**

For any questions regarding the above comments, please contact Mr. Marshall Styers of my staff at (213) 367-3541 or [Marshall.Styers@ladwp.com](mailto:Marshall.Styers@ladwp.com).

## **Response No. AG 2-7**

The comment identifies the contact party at the LADWP regarding the comments on the Project. As the comment does address the adequacy or content of the Draft EIR, no further response is necessary.

## **Comment Letter No. AG 3**

Brandon Wilson, T.E., MPA  
Transportation Engineering Associate III (Acting)  
Valley Development Bureau  
Los Angeles Department of Transportation  
Received April 22, 2022

### **Comment No. AG 3-1**

LADOT concerns appear to have been thoroughly expressed and represented in the assessment letter provided for this project on June 10th and 11th, 2021. At this time, there are no further comments.

### **Response No. AG 3-1**

The comment states that the LADOT has no comments on the Draft EIR. LADOT's comments on the Project's transportation analysis were thoroughly expressed and represented in their assessment letter which was originally provided for the Project on June 10, 2021, however, LADOT provided an updated letter on June 11, 2021. A copy of LADOT's Assessment Letter for the TA is included in Appendix M of the Draft EIR. In their June 11, 2021 letter, LADOT indicated that the Project would not result in significant CEQA transportation-related impacts related to conflicts with plans, programs and policies addressing the circulation system; VMT; and hazardous design features. As such, no further response is necessary.

## **Comment Letter No. AG 4**

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region  
State of California Department of Fish and Wildlife  
Received April 25, 2022

### **Comment No. AG 4-1**

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) for Harvard-Westlake River Park Project (Project) from the City of Los Angeles (City). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **Response No. AG 4-1**

This comment acknowledges that the CDFW has reviewed the Draft EIR and expresses appreciation for the opportunity to provide comments and recommendations. This introductory comment does not address the adequacy of the Draft EIR, but is noted for the record. Specific comments regarding the Draft EIR are provided and responded to below and all comments will be forwarded to the decision-makers for review and consideration.

Subsequent to receiving this comment letter, the City of Los Angeles Department of City Planning met with CDFW staff and the Applicant via teleconference on May 20, 2022. At the meeting, the proposed Project components were discussed to provide clarity as to the potential Project effects relative to CDFW's comments, as noted below.

### **Comment No. AG 4-2**

#### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing

specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

### **Response No. AG 4-2**

This comment cites CDFW's position as a Trustee Agency for fish and wildlife resources with jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. It also states that CDFW is charged by law to provide comments and recommendations specifically on projects that have the potential to adversely affect state fish and wildlife resources. This introductory comment does not address the adequacy of the Draft EIR but is noted for the record. Specific comments regarding the Draft EIR are provided and responded to below and all comments will be forwarded to the decision-makers for review and consideration.

### **Comment No. AG 4-3**

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

### **Response No. AG 4-3**

This comment cites CDFW's position as a Responsible Agency under CEQA, with regulatory authority in situations that could result in "take" of endangered species. Subsequent to receiving the CDFW comment letter, CDFW met with City staff and the Applicant, via teleconference on May 20, 2022, to clarify the project description; it was agreed during that discussion that CDFW is not a responsible agency because no species listed under the CESA would be impacted and no jurisdictional streambed or lake would be altered by the Project. This introductory comment does not address the adequacy of the Draft EIR but is noted for the record. Specific comments regarding the Draft EIR are provided and responded to below and all comments will be forwarded to the decision-makers for review and consideration.

### **Comment No. AG 4-4**

#### **Project Description and Summary**

**Objective:** The Harvard-Westlake River Park Project (Project) involves the redevelopment of the approximately 16.1-acre Weddington Golf & Tennis site and an

adjacent approximately 1.1-acre open space portion of property along the Los Angeles River leased from Los Angeles County. The collective 17.2-acre Project site will be developed for use as an athletic and recreational facility for the Harvard-Westlake School and for shared public use. The Project would remove the existing golf course, driving range, and tennis facility. The Project would then develop two athletic fields with bleacher seating; an 80,249-square-foot, two-story multi-purpose gymnasium; a 52-meter swimming pool with seating; eight tennis courts with seating; one level of below-grade parking; and a surface parking lot. The Project would include ancillary field buildings, three security kiosks, exterior light poles, walls/fencing, retention of the existing clubhouse structure, putting green, low brick retaining wall with weeping mortar, and golf ball-shaped light standards. The Project would remove 240 of the existing 421 trees and plant 393 new trees. The Project would include a 1-million-gallon stormwater capture and reuse system for water conservation and treatment purposes. The Project would also provide approximately 5.4 acres of publicly accessible open space and landscaped trails connecting to the adjacent Zev Yaroslavsky Los Angeles River Greenway (Zev Greenway). The Project would also provide on-site landscaped areas, water features, and recreational facilities. The Project involves off-site improvements to the Valleyheart Drive public right-of-way, portions of the Zev Greenway adjacent to the Project site, and an ADA compliant ramp to provide a pedestrian connection between the Zev Greenway and Coldwater Canyon Avenue northwest of the Project site. Project development would require excavation and grading of the Project site to a maximum depth of approximately 21 feet below grade and a net cut/fill volume of approximately 250,000 cubic yards.

## **Response No. AG 4-4**

The comment provides a summary description of the Project components. Please refer to Topical Response No. 2 - Modifications to the Project Design, which discusses design modifications made to the Project in response to public and agency comments received on the Draft EIR. In addition, corrections to the Draft EIR with the Project design modifications are included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. Within Chapter 3, relevant figures from the Draft EIR have also been revised to illustrate the Project design modifications. As part of the Project design modifications, the stormwater capture and reuse system would be reduced to approximately 350,000 gallons. The modifications to the Project design would reduce the total amount of Project grading from 250,000 cubic yards to 197,000 cubic yards due to a reduction in the size of the subterranean parking garage, which previously accommodated 503 spaces and now will have 386 spaces. Also, the Project's water features would be eliminated, with additional modifications relating to bleacher seating, lighting, building design (swimming pool area and gymnasium) and reduced parking. This comment does not address the adequacy of the Draft EIR but is noted for the record. Specific comments regarding the Draft EIR are provided and responded to below and all comments will be forwarded to the decision-makers for review and consideration.

## **Comment No. AG 4-5**

**Location:** The area proposed for the Project is owned by the Harvard-Westlake School located at 4047, 4141, and 4155 N. Whitsett Avenue and 12506, 12600, and 12630 W. Valley Spring Lane. The Project site consists of one parcel generally bounded by Bellaire Avenue to the west, Valley Spring Lane to the north, the Los Angeles River and Valleyheart Drive to the south, Whitsett Avenue to the east, and Los Angeles Fire Department Fire Station 78 to the southeast. The property leased from Los Angeles County is located between the Project site and the Los Angeles River.

## **Response No. AG 4-5**

The comment provides a summary description of the Project location. This introductory comment does not address the adequacy of the Draft EIR but is noted for the record. Specific comments regarding the Draft EIR are provided and responded to below and all comments will be forwarded to the decision-makers for review and consideration.

## **Comment No. AG 4-6**

### **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

## **Response No. AG 4-6**

This is an introductory comment to the CDFW's comments and recommendations that are intended to assist the City in identifying, avoiding, or mitigating potentially significant, direct, and indirect impacts on fish and wildlife. This introductory comment does not address the adequacy of the Draft EIR but is noted for the record. Specific comments regarding the Draft EIR are provided and responded to below and all comments will be forwarded to the decision-makers for review and consideration.

## **Comment No. AG 4-7**

### **Specific Comments**

#### **Comment #1: Impacts from New Path Installation**

**Issue:** The Project proposes to install a trail along the Zev Greenway.

**Specific Impacts:** The DEIR states, “implementation of the Project would result in limited impacts from a proposed river connection (trail), river fence, and river overlook to 0.14 acre of recently restored California brittlebush scrub (16 percent of off-site sensitive natural community).” Elevated pedestrian usage is likely to create direct and indirect impacts to local wildlife species through the loss of potential habitat.

## Response No. AG 4-7

The comment contends that the Project’s potential to increase pedestrian usage of the Zev Greenway is likely to impact local wildlife through the loss of potential habitat. It must be clarified that the Project does not propose a trail along or within the Zev Greenway, which already has an existing trail. Rather, the Project proposes to install an ADA-compliant pedestrian ramp leading from the Project Site to the existing Zev Greenway trail, as mentioned on Page II-33 of the Draft EIR Project Description. Corrections have been made in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, to revise the term “trail” to “ramp” as applicable in this regard. In addition, corrections have been made in Chapter 3 to change references from “trails” within the Project Site to “pathways.” The Draft EIR addressed biological resources impacts in Section IV.C, *Biological Resources*, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. Specifically, impacts to California brittlebush were analyzed on pages IV.C-42 to IV.C-44. The current restored California brittlebush scrub was planted as part of improvements to the Zev Greenway that were completed approximately five years ago and with the specific intent of creating new pedestrian uses within the Zev Greenway. The proposed ADA-compliant pedestrian ramp would impact a 0.14 acre area of restored California brittlebush scrub, which will be planted in kind at a 1:1 ratio elsewhere on-site and adjacent to and along the Zev Greenway, in accordance with Mitigation Measure BIO-MM-2, and would therefore have a less than significant impact after mitigation. In addition, as stated in the Draft EIR on pages IV.C-43, the California brittlebush scrub occurs along a public trail, and the additional human activity, light, or noise would not have an adverse effect on this sensitive natural community since the plants would not be affected by subtle changes in Project light, noise, or human activity. Furthermore, the Project’s native landscaping, which would exclude invasive exotic plant species and would proactively remove Mexican fan palms, would help to enhance this sensitive natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from nonnative ornamental landscaping in the surrounding developed areas. The Project would result in additional trees and understory vegetation being added to the Zev Greenway, and the creation of new landscaped areas throughout the Project Site, including areas that are immediately adjacent to the Zev Greenway. As analyzed in the Draft EIR, biological resources impacts would be less than significant after mitigation, where applicable.

## Comment No. AG 4-8

**Why impacts would occur:** The area of influence that the trail has upon the surrounding habitat is being increased. An increase in use has potential to impact sensitive wildlife species and their habitat through a variety of ways:

- increased numbers of people and dogs using the trail
- loss of habitat due to erosion from footpaths
- increased noise levels
- increased trash or pet waste
- introduction of unnatural food sources via trash and trash receptacles
- introduction of invasive species from other sites

Outdoor recreation has the potential to disturb wildlife, resulting in energetic costs, impacts to animals' behavior and fitness, and avoidance of otherwise suitable habitat. These impacts may negatively affect wildlife's ability to persist in an area or cause potential mortality. Studies have shown that outdoor recreation is the second leading cause of the decline of federally threatened and endangered species on public lands (Losos et al. 1995) and fourth leading cause on all lands (Czech et al. 2000). As a result, natural resource managers are becoming increasingly concerned about impacts of recreation on wildlife (Knight and Gutzwiller 1995).

## Response No. AG 4-8

The comment contends that the Project will lead to increased trail usage that will impact sensitive wildlife species and their habitat. The restored California brittlebush scrub is limited to an isolated strip of restored native habitat along the Zev Greenway, which is an improved public trail along the northern edge of the Los Angeles River. The channelized Los Angeles River is located to the south of the Zev Greenway, and the surrounding vicinity is a highly urbanized area developed with residential and commercial land uses. Thus, wildlife that may occur within the Project Site are already adapted to urban areas and the activities associated with the current recreational uses, Zev Greenway trail use, and surrounding urbanization.

As stated on pages IV.C-32 through IV.C-33, in Section IV.C, *Biological Resources*, of the Draft EIR, under the heading Impact Analysis, there are no federally threatened and endangered species that will be impacted by the Project. The Project would avoid direct impact to Nevin's barberry (i.e., avoid trampling or removal of this plant), and the additional human activity, light, or noise would not have an adverse indirect effect on these species. Furthermore, the native landscaping proposed, which would exclude invasive exotic plant species, would help to enhance the natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas. There is one special-status wildlife species, western yellow bat (species

of special concern) that has a moderate potential to occur; however, this species would be associated with the ornamental trees if it is found to occur on-site (i.e., not within the restored California brittlebush scrub), and mitigation (BIO-MM-1) is provided to reduce potentially significant direct impacts on this species as stated on page IV.C-42 of the Draft EIR.

### **Comment No. AG 4-9**

Recreational trails can fragment the habitat that they pass through. These negative impacts generally result from the expansion of the area of influence that a trail has on its surrounding open space. Trails can create artificial boundaries or areas of avoidance for wildlife as they bring outsiders into areas that would otherwise be unvisited. Along with these perceived outsiders, in this case pedestrians, comes a new set of perceived threats to local wildlife in the form of visual, auditory, and olfactory cues that remain along the trail well after recreational usage.

### **Response No. AG 4-9**

The comment contends that recreation trails can fragment habitat resulting in negative impacts. As stated in Response No. AG 4-8, the restored California brittlebush scrub is limited to an isolated strip of restored native habitat along the Zev Greenway, and wildlife that may occur within the Project Site are already adapted to urban areas and the activities associated with the current recreational uses, Zev Greenway trail use, and surrounding urbanization.

As discussed in Response No. AG 4-7, the Project does not propose a trail along or within the Zev Greenway, which already has an existing trail. Rather, the Project proposes to install an ADA-compliant pedestrian ramp leading from the Project Site to the existing Zev Greenway trail, as mentioned on Page II-33 of the Draft EIR Project Description. As such, the Project will not change the alignment of the Zev Greenway trail. The ramp would prevent people from walking through the vegetated areas on the side of the hill leading to the Zev Greenway. As discussed in Response No. ORG 4-13, the Project would implement BIO-PDF-3, whereby the school will make available to the Zev Greenway trail users educational materials and signage at the entrance to the ramp. The materials and signage will promote awareness that human activities, such as trail use, may impact or disturb wildlife use of open spaces. Educational materials and signage will explain how human activity impacts, inclusive of noise and odors, may have on natural habitats growing within the Zev Greenway, emphasizing the increased severity during breeding seasons.

The Project will install fencing along the edge of the Leased Property and ADA compliant railing along the Project's pedestrian ramp leading from the Project Site to the Zev Greenway to prevent people from trampling down the side of the hill through the California brittlebush scrub and other vegetated areas to the Zev Greenway trail. As designed, the fencing has spacing that would allow for local wildlife (e.g., smaller animals) to pass through while still providing a line-of-sight to the river. While this fencing was accounted

for in the Draft EIR impact analysis, Project Design Feature BIO-PDF-2 has been added to provide further details of the proposed Project fencing. Project Design Feature BIO-PDF-2 is included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. Lastly, Mitigation Measure BIO-MM-2 requires replacement of any removed California brittlebush scrub at a 1:1 ratio, with such replacement to occur adjacent to the Zev Greenway, thereby contributing to the habitat's restoration and integrity as a sensitive natural community.

Lastly, habitat fragmentation is the result of the existing condition, as the Zev Greenway is planted with native species and is located on a narrow strip of habitat between the existing urban area (including the Project Site) on the north and the Los Angeles River to the south. By contrast, the Project would install supplemental habitat that is suitable to local wildlife and consisting of native species, in contrast to the existing uses which largely consist of turfgrass and non-native, ornamental, and, in many cases, invasive species that offer little in the way of habitat or biological resources to wildlife that may exist in the area.

### **Comment No. AG 4-10**

If habitat is available, wildlife may move to areas farther from trails, beyond the areas of influence, to avoid recreation-related disturbance (Reed et al. 2019). However, the Los Angeles County leased area and Zev Greenway, is already small (1.1 acres) and is the only open space in the Project vicinity where wildlife might retreat to. With the addition of the trail, it reduces the opportunities for wildlife to retreat from nearby recreational users in an area with already little habitat available.

### **Response No. AG 4-10**

The comment contends that the Los Angeles County leased area and Zev Greenway are small and there is limited open space where wildlife might retreat to as a result of increased recreation-related disturbance. As stated in Response Nos. AG 4-8, wildlife that may occur within the Project Site are already adapted to urban areas and the activities associated with the current recreational uses, Zev Greenway trail use, and surrounding urbanization. In addition, the Zev Greenway was designed as a walking trail and is already used for recreational purposes. Lastly, the Project would result in very limited impacts to potential wildlife habitat, which will be planted in kind elsewhere along the Zev Greenway as depicted in Figure IV.C-6, *Planting Zone Plan*. Thus, there will be no net loss of habitat.

Further, it is clarified that as discussed in Responses No. AG 4-7 and AG 4-9, the Project does not propose a trail along or within the Zev Greenway, which already has an existing trail. A pedestrian ramp connecting the Project Site to the Zev Greenway would be provided by the Project. See Response No. AG 4-9 for a discussion of the fencing and Project Design Features BIO-PDF-2 and BIO-PDF-3, which will help to limit direct and indirect impacts to vegetation and wildlife in the hillside areas adjacent to the Zev Greenway trail.

## Comment No. AG 4-11

With increased recreational usage of trails through open spaces comes increased exposure of wildlife to humans. Habituated urban wildlife is less likely to avoid contact with humans, which may increase the probability of human-wildlife conflicts and of attraction to anthropogenic food sources; both are considered problematic in many urban areas (Whittaker and Knight 1998; George and Crooks 2006). Wildlife habituation to humans may also increase wildlife aggression toward humans, or render wildlife more vulnerable to predators, poaching, or roadkill (Whittaker and Knight 1998; George and Crooks 2006; Marzano and Dandy 2012). Furthermore, habituation of wildlife may impact their reproductive success. Habituation of adult individuals may also be associated with negative consequences for their offspring as habituation of adults does not necessarily lead to immediate habituation of juveniles (Reilly et al. 2017).

## Response No. AG 4-11

The comment contends that increased recreational usage of trails may increase the probability of human-wildlife conflicts. As stated in Response Nos. AG 4-9 and AG 4-10, the restored California brittlebush scrub is limited to an isolated strip of restored native habitat along the Zev Greenway, and wildlife that may occur within the Project Site are already adapted to urban areas and the activities associated with the current recreational uses, Zev Greenway trail use, and surrounding urbanization. The Biological Study Area supports limited potential live-in and marginal movement habitat for species on a local scale (i.e., some reptile, bird, and small mammal species, such as squirrels). Also, as discussed in Response No. AG 4-7, the Project does not propose a trail along or within the Zev Greenway, which already has an existing trail. Rather, the Project proposes to install an ADA-compliant pedestrian ramp leading from the Project Site to the Zev Greenway. Project operations would be similar in nature to existing conditions and species adapted to urban areas would be expected to persist on-site.

## Comment No. AG 4-12

**Evidence impacts would be significant:** Project activities and humans that may utilize the trail may negatively impact wildlife behaviors. Appropriate avoidance, minimization, and mitigations have not been included for the trail creation. Without avoidance, minimization, or mitigation measures, the Project may have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

## Response No. AG 4-12

The comment contends that human use of the Project's trail may affect wildlife behavior. As discussed in Response No. AG 4-7, the Project does not propose a trail along or within the Zev Greenway, which already has an existing trail. The Project proposes to install an ADA-compliant pedestrian ramp leading from the Project Site to the Zev Greenway, as

mentioned on page II-33 of the Draft EIR Project Description. The ADA-compliant pedestrian ramp location was selected to avoid and minimize impacts to biological resources. The ADA-compliant pedestrian ramp leads to an existing trail along the Los Angeles River and does not introduce new human use of the Zev Greenway but enhances opportunities for existing use. As stated on page IV.C-32 in Section IV.C, *Biological Resources*, of the Draft EIR, there are no federally threatened and endangered species that will be impacted by the Project. The Project would avoid direct impact to Nevin's barberry (i.e., avoid trampling or removal of this plant), and the additional human activity, light, or noise would not have an adverse indirect effect on these species. Furthermore, the Project's native landscaping, which would exclude invasive exotic plant species, would help to enhance the natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas. There is one special-status wildlife species, western yellow bat (species of special concern) that has a moderate potential to occur. No special-status species were observed during the site visits; however, this species would be associated with the ornamental trees if it is found to occur on-site (i.e., not within the restored California brittlebush scrub), and mitigation (BIO-MM-1) is provided to reduce potentially significant direct impacts on this species as stated on page IV.C-42.

### **Comment No. AG 4-13**

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** Educational materials and signage should be made available to trail users to keep aware of the impacts that human disturbance brings to open spaces. People should be made aware of the impacts that they have on surrounding habitat (such as noise or smells), particularly during breeding seasons.

CDFW recommends the City install appropriate public information signage at trailheads to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper use of the trail in a manner respectful to wildlife; and 3) provide local contact information to report injured or dead wildlife. Signage should be written in the language(s) understandable to all those likely to recreate and use the trails. Signage should not be made of materials harmful to wildlife such as spikes or glass. The City should provide a long-term maintenance plan to repair and replace the signs.

### **Response No. AG 4-13**

The comment recommends a mitigation measure relating to potential indirect impacts to special-status wildlife species for increased use of the Zev Greenway trail; however, the comments do not provide substantial evidence that the Project would create a significant impact that requires mitigation other than what is already included in the DEIR to address special-status bats. Furthermore, the Zev Greenway is not a part of the Project but is an existing recreational trail adjacent to the Project Site. Although the School has agreed to the maintenance of the Zev Greenway vegetation within the off-site portion of the Project,

the School does not have authority to manage operations (i.e., control or regulate usage) for the Zev Greenway. Although not required as a mitigation measure because there is no associated significant impact, the suggested measure for educational materials and signage will be incorporated into the project, on the Leased Property at the entrance to the Project's ADA-compliant pedestrian ramp, as a project design feature (PDF). The following PDF is added to increase the beneficial uses of the Zev Greenway as a natural open space area (see addition in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR).

**BIO-PDF-3:** Harvard-Westlake School will make available to the Zev Greenway trail users educational materials and signage at the entrance to the ADA-compliant pedestrian ramp located between the Project's gymnasium and the Zev Greenway. The materials and signage will promote awareness that human activities, such as trail use, may impact or disturb wildlife use of open spaces. Educational materials and signage will explain how human activity impacts, inclusive of noise and odors, may have on natural habitats growing within the Zev Greenway, emphasizing the increased severity during breeding seasons. The signage will be submitted for review by the City for compliance with any applicable regulations and will also: 1) educate and inform the public about wildlife present in the area; 2) advise on proper use of the ramp in a manner respectful to wildlife; and 3) provide local contact information to report injured or dead wildlife. Signage will be written in the language(s) understandable by residents in the local vicinity and to those most likely to use the ramp. Signage will be made of materials not harmful to wildlife, avoiding glass or the use of spikes.

## **Comment No. AG 4-14**

**Mitigation Measure #2:** Trash receptacles should be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste.

## **Response No. AG 4-14**

The comment recommends a mitigation measure. It is not associated with a specific impact, but it is assumed this recommended mitigation measure would mitigate indirect impacts to special-status wildlife species due to the increased use of the Zev Greenway trail; however, the comment does not provide substantial evidence that the Project would create a significant impact that requires mitigation other than what is already included in the DEIR to address special-status bats. Although not required as a mitigation measure because there is no associated significant impact, the City has included this suggested measure as a PDF to require that the school place a trash receptacle at the entrance to the Project's ADA-compliant pedestrian ramp located between the Project's gymnasium and the Zev Greenway. The following PDF is added to discourage potential conflicts

between wildlife and users of the Zev Greenway (see addition in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR).

**BIO-PDF-4:** As part of the Project's routine maintenance program, Harvard-Westlake School will place a trash receptacle at the entrance to the Project's ADA-compliant pedestrian ramp located between the Project's gymnasium and the Zev Greenway in order to avoid or minimize the potential to create an attractive nuisance of an unnatural food source for wildlife. The receptacle will be regularly maintained to avoid waste materials inadvertently entering the Zev Greenway area.

## Comment No. AG 4-15

### Comment #2: Impacts to Rivers

**Issue:** The DEIR proposes a 1-million-gallon underground stormwater capture and reuse system. The system will treat water that is collected on site as well as water collected from the 39-acre residential neighborhood to the north of the Project site.

**Specific impacts:** The Project has potential to result in the permanent impacts to stream function and biological diversity downstream of the Project.

## Response No. AG 4-15

The comment contends that the inclusion of an onsite water reclamation system might have permanent impacts to downstream stream function and biological resources, which is similarly stated in Comment No. AG 4-16. Refer to Response No. 4-16 for a discussion of impacts to downstream stream function and biological resources.

## Comment No. AG 4-16

**Why impacts would occur:** Project activities will potentially permanently alter the stormwater flow into the Los Angeles River, potentially impacting fish and wildlife resources downstream. According to the DEIR, "during rainfall events and with dry weather flows (such as residential landscape irrigation and car washing), water flows from this residential neighborhood to an inlet that directs water into the Los Angeles River." CDFW is concerned this could potentially reduce water availability in stream, which could be considered a significant impact to biological resources. Flow reductions, especially dry season flow, could impact beneficial uses directly or indirectly through habitat modifications. Diverting water from streams, such as Los Angeles River, during the dry season could reduce the availability and extent of shallow water sheet flow. The resulting sheet flows may allow phytoplankton (algae and cyanobacteria), microorganisms, and herbaceous vegetation to establish. The algae provide habitat and a food source for benthic invertebrates, a vital food source for wading birds. The diversion of water could potentially impact algae and benthic invertebrates, and eventually birds.

## Response No. AG 4-16

The comment contends that the inclusion of an onsite water reclamation system might have permanent impacts to downstream biological resources due to reduced flows. The Project as analyzed in the Draft EIR proposed to capture 1 million gallons of stormwater runoff from the Project Site and a 39-acre residential neighborhood to the north of the Project site, as discussed on page II-61, as well as on pages IV.I-18 and IV.I-34 of the Draft EIR. Stormwater and other urban runoff currently sheet flows from impervious surfaces such as City streets, directly into the Los Angeles River. It is estimated that the cistern could be filled within two hours during a regular storm event. Stormwater runoff in excess of 1 million gallons would continue to be treated, and subsequently released into the Los Angeles River.

The 17.2-acre Project Site and 39-acre offsite area totaling 56.2 acres is less than 0.01 percent of the entire Los Angeles River watershed,<sup>4</sup> and the 1 million gallons that the Project's reclamation system would collect are less than 1 percent of total flows into the Los Angeles River during an average rainfall event.<sup>5</sup> Further, as discussed in Response No. AG 4-17, diverting the urban runoff flow during the dry weather season from the Project Site and/or the adjacent 39-acre neighborhood would not have a significant impact on the Los Angeles River during the dry season. Consequently, as discussed between the City and CDFW during a meeting on May 20, 2022, there would be no potentially significant impact on downstream wildlife habitat or beneficial uses due to flow reductions.

As discussed above, the 1-million gallon stormwater capture and reuse system analyzed in the Draft EIR would not significantly impact downstream wildlife habitat or beneficial uses due to flow reductions in the Los Angeles River. Based on public and agency comments received on the Draft EIR, design modifications have been made to the Project as discussed in Topical Response No. 2 - Modifications to the Project Design. In addition, corrections to the Draft EIR with the Project design modifications are included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. As part of the Project design modifications, the stormwater capture and reuse system would be reduced to approximately 350,000 gallons. The reduction in the size of the system is because the Project would no longer capture and treat stormwater from the 39-acre off-site area, but rather only capture and treat stormwater from the 17.2 acre Project Site. Thus, water from the 39-acre off-site area would flow into the Los Angeles River as it does currently under existing conditions. Therefore, under the Project design modifications, the potential 650,000 additional gallons of stormwater that could have been stored on the Project Site during any given storm event, would flow into the Los Angeles River under the Project with design modifications as it does under existing conditions. Thus, because the Project with design modifications would maintain existing off-site

<sup>4</sup> The Los Angeles River watershed is 824 square miles in area (527,360 acres) [LA\_River\_Watershed.pdf (ca.gov)] and the Project Site 17.2 acres, which is 0.0033 percent of the total watershed area.

<sup>5</sup> KPFF Memo – CDFW Comments, dated August 18, 2022. Provided as Appendix J to the Final EIR.

stormwater flows to the Los Angeles River, the Project's already less than significant impacts regarding flow reductions to the Los Angeles River would be reduced. Overall, the same less than significant hydrology and water quality impact conclusions would occur with or without the Project design modifications. In addition, it is acknowledged that on-site flows are not currently treated before entering the Los Angeles River and contain potential contaminants such as hydrocarbons, metals, nutrients, organics and pesticides. Stormwater runoff would be treated through high efficiency on-site filtration systems as part of the Project design to improve water quality prior to entering the River, which would also have a benefit to downstream habitat and wading birds.

### **Comment No. AG 4-17**

*Seasonality:* During the dry season, typically April through September in southern California, the many concrete-lined channels are largely maintained by urban runoff and discharge from wastewater reclamation plants. Diverting water could be significant during the dry season and could either significantly reduce water flow or result in complete loss of water flow.

### **Response No. AG 4-17**

The comment contends that Project diversion of dry season stormwater flow could significantly reduce water flow. KPFF conducted a hydrological analysis to study the Project's potential impacts to the flow within the Los Angeles River. The results of the additional analysis is provided in a memo dated August 18, 2022 (KPFF Memo).<sup>6</sup> As discussed in the KPFF Memo, based on actual flow data from Los Angeles County for the Los Angeles River concrete channel between April 2021 and April 2022, the Average Dry Weather Flow is approximately 30 cubic feet per second (cfs). The primary source of existing flows to the Los Angeles River is from the discharge from wastewater reclamation plants, which the Project would not interrupt or abate whatsoever. Based on measured dry weather season rainfall data from September 2011 to June 2022, the average daily rain fall is approximately 0.0036 inches per day, which would equate to an Average Dry Weather Flow for the Project Site and the adjacent 39-acre neighborhood of 0.0075 (cfs). Diverting this runoff would result in 0.03% reduction of flow in the Los Angeles River. Because of the incremental decrease/change in flow, diverting the urban runoff flow during the dry weather season from the Project Site or the adjacent neighborhood would not have a significant impact on the Los Angeles River during the dry season.

In addition, as discussed in Response No. AG 4-16, the Project's stormwater capture and reuse system is being reduced to approximately 350,000 gallons under the Project with design modifications. The Project will no longer capture and treat stormwater from the 39-acre off-site area, but rather only capture and treat stormwater from the 17.2 acre Project Site. Thus, diverting water only from the Project Site would be less than a 0.03% reduction of flow in the Los Angeles River. As with the Project without design

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<sup>6</sup> KPFF Memo – CDFW Comments, dated August 18, 2002. Provided as Appendix J to the Final EIR.

modifications, because of the incremental decrease/change in flow with the Project design modifications, diverting the urban runoff flow during the dry weather season from the Project Site would not have a significant impact on the Los Angeles River during the dry season.

### **Comment No. AG 4-18**

*Drought:* Since 2000, the longest duration of drought in California lasted between 2011 and 2019 (USGS 2021) and in southern California, between 2012 through 2016 (Los Angeles Almanac 2021). The 2017-2018 rainfall season was below normal and the driest for Los Angeles since 2006-2007 (Los Angeles Almanac 2021). Diverting water during a below-normal rainfall year may significantly reduce water flow or result in complete loss of water flow.

### **Response No. AG 4-18**

The comment contends that Project diversion of water during below-normal rainfall years may significantly impact water flow. According to the KPFF Memo, the highest flow rate measured adjacent to the Project Site was estimated at 3,200 cfs using the flow data for a rain event on December 30, 2021. Based on the Los Angeles County Hydrology Manual and rain gauge data, the measured storm event equates to a 2-year event or a mean storm. As reported in the KPFF Memo, the maximum flow diverted from the adjacent neighborhood to the north of the Project Site for this event and any rain event would be 25.97 cfs. The potential Project impact (as analyzed in the Draft EIR) would result in a less than 1 percent reduction in flow to the channel from the Project Site and adjacent neighborhood to the north of the Project Site during a rain event, which are, in turn, less than 1 percent of the Los Angeles River watershed area. Furthermore, as discussed in Response No. AG-16, the Project Site and 39-acre offsite area totaling 56.2 acres represent a small fraction of the total area within the Los Angeles River Watershed, therefore the Project's diversion of non-stormwater runoff (i.e., urban runoff), would represent a similar fraction of the urban runoff entering the Los Angeles River, and could not on its own result in the complete loss of water flow in the Los Angeles River. Therefore, Project impacts to the flow of water in the Los Angeles River, even during years of below-normal rainfall, would be less than significant.

As discussed in Response No. AG 4-16, the Projects stormwater capture and reuse system is being reduced to approximately 350,000 gallons under the Project with design modifications. The Project will no longer capture and treat stormwater from the 39-acre off-site area, but rather only capture and treat stormwater from the 17.2 acre Project Site. Thus, the 25.97 cfs maximum flow from the 39-acre off-site area would no longer be diverted from the Los Angeles River. Therefore, as with the Project without design modifications, because the amount of runoff diverted would represent a fraction of the urban runoff entering the Los Angeles River, the Project with design modifications' impacts to the flow of water in the Los Angeles River, even during years of below-normal rainfall, would be less than significant.

## Comment No. AG 4-19

Downstream and associated biological resources beyond the Project development footprint may also be impacted by Project-related releases of sediment or debris and altered watershed effects resulting from Project activities.

## Response No. AG 4-19

The comment contends downstream resources may be impacted by Project releases of sediment or debris and altered watershed effects. As discussed between the City and CDFW during a teleconference on May 20, 2022, the Project would not release sediment or debris from the Project Site into the Los Angeles River. The Project's Stormwater Pollution Prevention Plan (SWPPP) would implement best management practices during construction to prevent the release of sediment and debris into the Los Angeles River. The Project's required SWPPP compliance and implementation is explained on pages IV.I-6 to IV.I-7 of Section IV.I, *Hydrology and Water Quality*, of the Draft EIR. During operation, when the Project's cistern system is at capacity, water would be prevented from entering the cistern but would continue to pass through the filtration system. The filtration system would filter out sediment or debris materials. Following filtration, it would be redirected back to the curb face on Whittsett Avenue and ultimately discharged, having been cleaned and filtered, into the Los Angeles River. Further, as discussed in Responses No. AG 4-16 to AG 4-18, the Project would not substantively alter flows in the Los Angeles River and as such, would not alter or change the watershed in any significant manner, with the exception that water quality in the Los Angeles River would be improved by the Project.

Therefore, the Project would not impact downstream biological resources by release of sediment or debris and altered watershed effects.

## Comment No. AG 4-20

**Evidence impacts would be significant:** Changes to hydrology, both within the Project area and downstream, are reasonable potential direct and indirect physical changes in the environment. Said changes and their potential impacts on biological resources should be analyzed and disclosed in an environmental document. Adequate disclosure is necessary for CDFW to assist a lead agency in adequately identifying, avoiding, and/or mitigating a project's significant, or potentially significant, direct, and indirect impacts on biological resources.

## Response No. AG 4-20

The comment contends that Project changes to hydrology are physical changes to the environment resulting in potential impacts to biological resources. As discussed between the City and CDFW during a teleconference on May 20, 2022, the Project design for stormwater capture, treatment, and either onsite reuse or release to the Los Angeles River would not cause a significant impact to onsite or downstream biological resources.

Potential construction impacts would be minimized through the SWPPP implementation, which would prevent sediment and debris release, and non-stormwater surface runoff would be minimal, as analyzed in the Impact Analysis discussion in Section IV.I *Hydrology and Water Quality*, of the Draft EIR. Project operational impacts were determined to be less than significant without mitigation because post-Project conditions would result in improved surface water quality compared to existing conditions and there would not be a substantial reduction in downstream flows within the Los Angeles River. To note, revisions have been made to Section IV. I, *Hydrology and Water Quality*, of the Draft EIR, in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR to reflect the Project design modifications as discussed in Topical Response No. 2 - Modifications to the Project Design. The revisions do not result in any substantial increase in the severity of impacts or changes to the impact conclusions included in Section IV.I of the Draft EIR.

### **Comment No. AG 4-21**

Fish and Game Code section 1602 requires any person, State or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

### **Response No. AG 4-21**

The comment states that the Project must notify CDFW prior to Project implementation because the Project may divert the natural flow of a river. Subsequent to the close of the Draft EIR public comment period, City staff and the Applicant met with CDFW, via teleconference, on May 20, 2022 in order to provide CDFW with additional Project details related to the concerns raised in the comment letter. Because the Project would not divert flow from within, change bed or bank of, or use or deposit materials into a jurisdictional river, stream or lake, CDFW agreed that they would not be a responsible agency and that a lake or streambed alteration agreement would not be required under Fish and Game Code Section 1602. CDFW was satisfied that there would be no or minimal flows from the Project Site during the dry season and there would not be impacts to downstream biological resources.

### **Comment No. AG 4-22**

The Project may adversely affect the existing hydrology pattern of the Project site as well as downstream. This may occur through the alteration of flows to streams. In addition, impacts to biological resources off site, such as the Glendale Narrows, may occur. The Project may substantially adversely affect the existing stormwater flows into streams

through the alteration of drainages on site. It is unclear if these stormwater diversions would impact biological resources offsite because an investigation has not been made to determine so. Therefore, appropriate avoidance, minimization, and mitigations have not been determined. Inadequate investigation may result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

## Response No. AG 4-22

The comment contends that the Project may adversely affect the existing hydrological pattern of the Project area. See Response No. AG 4-18 which discusses the results of the KPFF hydrological analysis and indicates the Project would result in a less than 1 percent reduction in flow to the Los Angeles River during rain events, which is less than 1 percent of the Los Angeles River watershed area. The Glendale Narrows is located approximately seven miles downstream of the Project, which means the impact of the Project at this downstream location would be even less because additional tributaries to the Los Angeles River enter the main Los Angeles River channel and because additional discharges from wastewater treatment facilities contribute to flows at the Glendale Narrows. Given the minimal changes to flows in the Los Angeles River and improved water quality resulting from the Project as discussed in Responses Nos. AG 4-16 to AG 4-20, impacts to biological resources within the Los Angeles River would be less than significant. Also, as discussed in Response No. ORG 4-21, CDFW agreed via teleconference, on May 20, 2022, that a lake or streambed alteration agreement would not be required under Fish and Game Code Section 1602. CDFW was satisfied that there would be no or minimal flows from the Project Site during the dry season and there would not be impacts to downstream biological resources. Further, Section IV. I, *Hydrology and Water Quality*, of the Draft EIR, fully evaluated hydrology patterns in and around the Project Site with the Project. The analysis included in Section IV.I of the Draft EIR was largely based on the Hydrology and Water Quality Report (technical report) provided in Appendix I of the Draft EIR. The hydrology evaluation concluded that the existing hydrology pattern of the Project Site and surrounding area would not be affected in a manner that would result in significant hydrology impacts. All hydrology-related impacts would be less than significant as analyzed therein. Overall, the hydrological pattern of the of the Project site as well as downstream in the Los Angeles River would not be altered in a manner that would result in adverse impacts to biological resources. To note, revisions have been to Section IV. I, *Hydrology and Water Quality*, of the Draft EIR, in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR to reflect the Project design modifications as discussed in Topical Response No. 2 - Modifications to the Project Design. The revisions do not result in any substantial increase in the severity of impacts or changes to the impact conclusions included in Section IV.I of the Draft EIR.

## Comment No. AG 4-23

### Recommended Potentially Feasible Mitigation Measure(s):

**Mitigation Measure #1:** The Project may result in the alteration of streams. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW’s Lake and Streambed Alteration Program webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021a).

## Response No. AG 4-23

The comment states that the Project must notify CDFW prior to Project implementation because the Project may divert the natural flow of a river and require a streambed alteration agreement. See Response No. AG 4-21 above for an explanation as to why the Project will not need to process a lake or streambed alteration agreement and that the recommended mitigation measure is not required because there is no significant impact to a lake, stream or river. There is no substantial evidence that the Project’s diversion of urban runoff would cause a significant impact to downstream river flows, as discussed in Response Nos. AG 4-20 and 4-22.

## Comment No. AG 4-24

**Mitigation Measure #2:** CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. The hydrology report should also determine if the Project will result in substantial changes to water availability downstream for biological resources in the Glendale Narrows. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.

## Response No. AG 4-24

The comment contends that a hydrology report be included in a CDFW LSA Notification. A preliminary hydrological analysis was performed by KPFF to study the impacts of the Project to the Los Angeles River concrete channel, as well as any potential downstream impacts, and presented to CDFW during a teleconference meeting attended by CDFW, the City of Los Angeles Department of City Planning, and the Applicant on May 20, 2022. As discussed above, the KPFF Memo details the results of the hydrological analysis

discussed with CDFW and the City.<sup>7</sup> See Response No. AG 4-18 which discusses the results of the KPFF hydrological analysis and indicates the Project would result in a less than 1 percent reduction in flow to the Los Angeles River during rain events, which is less than 1 percent of the Los Angeles River watershed area. The reduction in flow percentage for the 100, 50, 25, 10 and 5-year rain events would be even less. The Glendale Narrows is located approximately seven miles downstream of the Project, which means the impact of the Project at this location would be even less because additional tributaries to the Los Angeles River enter the main Los Angeles River channel and because additional discharges from wastewater treatment facilities contribute to flows at the Glendale Narrows.

See Response No. AG 4-21 above for an explanation of why the Project would not need to process a lake or streambed alteration agreement and that the recommended mitigation measure is not required because there is no significant impact to a lake, stream or river.

### **Comment No. AG 4-25**

**Mitigation Measure #3:** CDFW recommends the Project implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into drainages during Project activities. CDFW recommends BMPs be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site should be free of nonnative plant materials. Fiber rolls or erosion control mesh should be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

### **Response No. AG 4-25**

The comment recommends that Project implement Best Management Practices to prevent erosion and the discharge of sediment. As discussed in Section IV.I, *Hydrology and Water Quality*, of the Draft EIR, the Project would be required to implement a SWPPP. The SWPPP documents the selection and implementation of BMPs to prevent discharges of water pollutants to surface or groundwater. The SWPPP also charges owners with stormwater quality management responsibilities. BMPs are determined at the Project's permit stage, at which time the CDFW would have input into specific BMPs. As discussed on pages IV.1-6 and I-7, BMPs would address erosion control, sediment control, wind control, tracking control, and waste management and materials control. Because the

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<sup>7</sup> KPFF Memo – CDFW Comments, dated August 18, 2002. Provided as Appendix J to the Final EIR

SWPPP and BMPs are regulatory requirements that will be imposed, no new mitigation measures are necessary for inclusion in the Draft EIR.

### **Comment No. AG 4-26**

**Recommendation #1:** CDFW recommends the DEIR include an analysis of potential impacts on biological resources resulting from the proposed water diversion. At a minimum, the analysis should evaluate a study reach that includes the channel downstream from the Project site. The study reach should extend a minimum of one mile downstream or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following:

1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the Project area and study reach during a) the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year.
2. Under proposed Project conditions, the percent reduction in flow from both the Project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year.
3. A quantitative analysis comparing the flow from the Project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach.
4. A quantitative analysis of other potential stormwater diversion Projects along the Los Angeles River, both up and downstream, and their cumulative impact to the hydrograph of the study reach.
5. An analysis of potential Project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).

### **Response No. AG 4-26**

The comment recommends that the Project provide an analysis of potential impacts on biological resources resulting from the proposed water diversion. A hydrological analysis was performed as part of the KPFF Memo to study the potential impacts of the Project to the Los Angeles River concrete channel and any potential downstream impacts. City staff presented the findings contained in the KPFF Memo to CDFW staff during a teleconference meeting attended by CDFW, City of Los Angeles Department of City Planning, and the Applicant.<sup>8</sup> The KPFF Memo addressed the Project's potential impacts

<sup>8</sup> KPFF Memo – CDFW Comments, dated August 18, 2002. Provided as Appendix J to the Final EIR.

during the raining and dry season (Item No. 1). See Response No. AG 4-18, which discusses the results of the KPFF Memo. The KPFF Memo concluded that the Project would result in a less than 1 percent reduction in flow to the Los Angeles River during rain events, which is less than 1 percent of the Los Angeles River watershed area. As stated in Response ORG 4-24, the reduction in flow percentage for the 100, 50, 25, 10 and 5-year rain events would be even less. As discussed in Response No. AG 4-17, for the dry season, the Average Dry Weather Flow is approximately 30 cfs. Urban runoff would not produce this volume of flow, considering most of the urban runoff would come from irrigation overflow (e.g. sprinklers). The primary source of flow to the Los Angeles River during the dry season is from the discharge from wastewater reclamation plants, which the Project would not interrupt or abate whatsoever. For this reason, diverting the urban runoff flow during the dry weather season from the Project Site (or the adjacent neighborhood under the Project without design modifications) would not impact the Los Angeles River during the summer months. Thus, the analyzed scenarios in the KPFF Memo were sufficient to recognize the *de minimus* changes to flows in the L.A. River (Item No. 2), along with improved water quality resulting from the Project as discussed in Responses Nos. AG 4-16 to AG 4-20. Therefore, the Project would not result in significant adverse impacts to biological resources within the Los Angeles River. Other tributaries referenced in Item No. 3 of the comment were already accounted for in the flow data provided by the County, and incorporated in the flow analysis as part of the KPFF Memo. With regard to Item No. 4 of the comment, other potential stormwater diversion projects, if any, along the Los Angeles River would be evaluated for consistency with applicable City, State and federal stormwater runoff regulations to ensure a change in flows do not adversely impact biological resources in the Los Angeles River. Furthermore, the Los Angeles County 2020 Los Angeles River Master Plan Program EIR stated that “[f]urther urbanization in the greater Los Angeles region and implementation of transportation improvements and land use strategies would result in a continuing increase in stormwater runoff...”<sup>9</sup> As such, the L.A. River Master Plan acknowledges that future stormwater flows to the Los Angeles River are anticipated to increase over time. Based on the above and because of the *de minimus* changes to flows in the Los Angeles River and the Project’s beneficial effects regarding water quality, additional quantitative analysis of other potential stormwater diversion Projects along the Los Angeles River is not necessary. The Project’s contribution to any change in the hydrograph area would not be cumulatively considerable. Regarding Item No. 5 of the comment, Los Angeles River hydraulic changes are addressed in Responses No. AG 4-18, AG 4-24, and above herein this response. Water depth, wetted perimeter and velocity are not analyzed because the changes to these values would be less than 1 percent (0.8 percent for a 2-Year Event and even less for the 25y, 50y and 100y), and for the same reasons as discussed for Item No. 4 above, additional quantitative analyses of these subtopics are not necessary.

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<sup>9</sup> 2020 Los Angeles River Mater Plan Program EIR, Los Angeles County Public Works, February 2021, p. 3.9-90.

## Comment No. AG 4-27

**Recommendation #2:** CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

## Response No. AG 4-27

The comment contends that a CEQA analysis is required for the processing of an LSA Agreement. As discussed in Response No. AG 4-21 above, CDFW agreed during the May 20, 2022 meeting that a lake or streambed alteration agreement would not be required because the Project would not divert flow from within, change bed or bank of, or use or deposit materials into a jurisdictional lake, stream or river. The Project is not subject to the provisions of Fish and Game Code 1600 *et seq.* and would not result in significant impacts to stream or riparian resources as discussed in page IV.C-44 of the Draft EIR.

## Comment No. AG 4-28

To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

## Response No. AG 4-28

The comment contends that Project must provide mitigation for impacts to wetlands or riparian resources. See Response Nos. AG 4-21 and AG 4-27 above for an explanation of why the Project would not need to process a lake or streambed alteration agreement. Because the Project would not impact a lake, stream or river, there is no need for compensatory mitigation. Although compensatory mitigation would not be required, the Project would control erosion with the implementation of a SWPPP and would avoid impacts to jurisdictional resources.

## Comment No. AG 4-29

### Additional Comments and Recommendations

Phased Removal. CDFW recommends the City consider phased removal of trees (i.e., phased Project approach) in order to minimize impacts resulting from the temporal loss

of trees and to provide structurally diverse tree replacement habitat while mitigation for impacts to tree removal occurs.

### **Response No. AG 4-29**

The comment recommends that the Project implement a phased removal of trees. It should be noted that half of the tree removals are Mexican fan palms, which are considered an invasive species, provide minimal foraging or habitat opportunities for most animal species that might exist on the Project Site and in the vicinity of the Project, and are specifically identified by the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes under the heading “Plants That Should Never Be Planted Along The River”. The Project would preserve the majority of trees located toward the outer strata of the Project Site (away from primary construction areas) and the Project’s landscaping plan would result in the net increase of 153 trees (an approximately 36 percent increase). Please refer to Topical Response No. 5 – Biological Resources/Trees, for further information regarding the less than significant Project impacts on biological resources, including trees and wildlife habitat.

### **Comment No. AG 4-30**

Bats. CDFW recommends modifying BIO-MM-1 to include underlined language and remove language with strikethrough.

“Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species.

2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special status bat species are roosting within trees that would be removed. The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of

significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed using heavy machinery prior to using a chainsaw to remove them. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape”.

### **Response No. AG 4-30**

The comment recommends changes to Mitigation Measure BIO-MM-1. In coordination with CDFW, Mitigation Measure BIO-MM-1 on pages IV.C-42 to IV.C-43 of the Draft EIR has been revised to include additional requirements if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed are suitable bat roosting habitat. This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. Mitigation Measure BIO-MM-1 is modified below to reflect the acceptance of the CDFW recommendation.

BIO-MM-1: Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species during breeding season.
2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) and night vision goggles for an emergence survey (for at least one-hour after sunset) to determine whether special status bat species are roosting within trees that would be removed. A qualified biologist is a biologist with specialized bat experience including the familiarity with bat roost biology (i.e., a professional biologist with a minimum of two years of bat survey experience, inclusive of acoustic survey experience). The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is

located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. ~~Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist.~~ A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions, prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats. If special-status bats are detected during the survey, a qualified bat specialist shall prepare species specific mitigation measures to reduce or avoid impacts to each special-status species detected. Mitigation may include avoidance through postponing or temporarily halting construction until maternal roost use is completed, use of construction buffers of no less than 100-feet, or the installation of bat boxes in proximity to detected maternal roosts. Avoidance measures shall be based on site-specific factors to prevent roost disturbances; including but not limited to numbers and locations of bats, proposed construction activities, height and distance of bat roosts from proposed construction activities, the presence of visual and/or acoustic barriers between the roost and proposed activities, and the pre-existing level of human activities (e.g., ambient noise, potential movement, etc.) to which the bats may already tolerate.

3. If special-status bats are not detected, but the bat specialist nonetheless determines that roosting bats may be present at any time of year and could roost in trees at a given location, tree removal activities shall be initiated by pushing trees using heavy machinery prior to using a chainsaw to remove the tree. In order to provide the optimum warning to any roosting special-status bats that may be present, trees shall be pushed lightly two or three times, with an approximately 30-second pause between each nudge/push to allow bats to become active. A period of at least 24 hours shall elapse between such operations to allow special-status bats to escape the construction area.

### **Comment No. AG 4-31**

Nesting Birds. As currently written, the measures included in Section 2.a.2.a. California Department of Fish and Wildlife on pages IV.C-4 and IV.C-5 of the DEIR for nesting birds may not be enforceable as they are not listed as mitigation. CDFW recommends the measures be considered enforceable biological mitigation measures for the Project and be included as BIO-MM-4.

It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species.

Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

### **Response No. AG 4-31**

The comment contends that Project protection for nesting birds may not be enforceable. As stated on pages IV.C-30 and IV.C-31, in Section IV.C, *Biological Resources*, of the Draft EIR, under the heading Project Design Features, the Project would implement Project Design Feature BIO-PDF-1 to protect nesting birds. This project design feature would be enforced by inclusion in the Project's Mitigation Monitoring Program (MMP) similar to a mitigation measure. In addition, there were no California Species of Special Concern (SSC) or CESA-listed species observed by biologists during several site visits to inventory existing biological resources and the project design feature is not designed to be applied only to such special-status avian species. Although no SSC species were observed, the Draft EIR concluded that western yellow bat, an SSC, has a moderate potential to roost within the Biological Study Area (Page IV.C-32 of the Draft EIR) for which Mitigation Measure BIO-MM-1 is required to reduce impacts to less than significant. The minor temporal loss of ornamental trees is not a substantial loss of habitat as the Project would replant more trees than would be removed, replacing lost nesting habitat for avian species.

### **Comment No. AG 4-32**

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDDB Field Survey Forms (CDFW 2021b). This includes all documented occurrences of Nevin's barberry and other special status species. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

### **Response No. AG 4-32**

The comment states that data related to special-status species should be reported to the CNDDDB, if such species are encountered. The City concurs with this statement. Upon certification of the Project EIR by the Lead Agency, data for special-status species that are maintained by the CNDDDB will be reported to CDFW using the appropriate format indicated in the comment.

Because this comment does not raise a substantive issue on the adequacy of the Draft EIR, no further response is necessary.

### **Comment No. AG 4-33**

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

### **Response No. AG 4-33**

The comment reminds the Lead Agency that an MMRP is required for CEQA compliance. The City appreciates the CDFW-recommend MMRP. However, as explained in detail in Response to No. AG-36 below, the City, as Lead Agency, has prepared its own Mitigation Monitoring Program (MMP) as part of the Final EIR, as required under State CEQA Guidelines Section 15097, and which contains all recommended mitigation measures and required project design features. No additional plant or wildlife surveys are required for the City's decision makers to consider certification of the EIR.

### **Comment No. AG 4-34**

#### **Filing Fees**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Los Angeles and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

### **Response No. AG 4-34**

The comment reminds the Lead Agency that CDFW environmental review fees are required at the time of Notice of Determination posting. This comment provides filing fee information and is noted for the record. Because the comment does/comments do not raise a substantive issue on the content of the Draft EIR, no further response is necessary.

### **Comment No. AG 4-35**

#### **Conclusion**

We appreciate the opportunity to comment on the Project to assist the City of Los Angeles in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Los Angeles has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or

comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

### Response No. AG 4-35

The comment thanks the Lead Agency for the opportunity to comment on the CEQA document. This expresses CDFW's opportunity to review and comment on the Draft EIR and provides contact information. The comment does not address the adequacy of the Draft EIR but is noted for the record and will be forwarded to the decision-makers for review and consideration.

### Comment No. AG 4-36

#### Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1-Trail Installation</b>	Educational materials and signage shall be made available to trail users to keep aware of the impacts that human disturbance brings to open spaces. People shall be made aware of the impacts that they have on surrounding habitat (such as noise or smells), particularly during breeding seasons. CDFW recommends the City install appropriate public information signage at trailheads to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper use of the trail in a manner respectful to wildlife; and 3) provide local contact information to report injured or dead wildlife. Signage shall be written in the language(s) understandable to all those likely to recreate and use the trails. Signage shall not be made of materials harmful to wildlife such as spikes or glass. The City should provide a long-term maintenance plan to repair and replace the signs.	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-2-Trail Installation</b>	Trash receptacles shall be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.	Prior to Project construction and activities	City/Project Applicant

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-3-LSA</b>	The Project may result in the alteration of streams. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW’s <a href="#">Lake and Streambed Alteration Program</a> webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021a).	Prior to construction	Project Applicant
<b>MM-BIO-4-Hydrology Report</b>	The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report shall also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. The hydrology report shall also determine if the Project will result in substantial changes to water availability downstream for biological resources in the Whittier Narrows. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2- year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.	Prior to Construction	Project Applicant
<b>MM-BIO-5-BMPs</b>	The Project shall implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into drainages during Project activities. BMPs shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species,	Prior to Construction	Project Applicant

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
	<p>such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.</p>		
<b>REC-1-Diversion Analysis</b>	<p>CDFW recommends the DEIR include an analysis of potential impacts on biological resources resulting from the proposed water diversion. At a minimum, the analysis should evaluate a study reach that includes the channel downstream from the Project site. The study reach should extend a minimum of one mile downstream or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following:</p> <ol style="list-style-type: none"> <li>1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the Project area and study reach during a) the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year.</li> <li>2. Under proposed Project conditions, the percent reduction in flow from both the Project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year,</li> </ol>	Prior to Construction	Project Applicant

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
	<p>and dry season/below-average water year.</p> <p>3. A quantitative analysis comparing the flow from the Project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach</p> <p>4. A quantitative analysis of other potential stormwater diversion Projects along the Los Angeles River, both up and downstream, and their cumulative impact to the hydrograph of the study reach.</p> <p>5. An analysis of potential Project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).</p>		
<b>REC-2-Phased Removal</b>	<p>CDFW recommends the City consider phased removal of trees (i.e., phased Project approach) in order to minimize impacts resulting from the temporal loss of trees and to provide structurally diverse tree replacement habitat while mitigation for impacts to tree removal occurs.</p>	Prior to Construction	Project Applicant
<b>REC-3-Bats</b>	<p>CDFW recommends modifying BIO-MM-1 to include underlined language and remove language with strikethrough.</p> <p>Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:</p> <p>1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species.</p> <p>2. Any construction or palm tree removal activities that occur during the maternity roosting season for</p>	Prior to Construction	Project Applicant

<b>Biological Resources (BIO)</b>		
<b>Mitigation Measure (MM) or Recommendation (REC)</b>	<b>Timing</b>	<b>Responsible Party</b>
<p>special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special status bat species are roosting within trees that would be removed. The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions. <u>Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.</u></p> <p>3. <u>If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed using heavy machinery prior to using a chainsaw</u></p>		

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
	<p><u>to remove them. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape</u></p>		
<b>REC-4-Nesting Birds</b>	<p>As currently written, the measures included in Section 2.a.2.a. California Department of Fish and Wildlife on pages IV.C-4 and IV.C-5 of the DEIR for nesting birds may not be enforceable as they are not listed as mitigation. CDFW recommends the measures be considered enforceable biological mitigation measures for the Project and be included as BIO-MM-4.</p> <p>It shall be noted that the temporary halt of Project Activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of CESA-listed species.</p>	Prior to Project construction and activities	City/Project Applicant
<b>REC-5-Data</b>	<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDDB by completing</p>	Prior to Project construction and activities	City/Project Applicant

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
	and submitting <a href="#">CNDDDB Field Survey Forms</a> . The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal.		
REC-6-Mitigation and Monitoring Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to approval of CEQA document	City/Project Applicant

## Response No. AG 4-36

The comment provides a list of recommended measures for consideration by the Lead Agency for incorporation into the CEQA documentation. The City thanks CDFW for the recommended draft MMRP. However, the City, as Lead Agency, has drafted a separate MMP because the CDFW-recommended draft MMRP for biological resources includes measures that are either not warranted or applicable or include recommendations that have not been fully incorporated by the City. In addition, the CDFW-recommended draft MMRP applies only to biological resources and does not include all of the EIR-recommended mitigation measures or the project design features that are included in the Lead Agency's MMP.

In particular, of the CDFW mitigation measures or recommendations, the following are either not adopted or do not apply due to the lack of significant impact: MM-BIO-3-LSA (Section 1602 of the Fish and Game Code does not apply), MM-BIO-4 Hydrology Report (already included in the Draft EIR), MM-BIO-5-BMPs (will be included in the Project SWPPP), REC-1-Diversion Analysis (analysis completed; see Response No. AG 4-26 above), REC-2-Phased Removal (to be considered during removal; however, about half of the trees to be removed are Mexican fan palms), REC-3-Bats (in part, some of the recommendation is incorporated), REC-4-Nesting Birds (remains a project design feature included in the Lead Agency MMP), REC-5-Data (special-status species data will be reported), REC-6-Mitigation and Monitoring Plan (incomplete, so not adopted). The

CDFW recommended measures MM-BIO-1-Trail Installation and MM-BIO-2-Trail Installation are adopted as project design features, as follows (see addition in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR).

**BIO-PDF-3** is added to increase the beneficial uses of the Zev Greenway as a natural open space area by promoting awareness that human activities, such as trail use, may impact or disturb wildlife use of open spaces.

**BIO-PDF-3:** Harvard-Westlake School will make available to the Zev Greenway trail users educational materials and signage at the entrance to the ADA-compliant pedestrian ramp located between the Project's gymnasium and the Zev Greenway. The materials and signage will promote awareness that human activities, such as trail use, may impact or disturb wildlife use of open spaces. Educational materials and signage will explain how human activity impacts, inclusive of noise and odors, may have on natural habitats growing within the Zev Greenway, emphasizing the increased severity during breeding seasons. The signage, acceptable to the City, will also: 1) educate and inform the public about wildlife present in the area; 2) advise on proper use of the ramp in a manner respectful to wildlife; and 3) provide local contact information to report injured or dead wildlife. Signage will be written in the language(s) understandable by residents in the local vicinity and to those most likely to use the ramp. Signage will be made of materials not harmful to wildlife, avoiding glass or the use of spikes.

**BIO-PDF-4** is added to discourage potential conflicts between wildlife and users of the Zev Greenway by avoiding or minimizing the potential to create an attractive nuisance of an unnatural food source for wildlife.

**BIO-PDF-4:** As part of the Project's routine maintenance program, Harvard-Westlake School will place a waste receptacle at the entrance to the Project's ADA-compliant pedestrian ramp located between the Project's gymnasium and the Zev Greenway in order to avoid or minimize the potential to create an attractive nuisance of an unnatural food source for wildlife. The receptacle will be regularly maintained to avoid waste materials inadvertently entering the Zev Greenway area.

## **Comment Letter No. AG 5**

Mashaal Majid

Planning Director

Office of Los Angeles City Councilmember Nithya Raman, 4th District

Received May 12, 2022

### **Comment No. AG 5-1**

I am reaching out on behalf of Councilmember Nithya Raman to share our thoughts for the proposed Harvard-Westlake River Project (Project) located at 4047, 4141, and 4155 Whitsett Avenue and 12506, 12600, and 12630 Valley Spring Lane at the former Weddington Golf & Tennis site. This site is now in Council District 4 after the 2020 City of Los Angeles redistricting process.

### **Response No. AG 5-1**

This comment introduces the purpose of the comment on behalf of Councilmember Nithya Raman. As the comment does not discuss the adequacy or content of the Draft EIR, no further response is necessary.

### **Comment No. AG 5-2**

It is our understanding that the site, which is currently occupied by a private nine-hole, 27-par golf course and tennis facility, was purchased by Harvard-Westlake School from the Weddington family in 2017 for the purpose of redesigning, building, and operating an athletic and recreational facility for the School's students, staff, and the general public. This sale and purchase took place after previous proposals for the 16-acre property by the Weddington family, such as one which included preservation of golfing and tennis on the site while adding housing units, failed to move forward.

### **Response No. AG 5-2**

This comment provides an accurate summary of historical information regarding the Project Site but does not address the adequacy or content of the Draft EIR. As such, no further response is necessary.

### **Comment No. AG 5-3**

As detailed in the Draft Environmental Impact Report (Draft EIR), this Project involves the redevelopment of the approximately 16.1-acre Weddington Golf & Tennis site and an adjacent approximately 1.1-acre portion of property along the Los Angeles River leased from Los Angeles County for use as an athletic and recreational facility for the Harvard-Westlake School and for shared public use.

### **Response No. AG 5-3**

This comment provides an accurate summary of information provided in Chapter II, *Project Description*, of the Draft EIR, but does not address the adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. AG 5-4**

The Project would remove the existing golf course, driving range, and tennis facility to develop two athletic fields with bleacher seating, an 80,249-square-foot, two-story multi-purpose gymnasium with a maximum height of 30 feet, a 52-meter swimming pool with seating, eight tennis courts with seating, one level of below-grade parking and a surface parking lot. The Project would include ancillary field buildings, three security kiosks, exterior light poles, walls/fencing, and retention of the existing clubhouse structure, putting green, low brick retaining wall, and golf ball-shaped light standards. It would remove 240 of the existing 421 trees and plant 393 new trees, include a one million-gallon stormwater capture and reuse system for water conservation and treatment purposes, provide approximately 5.4 acres of publicly-accessible open space and landscaped trails connecting to the adjacent Zev Yaroslavsky Los Angeles River Greenway, and would incorporate on-site landscaped areas, water features, and recreational facilities. Lastly, the Project would provide off-site improvements to the Valleyheart Drive public right-of-way, portions of the Greenway, and an ADA compliant ramp to provide a pedestrian connection between the Greenway and Coldwater Canyon Avenue.

### **Response No. AG 5-4**

This comment provides a summary of components of the Project as provided in Chapter II, *Project Description*, of the Draft EIR. Please refer to Topical Response No. 2 - Modifications to the Project Design, which discusses design modifications made to the Project in response to public and agency comments received on the Draft EIR. In addition, corrections to the Draft EIR with the Project design modifications are included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. Within Chapter 3, relevant figures from the Draft EIR have also been revised to illustrate the Project design modifications. As part of the Project design modifications, the stormwater capture and reuse system would be reduced to approximately 350,000 gallons and the Project's water features would be eliminated, with additional modifications relating to bleacher seating, lighting, building design (swimming pool area and gymnasium), parking, and grading. As the comment does not discuss the adequacy or content of the Draft EIR, no further response is necessary.

### **Comment No. AG 5-5**

We want to ensure that community questions, concerns, feedback, and strategies related to potential environmental impacts and as shared in response to the Draft EIR are thoroughly assessed and adequately responded to in the Final EIR, including but not limited to: noise, traffic, circulation, active transportation access, habitat protection, public

access to the waterway and upkeep of the river park, public access to athletic and recreational facilities, light pollution, grading, construction (including for projects in close proximity to this site and on the same theoretical timelines pending city actions), the nature of on-site special events, shuttling services, water runoff, landscaping and canopy coverage, retainment of structures deemed historic per the Historic Cultural Monument designation, and neighborhood buffering and screening.

### **Response No. AG 5-5**

The comment requests that community questions, concerns, feedback, and strategies related to potential environmental impacts be thoroughly assessed and adequately responded to in the Final EIR. Regarding all the subject areas listed in the comment, the Final EIR addresses comments consistent with the requirements of CEQA Guidelines Section 15088, *Evaluation of and Response to Comments*, Subsection (a), which requires the lead agency to evaluate comments on environmental issues by preparing a written response to comments raising significant environmental issues. Per the CEQA Guidelines, the level of detail contained in a response may correspond to the level of detail provided in the comment (i.e., responses to general comments are allowed to be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information nor explain the relevance of evidence submitted with the comment. Section 15132 of the CEQA Guidelines, provides that the Final EIR may address comments either in verbatim or in summary. Although certain form letters with minor variations in presentation are addressed in the Final EIR as a unit, the Final EIR mostly addresses organization, agency, and individual comments verbatim. As the comment does not address the contents or adequacy of the Draft EIR, no further response is necessary.

### **Comment No. AG 5-6**

We understand that there will be more opportunities for community members to weigh in, including at a public hearing held by City Planning following publication of the Final EIR release, as well as at a future City Planning Commission meeting. We deeply appreciate and would like to commend the high level of robust engagement around this Project, and our office looks forward to continued conversations with residents, the Harvard-Westlake School, city departments and other public agencies, and additional stakeholders.

### **Response No. AG 5-6**

This comment indicates future opportunities for public input on the Project and acknowledges the high level of engagement by various stakeholders. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. AG 5-7**

Our office looks forward to the progression of the environmental review process as an opportunity to address all issues raised and will remain engaged to support a positive resolution for all affected stakeholders.

### **Response No. AG 5-7**

The comment expresses the Council Office's position that all issues raised would be addressed and that the Council Office will remain engaged to support a positive resolution for all affected stakeholders. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. ORG 1**

Kim Tashman, President (ORG 1A and 1C)  
Save Weddington, Inc.  
Jamie T. Hall (ORG 1B)  
Channel Law Group LLP on behalf of Save Weddington, Inc.  
Received March 15, and May 10, 2022

### **Comment Letter No. ORG 1A, March 15, 2022 (Kim Tashman)**

#### **Comment No. ORG 1A-1**

Subject: Request extension for public comment review period of the DEIR (ENV-2020-1512-EIR)

Save Weddington, Inc. is a community based nonprofit corporation in Studio City. We are in receipt of the Draft Environmental Impact Report ENV-2020-1512-EIR Harvard-Westlake River Park Project. We request that the Planning Department agree to extend the comment period from 45 days to 90 days. It is important to our community and to other concerned stakeholders in the San Fernando Valley that enough time be permitted for a meaningful response to be made.

Unusual circumstances exist for making this request. This DEIR was released 17 months after the Notice of Preparation was posted. In addition, the DEIR's Environmental Impact Analysis section consists of 19 elements that must be reviewed and commented on by appropriate experts in their respective fields, the DEIR's Alternatives section consists of seven sections, and the overall document is thousands of pages long. Finally, the developers have unlimited funds and have had years to produce data supporting their desired outcomes. Developers are not required to include studies or data that do not support the proposed project. That job falls to the community and is not funded by public dollars.

CEQA Guidelines Section 15105 states that the comment period for a project like the current one should be 45 days, at a minimum, but should only be more than 60 days in unusual circumstances. Save Weddington believes that the proposed development is being presented during and with unusual circumstances.

A 90-day public comment period is not unusual. For the NBCUniversal Evolution Plan DEIR, a 90-day response was granted, given the scope and impact on the surrounding community. Such is the case with the plan proposed in the DEIR (ENV-2020-1512-EIR).

Save Weddington requests that the public comment period be extended to 90 days. We also request that you reply to this request as soon as possible.

## Response No. ORG 1A-1

The comment requests that the City extend the Project’s public review period to 90 days. CEQA Guidelines Section 15105(a) states: “The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.” When the Draft EIR was released for public review on March 10, 2022, the public review period was 47 days, to meet the required 45 day public review period when Draft EIRs are submitted to the State Clearinghouse for State agency review. The City then extended the public review period to be a total of 62 days, from March 10, 2022 to May 10, 2022. The City determined that public review conditions did not rise to an “unusual circumstance” and that public access to the Draft EIR was adequate during the 62-day review period. For additional details regarding the City’s determination to extend the Draft EIR comment period to 62 days, rather than the 90-day comment period granted to the NBC Universal Evolution Plan project, the commenter is referred to Topical Response No. 1 – Public Participation and Review. Topical Response No. 1 also includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation and access to the Draft EIR.

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## **Comment Letter No. ORG 1B, May 10, 2022:**

### **Comment No. ORG 1B-1**

This firm represents “Save Weddington.” As detailed in this comment letter, the Draft Environmental Impact Report (“DEIR”) for the Harvard-Westlake River Park Project (“Project” or “proposed Project”)<sup>1</sup> is fatally flawed and must be revised and then recirculated for additional public comment and review.

<sup>1</sup> The DEIR is available at: <https://planning.lacity.org/development-services/eir/harvard-westlake-riverpark-project-0>

### **Response No. ORG 1B-1**

The comment introduces Channel Law Group, LLP as a representative of Save Weddington. The comment also makes a general statement that the Draft EIR is fatally flawed and that it must be revised and recirculated for further public review. The comment does not include specific examples of any shortcomings in the Draft EIR. The comment, however, is noted for the record and will be forwarded to the decision-makers for review and consideration.

### **Comment No. ORG 1B-2**

#### **Introduction**

The proposed Project involves substantial modification of a City of Los Angeles Historic-Cultural Monument (“HCM”), the Studio City Golf and Tennis Club (or Weddington Golf & Tennis Club). The proposed Project involves the demolition of the private nine-hole, 27-par golf course and tennis facility and the construction of athletic and recreation facilities to serve a private two-campus school, Harvard-Westlake School, with campuses located 1.2 and 4.25 driving miles from the Project site. Students would thus be required to access the new facilities via vehicles. The proposed Project would also allow for some public use of the site. The public would have access to approximately seven acres of walking paths and wooded areas. They would also have access, with a reservation, to the tennis courts and the putting green after checking-in at the clubhouse but would not be provided with direct access to the athletic facilities.

### **Response No. ORG 1B-2**

The comment claims the Project would involve substantial modification of a City of Los Angeles HCM, the Studio City Golf and Tennis Club (or Weddington Golf & Tennis Club). This assertion made in the comment is not supported by substantiated facts. The commenter is referred to Topical Response No. 6 – Historical Resources, which addresses direct and indirect impacts on historical resources resulting from the Project. Topical Response No. 6 identifies the Project Site’s HCM designation and its character-defining features (private recreational facility open for public use, the clubhouse, the golf

ball [-shaped] light standards, the putting green, and the brick wall with weeping mortar at the front lawn) that will be preserved and/or, as necessary, restored as part of the Project. Topical Response No. 6 also discusses Project Design Features that include a historic preservation professional as part of the design team and the approval of specific details related to the relocation of the golf ball-shaped light standards and rehabilitation of the clubhouse. As further concluded therein, the Project as designed would not result in significant adverse impacts to historical resources on the Project Site.

The comment indicates the public would have “some” public use of the site and cites examples of the Project’s public use features. As discussed in Chapter II, *Project Description*, page II-34 of the Draft EIR, the Project would be available for public use from 7:00 a.m. to 9:00 p.m. seven days a week. As further discussed in Chapter II, page II-47, most of the School’s outdoor activities would occur in the late afternoons (after academic hours at the Upper Campus and would end between the hours of 4:45 p.m. to 7:45 p.m. with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. The majority of the school day would be open for public use of the Project Site. School uses on Saturdays would take place, at maximum, between 9:00 a.m. and 6:00 p.m., though concurrent public use would still be the supported in the same manner as during school days. On Sundays, no School athletics uses would be permitted and the entire Project Site would be wholly available for public uses. The Draft EIR defines public use of the gymnasium and both athletic fields to be “for pre-approved organizations” (refer to Chapter II, *Project Description*, page II-34). Please refer to Topical Response No. 3, Enforcement of Public Access, for additional public use information.

In addition, the 0.75-mile landscaped pedestrian pathway (with seating, shade, and direct access to the Zev Greenway from Valley Spring Lane), the putting green and the clubhouse/café would be open to the public all day, every day of the week and, collectively, comprise 5.4 acres of open space. Public use of the Project Site is further discussed in Topical Response No. 3 - Enforcement of Public Access. Because the comment does not raise a substantive issue on the content or adequacy of the Draft EIR, no further response is necessary.

### **Comment No. ORG 1B-3**

As detailed in the Notice of Completion and Availability (“NOC/NOA”)<sup>2</sup> for the proposed Project:

The Harvard-Westlake River Park Project (Project) involves the redevelopment of the approximately 16.1-acre (701,428 square foot) Weddington Golf & Tennis site, and an adjacent approximately 1.1-acre (47,916 square foot) portion of property along the Los Angeles River leased from Los Angeles County, collectively comprising an approximately 17.2-acre (749,344 square foot) project site (Project Site), for use as an athletic and recreational facility for the Harvard-Westlake School and for shared

public use. The Project would remove the existing golf course, driving range, and tennis facility to develop two athletic fields with bleacher seating, an 80,249-square-foot, two-story multi-purpose gymnasium with a maximum height of 30 feet, a 52-meter swimming pool with seating, eight tennis courts with seating, one level of below-grade parking and a surface parking lot. The Project would include ancillary field buildings, three security kiosks, exterior light poles, walls/fencing, and retention of the existing clubhouse structure, putting green, low brick retaining wall with weeping mortar, and golf ball-shaped light standards. The Project would remove 240 of the existing 421 trees and plant 393 new trees. The Project would include a one million-gallon stormwater capture and reuse system for water conservation and treatment purposes. The Project would also provide approximately 5.4 acres (235,224 square feet) of publicly-accessible open space and landscaped trails connecting to the adjacent Zev Yaroslavsky Los Angeles River Greenway (Zev Greenway) and would provide on-site landscaped areas, water features, and recreational facilities. The Project involves off-site improvements to the Valleyheart Drive public right-of-way, portions of the Zev Greenway adjacent to the Project Site, and an ADA compliant ramp to provide a pedestrian connection between the Zev Greenway and Coldwater Canyon Avenue northwest of the Project Site. Project development would require excavation and grading of the Project Site to a maximum depth of approximately 21 feet below grade and a net cut/fill volume of approximately 250,000 cubic yards.

<sup>2</sup> The NOC/NOA is available at:  
[https://planning.lacity.org/eir/HarvardWestlake\\_River\\_Park\\_Project/deir/Draft%20EIR%20Sections/DEIR\\_NOCA\\_Signed.pdf](https://planning.lacity.org/eir/HarvardWestlake_River_Park_Project/deir/Draft%20EIR%20Sections/DEIR_NOCA_Signed.pdf)

### **Response No. ORG 1B-3**

The comment reiterates the description of the Project from the Notice of Completion and Availability. No comments are made on the adequacy of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 1B-4**

The proposed Project would include a below-grade parking structure located in the eastern portion of the Project Site, with approximately 503 automobile parking spaces. An additional 29 surface parking spaces would be provided at the Valleyheart Drive entrance to the parking structure, for a total of 532 spaces, as compared to the existing 89 surface parking spaces. This represents a net gain of 443 parking spaces associated with the proposed intensification of use.

## Response No. ORG 1B-4

The comment reiterates the description of the Project's on-site parking facilities from the Notice of Completion and Availability. Note that modifications to the Project design would reduce the capacity of the underground parking structure from 503 spaces to 386 spaces and the capacity of the above grade parking lot from 29 spaces to 17 spaces for a total of 403 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. No comments are made on the adequacy of the Draft EIR and, therefore, no further response is necessary.

## Comment No. ORG 1B-5

Seating for observing sports at facilities included as part of the proposed Project include: 488 bleacher seats for Field A seating; 255 seats for Field B seating; 1,026 retractable bleacher seats in the Gymnasium; 348 bleacher seats for the pool; and 100 seats for the tennis courts. This can be compared to the 532 parking spaces to be provided.

## Response No. ORG 1B-5

The comment reiterates the description of the Project's facilities and parking from the Notice of Completion and Availability. The comment also compares the number of seats to the number of parking spaces. The Project's proposed parking would meet applicable LAMC requirements. Refer to Topical Response No. 9 - Transportation and Parking During Construction and Operations, for a discussion of the Project's proposed parking program. As discussed in Topical Response No. 9, based on SB 743 and City of Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG), parking effects are no longer considered impacts on the environment and therefore such effects were not evaluated as CEQA impacts in the Draft EIR. As such, responses to comments on parking effects are not required to be provided in this Final EIR and are provided herein only for informational purposes independent of CEQA requirements. Note that modifications to the Project design would reduce the cumulative number of seats at the Project's athletics facilities from 2,217 to 2,005. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. Because the comment does not raise a substantive issue on the content or adequacy of the Draft EIR, no further response is necessary.

## Comment No. ORG 1B-6

During Project construction, according to page II-62 of the DEIR, demolition and site preparation activities would generate up to 252 daily haul trucks. During the grading and excavation phase up to 300 export haul trips would be generated between the hours of 8:00 a.m. and 4:00 p.m. This equates to a haul truck leaving the site more frequently than every 2 minutes, as well as a haul truck arriving at the site more frequently than every two minutes between these hours. Given that 250,000 cubic yards of earth would be exported,

and the standard capacity of a large dump truck of between 10 and 16 cubic yards,<sup>3</sup> this equates to between 25,000 and 15,625 two-way haul truck trips, or 31,250-50,000 one-way trips just for soil export, over the course of Project construction, or between 50,000 and 31,250 one-way haul trips,<sup>4</sup> without consideration of the fact that compacted soil expands in size once excavated.<sup>5</sup> The DEIR needs to disclose whether the soil excavation and removal quantities are bank cubic yards, loose cubic yard or compacted cubic yards and the analysis corrected accordingly. The DEIR Project Description fails to identify the length of key construction phases. Please provide a table indicating the length of each construction phases and the equipment to be used during each construction phase.

<sup>3</sup> <https://www.jdpower.com/cars/shopping-guides/how-many-cubic-yards-are-in-a-dump-truc>

<sup>4</sup> According to page IV.B-36 of the DEIR, the DEIR assumes 14 cubic yard soil capacity haul trucks for the grading/excavation phase. This equates to 17,858 two-way haul trips, or 35,714 one-way haul trips.

<sup>5</sup> See: <https://www.nationwideconsultingllc.com/excavation-and-compaction/>  
Swell and shrinkage are two important, and often misunderstood, terms. Consider the simple example of digging a 1.0 cubic yard hole with a shovel and then throwing the dirt into wheelbarrows. In the ground the 1.0 cubic yard of soil is in its virgin (or natural) state. Upon being shoveled into the wheelbarrows the soil is in a loose (or lower density) state and probably has a volume of 1.2 to 1.4 cubic yards. This process of soil increasing in volume from its virgin state to a loose state is called swell.

It does not appear that the soil export volumes in the DEIR account for swell and thus both earth quantities to be exported and haul trips have been underestimated resulting in an underestimate of impacts.

## Response No. ORG 1B-6

The comment makes various assertions regarding the exportation of soil and number of truck trips generated by this activity and requests a table detailing the length of each phase of construction. The Draft EIR provided the overall construction duration in Chapter II, *Project Description*, in subsection 5, *Anticipated Construction Schedule*. In addition, the Project's construction modeling assumptions, including phase lengths, construction equipment list and truck trips per phase were provided on PDF pages 8 through 18 of 437 of Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Construction activity and the anticipated duration of each construction phase are summarized on PDF pages 82 through 84 of 217 in Appendix M, Transportation Assessment, to the Draft EIR. Subsequent to the development of the Transportation Assessment, which cites hours of grading and excavation activity as occurring from 8:00 a.m. to 4:00 p.m., the hours for excavation and grading activity have been revised from 9:00 a.m. to 3:00 p.m. Regarding daily haul trips, the Project would generate 300 one-way truck trips (150 trucks), with each truck accounting for one trip to the Project Site and one trip from the Project Site. As such, excavation and grading activities would generate approximately 150 outbound haul trucks per day, and 150 empty inbound haul trips per day. This clarifying information has been provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

As further stated in Section IV.B, *Air Quality*, of the Draft EIR, haul truck trip estimates were based on excavation volumes obtained from the Project's engineering

representative and 7 cubic yard capacity haul trucks for demolition and site preparation phase, and 14 cubic yard soil capacity haul trucks for the grading/excavation phase; cement truck trip estimates were based on the Project's engineering representative and 10 cubic yard concrete capacity concrete trucks. A bulking factor of 20 percent was used in the estimated 250,000 cubic yards of excavated materials. More specifically, there are two methods to account for bulking: 1) in the calculation of the total cubic yards of grading and 2) in the assumed capacity of individual haul trucks. Soil bulking for the Project was accounted for using the first of the two methods and is typically set at 15 percent. In order to provide a conservative analysis of Project impacts, a bulking factor of approximately 20 percent was used in order to arrive at the 250,000 estimated cubic yards of grading. Therefore, even with bulking, the export trips would be within the estimated number for Project construction activities. Furthermore, if soil hauling takes place over 8 hours, as stated in the comment, that means one export truck trip every 3 minutes and 10 seconds. However, as noted above, Project hauling would take place over 6 hours to allow for soil preparation during the morning and to ensure that trucks are able to arrive at the receiver destinations prior to those destinations closing. As soil hauling takes place over 6 hours (9:00 am to 3:00 pm), this would mean one truck every 2 minutes and 24 seconds. Please refer to Appendix C of the Draft EIR for details regarding the length of each construction phase, the type and number of equipment to be used during each construction phase, as well as the verified material amounts and number of truck trips required for exporting materials during Project construction. Note that modifications to the Project design would reduce the total amount of Project grading from 250,000 cubic yards to 197,000 cubic yards. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 1B-7**

The Project Site is adjacent to residential neighborhoods to the north, east, and west. To the south it is adjacent to the Los Angeles River and the Zev Greenway along the Los Angeles River. To the south, it is also adjacent to Fire Station 78.

As noted in the NOC/NOA and the DEIR, the proposed Project would result in significant and unavoidable impacts related to Project-level and cumulative on-site and off-site construction noise, and Project-level and cumulative off-site construction vibration (human annoyance). According to the DEIR other potential impacts would be less than significant or mitigated to less-than-significant levels.

### **Response No. ORG 1B-7**

The comment correctly reiterates the conclusion of the Draft EIR that construction-related noise and vibration impacts would be significant unavoidable and other potential impacts would be less than significant or mitigated to less-than-significant levels. The comment, however, does not raise a substantive issue on the content or adequacy of the Draft EIR and, therefore, no further response is necessary.

## Comment No. ORG 1B-8

### 1.1 Inappropriate Consideration of Project Design Features in the Analysis

However, in making important judgements regarding the Project's potential for impacts, the DEIR impermissibly relies on Project Design Features ("PDFs") which are in fact mitigation measures designed to avoid or lessen Project impacts, as detailed more fully in **Section 3.0** of this comment letter. As noted on page II-61 of the DEIR's Project Description Chapter.<sup>6</sup>

#### h) Project Design Features

The above sections identify general characteristics of the Project upon which the analyses of this Draft EIR are based. In addition to these Project characteristics, Harvard-Westlake School proposes to implement a number of PDFs that specifically relate to environmental considerations. The PDFs will be included in the Mitigation Monitoring Program required in association with certification of the EIR. The PDFs are presented in the Executive Summary of the Draft EIR, as well as in individual topical sections of the Draft EIR, where applicable. **The PDFs are taken into account in the analysis of potential Project impacts** provided in Chapter IV, *Environmental Analysis*, of this Draft EIR. (Emphasis added.)

<sup>6</sup> The Project Description Chapter is available at: [https://planning.lacity.org/eir/Harvard-Westlake\\_River\\_Park\\_Project/deir/Draft%20EIR%20Sections/II.%20Project%20Description.pdf](https://planning.lacity.org/eir/Harvard-Westlake_River_Park_Project/deir/Draft%20EIR%20Sections/II.%20Project%20Description.pdf)

## Response No. ORG 1B-8

The comment states that the Draft EIR relied on Project Design Features (PDFs) which should have been mitigation measures. However, no specific PDFs are identified other than a reference to a more detailed discussion in Section 3.0 of the comment letter.

Nonetheless, as a general matter, the Project's PDFs are all appropriate components of the Project and not mitigation measures. As shown in the excerpt to the Draft EIR included in this comment, the Draft EIR analyzed the impacts of the Project with the PDFs as Project components incorporated into the Project. Pursuant to CEQA, mitigation measures are not part of the original project design, but instead are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. (CEQA Guidelines Sections 15126.4(a) and 15370.) Mitigation measures are identified by the lead agency while a project is undergoing environmental review, and not finalized until the end of the environmental review process, and are above-and-beyond existing laws, regulations, and requirements that would reduce environmental impacts. Moreover, CEQA encourages the incorporation of project elements that would reduce or avoid any potential significant impacts. Accordingly, most projects include avoidance and minimization measures or environmental commitments into the project design as part of the project description. The CEQA Guidelines also reference these types of features in

Section 15064(f)(2) and Section 15126.4(a)(1)(A). Examples of PDFs that may address environmental impacts include construction traffic management plans, transportation demand plans, use of energy efficient lighting, use of solar panels, and building standards in excess of the requirements of Title 24 of the California Building Code. These are not considered mitigation measures because they are part of the project that is undergoing environmental review. While the courts have recognized that it is often difficult to distinguish between the elements of a project and measures designed to mitigate the impacts of a project (see, e.g., *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4<sup>th</sup> 645, 656 fn.8) (*Lotus*), the Project's PDFs are clearly integral to the Project even when they are incorporated in order to ensure that the Project is environmentally sensitive or to show the manner in which a regulatory requirement would be carried out.

Moreover, case law is clear that use of PDFs that do have the effect of avoiding or lessening a potential impact are not prohibited by CEQA so long as the characterization of the measure does not improperly interfere with identification of the potential environmental impact. As clarified by the same judge that wrote the opinion in the *Lotus* case, the court in *Mission Bay Alliance v. Office of Community Investment and Infrastructure* (2016) 6 Cal. App. 5<sup>th</sup> 160, 185, (*Mission Bay*), in reference to the objection of including a transportation management program element as part of the project rather than as a mitigation measure, stated that “[a]ny mischaracterization is significant, however, only if it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures.”

The Draft EIR adequately discusses the PDFs and potential impacts and at no time utilizes PDFs to avoid discussion of the Project's potential impacts or appropriate mitigation measures. Rather than hiding the impacts, the purpose of the PDFs, or the mitigation measures, the Draft EIR sets them out in several places. Table ES-1, *Summary of Project Impacts, Project Design Features, and Mitigation Measures*, specifically lists the project's environmental impacts and lists which PDFs and mitigation measures are used to determine the Project's impacts (Draft EIR pages ES-15 through ES-25). Additionally, for easy reference to all the PDFs and mitigation measures without having to go through each environmental topic discussion, pages ES-26 through ES-31 sets forth each PDF while pages ES-31 through ES-35 sets forth each mitigation measure. These entries are followed by a full analysis of the Project's impacts and the incorporated PDFs and mitigation measures in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR. The City further ensures that PDFs are enforceable components of the Project by including all the PDFs in the Mitigation Monitoring Program (MMP) (see Final EIR Chapter 4.0, *Mitigation Monitoring Program*).

See also, Response Nos. ORG 1B-24 through ORG 1B-35 below for responses to specifically questioned PDFs.

## Comment No. ORG 1B-9

As detailed on pages ES-26 to ES-31 of the DEIR's Executive Summary,<sup>7</sup> PDFs for the following issue areas were “take into account in the analysis of potential Project impacts.” This has resulted in an under-identification of impacts or failure to identify significant impacts for these issue areas:

- Biological Resources (nesting birds)
- Cultural Resources (rehabilitation plan, documentation requirements, interpretation requirement)
- Greenhouse Gas Emissions (solar voltaic system)
- Hazardous Materials (artificial turf formulation)
- Noise and Vibration (wall and canopy requirements, limitations on amplified sound system, construction time limitations)
- Police Services (security features during construction and operation).
- Transportation (Construction Management Plan, requirements for flashing red warning lights, restrictions on number of trips to the site and requirements for provision of School shuttle service during events)
- Utilities and Service Systems – Water Supply (artificial turf, capture and reuse system).

<sup>7</sup> The Executive Summary is available at:  
[https://planning.lacity.org/eir/HarvardWestlake\\_River\\_Park\\_Project/deir/Draft%20EIR%20Sections/01%20Executive%20Summary.pdf](https://planning.lacity.org/eir/HarvardWestlake_River_Park_Project/deir/Draft%20EIR%20Sections/01%20Executive%20Summary.pdf)

## Response No. ORG 1B-9

This comment references sections in Chapter IV, *Environmental Impact Analyses*, of the Draft EIR which include PDFs and alleges that the listed PDFs result in an underestimation or a failure to identify significant impacts. Refer to Response No. ORG 1B-8, which discusses and explains the rationale as to why the Project's PDFs are all appropriate components of the Project and not mitigation measures. The comment does not provide any evidence of an underestimation or failure to identify a significant impact. Therefore, no further response is necessary.

## Comment No. ORG 1B-10

### 1.2 Required Discretionary Approvals

As detailed in pages II-62 to II-63 of the Project Description, the discretionary entitlements, reviews, permits and approvals required to implement the proposed Project include, but are not necessarily limited to, the following:

- Pursuant to LAMC Section 12.24 T, a Vesting Conditional Use Permit to allow the operation of a private-school athletic and recreational campus in the A1 zone.
- Light Poles: Pursuant to LAMC Section 12.24 F, the following maximum heights for light poles ancillary to the athletic and recreational campus, in lieu of the 30-foot height limit otherwise required by LAMC Section 12.21.1 A.
  - Two 60-foot-tall light poles on the southeast and southwest sides of the pool facility.
  - Three 80-foot-tall light poles on the north side of Field B.
  - One 60-foot-tall light pole on the east side of Field B.
  - Two 60-foot-tall light poles on the south side of Field B.
  - One 70-foot-tall light pole on the south side of Field B.
  - Three 70-foot-tall light poles on the west sideline, and three 70-foot-tall light poles on the east sideline, of Field A.
  - Twelve 40-foot-tall light poles located on all four sides of the proposed tennis courts.
- Walls/Fences: Pursuant to 12.24 F, the following maximum heights for walls and fences ancillary to the athletic and recreational campus, in lieu of the 8-foot maximum height limitation for fences and walls in side yards and the 6-foot maximum height limitation for fences and walls in front yards, in the A1-1XL-RIO zone.
  - A maximum 10-foot-height wall along Whitsett Avenue.
  - A maximum 11-foot-height wall along Valley Spring Lane and Bellaire Avenue.
- Pursuant to LAMC Section 16.05, a Site Plan Review because the Project would result in an increase of more than 50,000 square feet of non-residential floor area.
- Execution of a rental agreement with the Los Angeles County Flood Control District for use of the Leased Property.

In addition, Harvard-Westlake School will submit requests related to the Project, which may include approvals and permits from various City and County departments, including the Department of Building and Safety, the County Flood Control District, Bureau of Street Services (Urban Forestry Division) and other City and County municipal agencies for Project construction activities, including but not limited to demolition, haul route, excavation, shoring, grading, foundation, temporary street closure, and building and

interior improvements and Department of Public Works approval for the removal of trees located on the public right-of-way. Harvard-Westlake School will also request a revocable permit to make certain improvements in the Valleyheart area. Other discretionary and ministerial permits and approvals that may be deemed necessary, including, but not limited to, temporary street closure permits, grading permits, excavation permits, foundation permits, building permits, Department of Public Works approval to remove non-protected trees from the Project Site, and sign permits.

## **Response No. ORG 1B-10**

The comment lists required discretionary approvals for the Project. Because this comment does not raise a substantive issue on the content or adequacy of the Draft EIR, no further response is necessary.

## **Comment No. ORG 1B-11**

### **1.3 CEQA Requirements for Recirculation of a DEIR**

As detailed in this comment letter, the DEIR is fatally flawed and must be corrected and recirculated. Section 15088.5 of California Environmental Quality Act (“CEQA”) Guidelines specifies when recirculation of an EIR is required prior to certification. CEQA Guidelines Section 15088.5 states in part:<sup>8</sup>

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:
- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
  - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
  - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the

environmental impacts of the project, but the project's proponents decline to adopt it.

- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

<sup>8</sup> CEQA Guidelines Section 15088.5 specifies: A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

## Response No. ORG 1B-11

The comment states that the Draft EIR must be recirculated and refers to the CEQA Guidelines Section 15088.5. However, the comment does not provide substantial evidence of significant new information showing that there is a new significant impact, an increase in the severity of an impact, an alternative that would lessen the impacts, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the comment does not demonstrate that recirculation of the Draft EIR is required.

## Comment No. ORG 1B-12

### 1.4 Organization of This Comment Letter

This comment letter details defects in the DEIR, its analysis and impact judgements. This comment letter is organized as follows:

- Section 2 addresses the DEIR's inadequate Project Description and resulting failure to conduct required analysis of Project and cumulative impacts.
- Section 3 addresses the DEIR's improper reliance on Project Design Features (PDFs) when making impact judgements resulting in an underestimate of impacts and a failure to identify significant impacts.
- Section 4 addresses the defects in some of the DEIR's impact analyses and resulting failure to identify a number of significant Project impacts and/or the DEIR's underestimate of impacts.
- Section 5 addresses the DEIR's use of improperly deferred mitigation measures or infeasible mitigation measures.
- Section 6 addresses the DEIR's inadequate mitigation.
- Section 7 addresses the DEIR's inadequate alternatives analysis.
- Section 8 addresses the DEIR inadequate cumulative and growth-inducing analysis.
- Section 9 concludes with the need for the DEIR to be revised and recirculated.

## Response No. ORG 1B-12

The comment sets forth the organization of the comment letter. Refer to Response Nos. ORG 1B-13 to ORG 1B-113 below for responses that address comments in Sections 2 through Section 9 of this letter. The comment, however, does not provide any information as to the content or adequacy of the Draft EIR and, therefore, no further response is necessary.

## Comment No. ORG 1B-13

### 2.0 INADEQUATE PROJECT DESCRIPTION AND ASSOCIATED FAILURE TO ANALYZED PROJECT AND CUMULATIVE IMPACTS

#### 2.1 Use of Project Facilities for Non-Harvard Westlake Events

DEIR pages II-47 to II-51 disclose the likely use of the Project facilities by Harvard Westlake. The DEIR represents the likely number and size of events, with 27 events of up to 500 people and three events of up to 2,000 per year. However, there is no mitigation measure to ensure that the assumptions used in the analysis are valid. The DEIR needs to include a mitigation measures limiting the size of events to no more than 27 events of up to 500 people per year, and no more than three events of up to 2,000 people per year, otherwise the DEIR underestimates Project and cumulative impacts. In addition, the analysis in the DEIR needs to represent the worst-case scenario.

## Response No. ORG 1B-13

The comment appears to assert that the Project Description is faulty because there are no mitigation measures to ensure that Harvard-Westlake does not have more large events than described in the Draft EIR thereby underestimating Project and cumulative impacts. Although the comment incorrectly titles these events as non-Harvard-Westlake events, the Draft EIR clearly states that the events discussed in the comment are “up to 30 school-related special events per year”. (Draft EIR at page II-50.) The following PDF will be added to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, and Chapter 4, *Mitigation Monitoring Program*, of this Final EIR.

NOI-PDF-4: Special Events. Harvard-Westlake will have no more than 30 school-related special events with the following limitations on attendance: no more than 27 special events per year of up to 500 people and no more than three (3) special events per year of up to 2,000 people.

However, even without the added PDF, the comment does not provide facts to support the contention that the Project Description is inadequate. The discussion of the types of school athletic, recreational and special events and non-school use of the Project Site is clearly set forth in Chapter II, *Project Description*, of the Draft EIR. The Project Description need only contain a general description and should not supply extensive

detail beyond that needed for evaluation and review of the environmental impacts (CEQA Guidelines Section 15124).

Chapter IV, *Environmental Impact Analysis*, of the Draft EIR evaluated the thirteen environmental subjects identified in the Initial Study, as supported by technical reports provided in the appendices to the Draft EIR. In order to reflect the most conservative potential environmental conditions, the evaluations are based on “worst case scenario” assumptions, as applicable. An example of the “worst case scenario” is the Draft EIR evaluation of operational noise impacts including a 500-person (maximum Harvard-Westlake School event and a 2,000-person “special event” (maximum public event) along with concurrent athletic activities, and the assumption that all “special event” attendees are simultaneously talking in a loud voice and clapping at the same time. Please see Section IV.K, *Noise*, pages IV.K-56 and IV.K-57 and Table IV.K-20, *Composite Noise Impacts*, of the Draft EIR, which shows that noise impacts under this “worst case scenario,” supported by detailed modeling as substantial evidence, were determined to be less than significant. Note that modifications to the Project would change the noise levels from on-site activities, however the composite noise levels would be the same or less as analyzed in the Draft EIR. See Topical Response No. 2 – Modifications to the Project Design, Topical Response No. 8: Noise Construction and Operation, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which discuss the noise with the Project modifications.

This conservative approach for all applicable subjects was used to encompass the full extent of the Project’s potential environmental effects. However, from a transportation perspective, as discussed in Topical Response No. 9 - Transportation and Parking During Construction and Operations, the 500-attendee event is considered the worst-case Special Event from a traffic perspective because it would have an assumed average vehicle occupancy (AVO) of 1.0 and result in 500 vehicles, whereas attendees to the 2,000-attendee event would be required to arrive via bus with an assumed AVO of 40, resulting in 50 vehicles.

In addition, contrary to the implication in the comment, utilizing Harvard-Westlake’s past experience as to athletic, recreational and special event activities is the most logical metric to use to determine the foreseeable future use of the Project Site. This past experience, pre-Covid, is the only reliable indicator of the use of the facilities without resorting to speculation. As was reiterated in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 373, citing previous authority, “it has been held that an EIR is not required to engage in speculation in order to analyze a ‘worse-case scenario’”. Nothing in the comment demonstrates that the Draft EIR erred in relying on Harvard-Westlake’s experience and data in determining the use of the facilities for the reasonably foreseeable future.

Therefore, the comment provides no substantial evidence that the likely number of special events described in the Draft EIR would create a significant impact or a significant cumulative impact, or that the Draft EIR underestimates Project and cumulative impacts.

## Comment No. ORG 1B-14

The DEIR fails to disclose whether Harvard Westlake will rent or loan the facilities to other schools, non-profits, companies, local jurisdictions, or other groups for special events or regular use.

## Response No. ORG 1B-14

Public use of the Project Site is described in Chapter II, *Project Description*, of the Draft EIR. “As a primary objective of the Project, the School is committed to ensuring that members of the public would have access to the Project Site, as well as to the Zev Greenway and Los Angeles River environs, and to a broad array of recreational facilities, including substantial areas that are maintained and available without charge in the same fashion as a City-owned park.” (page II-33). The Draft EIR goes on to describe two categories of usage in Table II-3 (Public Use Days and Hours), beginning with the clubhouse, café, putting green, park areas, and gymnasium community room, all of which shall be made available, daily, for public use from 7:00 a.m. to 9:00 p.m. The second category of usage described in Table II-3 (Public Use Days and Hours) applies to the athletic facilities, which shall be made available to the public when not already in use by the School. Since the athletics facilities, except for the use of the tennis courts, would not be used concurrently by the School and public, a combined analysis of impacts resulting from simultaneous use of recreational facilities by the School and public, as suggested by the commenter, is not applicable. Further, while public use hours will exceed those of the School (students will generally not arrive on the Project Site before 3:00 p.m. on school days and 50 percent of school days contain no outdoor activities after 5:30 p.m. as described on page II-47 of the Project Description), the School’s use of the athletic facilities at a given point in time will involve a greater number of concurrent participants and spectators than public use. Therefore, in order to provide a conservative analysis of environmental impacts (i.e., “worst-case”), it is the School’s use of the recreational facilities under a maximum scenario, including School special events, that is the appropriate basis for evaluation.

Special events available to the public are described in Chapter II, *Project Description*, on page II-34 of the Draft EIR. As specified, up to five public community events would be permitted on the Project Site per year with a maximum attendance of 500 persons and limited to Field A or inside the gymnasium. Public community events would not be permitted to take place at the same time as School events. Given these restrictions, special events associated with the School represent a more conservative basis for impact evaluation, particularly since School special events (involving up to 500 participants for most events and up to 2,000 participants for three events per year) could take place at the same time as School recreational usage as analyzed in the Draft EIR.

If the Project were to be approved by the City, to ensure public use does not exceed that of the School, the City will impose a potential condition of approval generally stating that, “Public community events held at either the gymnasium or Field A would not exceed 500

persons or the number of parking spaces available on the Project Site, whichever is less. Public community events would be scheduled so they do not occur concurrently with school events.” This is consistent with the text included in Chapter II, *Project Description*, on page II-35 of the Draft EIR.

### **Comment No. ORG 1B-15**

Given that Alternative 4 is an alternative which does not allow for special events for the public, the implication is that the proposed Project does allow for outside special events. While the Project Description details the likely frequency and magnitude of use by Harvard Westlake, it is silent on use of the facilities by other groups. As a result, the potential for, and magnitude of, impacts is underestimated.

### **Response No. ORG 1B-15**

Chapter II, *Project Description*, pages II-34 and II-35 of the Draft EIR, discusses public events that could occur up to five times a year and have an attendance of over 100 people, and up to a maximum of 500 people. If the Project were to be approved by the City, the maximum use and operation of the Project would be limited by potential conditions of approval under the School/s Conditional Use Permit (CUP), which reflect the EIR’s Project Description and cannot be exceeded. As such, Draft EIR evaluations of project impacts reflect the maximum operation of the Project and do not underestimate impacts. Refer to response No. 1B-14 for additional discussion of the public use of the Project Site.

### **Comment No. ORG 1B-16**

For example, the DEIR relies on a PDF, TRAF-PDF-3, which prohibits parents, students and spectators from driving to the Project site when event attendance is expected to surpass 300 spectators, and instead requires use of the School’s shuttle service. Is this PDF feasible or would it be enforced if there is a non-school event with more than 300 persons? How would that be handled? If shuttle requirements do not apply to non-School events, then the DEIR underestimates project impacts and the DEIR must be revised and recirculated. If shuttle requirements do apply to non-School events, the DEIR needs to address impacts associated with additional trips to the two existing campuses by non-school users in order to access the Shuttle service, and the DEIR needs to be revised and recirculated to address these potential impacts.

### **Response No. ORG 1B-16**

As stated in Appendix M, Transportation Assessment, to the Draft EIR, shuttle use is mainly for the Harvard-Westlake athletic events and would not be used for non-school events (referred to as “community events” in the Draft EIR).

The Draft EIR addressed VMT impacts in Section IV.M, *Transportation*. The VMT associated with non-school events (i.e., community serving recreational facilities) were

exempt from the VMT analysis, per LADOT, as explained on page IV.M-22 of the Draft EIR.

PDF pages 56 through 76 of 217 in Appendix M of the Draft EIR evaluated Project access, safety, and circulation for various scenarios, including event days. In addition, PDF pages 78 through 81 provides a site access evaluation. The event scenario studied was the Special Event Scenario, which represents the trips associated with a Harvard-Westlake special event day, specifically a conference day. This scenario was selected as it was anticipated to generate the highest number of vehicle trips based on the attendance (up to 500 attendees), average vehicle occupancy (AVO) of 1.0, and the special event taking place concurrently with School athletics uses. Community events were not studied in the project access, safety, and circulation section of the TA, as these events are estimated to generate fewer vehicle trips than the Harvard-Westlake special event day, and would not be permitted to take place concurrently with athletic uses. Per the Draft EIR, there could be up to 5 community events per year with up to 500 attendees (refer to Response Nos. ORG 1B-13 and ORG 1B-15 which indicate that if the Project were to be approved by the City, a potential condition of approval consistent with the Draft EIR Project Description would limit public Special Event attendance to the lesser of 500 individuals or the number of parking spaces on the Project Site). The assumed AVO was 1.5, which would generate fewer vehicle trips than the Harvard-Westlake special event day. Even if the AVO for the community events were less than 1.5, the number of vehicle trips generated would not exceed the Special Events scenario that was studied. The community events would also only occur during the weekends or the summer, when the School is not in session, and they would not overlap with the typical days of Harvard-Westlake athletic activities.

### **Comment No. ORG 1B-17**

If Harvard Westlake does not intend to rent or provide the facilities to other groups for non-school events, then the DEIR needs to include a mitigation measure preventing Harvard Westlake for renting or loaning out the facilities for non-Harvard Westlake events and providing a penalty for violation of the mitigation. If Harvard Westlake does anticipate renting or loaning out the facilities, then the number and allowable size of such events needs to be both disclosed and analyzed in the DEIR and a mitigation measure limiting events to that assumed in the analysis needs to be required. Any impact judgements which rely on TRAF-PDF-3 would need to be revisited, which they need to be anyway due to the impermissible consideration of PDFs which [sic] making impact judgements. As currently written, the DEIR Project Description and analysis of event impacts is inadequate due to its failure to disclose and analyze the impacts of outside events, and the DEIR must be revised and recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4).

## Response No. ORG 1B-17

Special events that would be available to the public are described in Chapter II, *Project Description*, of the Draft EIR on pages II-34 and II-35. Up to five public community events may occur per year, limited to either Field A or the gymnasium, ending no later than 10:00 p.m., and with attendance of no more than 500 persons. Public community events will not take place at the same time as School events or athletic activities. If the Project were to be approved by the City, the City will impose a potential condition of approval to ensure that the event and attendance limits are not exceeded. Given these restrictions, special events associated with the School represent a more conservative basis for impact evaluation, particularly since School special events (involving up to 2,000 participants) could take place at the same time as School recreational usage as analyzed in the Draft EIR.

The Project Site would be used by the community, including by non-Harvard Westlake sports organizations. In the event that the community activities on-site are expected to exceed 300 participants, parking passes would be required. Parking passes would be issued for up to 400 vehicles, or as many parking spaces are available on-site, whichever is fewer. Parking off-site in the surrounding neighborhood would be prohibited. Organizations would be notified of such parking requirements and would be required to inform their participants, coaches, and spectators. These mechanisms would be enforced by Harvard-Westlake, and violations could result in the rescinding of permission to use the Project Site.

In addition, refer to Response No. ORG 1B-8, which discusses and explains the rationale as to why the Project's PDFs are all appropriate components of the Project and not mitigation measures.

Based on the above, the comment does not provide evidence that there is significant new information showing that there is a new significant impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, revision and recirculation of the Draft EIR is not required.

## Comment No. ORG 1B-18

### 2.2 Excavation and Soil Removal

As noted on pages 11-61 to 62 of the Project Description Chapter, the project involves substantial excavation and soil removal:

Project development would disturb a majority of the Project Site (746,532 square feet)<sup>17</sup> and require excavation and grading of the Project Site to a maximum depth of approximately 21 feet for construction of the one-level subterranean parking structure, gymnasium basement, and proposed one-million-gallon stormwater capture and reuse system. Rough grading cut

volumes would be approximately 251,836 cubic yards (unadjusted), and the fill volume would be approximately 1,836 cubic yards (unadjusted), for a net cut/fill volume of approximately 250,000 cubic yards (unadjusted).<sup>18</sup> Because cut soils would exceed fill soils, export and disposal off-site would be required.

<sup>17</sup> *The total assumes all portions of the Project Site (i.e., 17.2 acres or 749,344 square feet) would be disturbed less the existing buildings on the Project Site (i.e., 2,700 square feet). Disturbed areas included in this total include Project improvements such as graded and excavated areas as well as minor disturbances such as minor landscaping upgrades to understory vegetation, replacement of poles, etc.*

<sup>18</sup> *“Unadjusted” cut and fill is a programmed estimate that does not account for minor shrinkage from compaction, swelling, or other factors that may require final manual adjustments to achieve finished gradients/ heights.*

It is therefore estimated that 250,000 cubic yards of soil will be removed from the site and, as noted in the DEIR, off-site disposal is required. However, the DEIR fails to identify the disposal site, or to address impacts to that site which would result from the dumping of 250,000 cubic yards of soil. The California Environmental Quality Act (“CEQA”) requires that both the direct and indirect impacts of a project be addressed in an EIR.<sup>9</sup> The EIR therefore needs to identify the soil disposal site(s) and to address impacts to those site areas which would result from the proposed Project.

<sup>9</sup> CEQA Guidelines Section 15064(d).

## Response No. ORG 1B-18

Section IV.O, *Utilities and Service Systems – Solid Waste*, of the Draft EIR discusses the disposal of the cut and fill soils and identifies the potential disposal sites. As stated on page IV.O.3-15 of the Draft EIR, “[t]he inert solid waste and soil would require disposal at the County’s only operating inert landfill, Azusa Land Reclamation, or at any of a number of State-permitted Inert Debris Engineered Fill Operations in the County, such as the Hanson Rock Quarry or United Rock Products in Irwindale.....In compliance with the requirements of SB 1374 and Waste Hauler Permit Program, Harvard-Westlake School would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous demolition and construction debris.” In addition, the Draft EIR disclosed on page IV.O.3-16 that “[t]he remaining capacity of the Azusa Land Reclamation landfill is estimated at 47.07 million cubic yards (58.84 million tons) with a projected closure date of 2046. The Project’s construction-generated solid waste disposal after 75-percent diversion would represent 0.17 percent of the estimated remaining capacity at this particular County landfill, which does not take into consideration existing capacity at other sites within the County and out-of-county that could potentially accept Project C&D waste. Other facilities, such as Hanson Aggregates West, Inc and United Rock Products Pit #2 in Irwindale, accept up to 4,006 and 3,846 tons per day, respectively, of inert solid waste materials. Such facilities could also be utilized by the Project when disposing of C&D waste materials. As such, multiple facilities would be available to accommodate the C&D waste from the Project.” (footnotes omitted) Based

on this, the Draft EIR does identify disposal sites for the 250,000 cubic yards of soil that would be removed from the Project during construction. Furthermore, as concluded in the Draft EIR, Project construction would not generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and impacts would be less than significant (page IV.O.3-16 of the Draft EIR).

Section IV.B., *Air Quality*, Section IV.G., *Greenhouse Gas Emissions*, and Appendix C, Technical Appendix for Air Quality and Greenhouse Gas Emissions, of the Draft EIR also discusses impacts associated with the on-road vehicle exhaust emissions of criteria pollutants and greenhouse gas (GHG); fugitive dust emissions of PM10 and PM2.5 from haul trucks for demolition debris hauling, soil hauling, and supplies/material transport; and PM10 and PM2.5 emissions from tire wear, brake wear, and entrained road dust from haul trucks associated with the disposal of cut and fill soils. The emissions were calculated using a hauling distance that would cover the above-mentioned disposal sites. As seen in Table IV.B-8 and discussed on page IV.B-55 of the Draft EIR, regional Project air quality construction emissions, which include criteria pollutant emissions from haul trucks traveling to and from the disposal sites to the Project Site, would be mitigated to less than significant with the incorporation of Mitigation Measure AQ-MM-1. In addition, as presented in Table IV.G-6 on page IV.G-51 of the Draft EIR, the Project construction GHG emissions, which include GHG emissions from haul trucks traveling to and from the disposal sites to the Project Site, would be 430 metric tons per year amortized over 30 years. GHG impacts for the Project were shown to be less than significant, as discussed on pages IV. G-59 through IV.G-75 of the Draft EIR, the Project's consistency with applicable GHG reduction plans and policies demonstrate that the Project does not conflict with regulations and policies, and complies with or exceeds the regulations and reduction actions/strategies outlined in the Climate Change Scoping Plan, 2025-2045 RTP/SCS, the City's Green New Deal, and the Los Angeles Green Building Code. The Project would also have a less-than-significant impact with respect to the urban heat island effect. Therefore, Project-specific impacts with regard to GHG emissions would be less than significant. As demonstrated above, the Draft EIR does discuss and disclose Project impacts related to the disposal of 250,000 cubic yards of soil, including the emissions of criteria pollutants and GHG associated with haul trucks used for off-site disposal. Note that modifications to the Project design would reduce the total amount of Project grading from 250,000 cubic yards to 197,000 cubic yards. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 1B-19**

While the DEIR discloses the following haul route for accessing the Project site, it is silent on the location of the disposal site(s) and on the haul routes and adjacent uses at the other end of the haul route. DEIR page II-62 indicates that the "inbound haul route would come from US-101, head southbound on Coldwater Canyon Avenue, eastbound on Moorpark Street, and southbound on Whitsett Avenue to access the Project Site" and that

the “outbound haul route would leave the Project Site and head southbound on Whitsett Avenue, westbound on Ventura Boulevard, and northbound on Coldwater Canyon Avenue to reach US-101.” Where will soil and construction material be hauled to? What are the adjacent uses and impacts to those uses associated with the proposed Project? The DEIR needs to disclose this.

### **Response No. ORG 1B-19**

Please see Response No. ORG 1B-18 for a detailed discussion of the potential disposal sites for the cut soil material from construction. As stated in the comment, the outbound haul route would leave the Project Site and head southbound on Whitsett Avenue, westbound on Ventura Boulevard, and northbound on Coldwater Canyon Avenue to reach US-101 where trucks would proceed to the disposal site. Additionally, TRAF-PDF-1, Construction Management Plan (CMP) would provide designated haul routes that would be approved by the City prior to the issuance of any demolition permit or building permit for the Project (page ES-30 of the Draft EIR). Refer to Response No. ORG 1B-18 for a list of disposal sites. Additionally, as discussed in Threshold (a) of Section IV.H, *Hazards and Hazardous Materials*, compliance with regulatory requirements for the routine transport or disposal of hazardous materials during demolition and construction of the Project would ensure that impacts to the public would be less than significant. In addition, the commenter is referred to Section IV.K, *Noise*, of the Draft EIR, for a discussion of impacts regarding mobile source noise from construction-related vehicles along the local roadway segments, including the haul routes. As analyzed therein, the Project would not result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the Project in excess of standards established by the City, and off-site construction traffic noise impacts would be less than significant.

### **Comment No. ORG 1B-20**

It is important to understand the sheer volume of soil to be exported from the site. One cubic yard is roughly the size of a washing machine. According to Los Angeles County Public Works, by way of comparison, the Rose Bowl in Pasadena would hold about 400,000 cubic yards.<sup>10</sup> It should be noted that “[a]t a modern capacity of 92,542, Rose Bowl Stadium is the 15<sup>th</sup>-largest stadium in the world, the 11<sup>th</sup>-largest stadium in the United States, and the 10<sup>th</sup> largest NCAA stadium.”<sup>11</sup>

The proposed Project thus involves the removal of enough soil to fill the Rose Bowl 62.5% full. This is an enormous quantity of earth to be removed. The DEIR must make this clear, identify the disposal site(s), justify and [sic] trip length assumptions associated with soil removal trips, specify the length of each phase of Project construction, analyze impacts associated with soil hauling and the disposal of this volume of soil at the disposal site, address cumulative impacts associated with soil hauling and disposal in combination with other past, present and reasonably foreseeable related projects involving substantial soil disposal such as debris basin sediment removal projects such as Big Tujunga,<sup>12</sup> Cogswell and San Gabriel,<sup>13</sup> Devil’s Gate,<sup>14</sup> Morris,<sup>15</sup> and Pacoima,<sup>16</sup> and address the impact of

this project on the availability of soil disposal sites for future public works and debris basin cleaning projects and thus the functioning of the area's debris basin and flood control system. Given the DEIR's failure to address these key issues, pursuant to CEQA Guidelines Section 15088.5(a)(2) and (4), the DEIR must be revised and recirculated.

<sup>10</sup> <https://dpw.lacounty.gov/lacfd/sediment/debrisbasins.aspx>

<sup>11</sup> <https://www.discoverlosangeles.com/visit/rose-bowl-stadium-the-story-of-an-la-icon>

<sup>12</sup> <https://dpw.lacounty.gov/lacfd/sediment/prj.aspx?prj=3>

<sup>13</sup> <https://pw.lacounty.gov/wrd/Projects/Bobcatfire/index.shtml>

<sup>14</sup> <https://pw.lacounty.gov/swe/devilsgate/>

<sup>15</sup> <https://dpw.lacounty.gov/lacfd/sediment/prj.aspx?prj=>

<sup>16</sup> <https://dpw.lacounty.gov/lacfd/sediment/prj.aspx?prj=2>

## Response No. ORG 1B-20

The Project's construction modeling assumptions including phase lengths, construction equipment list and truck trips per phase were provided on pages PDF 8 through 18 of 437 of Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. In addition, as stated in Section IV.B, *Air Quality*, haul truck trip estimates were based on excavation volumes obtained from the Project's engineering representative and 7 cubic yard capacity haul trucks for the demolition and site preparation phase and 14 cubic yard soil capacity haul trucks for the grading/excavation phase; cement truck trip estimates were based on the Project's engineering representative and 10 cubic yard concrete capacity concrete trucks. Thus, the length of each construction phase and the equipment to be used during each construction phase, as well as the verified material amounts and number of truck trips required for exporting materials during Project construction were provided in the Draft EIR. As described in Response No. ORG 1B-6 regarding bulking of soils, a conservative bulking factor of 20 percent was assumed in order to arrive at the estimated 250,000 cubic yards of soil (in excess of the more typical 15 percent bulking factor). Note that modifications to the Project design would reduce the total amount of Project grading from 250,000 cubic yards to 197,000 cubic yards. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. Therefore, even with bulking, the export trips would be within the estimated number for Project construction activities. Project-level and cumulative air quality, energy, greenhouse gas, noise, and solid waste impacts related to the hauling of soil from the Project Site to the disposal site(s) were analyzed in Sections IV.B, *Air Quality*, IV.E, *Energy*, IV. G, *Greenhouse Gas Emissions*, IV. K, *Noise*, and Section IV.O, *Utilities and Service Systems – Solid Waste*, respectively.

As discussed in detail under Response No. ORG 1B-18 above, the Draft EIR identifies multiple disposal facilities with capacity to accommodate the C&D waste, including the 250,000 cubic yards of soil (revised to 197,000 cubic yards in this Final EIR), from the Project. Clean excavated soils are also sold to other construction sites throughout the region. The Draft EIR concluded that Project construction would not generate solid waste

in excess of state and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and impacts would be less than significant (page IV.O.3-16 of the Draft EIR). Debris basin sediment removal projects such as Big Tujunga, Cogswell and San Gabriel, Devil's Gate, Morris, and Pacoima, and future public works and debris basin cleaning projects are not within the scope of the Draft EIR and, as such, are not evaluated therein.

Based on the above, the comment does not provide evidence that there is an increase in the severity of an impact or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and circulation of the Draft EIR is not necessary.

## **Comment No. ORG 1B-21**

### **3.0 IMPROPER RELIANCE ON PROJECT DESIGN FEATURES WHEN MAKING IMPACT JUDGEMENTS HAS RESULTED IN AN UNDER-IDENTIFICATION OF IMPACTS**

It is clear from the impact analyses in the DEIR, that the impact judgements in the DEIR are after-implementation-of-the-PDFs impacts. While several of the PDF are standard regulatory measures, or include components that are regulatory measures, the PDFs are, for the most part, clearly measures intended to mitigate, minimize or avoid Project impacts. The way the EIR has relied on PDFs in making impact judgements is contrary to the requirement that project impact significance determinations under CEQA be made without consideration of mitigation measures.

## **Response No. ORG 1B-21**

The comment states that some of the PDFs are improperly utilized to avoid Project impacts. The comment provides no identification of which PDFs are improper nor substantial evidence of the improper use of such PDFs. As such, no further response is necessary. Nonetheless, see Response No. ORG 1B-8 regarding the use of PDFs.

## **Comment No. ORG 1B-22**

The EIR for the proposed project thus understates Project impacts, by improperly relying on PDFs which are in fact mitigation measures, as a basis for concluding that Project impacts are less than significant. In *Lotus vs. Department of Transportation* (2014) 223 Cal.App.4th 645 (*Lotus*), the court found that an EIR violated CEQA by incorporating proposed mitigation measures into the description of the project, and then basing its conclusion of less-than-significant impacts in part on those mitigation measures. This is exactly what has been done in the EIR for the proposed Project. The court found that this improperly compressed the analysis of impacts and mitigation measures into a single issue.

## Response No. ORG 1B-22

The comment states that some unidentified PDFs are really mitigation measures that were improperly used to avoid analysis of Project impacts pursuant to the *Lotus* decision. The comment does not provide substantial evidence that any of the PDFs should in fact be mitigation measures nor any evidence that the Draft EIR did not properly utilize PDFs as permitted by the *Lotus* and *Mission Bay* decisions. In *Lotus* the court acknowledged that PDFs were proper when they were elements of the Project, such as the type of concrete to be used, but not when they were mitigation measures for reducing impacts, such as invasive plant removal (*Lotus* 223 Cal. App. 4<sup>th</sup> at p. 656 fn 8). However, the court found that the Department of Transportation (Caltrans) had failed to provide a standard for evaluating impacts on old growth trees and therefore failed to analyze potential impacts properly.

In *Mission Bay* (6 Cal. App. 5<sup>th</sup> at p. 184), the same court explained that the “CEQA Guidelines define a ‘project’ as including ‘the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment....’ (CEQA Guidelines, § 15378, subd. (a).) A mitigation measure, by contrast, involves ‘feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment....’ (CEQA Guidelines, § 15041, subd. (a).)” The court then differentiated the insufficient analysis of potential impacts in the *Lotus* case from the adequate analysis in the *Mission Bay* case even though the complaint was based on similar contentions of incorrectly characterizing project features rather than analyzing them as mitigation measures. As such, *Lotus* is only controlling in limited situations where the EIR compresses the analysis of impacts and mitigation measures into a signal issue (See *Lotus* 223 Cal. App. 4<sup>th</sup> at pp. 655-656.). The Project’s Draft EIR does not suffer from the same deficiencies as the *Lotus* case. Chapter IV, *Environmental Impact Analysis*, of the Draft EIR fully describes and analyzes the Project’s potential impacts and the use of PDFs and mitigation measures, and adequately analyzes Project impacts. Similar to the *Mission Bay* case, the Project’s Draft EIR contains no compression of analysis, failure to provide standards for evaluating impacts, or in any way ignores or obscures potential impacts and the comment provides no evidence that it does.

See also *Wollmer v. City of Berkeley*. (2011) 193 Cal. App. 4<sup>th</sup> 1329, which held that dedication of land to improve traffic was a proper component of the project and not a mitigation measure because it was a project element that assisted the city in dealing with an existing traffic condition rather than an element needed to mitigate a project impact. Therefore, PDFs which alleviate environmental concerns can be integral to the project or volunteered by the applicant as a project design feature to assist with an existing condition not caused by the project. In either case, and even when a PDF is mischaracterized, so long as the project’s impacts are fully disclosed and analyzed, there is no violation of CEQA.

## Comment No. ORG 1B-23

In *Lotus v. Dep't of Transp.* (2014) 223 Cal.App.4th 645 (*Lotus*), Caltrans was found to have certified an insufficient EIR based on its failure to properly evaluate the potential impacts of a highway project. The *Lotus* court found that Caltrans erred by:

. . . incorporating the proposed mitigation measures into its description of the project and then concluding that any potential impacts from the project will be less than significant. As the trial court held, the “avoidance, minimization and/or mitigation measures,” as they are characterized in the EIR, are not “part of the project.” They are mitigation measures designed to reduce or eliminate the damage to the redwoods anticipated from disturbing the structural root zone of the trees by excavation and placement of impermeable materials over the root zones. By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA. (*Lotus v. Dep't of Transp.*, *supra*, 223 Cal.App.4th at pp. 655–656, *emph. added*.)

The court ordered Caltrans’ certification of the EIR be set aside, finding:

[T]his shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation. It precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences. The deficiency cannot be considered harmless. *Ibid*.

(*Id. at 658.*)

As documented in the succeeding discussion, the analysis of the proposed Project is fatally flawed because many of the PDFs are in fact mitigation measures. The EIR thus understates impacts in a way that is far more extreme than what happened in *Lotus*. Under CEQA, significance determinations must be made without consideration of avoidance, minimization, and/or mitigation measures. The EIR for the proposed Project has violated this precept and has thus understated and failed to identify impacts. The EIR is therefore fatally flawed and all of the impact determinations which rely on PDFs must be redone. This fatal flaw must be corrected and the EIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4)

## Response No. ORG 1B-23

The comment restates that some unidentified PDFs were impermissible. The comment does not provide substantial evidence that any of the PDFs were not appropriate Project elements nor that any of the deficiencies discussed in the *Lotus* decision are applicable to this Draft EIR. Additionally, the comment overstates the ruling in *Lotus*. As explained in Response No. ORG 1B-8 and No. ORG 1B-22, the court in *Lotus* did not state that all

PDFs that have the effect of avoiding or lessening a potential impact are impermissible. The court found that Caltrans had failed to include sufficient information and analysis on the Project's impacts. The court concluded that the mischaracterization of mitigation measures as part of the project compounded a significant omission in the EIR which was the failure to identify any standard of significance to impacts on the root systems of old growth redwood trees. (*Lotus*, 223 Cal. App. 4<sup>th</sup> at pp. 654–655.) The court explained that without such a standard, it was impossible to determine whether mitigation measures would be needed for any specific trees or whether more effective mitigation would be appropriate. Thus, the court held that “[s]imply stating that there will be no significant impacts because the project incorporates ‘special construction techniques’ [some of which were appropriate PDFs such as the type of concrete which would be used and others which were not project elements such as invasive plant removal] is not adequate or permissible.” (Id. at p. 656.) The comment fails to provide evidence that any of the Project's PDFs or the Draft EIR's impact analysis suffer from the same deficiencies as the Caltrans analysis and, as such, the comment fails to provide substantial evidence that the Draft EIR should be recirculated.

See Response Nos. ORG 1B-24 through 1B-35, below to comments on specific PDFs.

## **Comment No. ORG 1B-24**

### **3.1 Biological Resources**

The DEIR relies on Project Design Feature PDF-BIO-1 when concluding that impacts to nesting birds and conflicts with policies or ordinances protecting nesting birds would be Less Than Significant. PDF-BIO-1 states:

**PDF-BIO-1:** Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following have been or shall be accomplished:

1. Vegetation removal activities will be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist experienced in avian nesting bird behavior before commencement of clearing. If any active nests are detected, a buffer of 300 feet around the nest (500 feet for raptors), or as determined appropriate by the biologist based on species and site-specific conditions, will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified and/or other

recommendations proposed as determined appropriate by the biological monitor to minimize impacts.

The fact that this is a mitigation measures is highlighted by comparing the language of PDF-BIO-1 with the language of Mitigation Measures BIO-MM-1 which addresses potential bat roosting habitat, as follows:

**BIO-MM-1:** Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species.
2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special-status bat species are roosting within trees that would be removed. The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre- construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions.

## Response No. ORG 1B-24

The comment states that Project Design Feature BIO-PDF-1 should be a mitigation measure. The federal *Migratory Bird Act* (MBTA) and the *California Migratory Bird Act* provide protection to nesting migratory birds, the protection of which is largely defined under these Acts. The purpose of Project Design Feature BIO-PDF-1 is to set forth the specific manner in which the Project would comply with both the federal and the state migratory bird acts. Because of the regulatory nature of the Acts, the PDF is incorporated into the Project. The PDF is not equivalent to the protection of “special status” bats, which would be potentially impacted and mitigated under Mitigation Measure BIO-MM-1. The purpose of the mitigation measure is to reduce potential impacts to an identified on-site species, where specific protection measures are not established under state and federal laws, to less than significant levels.

The different treatment of birds and bats is justified because bird nests are protected by law while bat nests are not. Thus, as discussed above, Project Design Feature PDF-BIO-1 (revised to “BIO-PDF-1” as shown in Chapter 3, *Revisions, Clarifications to the Draft EIR*, of this Final EIR) simply reflects how the Project will comply with relevant regulations regarding protecting nesting birds while Mitigation Measure BIO-MM-1 properly sets forth a mitigation measure for nesting bats. The comment provides no substantial evidence that the use of the PDF avoids or compresses any analysis of potential impacts to nesting birds. As stated on pages IV.C-2 through IV.C-3 of the Draft EIR, all bird species that are native to the United States or its territories are protected by the federal MBTA from taking, capturing, killing, selling etc. (collectively “taking”). The MBTA does not prohibit the destruction of a bird nest but does prohibit the taking of the eggs or birds in the nest. Additionally, as stated on pages IV.C-4 through IV.C-5 of the Draft EIR, the California Department of Fish and Wildlife has developed measures to ensure avoidance of a taking. These measures were incorporated into the Project through the PDF. No such similar measures apply to bats. However, the Western yellow bat is considered by the California Department of Fish and Wildlife as a species of “special concern.” As explained on page IV.C-27 of the Draft EIR, while no Western yellow bats have been seen within the region of the Project Site since 1984 (as recorded in the 2020 California Natural Diversity Database [CNDDDB] search), there is a potential for roosting and foraging within the Biological Study area. A species of special concern has no legal status; however, they are treated as species requiring special consideration under CEQA. As such, even though there is only a possibility that the Western yellow bat may roost within the Project Site, a mitigation measure was designed, that is similar to the guidelines to ensure compliance with the legal requirements for birds, to ensure that bat nests would not be disturbed. Thus, the PDF for bird nests is appropriate since it sets forth the procedures for compliance with no take regulations while the mitigation measure for bats is necessary to ensure that the Western yellow bat nest is similarly protected.

### Comment No. ORG 1B-25

The DEIR clearly reached its conclusion that “indirect impacts from lighting, noise, and human activity during Project operation would not diminish long-term survival of nesting birds . . . and, therefore, would not be significant” by relying on BIO-PDF-1, as explained on DEIR pages IV-C-47 to 48:

Disturbing or destroying active nests is a violation of the MBTA. In addition, nests and eggs are protected under Fish and Wildlife Code Section 3503. As such direct impacts to breeding birds or roosting bats (e.g., through nest or roost removal) or indirect impacts (e.g., by noise causing abandonment of the nest or roost) would be a potentially significant impact as defined by the thresholds above. **Project Design Feature PDF-BIO-1**, which demonstrates compliance with regulatory requirements for nesting bird protection, and Mitigation Measure BIO-MM-1 **would reduce any direct impacts to nesting birds and roosting bat species to a less-than-significant level.**

PDF-BIO-1 is clearly a mitigation measure. The analyses regarding impacts to nesting birds and conflicts with policies or ordinances protecting nesting birds must be redone and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and/or (4).

## Response No. ORG 1B-25

The comment states that Project Design Feature BIO-PDF-1 should be a mitigation measure. However, the comment does not provide substantial evidence that the analysis in the Draft EIR did not sufficiently analyze the potential impact to nesting birds. As more fully explained in Response No. ORG 1B-8, so long as the EIR fully discloses the potential impacts, there is no CEQA concern with characterizing the project feature as a PDF. “Any mischaracterization [of a PDF] is significant, however, only if it precludes or obfuscates required disclosure of the project’s environmental impacts and analysis of potential mitigation measures.” (*Mission Bay*, 6 Cal. App. 5<sup>th</sup> at p.185.) The language cited in the comment shows that the Draft EIR did not attempt to hide the potential impact to nesting birds but instead called it out and explained that the PDF would ensure compliance with regulations protecting nesting birds. Moreover, a mitigation measure is only appropriate for mitigating a potentially significant impact (CEQA Guidelines Section 15126.4(a)(3).) Since the Project is required by law to comply with the MBTA and the Fish and Wildlife Code, there is no need for a mitigation measure, only a PDF that describes how the Project would comply with the applicable regulations since those regulations generally only provide guidance on how to avoid a take.

Here, as in the *Mission Bay* case, characterization of the procedure for compliance with regulatory measures as part of the Project and not as a mitigation measure did not, as the comment states, interfere with the identification of the potential impacts to migratory birds, the consequences of the Project, nor the analysis of measures to mitigate those consequences. Unlike the situation in *Lotus*, the environmental impacts of the Project on migratory species and native wildlife nursery sites are fully disclosed in the Draft EIR and the compliance with the PDF is secured by inclusion of the PDF in the MMP. See Draft EIR pages IV.C-27 and IV.C-47 through IV.C-48 regarding the analysis and disclosure of potential impacts on songbird and raptor nests and the MMP in Chapter 4.0, *Mitigation Monitoring Program*, of this Final EIR.

## Comment No. ORG 1B-26

### 3.2 Cultural Resources

The DEIR relies on Project Design Features CUL-PDF-1, CUL-PDF-2 and CUL-PDF-3 when concluding that impacts to historical resources would be Less Than Significant and that no mitigation is required. The DEIR also relies on CUL-PDF-1 and CUL-PDF-3 when concluding that impacts due to a conflict with any applicable land use plan, policy or regulation adopted for purposes of avoiding or mitigating an environmental effect will be Less Than Significant (without mitigation). These PDFs read as follows:

**CUL-PDF-1: Rehabilitation Plan.** A Rehabilitation Plan will be prepared as part of the Project to ensure appropriate treatment and protection of the identified character-defining features on the Project Site. This includes the appropriate treatment of the golf ball-shaped light standards during relocation, and documentation that the rehabilitation of the clubhouse, putting green, and low brick wall with weeping mortar complies with the Secretary of the Interiors Standards for Rehabilitation (the Standards). Standards compliance is required by the City of Los Angeles Cultural Heritage Ordinance for properties that are designated Historic Cultural Monuments (Los Angeles Administrative Code, Section 22.171.14). The Project team will include a historic architect or qualified historic preservation consultant who meets the Secretary of the Interior's Professional Standards in Architectural History or Historic Architecture. The Rehabilitation Plan will be submitted for review and approval by the Department of City Planning, Office of Historic Resources. At a minimum, the Rehabilitation Plan will address the following:

- Appropriate measures for the relocation of the golf ball-shaped light standards.
- Appropriate measures for protecting all identified character-defining features of the Project Site during construction activity. If necessary, a physical barrier (e.g., exclusion or cyclone fencing) will be erected to separate and protect the clubhouse, and other features as needed, during construction.
- Retention and appropriate treatment of the significant characteristics of the original Ranch-style architecture and the relationship of the clubhouse within the context of the Project Site overall and its relationship to other character defining features on the Project Site and in the surrounding neighborhood. This includes retaining the clubhouse in its historic location, and maintaining the significant features that have collectively served as the public face of the Project Site since the 1950s as identified in the Historical Report, including: the clubhouse's angled position facing Whitsett Avenue and Valley Spring Lane; the existing setback; the relationship of the clubhouse and the putting green; the mature trees; the golf ball-shaped light standards; and the low brick wall.
- Retention and rehabilitation of the distinctive features of the exterior of the clubhouse, including its original Ranch-style plan, massing, and original architectural details as identified in the Historical Report. The Project is not proposing significant additions to the clubhouse, or alterations to the building that would obscure or remove important exterior features.
- Retention and rehabilitation of the distinctive original features of the interior of the clubhouse as identified in the Historical Report.

**CUL-PDF-2: Documentation.** In order to memorialize the extant features of the Project Site prior to implementation of the Project, the Project Site will be documented according to Historic American Buildings Survey (HABS) Level III standards to include: sketch plan; a maximum of 40 photographs with large-format negatives that documents the Project Site overall and the relationship of the features on the Project Site, exterior and significant interior spaces of the clubhouse, and views of the associated putting green and low brick wall; and golf ball-shaped light standards; and short form historical report. The documentation will be reviewed and approved by the Department of City Planning, Office of Historic Resources. The documentation will be retained on-site, and digital copies will be offered to the following repositories: Los Angeles Public Library, Los Angeles Office of Historic Resources, and San Fernando Valley Historical Society.

**CUL-PDF-3: Interpretation.** Harvard-Westlake School will prepare interpretation of the history of the Project Site to be housed on-site. The interpretive program may be housed in the clubhouse and may include historic photographs or other ephemeral materials documenting the history of the Weddington family, the development of the San Fernando Valley, and the history of the Project Site as a postwar recreational facility. A digital copy of the interpretive materials will be provided to the Department of City Planning, Office of Historic Resources and may also be made available to interested parties.

These are clearly mitigation measures for historical resource impacts and are illustrative of the types of mitigation measures commonly used in EIRs when there is the potential for impacts to an historical resource. In fact, the effectiveness of both documentation and interpretive displays as historic resource mitigations has been addressed by the courts.<sup>17</sup>

<sup>17</sup> See: *Architectural Heritage Association v. County of Monterey* (19 Cal. Rptr. 3d 469 and *League for Protection v. City of Oakland*, 52 Cal.App.4th 896).

## Response No. ORG 1B-26

The comment states that mitigation measures for cultural resources should be mitigation measures instead of PDFs. The comment does not provide evidence that the analysis of the potential impacts and appropriate mitigation of those impacts is insufficient. See Response No. ORG 1B-8, Response No. ORG 1B-22, Response No. ORG 1B-23, and Response ORG 1B-25 for an explanation of why PDFs are appropriate even when they have the effect of lessening a potential environmental impact. Moreover, the cases cited in the comment are not applicable to the Project. Both cases involved the demolition of a potential historical resource and the need for an EIR to analyze the impacts of that demolition. In both cases the courts discuss potential mitigation measures for the demolition. However, the Project is not demolishing the cultural resources on the Project Site. The Project includes retention and rehabilitation of the character-defining features

of the Project Site and has prepared a Project EIR that fully analyzes that Project's impacts.

In fact, one of the Project Objectives is to “[r]etain and rehabilitate the existing clubhouse with café, associated putting green, low brick retaining wall, and golf ball-shaped light standards for public use and leisure to convey their historic value as character defining features of the Historic-Cultural Monument, the Studio City Golf and Tennis Club (now Weddington Golf & Tennis), as a post-World War II recreational facility and as an important local example of Ranch style architecture.” (See Project Description, pg. II-14)

Furthermore, Section IV.D, *Cultural Resources*, of the Draft EIR, provides a detailed description of the Project Site components including those character-defining features that were designated as a Historic-Cultural Monument (HCM) by the City in 2021. As explained on pages IV.D-31 through IV.D-34 of the Draft EIR, the distinctive character-defining features of the Project Site, as identified in the HCM designation, would be retained as part of the Project and rehabilitated in compliance with applicable regulations. Rather than hiding or ignoring potential impacts, the Draft EIR thoroughly discusses the HCM designated features and explains that they would be retained such that the Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility. The PDFs are provided as part of the Project to set forth the procedures for compliance with the Secretary of the Interiors Standards for Rehabilitation. See also Appendix E-1 of the Draft EIR, Historical Resources Technical Report for 4141 N. Whitsett Avenue, Studio City, which describes how the use of the Project Site for athletic and recreational purposes is consistent with its historic use, how the historic character of the Project Site overall would be retained, and that the Project would retain all of the identified character-defining features and thus will retain sufficient historic integrity to remain eligible as an HCM. Therefore, the PDFs are appropriate Project components to ensure that the significance of the HCM is retained as required by law and not a mitigation measure for a potentially significant Project impact. Nonetheless, even if the PDFs are mischaracterized, which the City contends is not the case, the Draft EIR analysis combined with including the PDFs in the MMP resolve the issue. See also, Topical Response No. 6 – Historical Resources.

### **Comment No. ORG 1B-27**

The DEIR acknowledges on page IV.D-34 that these, essentially, mitigation measures were relied on when making historic-resource related impact judgements:

As described above, the Project would retain its significance as a 1950s community recreational facility, all of the identified character-defining features of the HCM, Studio City Golf and Tennis Club, **and it includes Project Design Features to ensure the significance of the HCM is retained, specifically PDF-CUL1, Rehabilitation Plan, PDF- CUL-2, Documentation, and PDF-CUL-3, Interpretation.** Accordingly, impacts on an historical resource as defined in CEQA Guidelines Section 15064.5 were

determined to be less than significant. Therefore, no mitigation measures are required. (Emphasis added).

Because the DEIR considered these PDFs when making a determination that historical resource impacts would be Less Than Significant without mitigation, the DEIR has failed to accurately classify historic resource impacts. (See also **Section 4.3** of this letter). The DEIR must be revised and recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and/or (4).

## **Response No. ORG 1B-27**

The comment states that the description of the purpose for Project Design Features PDF-CUL-1 through PDF-CUL-3 signifies that they are really mitigation measures. As more fully explained in Response No. ORG 1B-8 and Response No. ORG 1B-26, the Project's PDFs are properly characterized as Project components and not mitigation measures. However, even if the characterization were incorrect, the comment provides no evidence that the analysis of the Project's potential impacts is inadequate. As discussed in Response No. ORG 1B-26, the Draft EIR provides a full and complete description of the Project's impacts on cultural resources and compliance with the PDFs are secured by inclusion of the PDFs in the MMP (See Chapter 4.0, *Mitigation Monitoring Program*, of this Final EIR).

## **Comment No. ORG 1B-28**

### **3.3 Greenhouse Gas Emissions**

The DEIR relies on Project Design Feature GHG-PDF-1 when concluding that operational impacts on energy resources will be Less than Significant (without mitigation). It relies on GHG-PDF-1, along with WS-PDF-1 and WS-PDF-2 when concluding that conflicts with State or local plans for renewable energy or energy efficiency will be Less Than Significant (without mitigation). The DEIR also relies on GHG-PDF-1 when concluding that Greenhouse Gas emission impacts will be Less Than Significant (without mitigation) and when concluding that conflicts with any applicable plans, policies or regulations adopted for purposes of reducing the emissions of GHGs will be Less Than Significant (without mitigation). This PDF reads as follows:

**GHG-PDF-1: Solar Voltaic System.** The Project will be designed to include solar voltaic panels providing 339,000 kilo Watt-hours (kWh) per year<sup>6</sup> on the roof of the gymnasium that would reduce the amount of electricity demand from City utilities.

<sup>6</sup> The solar voltaic panel system would supply approximately 11.5 percent of the Project's energy demand. For complete list of assumptions refer to Appendix C of this Draft EIR.

This is clearly a Project-specific mitigation measure as illustrated by the discussion on DEIR page IV-G.58 to 59:

The Project's consistency with these applicable regulatory plans and policies to reduce GHG emissions, along with implementation of Project Design Features as discussed in this Draft EIR, **particularly Project Design Feature GHG-PDF-1 in Subsection IV.G.3.c), Project Design Features, would reduce the Project's GHG emissions by 21 percent** (or 32 percent on a net GHG emissions basis) compared to the Project without implementation of GHG reduction characteristics, features, and measures. In summary, the plan consistency analysis provided below under Threshold (b) demonstrates that the Project's design features would not conflict with regulations and policies and would comply with or exceed the regulations and reduction actions/strategies outlined in the Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code. **The Project's evaluation of consistency with the above plans is the primary basis for determining the significance of the Project's GHG-related impacts on the environment. Accordingly, as shown below in Threshold (b), since the Project would not conflict with applicable plans, regulations or goals, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.** (Emphasis added).

## Response No. ORG 1B-28

The comment states that the PDFs for GHG emissions and water supply should have been discussed as mitigation measures. For all the reasons described in the prior responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-8, Response No. ORG 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26.

Additionally, the types of Project elements contained in these mitigation measures are exactly the types which are typically included in EIRs as PDFs because they are an integral part of the design of the Project. For example, Project Design Feature GHG-PDF-1 cited above involves the Project feature of putting solar voltaic panels on the Project Site. This is similar to the *Lotus* case example of specifying the type of concrete that would be used for the project which would have environmental benefits such as minimizing impacts to tree roots. As stated by the court in *Lotus*, it would be "nonsensical" to require an analysis of the project with a different type of concrete and then find that Caltrans must use the type of concrete they intended to use all along in order to mitigate against a type of concrete they had no intention of using (*Lotus* 223 Cal. App. 4<sup>th</sup> at p. 656 fn 8.). Clearly Project Design Feature GHG-PDF-1 reflects a Project design element

and not a mitigation for any environmental impact caused by the Project. In fact, it is a Project design element that assists the State and City in dealing with an existing condition, extensive GHG in the region. The fact that this PDF helps the City make the finding that the Project does not conflict with applicable plans, regulations and goals does not turn the PDF into a mitigation measure. Project Design Feature GHG-PDF-1 is an integral part of the Project as designed by the School. As such, it is part of the whole of the Project and appropriately considered as a Project component in the analysis of the Project's potential impacts. To argue that the reduction in GHG emissions that results from this PDF is proof that the PDF is really a mitigation measure is as "nonsensical" as the example discussed in the *Lotus* case. Moreover, unlike the situation in *Lotus*, the environmental impacts of the Project on the environment are fully disclosed in the Draft EIR and the compliance with the PDF is secured by inclusion of the PDF in the MMP.

Note that modifications to the Project would reduce the total number of solar panels from 426 to 378, and reducing the electricity provided from 339,000 kWh to 281,000 kWh. The reduction in solar panels was a design correction that still allows the Project to meet LAMC requirements, which were previously exceeded under the Project analyzed in the Draft EIR. Bringing the Project into compliance with the Building Code would have no new or substantial increase in the severity of environmental effects under CEQA thresholds. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. The revisions in Chapter 3 of this Final EIR update Project Design Feature GHG-PDF-1 and include updated GHG and energy calculations based on the modified solar panels. Appendix K, Supplemental Greenhouse Gas and Energy Modeling Data, of this Final EIR includes the modeling results with the Project modifications. The updated calculations do not change the energy and GHG impact conclusions in the Draft EIR, and there would not be a substantial increase in the severity of impacts.

### **Comment No. ORG 1B-29**

GHG-PDF-1 is clearly a mitigation measure. The analyses regarding operational impacts on energy resources, conflicts with State or local plans for renewable energy or energy efficiency, Greenhouse Gas emission impacts, and conflicts with applicable plans, policies or regulations adopted for purposes of reducing the emissions of GHGs must be redone and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and/or (4).

### **Response No. ORG 1B-29**

This comment states that Project Design Feature GHG-PDF-1 (the solar voltaic system designed as part of the Project) is a mitigation measure and implies that it is not a proper Project Design Feature. Since the Draft EIR's evaluation of GHG impacts takes Project Design Feature GHG-PDF-1 into consideration, the comment's implication that the Draft EIR's evaluation of GHG emissions is invalid is not substantiated. The comment states that GHG impacts must be reevaluated (without consideration of Project Design Feature

GHG-PDF-1 as implied) and the Draft EIR must be recirculated. As evaluated in Section IV.G of Draft EIR, with the incorporation of Project Design Feature GHG-PDF-1 impacts with respect to Project operation on energy resources, consistency with State or local plans for renewable energy or energy efficiency, GHG emission impacts, and consistency with applicable plans, policies or regulations adopted for purposes of reducing the emissions would be less than significant. The comment does not support the implication that Project Design Feature GHG-PDF-1 is not an appropriate Project Design Feature, that it cannot be taken into consideration in the evaluation of GHG impacts, or that a reevaluation of the Project's GHGs without consideration of Project Design Feature GHG-PDF-1 is necessary. (See Response No. ORG 1B-8, Response No. ORG 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26 for further discussion regarding PDFs.) As such, no further response is necessary.

### **Comment No. ORG 1B-30**

#### **3.4 Hazards and Hazardous Materials**

The DEIR relies on Project Design Feature HAZ-PDF-1 when concluding that operational impacts associated with the routine transport, use or disposal of hazardous materials will be Less Than Significant (without mitigation). This PDF reads as follows:

**HAZ-PDF-1: Artificial Turf Formulation.** The artificial turf fiber, backing, and underlayment installed on the Project Site will not have a lead concentration level higher than 50 parts per million as determined using a testing protocol in accordance with U.S. Environmental Protection Agency Method 30508; U.S. Environmental Protection Agency Method 6010c or alternatively Method 6020A will be used to analyze digestate.

HAZ-PDF-1 is clearly a mitigation measure. The analyses regarding impacts associated with the routine transport, use or disposal of hazardous material must be redone and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and/or (4).

### **Response No. ORG 1B-30**

This comment states that Project Design Feature HAZ-PDF-1, which describes the artificial turf formulation to be used for the Project, should be analyzed as a mitigation measure. The comment conflates Project components with mitigation measures needed if those components were not integrated into the design of the Project. For all of the reasons previously stated in the responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-8, Response No. ORG 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26 for further discussion regarding PDFs. Having a PDF which states what type of artificial turf is to be used in the Project is a Project design feature no different than the type of

concrete to be used by Caltrans in the *Lotus* case. Unlike the situation in *Lotus*, the environmental impacts of the Project are fully disclosed in the Draft EIR and the compliance with the PDF is secured by inclusion of the PDF in the MMP (See Chapter 4.0, *Mitigation Monitoring Program*, of this Final EIR). Further, the comment provides no evidence that the analysis in the Draft EIR is incorrect, or that the Draft EIR should be recirculated. As such, no further response is necessary.

## Comment No. ORG 1B-31

### 3.5 Noise and Vibration

The DEIR relies on Project Design Feature NOI-PDF-3, along with mitigation measures NOI-MM-1, MM2 and MM3 when concluding that project construction will result in significant and unavoidable impacts associated with an increase in ambient noise levels. The DEIR relies on NOI-PDF-3 when concluding that construction vibration impacts will be Significant and Unavoidable and provides no mitigations for vibration impacts. The DEIR relies on NOI-PDF-1 and NOI-PDF-2 when concluding that operational noise impacts will be Less Than Significant (without mitigation). As noted on DEIR page IV-K-38 to 39:

The following project design features (PDF) **are proposed to reduce the noise impacts from Project operation** to the nearby sensitive receptors: (Emphasis added).

**NOI-PDF-1:** The Project will include sections of solid walls and an overhead canopy above the swimming pool that will reduce noise associated with the athletic activities to the adjacent residences, as follows:

- An 8- to 10-foot-high wall along portions of the northeastern and eastern sides of Field A.
- An 8- to 11-foot-high wall along portions of the western and northern sides of Field B.
- A 30-foot solid overhead canopy above the swimming pool bleachers and pool buildings.
- An 8-foot-high solid wall along the northern edge of the tennis courts.

**NOI-PDF-2:** The Project's amplified sound system for special events at Field A will be installed and designed using a line-array speaker system, so as to not exceed a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system. In addition, the stage for special events will be located at the north side of Field A, with the amplified sound system facing south in the opposite direction from the off-site sensitive uses to the north of Field A, which would reduce speaker noise at the nearest off-site sensitive uses to the north and east of Field A.

**NOI-PDF-3:** Project construction will be limited to Monday through Friday between 7:00 a.m. and 6:00 p.m.; and Saturdays between 8:00 and 6:00 p.m., which is within the allowable hours per Los Angeles Municipal Code Section 41.40.

NOI-PDF-1, NOI-PDF-2 and NOI-PDF-3 are clearly a mitigation measures. The analysis regarding operational noise impacts must be redone and the DEIR recirculated pursuant to pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and/or (4)

### **Response No. ORG 1B-31**

This comment states that PDFs related to minimizing noise from the Project should be analyzed as mitigation measures. The comment conflates Project components with mitigation measures needed if those components were not integrated into the design of the Project. For all the reasons previously stated in the responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-8, Response No. ORG. 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26 for further discussion of PDFs. Project Design Features NOI-PDF-1, NOI-PDF-2 and NOI-PDF-3 are all integral parts of the Project as designed by the School. As such, they are part of the whole of the Project and appropriately considered as a Project component in the analysis of the Project's potential noise impacts. Unlike the situation in *Lotus*, the environmental impacts of the Project are fully disclosed in the Draft EIR and the compliance with the PDFs is secured by inclusion of the PDFs in the MMP. Further, the comment provides no evidence that the analysis in the Draft EIR is incorrect, or that the Draft EIR should be recirculated. As such, the revision and recirculation of the Draft EIR is not necessary.

### **Comment No. ORG 1B-32**

#### **3.6 Police Services**

The DEIR relies on Project Design Features POL-PDF-1 along with TRAF-PDF-1 when concluding that Project construction impacts on police protection will be Less Than Significant (without mitigation). The DEIR relies on POL-PDF-2 when concluding that Project operational impacts on police protection services will be Less Than Significant (without mitigation). These PDFs read as follows:

**POL-PDF-1: Security Features During Construction.** During construction, on-site security measures will include security lighting and a construction security fence with gated and locked entry around active construction areas.

**POL-PDF-2: Security Features During Operation.** During operation, the Project will incorporate a security program to ensure the safety of its

students, employees, and spectators, as well as public users of the Project Site. The Project's security will include, but not be limited to, the following design features:

- Construction of three security kiosks: (1) a security kiosk constructed south of the tennis courts; (2) a security kiosk located in the underground parking structure; and, (3) a security kiosk located in proximity to the roundabout and at-grade parking.
- Security personnel would be present onsite 24 hours per day every day of the year, and range in numbers from two to as many as ten guards depending on the time of day and number of scheduled activities.
  - One security person would be stationed at the underground garage security kiosk throughout business hours. Patrols would be conducted at random during each guard's eight-hour shift.
  - Security patrols present north of the Project Site on Valley Spring Lane during events to enforce no neighborhood or other off-site parking or visitor drop-off.
  - Security guard placed at the pedestrian entrance on Whitsett Avenue during larger events (i.e., days on which the number of event/game attendees is expected to be 300 or more for any individual game, or concurrent games combined) to screen visitors for neighborhood parking and to return visitors to their car if inappropriately parked.
- Lighting would be provided along all pathways, around the Project's gymnasium building, in the surface parking area, and in entrance areas for security and wayfinding purposes. As required by LAMC Section 93.0117(b), exterior light sources would be designed such that they would not cause more than two foot-candles of lighting intensity or generate direct glare onto nearby sensitive uses (i.e., residential uses).
- North Hollywood Community Police Station would be provided with diagrams showing access to each portion of the Project Site.
- Installation of and monitoring of closed circuit television (CCTV) cameras.

As noted on DEIR page IV.L.2-16:

The Project Site would need to be secured during construction in order to avoid potential theft. Security lighting and fencing (refer to Project Design Feature POL-PDF-1), would be provided at the Project Site during construction, **thereby reducing the potential need for LAPD services.** (Emphasis added).

As noted on DEIR page IV.L.2-17:

As the Project would include fencing and security lighting, as part of Project Design Feature POL-PDF-1, no additional officers from LAPD would be needed to monitor the Project Site during construction outside of existing officers that already patrol the area.

As noted on DEIR page IV.L.2-18:

Moreover, the Project's increased operational demand for police protection services would be offset as the result of the security services that would be provided on the Project Site as part of Project Design Feature POL-PDF-2.

POL-PDF-1 and POL-PDF-2 are clearly a [sic] mitigation measures. The analysis regarding impacts police services during Project construction and operation must be redone to identify these as mitigation measures and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and/or (4)

### **Response No. ORG 1B-32**

This comment states that PDFs which have the effect of minimizing construction and operational impacts on police services should be analyzed as mitigation measures. The comment conflates Project components with mitigation measures needed if those components were not integrated into the design of the Project. For all the reasons previously stated in the responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-8, Response No. ORG. 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26 for further discussion regarding PDFs.

Project Design Features POL-PDF-1 and POL-PDF-2 and TRAF-PDF-1 are all integral parts of the Project as designed by the School. As such, they are part of the whole of the Project and appropriately considered as Project components in the analysis of the Project's potential impacts on police services. To argue that the reduction in the need for police services that would result from these PDFs is proof that the PDFs are really a mitigation measure is as "nonsensical" as the example discussed in the *Lotus* case. Unlike the situation in *Lotus*, the environmental impacts of the Project are fully disclosed in the Draft EIR and compliance with the PDFs is secured by inclusion of the PDFs in the MMP. Further, the comment provides no evidence that the analysis in the Draft EIR is incorrect, or that the Draft EIR should be recirculated. As such, the revision and recirculation of the Draft EIR is not necessary.

## Comment No. ORG 1B-33

### 3.7 Transportation

The DEIR relies on Project Design Feature TRAF-PDF-1 when concluding that Project impacts on fire protection services during construction will be Less Than Significant (without mitigation). The DEIR relies on TRAF-PDF-2 when concluding that Project impacts on fire protection services during operation will be Less Than Significant (without mitigation). The DEIR relies on Project Design Feature TRAF-PDF-1 along with POL-PDF-1 when concluding that Project construction impacts on police protection will be Less Than Significant (without mitigation). The DEIR relies on TRAF-PDF-3 when concluding that Project impacts due to a conflict with a program, plan, policy or ordinance addressing the circulation system will be Less Than Significant (without mitigation). The DEIR relies on PDF-TRAF-1 when concluding that Project emergency access impacts during construction will be Less Than Significant (without mitigation) and relies on PDF-TRAF-2 when concluding that Project emergency access issues during operation would be Less Than Significant (without mitigation). The DEIR also relies on TRAF-PDF-1 when concluding that Project construction impacts on water and wastewater infrastructure will be Less Than Significant (without mitigation). These PDFs read as follows:

**TRAF-PDF-1: Construction Management Plan.** Prior to the issuance of any demolition permit or building permit for the Project, a detailed Construction Management Plan (CMP), including street closure information, a detour plan, haul routes, and a staging plan, will be prepared and submitted to the City for review and approval. The CMP will formalize how construction will be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The CMP will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction-related project representatives (i.e., construction contractors), whose projects will potentially be under construction at around the same time as the Project, will be conducted bimonthly, or as otherwise determined appropriate by City Staff. This coordination will ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with one another and the Project. The CMP will include, but not be limited to, the following elements as appropriate:

- As traffic lane, parking lane, and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, will be developed and implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during project construction.

- Coordinate with the City and emergency service providers to ensure adequate access, including emergency access, is maintained to the Project Site and neighboring businesses and residences. Emergency access points will be marked accordingly in consultation with LAFD, as necessary.
- Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods.
- Prohibit construction worker and equipment parking on the adjacent residential streets.

According to DEIR page IV.L.1-19:

. . . pursuant to Project Design Feature TRAF-PDF-1, the Project would implement a Construction Management Plan that would include measures to ensure emergency access to the Project Site and adjacent properties. **Project Design Feature TRAF-PDF-1 would minimize impacts to vehicular and other forms of circulation during construction.** (Emphasis added).

According to DEIR page IV.L.1-21:

Project construction activities could temporarily impact emergency access. However, with implementation of Project Design Feature TRAF-PDF-1 . . . construction of the Project would not result in the need for a new fire station or the expansion of an existing facility, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. Therefore, impacts to fire protection during Project construction would be less than significant.

Per DEIR page IV.L.2-17:

Accordingly, impacts to police protection services would be less than significant for the following reasons:

1. Emergency access would be maintained to the Project Site during construction through marked emergency access points approved by the LAPD (refer to Project Design Feature TRAF-PDF-1 in Section IV.M, Transportation, of this Draft EIR); . . .

TRAF-PDF-2 is similarly clearly designed to avoid or minimize impacts of Project traffic on Fire Station operation. TRAF-PDF-2 reads as follows:

**TRAF-PDF-2:** A flashing red warning light(s) will be installed on the southern exit driveway within the Project Site at a point located before

vehicles reach Valleyheart Drive that will hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. This warning light will be activated by a remote control button pressed by LAFD staff in the emergency vehicle when an emergency vehicle is approaching Valleyheart Drive from Whitsett Avenue or exiting from one of the two LAFD driveways on Valleyheart Drive.

As noted on DEIR page II-53, the “south driveway” for the aboveground and underground parking areas would be “via a driveway at the paved portion of Valleyheart Drive located just south of LAFD Fire Station 78”. As explained on DEIR page II-53 to II-55:<sup>18</sup>

The southern driveway via Valleyheart Drive would lead to both the below-grade parking structure and to a drop-off/pick-up roundabout area at the southeast corner of the Project Site. The south driveway would only allow entry into the subterranean garage, and all exits from the garage would be via the north driveway off Whitsett Avenue. The roundabout has been designed to accommodate buses, shuttles, and automobiles. The roundabout would lead to a 29-space, short-term surface parking lot near the parking structure’s southern entrance. Rideshare vehicles would use the southern driveway (with roundabout) to access the surface parking lot...

**To minimize conflicts with emergency vehicles exiting LAFD Fire Station 78**, a flashing red warning light(s) would be installed on the southern exit driveway within the Project Site at a point located before vehicles reach Valleyheart Drive that will hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. This warning light would be activated by a remote control button pressed by LAFD staff in the emergency vehicle when an emergency vehicle is approaching Valleyheart Drive from Whitsett Avenue or exiting from one of the two LAFD driveways on Valleyheart Drive. This feature is identified as Project Design Feature TRAF-PDF-2 in Section IV.M, Transportation, of this Draft EIR. (Emphasis added).

It is thus very clear that this PDF is a mitigation measure designed to address impacts of the proposed Project on Fire Station operations. By treating this mitigation measures [sic] as a PDF, the DEIR has failed to identify significant impacts to Fire Station operations that would result from Project operations. This must be corrected and the EIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4). (See also discussion in **Section 4.8** of this letter).

<sup>18</sup> See also page IV.L.1-25: As part of the Project design and per Project Design Feature TRAF-PDF-2, a flashing red warning light(s) will be installed on the southern exit driveway within the Project Site at a point located before vehicles reach Valleyheart Drive that will hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. This warning light will be activated by a remote control button pressed by LAFD staff in the emergency vehicle when an emergency vehicle is approaching Valleyheart Drive from Whitsett Avenue or exiting one of the LAFD driveways on Valleyheart Drive. The warning light would allow for adequate emergency access by LAFD vehicles between Valleyheart

Drive and Whitsett Avenue by reducing conflicts between vehicles leaving the Project Site and emergency vehicles leaving/coming back to the station. Further, the warning light would minimize the eastbound queues by vehicles leaving the Project Site along Valleyheart Drive at Whitsett Avenue when emergency vehicles need to access Valleyheart Drive. With the warning light in operation, LAFD would be able to effectively maintain adequate emergency vehicle access to LAFD Fire Station 78. Further, the warning light would ensure emergency response times are not substantively increased.

### **Response No. ORG 1B-33**

This comment states that Project Design Features TRAF-PDF-1, TRAF-PDF-2, TRAF-PDF-3, which have the effect of minimizing construction and operational traffic impacts on police and fire services, should be analyzed as mitigation measures. The comment conflates Project components with mitigation measures needed if those components were not integrated into the design of the Project. For all the reasons previously stated in the responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-8, Response No. ORG. 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26 for further discussion of PDFs.

Project Design Features TRAF-PDF-1, TRAF-PDF-2 and TRAF-PDF-3 are all integral parts of the Project as designed by the School. As such, they are part of the whole of the Project and appropriately considered as a Project component in the analysis of the Project's potential impacts on police and fire services. To argue that the reduction in the need for police and fire services that would result from these PDFs is proof that the PDFs are really mitigation measures is as "nonsensical" as the example discussed in the *Lotus* case. Unlike the situation in *Lotus*, the environmental impacts of the Project are fully disclosed in the Draft EIR and the compliance with the PDF is secured by inclusion of the PDF in the MMP. Further, the comment provides no evidence that the analysis in the Draft EIR is incorrect, or that the Draft EIR should be recirculated. As such, the revision and recirculation of the Draft EIR is not necessary.

Nonetheless, see Topical Response No. 10 – Emergency Access, for a discussion of the Project's impacts on emergency access. As discussed in Topical Response No. 10, the Project's emergency access impacts were fully evaluated in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, of the Draft EIR. Despite the Project's periodic and temporary increase in localized traffic, the Project would not significantly impair the Los Angeles Fire Department (LAFD) from responding in a timely manner to emergencies at the Project Site or the surrounding area. The Project would provide for emergency access into the Project Site and would not substantially interfere with emergency access in the surrounding neighborhood such that response times are substantively increased. It would also provide a system to maintain adequate access for emergency vehicles to enter and return to the adjacent LAFD Fire Station 78 and, thus, would not interfere with the operation of that fire station or substantively increase response times. In conclusion, as discussed in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, impacts to fire protection services, including

operations at LAFD Fire Station 78, as well as emergency access associated with LAFD Fire Station 78, would be less than significant.

### **Comment No. ORG 1B-34**

TRAF-PDF-3 is also clearly designed to mitigate Project impacts. TRAF-PDF-3 reads as follows:

**TRAF-PDF-3:** On days in which event attendance is expected to surpass 300 spectators, including parents and other spectators, students will not be permitted to drive to the Project Site and will be required to use the School's shuttle service. Shuttles will follow a prescribed driving route, travelling northbound on Coldwater Canyon Avenue, turning right at Moorpark Street, and turning right onto Whitsett Avenue. Spectators will park on the Project Site, and tickets and parking passes will be required to enter the Project Site. Spectators without a parking pass will be directed to park on the School's Upper Campus and ride the School-provided shuttles to the Project Site. Parking in the neighborhood will not be permitted and will be enforced by security personnel.

TRAF-PDF-1, TRAF-PDF-2 and TRAF-PDF-3 are clearly mitigation measures designed to reduce or avoid impacts. The following impact determinations which rely on these PDF must be corrected and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and/or (4): impacts on fire protection services during construction; impacts on fire protection services during operation; construction impacts on police protection; impacts due to a conflict with a program, plan, policy or ordinance addressing the circulation system; Project emergency access impacts during construction; Project emergency access issues during operation; and Project construction impacts on water and wastewater infrastructure.

### **Response No. ORG 1B-34**

This comment states that Project Design Features TRAF-PDF-1, TRAF-PDF-2, and specifically TRAF-PDF-3, which have the effect of minimizing impacts on the adjacent fire station, should be analyzed as mitigation measures. The comment conflates Project components with mitigation measures needed if those components were not integrated into the design of the Project. See also Topical Response No. 10 - Emergency Access. As discussed in Topical Response No. 10, the Project's emergency access impacts were fully evaluated in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, of the Draft EIR. Despite the Project's periodic and temporary increase in localized traffic, the Project would not significantly impair the LAFD from responding in a timely manner to emergencies at the Project Site or the surrounding area. The Project would provide for emergency access into the Project Site and would not substantially interfere with emergency access in the surrounding neighborhood such that response times are substantively increased. It would also provide a system to maintain adequate access for emergency vehicles to enter and return to the adjacent LAFD Fire Station 78

and, thus, would not interfere with the operation of that fire station or substantively increase response times. In conclusion, as discussed in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, impacts to fire protection services, including operations at LAFD Fire Station 78, as well as emergency access associated with LAFD Fire Station 78, would be less than significant.

## Comment No. ORG 1B-35

### 3.7 Utilities and Service Systems – Water Supply

The DEIR relies on WS-PDF-1 and WS-PDF-2 along with GHG-PDF-1, when concluding that conflicts with State or local plans for renewable energy or energy efficiency will be Less Than Significant (without mitigation). The DEIR relies on WS-PDF-2 when concluding that the impact of Project operations on consistency with water quality standards and waste discharge requirements will be Less Than Significant (without mitigation). It also relies on WS-PDF-2 when concluding that operational impacts on groundwater supplies and recharge will be Less Than Significant (without mitigation). The DEIR relies on WS-PDF-1 and WS-PDF-2 when concluding that Project operational impacts on the water supply will be Less Than Significant without mitigation. These PDFs read as follows.

**WS-PDF-1: Artificial Turf.** The Project will use artificial turf on Fields A and B, which would serve to reduce water demand compared to natural grass.

**WS-PDF-2: Capture and Reuse System.** The Project would capture, treat, and store up to 1 million gallons of stormwater and other urban runoff at a time from the developed portions of the Project Site, as well as from an approximate 38.64-acre off-site drainage area to the north of the Project Site, through a stormwater Low Impact Development (LID) capture and reuse cistern system, which will then use the treated stormwater for irrigation or water features on the Project Site.

WS-PDF-1 and WS-PDF-2 are clearly measures designed to reduce Project water use and thus mitigation measures. The analyses regarding impacts to conflicts with State or local plans for renewable energy or energy efficiency, the impact of Project operations on consistency with water quality standards and waste discharge requirements, operational impacts on groundwater supplies and recharge, and Project operational impacts on the water supply need to be redone to identify the level of impact with and without these mitigation measures. (See also discussion in **Section 4.12**)

## Response No. ORG 1B-35

This comment states that Project Design Features WS-PDF-1 and WS-PDF-2 which have the effect of minimizing construction and operational impacts on water supply should be analyzed as mitigation measures. The comment conflates Project components with mitigation measures needed if those components were not integrated into the design of

the Project. For all the reasons previously stated in the responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-8, Response No. ORG 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26 for further discussion on PDFs.

Project Design Features WS-PDF-1, which specifies that the Project will only use artificial turf in the athletic fields, and WS-PDF-2, which sets forth the capture and reuse system which is designed to be in excess of what is required by the City's LID ordinance, are both integral parts of the Project as designed by the School. As such, they are part of the whole of the Project and appropriately considered as a Project component in the analysis of the Project's potential impacts on water supply. To argue that the reduction in the need for water use that would result from these PDFs is proof that the PDFs are really mitigation measures is as "nonsensical" as the example discussed in the *Lotus* case. Unlike the situation in *Lotus*, the environmental impacts of the Project are fully disclosed in the Draft EIR and the compliance with the PDF is secured by inclusion of the PDFs in the MMP. Further, the comment provides no evidence that the analysis in the Draft EIR is incorrect, or that the Draft EIR should be recirculated. As such, is the revision and recirculation of the Draft EIR is not necessary. Note that modifications to the Project design would eliminate the capture and reuse water from off-site areas. Project Design Feature WS-PDF-2 has been updated accordingly. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

## **Comment No. ORG 1B-36**

### **4.0 FAILURE TO IDENTIFY SIGNIFICANT PROJECT IMPACTS AND DEFECTS IN THE IMPACTS ANALYSES**

#### **4.1 Air Quality Analysis Underestimates Project Emissions**

As detailed in the letter from SWAPE included in Attachment 1, the DEIR underestimates and fails to adequately address the air quality impacts associated with the proposed Project. We therefore request detailed responses to the issues raised by SWAPE in their letter included in Attachment 1 to this letter, and that the analysis be corrected and that the DEIR be recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4). As detailed in the SWAPE letter, as quoted or paraphrased below:

- The off-road emissions calculated with CalEEMod, and the on-road emissions calculated outside of CalEEMod, each "do not represent the emissions that would occur every day during Project construction." As neither account for the entirety of the criteria air pollutants that would be generated during Project construction, the DEIR should have summed the off-road and on-road emissions estimates in order to accurately evaluate the Project's maximum daily construction-related emissions.

## Response No. ORG 1B-36

The comment claims the Draft EIR underestimates and fails to adequately address the air quality impacts associated with the Project based on the Draft EIR's calculations of construction on-road and off-road emissions. Construction on-road and off-road emissions are fully evaluated in Section IV.B, *Air Quality*, of the Draft EIR. Please refer to Draft EIR Section IV.B for a detailed evaluation of the calculations of construction on-road and off-road emissions. As concluded therein, impacts with respect to on-road and off-road emissions would be less than significant with implementation of the required mitigation measure. As stated on page IV.B-36 of the Draft EIR, emissions from off-road equipment and off-road vehicles were estimated through CalEEMod since CalEEMod is based on outputs from the CARB off-road emissions factor (OFFROAD), which is the emissions estimation model developed by CARB and used to calculate emissions from construction activities, including off-road vehicles. Worker trip, concrete truck, vendor truck and haul truck trip estimates were provided by the Project's construction representative. Emissions from worker trips, haul truck trips, concrete truck trips and vendor truck trips were estimated outside of CalEEMod using the CARB on-road vehicle emissions factor (EMFAC) model emissions factors because CalEEMod assumes that the number of heavy-duty trucks input into the model occurs across the entire length of the applicable construction phase. However, since the applicable construction phases would not have the same number of haul trucks, vendor trucks, and concrete trucks on-site every day within each particular phase, the emissions calculations performed outside of CalEEMod were able to account for the varying maximum numbers of daily haul truck and concrete truck trips within each of the demolition, site preparation, grading/excavation, and foundations/concrete pour, landscape and pool/canopy/building phases. These values were applied to the construction phasing assumptions used in the criteria pollutant analysis to generate criteria pollutant emissions values for each construction activity. The maximum daily emissions were estimated based on maximum construction activity conditions for heavy-duty off-road construction equipment and on-road mobile sources and do not represent the emissions that would occur every day during Project construction. The maximum daily emissions were compared to the SCAQMD daily regional thresholds of significance.

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions. The maximum daily Project emissions estimated in Table IV.B-6, *Estimated Maximum Regional Construction Emissions*, on page IV.B-52 of the Draft EIR, represent maximum construction activity conditions for heavy-duty off-road construction equipment and on-road mobile sources and do not represent the emissions that would occur every day during Project construction, which would be lower on construction days under typical or below average construction activity conditions. Thus, what is portrayed is a worst-case day for criteria pollutant emissions during Project construction, which accounts for the entirety of emissions for the worst-case day. As shown in Table IV.B-6, NO<sub>x</sub> emissions are over the significance threshold for overlapping phases of construction and require mitigation to reduce the potentially significant impact. Implementation of Mitigation

Measure AQ-MM-1: Construction Equipment Features (pages IV.B-54 through IV.B-55 of the Draft EIR) would reduce short-term NOx emissions to below the regional emission significance threshold for NOx. Therefore, short-term and temporary impacts related to regional NOx construction emissions would be less than significant with implementation of Mitigation Measure AQ-MM-1.

With regard to the SWAPE letter in Attachment 1, all comments have been responded to in Response Nos. ORG 1B-115 through 1B-137.

Based on the above, the comment does not provide evidence that there is significant new information showing that there is a new significant impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and recirculation of the Draft EIR is not necessary.

### **Comment No. ORG 1B-37**

- When reviewing the Project's CalEEMod output files, provided in the Air Quality and Greenhouse Gas Report ("AQ & GHG Report") included Appendix C to the DEIR, SWAPE found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated.

### **Response No. ORG 1B-37**

The comment incorrectly claims that several model inputs were not consistent with information disclosed in the DEIR and that, as a result, the Project's construction and operational emissions are underestimated. The issue of modeling inputs is fully explained in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Please refer to Appendix C-1 for a detailed list of modeling inputs. As concluded in Section IV.B, *Air Quality*, of the Draft EIR, impacts with respect to the Project emissions would be less than significant with implementation of the required mitigation measures. Please refer to Response No. ORG 1B-38, below, for a detailed explanation of modeling input changes relating to the commenter's specific inquiries.

### **Comment No. ORG 1B-38**

- The DEIR's analysis is incorrect, as the size of the existing land uses to be removed from the Project site was overestimated in the Project's air modeling. By overestimating the area of the existing land use, the model overestimates the emissions associated with the existing land uses, resulting in an underestimation of the net change in operational emissions associated with the proposed Project.
- The air emissions modeling includes several changes to the default individual construction phase lengths which are not supported by substantial evidence. These unsubstantiated changes present an issue, as the construction

emissions are improperly spread out over a longer period of time for some phases. As a result, the model underestimates the peak daily emissions associated with some phases of construction and therefore cannot be relied upon to determine Project air quality impacts, or the lack thereof.

### **Response No. ORG 1B-38**

The comment incorrectly claims the Draft EIR's calculations of Project emissions are underestimated based on inputs related to existing land uses and changes to default construction phase lengths in the emissions modeling. Modeling inputs are fully explained in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Specifically, please refer to Appendix C-1 for a detailed list of modeling inputs. Air emissions are also addressed in responses to the SWAPE letter in Response Nos. ORG 1B-126 through ORG 1B-130, below. As concluded in Section IV.B, *Air Quality*, of the Draft EIR, and in response to the SWAPE letter below, impacts with respect to the Project emissions would be less than significant with implementation of the required mitigation measures. Although not specified, the commenter appears to be referring to the land use used for the existing golf-related spaces. The existing golf course consists of 426,000-square feet as stated in Chapter II, *Project Description*, page II-3 of the Draft EIR. However, existing land uses as modeled in CalEEMod used 559,860.95 square feet, which the commenter says overestimated the land use by approximately 133,860-square feet in the model, thereby underestimating Project emissions (please refer to Response No. ORG 1B-118). However, this is incorrect. The Draft EIR Appendix C-1, PDF page 8 of 437, clearly shows that the golf-related space consists of the golf course, which is 426,000 square feet, and the driving range, which is 133,860.95 square feet. Thus, for the golf related recreational land use in the model, the golf course and driving range square footage were added together for a total of 559,860.95 square feet, which is the amount that was used in the CalEEMod run. As such, Project emissions are not underestimated.

As stated in Section IV.B 3.b)(5), *Construction Emissions Methodology*, page IV.B-36 of the Draft EIR, the input values used in this analysis were adjusted to be Project-specific based on equipment types and the construction schedule provided by Harvard-Westlake School, which provide an accurate Project-specific assessment of the Project's construction activities. Each phase will occur over different times, depending on what part of the Project Site will have construction. Thus, the longest period of work for each phase was used to model emissions for a conservative approach as it allows for the greatest overlap of construction phases. Therefore, daily peak emissions were not underestimated and the emissions estimates can be relied upon to determine Project impacts.

### **Comment No. ORG 1B-39**

- Review of the construction on-road emissions in the AQ & GHG Report demonstrates that only 82 vendor trips are included in the calculations (Appendix C, pp. 254). As such, the number of vendor trips required for Project

construction is reduced from the CalEEMod default value by 570 trips. However, the AQ & GHG Report fails to provide sufficient justification for this reduction. By including an unsubstantiated reduction in the number to vendor trips in the on-road emissions analysis, the DEIR underestimates the Project's mobile-source construction-related emissions and should not be relied upon to determine Project significance.

### **Response No. ORG 1B-39**

The comment incorrectly claims that the Draft EIR's calculations of Project emissions are underestimated based on vendor trip inputs. Modeling inputs are fully explained in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Specifically, please refer to Appendix C-1 for a detailed list of modeling inputs. As concluded in Section IV.B, *Air Quality*, of the Draft EIR, impacts with respect to the Project emissions would be less than significant with implementation of the required mitigation measures. As stated in Section IV.B 3.b)(5), *Construction Emissions Methodology*, on page IV.B-36 of the Draft EIR, worker trip, concrete truck, vendor truck, and haul truck trip estimates were provided by the Project's construction representative. Thus, the input values used in this analysis were adjusted to be Project-specific. This also applies to trip rates for vendors, which are shown in detail in Appendix C-1. As stated, the changes to the default CalEEMod construction vendor trips were due to the Project-specific information provided by the School's construction representative. Thus, the Draft EIR provided sufficient justification for the number of vendor trucks visiting the site and the Project's mobile source construction related emissions are not underestimated and can be relied upon. In addition, Appendix C, PDF page 254 of 437 only displays a partial number of the construction phases and the construction mobile emissions that come from those phases, whereas to see all the construction phases and the vendor truck numbers assumed and the associated emissions, one would need to refer to PDF pages 254 through 269 of 437 for an accounting of the total vendor trucks assumed. The number of vendor trucks assumed across all construction phases is also displayed in the Project modeling assumptions on page 10.

### **Comment No. ORG 1B-40**

- The air quality analysis includes several construction-related mitigation measures without properly committing to their implementation. The model therefore underestimates the Project's construction-related emissions and should not be relied upon to determine Project significance.

### **Response No. ORG 1B-40**

The comment incorrectly claims that the Draft EIR's calculations of Project emissions are underestimated based on improper implementation of the air quality mitigation measures. The Project is fully committed to implementing Mitigation Measure AQ-MM-1: Construction Equipment Features. This mitigation will be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such

equipment (page IV.B-54). The implementation and enforcement requirements are outlined in Mitigation Measure AQ-MM-1 as follows:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.
- During plan check, the Project's representative shall make available to the lead agency and South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be maintained on-site at the time of mobilization of each applicable unit of equipment.
- During demolition, site preparation, and grading and excavation activities, the contractor shall provide notification and documentation that haul truck drivers have received training regarding idling limitations specified in Title 13 California Code of Regulations, Section 2485, and that haul trucks limit idling for loading activities to 5 minutes or less at any one location and unloading activities to ~~40~~ 5 minutes or less at any one location ~~per one-way truck trip~~.
- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices shall be prohibited.
- Construction activities shall be discontinued during second-stage smog alerts. A record of any second-stage smog alerts and of discontinued construction activities as applicable shall be maintained by the Contractor on-site.

As evidenced, the Project fully enforces the implementation of Mitigation Measure AQ-MM-1 which will be included in the Project's MMP, which is included in Chapter 4.0, *Mitigation Monitoring Program*, of this Final EIR. Therefore, the Project's construction-related emissions are not underestimated and can be relied upon to determine Project significance.

Note that bullet point No. 3 in Mitigation Measure AQ-MM-1 was updated in Chapter 3 of this Final EIR to clarify the idling regulatory requirements that are applicable to the Project and assumed as part of the mitigated air quality emission analyzed in the Draft EIR.

## **Comment No. ORG 1B-41**

### **4.2 Inadequate Analysis of Biological Resources Impacts**

Scott Cashen, an environmental biologist with 29 years of professional experience in wildlife biology and natural resources management has reviewed the biological resource impact analysis contained the DEIR has found it deficient because:

## **Response No. ORG 1B-41**

The comment regarding the commenter's credentials is noted and will be provided to the decision-makers for their review and consideration. Because this comment does not raise a substantive issue on the content or adequacy of the Draft EIR, no further response is necessary.

## **Comment No. ORG 1B-42**

- The DEIR does not adequately disclose, analyze, or mitigate impacts to the western yellow bat (and potentially other special-status bat species).

## **Response No. ORG 1B-42**

This comment alleges that the analysis of impacts to special-status bat species is inadequate. As stated on pages IV.C-32 through IV.C-42, in Section IV.C, *Biological Resources*, of the Draft EIR, under the heading Candidate, Sensitive, or Special-Status Wildlife, only one special-status wildlife species, western yellow bat (species of special concern) has a moderate potential to occur on the Project Site. As discussed in the Draft EIR, construction of the Project could result in potentially significant direct impacts to this bat species if tree removal commences during the maternity roosting season (generally March 1 through September 30). Mitigation Measure BIO-MM-1 is provided to reduce potentially significant direct impacts on this species to a less than significant level. The comment does not contain facts to support the contention that the disclosure, analysis, or mitigation of impacts to special-status bat species are inadequate.

## **Comment No. ORG 1B-43**

- The DEIR fails to provide an accurate assessment of impacts to the California brittlebush scrub community (a sensitive natural community). In addition, the DEIR impermissibly defers critical components of the proposed mitigation.

## Response No. ORG 1B-43

The comment states that the Draft EIR fails to accurately assess impacts to the California brittlebush scrub community and that the mitigation measure is impermissibly deferred. As stated on pages IV.C-42 through IV.C-44, in Section IV.C, *Biological Resources*, of the Draft EIR, under the heading Sensitive Natural Communities, the Project would result in limited impacts from a proposed river connection (ramp), river fence, and river overlook to 0.14 acre of recently restored California brittlebush scrub (16 percent of off-site sensitive natural community). Although impacts would be limited, direct impacts to this sensitive natural community are considered to be potentially significant. Mitigation Measure BIO-MM-2 is provided to reduce potentially significant impacts to sensitive natural communities to a less than significant level. The comment does not contain facts to support the contention that the analysis of impacts on sensitive natural communities is inadequate.

As to the assertion that the mitigation measure is impermissibly deferred, it is clear from the wording of Mitigation Measure BIO-MM-2, that the measure includes detailed information on when a final landscape plan must be submitted (prior to issuance of a building permit), the amount of restoration required (replacement at 1:1), the location of restored habitat (clustered adjacent to and contiguous with the Zev Greenway), and species to be planted (compliant with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes). In addition, Mitigation Measure BIO-MM-2 requires a five-year monitoring plan to ensure that the California brittlebrush scrub has been successfully restored. The Landscape Plan is based on the Project's final Site Plan, which must be reviewed and approved by the Building Department prior to finalization of the Landscape Plan. For the reasons cited above and the commitment to the restoration of the California brittlebush scrub in a specified location with plant species listed in an approved plan, Mitigation Measure BIO-MM-2 is neither impermissibly deferred nor inadequate to mitigate the impact on sensitive natural communities to a less-than-significant level.

## Comment No. ORG 1B-44

- The DEIR fails to disclose, analyze, or provide mitigation for the avian collision hazard associated with Project design features (large expanses of glass).

A copy of his findings are included as **Attachment 2** to this letter. We hereby request responses to all of his comments.

## Response No. ORG 1B-44

The comment states that the analysis on avian collision hazards associated with expanses of glass is inadequate. A response addressing avian collision hazards is provided below in Response No. ORG 1B-152. Please refer to Response No. 1B-152 which addresses this comment. Additionally, see Response Nos. ORG 1B-138 through ORG 1B-126a addressing Attachment 2.

## Comment No. ORG 1B-45

### Failure to Identify and Adequately Mitigate Impacts to the Western Yellow Bat

As noted on page IV.C-32 of the DEIR:

One special-status bat species, the western yellow bat (species of special concern), was considered to have moderate potential to roost and forage in the Biological Study Area. **Construction of the Project could result in potentially significant direct impacts to this bat species if tree removal commences during the maternity roosting season (generally March 1 through September 30).**

As noted on DEIR page IV.C-27:

The Biological Study Area supports a number of palm trees that would be suitable roosting habitat for this species. Additionally, the adjacent Los Angeles River may provide suitable foraging habitat above the river and near the southwestern boundary of the Biological Study Area. There is only one CNDDDB occurrence of this species within the region of the Biological Study Area, which was recorded in 1984 approximately 8.5 miles to the east in a developed area of Glendale.

This species roosts in trees, particularly palm trees, and forages over water and among trees. There are 174 Mexican fan palms on the Project Site. In fact, approximately one-half (51 percent) of the inventoried trees are Mexican fan palms according to DEIR page II-29. Of the 240 trees to be removed from the Project Site, 122 are Mexican fan palms. The proposed Project would thus result in the loss of 70 percent of the potential bat roosting habitat on the Project Site. The DEIR provides no analysis of this habitat loss. As noted by Mr. Cashen:

Because the loss of suitable roosting habitat is one of the primary threats to the western yellow bat population,<sup>19</sup> and because the DEIR does not incorporate compensatory mitigation, potentially significant impacts on the western yellow bat remain unmitigated.

Despite the potential for western yellow bats to occur on the Project Site, no surveys to assess the presence or absence of the species were conducted as part of the preparation of the DEIR. Instead, the DEIR assumes that Mitigation Measure BIO-MM-1, tree removal outside of the roosting season, or pre-construction surveys if tree removal occurs during the roosting season, is sufficient to mitigate impacts to this bat species. However, this assumes that displaced bats can easily relocate and that the only impacts are from tree removal during roosting season. This is belied by the relatively few colonies of this bat species in the Los Angeles area. The DEIR underestimates and fails to mitigate potential displacement impacts to these bats and the potential impact on the colony's survival.

<sup>19</sup> Ibid.

## Response No. ORG 1B-45

The comment states that analysis of the impact to and mitigation for the western yellow bat is inadequate for failure to survey the Project Site for this bat species, for removal of the palm trees where they could roost, and for failure to discuss displacement impacts. As discussed on pages II-29 and II-30 in Chapter II, Project Description, of the Draft EIR, approximately one-half (51 percent) of the inventoried trees are either Mexican fan palms (174) or blue gum eucalyptus (42), which are considered invasive species by the U.S. National Park Service and/or the California Invasive Plant Council. All invasive palms (i.e., the Mexican fan palm) removed as part of the Project would be replaced at a 1:1 minimum ratio with RIO-compliant trees and all other removed non-native trees would be replaced at a minimum 2:1 ratio with RIO-compliant trees.

Topical Response No.5 – Biological Resource/Trees discusses that the Project’s tree removal and replanting program was fully analyzed in the Draft EIR’s Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). As discussed in Section IV.C, *Biological Resources*, of the Draft EIR, and Topical Response No. 5, the Project with mitigation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant.

Direct and indirect impacts to the western yellow bat were fully analyzed in Section IV.C, *Biological Resources*, of the Draft EIR. The impact analysis identified the need for Mitigation Measure BIO-MM-1, now modified upon recommendation of the California Department of Fish and Wildlife (CDFW), to ensure potentially significant construction-related impacts would be reduced to a less than significant level. Western yellow bats are typically found in desert regions of southwestern United States and their roosting habitat is often within the “skirt” of dead fronds of native or non-native palm trees. It is noted that the majority of the Mexican fan palms occurring within the Project Site have had their skirt of dead fronds removed during routine annual maintenance, limiting the potential for roosting of western yellow bats on the Project Site. ESA’s biologists surveyed the Project Site for wildlife, including bats, in November 2016, and the western yellow bat was not detected at that time. That survey was conducted by an individual with bat expertise. Similarly, the western yellow bat was not observed during the more recent ESA wildlife surveys undertaken for the current Project, which is acknowledged to be general in nature (i.e., for the purpose of broadly examining and inventorying onsite plant and animal species, including bats) and not focused exclusively on the potential existence of bats. There is only one CNDDDB occurrence record of this bat species within the vicinity of the Project Site, which was recorded in 1984 approximately 8.5 miles to the east in a developed area of Glendale. Closer in proximity to the Glendale record, bat surveys were conducted between April and November 2008 in Griffith Park, and the results of the

surveys found no individual of western yellow bat to be present.<sup>10</sup> During operation, as stated above, while the Project would remove invasive Mexican fan palms, the Project's native landscaping proposed would help to enhance the existing off-site native habitat, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas, which may benefit special-status bat species by providing enhanced foraging opportunities (Draft EIR page IV.C-35).

It is acknowledged that the loss of suitable roosting habitat is a threat to the western yellow bat species. As indicated above, that threat is primarily in desert areas within the species' largest recorded distribution and the Project Site is at the far periphery of the recorded range for the species. While the non-native Mexican fan palm trees provide potential roosting habitat, there is yet to be a confirmed observation of the species in close proximity to the Project Site. With the existing routine maintenance of the onsite palm trees and the removal of dead palm fronds, the potential for western yellow bat roosting habitat to occur is reduced. As such, the quality of the potential habitat onsite is marginal and is not considered to be able to support a substantial population of this species. In addition, not all palm trees would be eliminated in the Project area as clusters of the palm trees exist on the south side of the Los Angeles River and along Ventura Boulevard.

Based on the Draft EIR analysis included in Section IV.C, *Biological Resources*, the Draft EIR adequately analyzed impacts to the western yellow bat. Thus, while the comment claims the DEIR underestimates and fails to mitigate potential displacement impacts to these bats and the potential impact "on the colony's survival," the comment does not provide any substantial evidence to support these claims nor reference any recorded colony for this species in the vicinity of the Project Site. On the contrary, evidence supported by surveys and documented records indicate that the species is not present and there is no colony for the Project to impact survival. Nonetheless, because there is some potential for western yellow bat to occur, even if unlikely, Mitigation Measure BIO-MM-1 has been included to address impacts if a roosting colony were to be detected or observed.

Refer also to Response No. AG 4-30 for additional requirements recommended by CDFW that have been added to Mitigation Measure BIO-MM-1 on pages IV.C-43 to IV.C-44 of the Draft EIR. These additions have been made per coordination with CDFW to include additional requirements if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed may provide suitable bat roosting habitat. This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

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<sup>10</sup> Remington, S. and D.S. Cooper. 2009. Bat Survey of Griffith Park, Los Angeles, California, Draft Report. February 20, 2009.

## Comment No. ORG 1B-46

Furthermore, as noted by Mr. Cashen:

Direct impacts to the western yellow bat (and other bat species) are not limited to tree removal during the maternity roosting season. Some western yellow bats are year-round residents in southern California.<sup>20</sup> These bats may use trees at the Project site as day roosts, night roosts, or maternity roosts.<sup>21</sup> Consequently, western yellow bats may occur in trees (especially the palms) at the Project site at any time of day (or night), on any day of the year.

Yellow bats are deep sleepers.<sup>22</sup> Even when fully awake, they feel safe in palm fronds and generally will not flush at signs of danger.<sup>23</sup> As a result, yellow bats are frequently killed or injured when palm trees are felled.<sup>24</sup> Because bats are a prey species that has few behavioral defenses against predation, they rely on concealment (at roosts) to avoid predation by diurnal predators. Therefore, even if bats flush from a tree as it is being felled, most of these individuals are likely to die due to predation or exposure. The DEIR fails to analyze impacts to, or incorporate mitigation for, bats that may occupy trees at the Project site during the non-maternity season.

<sup>20</sup> Pierson ED, Rainey WE. 1998. Western yellow bat, *Lasiurus xanthinus*. In: Bolster BC, ed. Terrestrial Mammal Species of Special Concern in California. pp. 50 and 51

<sup>21</sup> Day roosts are used during the day for sleep and protection from predators and heat exposure. Night roosts are used at night to rest, digest food, conserve energy, and avoid predators. Maternity roosts are used to give birth and raise young.

<sup>22</sup> Austin Bat Refuge. 2021. Palm Trees [webpage]. Available at: <https://austinbatrefuge.org/palm-trees> (Accessed 6 May 2022)

<sup>23</sup> Ibid. See also Tatarian G. 2018. Conserving California's Bats Through Environmental Review and Permitting. CDFW Conservation Lecture Series Archive. Available at: <https://wildlife.ca.gov/Conservation/Lectures/Archive#ACEApr12> (Accessed 6 May 2022).

<sup>24</sup> Ibid.

## Response No. ORG 1B-46

The comment states that impacts to the western yellow bat can occur outside of maternity roosting season. Refer to Response No. AG 4-30 for additional requirements that have been added to Mitigation Measure BIO-MM-1 on pages IV.C-43 to IV.C-44 of the Draft EIR that addresses the potential presence of western yellow bat. These additions have been made per coordination with CDFW to include additional requirements recommended by CDFW if a qualified bat specialist determines that special-status bats are present at any time of the year, or that bats are absent but trees to be removed may provide suitable bat roosting habitat. The added requirements will include nudging trees to provide ample warning and allowing bats to become active, which will provide them time to leave the trees on their own before any tree removal. These additions have been incorporated into Chapter 3.0, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

It should be noted that the citation in the comment for the Austin Bat Refuge is in reference to two bat species that do not occur in California.

### **Comment No. ORG 1B-47**

In addition, the DEIR fails to adequately analyze the impacts of Project construction and operational noise on the bats, as detailed by Mr. Cashen in his comments included in **Attachment 2**.

### **Response No. ORG 1B-47**

The comment states that the Draft EIR fails to analyze the impacts of construction and operation noise on the western yellow bat. As stated on pages IV.C-40 and IV.C-41, in Section IV.C, *Biological Resources*, under the heading Indirect Impacts, of the Draft EIR, there would be indirect impacts to special-status bat species from noise and human activities associated with Project construction; however, construction activities would be temporary on an intermittent basis, and potential on-site tree roosts would be removed during the initial construction phase if no active roosts are found, consistent with Mitigation Measure BIO-MM-1, which applies at any time of year. As such, indirect impacts would be avoided and the Project would not diminish the long-term survival of a special-status bat species; and, therefore, would be less than significant. For any potentially displaced individuals, there will still be clusters of the palm trees existing on the south side of the Los Angeles River and along Ventura Boulevard. Indirect impacts associated with a change in the on-site operational noise and human activities would be similar to existing conditions with the potential for more noise and human activities during sports events. If present on-site, the special-status bat species are already adapted to living in an urbanized setting and ambient noise and human activities associated with frequent use of the golf and tennis facilities on-site. Increases in noise and human activities would be concentrated around outdoor athletic activities within the fields, tennis courts, and swimming pool, which do not contain vegetation or have suitable roosting habitat for the special-status bats, and larger sporting events would be limited to specific hours, as well as limited in duration. Project construction and operation activities, including changes in the ambient levels of noise, would not result in significant indirect impacts to special-status, candidate, and/or sensitive bat species. As such, indirect impacts to special-status, candidate, and/or sensitive bat species would be less than significant.

### **Comment No. ORG 1B-48**

The potential for impacts to the western yellow bat remain significant and unmitigated and must be acknowledged as such in the DEIR. Pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4), the DEIR must be revised and recirculated.

### **Response No. ORG 1B-48**

The comment states that the impacts to the western yellow bat are significant and unmitigated. The Draft EIR addressed impacts to the western yellow bat in Section IV.C,

*Biological Resources*, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, impacts to the western yellow bat would be less than significant after implementation of Mitigation Measure BIO-MM-1. Furthermore, as discussed above in Response No. ORG 1B-47, Mitigation Measure BIO-MM-1 has been modified to include additional requirements recommended by CDFW to address impacts to potential roosting bats. Refer to Response Nos. ORG 1B-44 to 1B-47 for additional discussions related to impacts to the western yellow bat.

Based on the above, the comment does not provide evidence that there is significant new information showing that there is a new significant impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and recirculation of the Draft EIR is not necessary.

## **Comment No. ORG 1B-49**

### **Failure to Identify and Mitigate Impacts to the Brittlebrush Scrub Community**

As detailed by Mr. Cashen in his comments included in **Attachment 2**, the DEIR's analysis of impacts to the Brittlebrush Scrub Community is inaccurate and fails to identify a significant impact to this community:

The DEIR's rationale is flawed because it fails to recognize that the Project would not only increase human activity along the existing trail, but that it would also create a new trail that bisects the California brittlebrush scrub community, thereby increasing the proportion of that community that would be susceptible to trampling, weed invasion, and other adverse edge effects associated with fragmentation. In addition, because the proposed river connection trail would not provide the shortest route to the Zev Greenway trail, students and spectators are likely to create shortcuts (and other unauthorized trail routes) through the California brittlebrush scrub . . . This would cause further loss, degradation, and fragmentation of the sensitive natural community. The DEIR fails to incorporate mitigation for this potentially significant indirect impact.

## **Response No. ORG 1B-49**

The comment states that the increased use of the Project Site with existing and new trails would result in a significant impact. The Project does not propose a trail along or within the Zev Greenway, which already has an existing trail. Rather, the Project proposes to install an ADA-compliant pedestrian ramp leading from the Project Site to the existing Zev Greenway trail, as mentioned on Page II-33 of the Draft EIR Project Description. Corrections have been made in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, to revise the term "trail" to "ramp" as applicable in this regard. The ramp location was designed to avoid and minimize impacts to biological resources. As stated on pages IV.C-43 through IV.C-45, in Section IV.C, *Biological*

*Resources*, of the Draft EIR under the heading Sensitive Natural Communities, the Project would result in limited impacts from a proposed river connection (ramp), river fence, and river overlook to 0.14 acre of recently restored California brittlebush scrub (16 percent of off-site sensitive natural community). Although impacts would be limited, direct impacts to this sensitive natural community are identified as potentially significant. Mitigation Measure BIO-MM-2 is provided to require replacement of California brittlebush scrub at an equivalent acreage to reduce potentially significant impacts on sensitive natural communities to a less-than-significant level.

As stated on page IV.C-43, the additional human activity, light, or noise would not have an adverse effect on this sensitive natural community since the plants would not be affected by the changes in Project light, noise, or human activity. Furthermore, the Project's native landscaping, which would exclude invasive exotic plant species and proactively remove Mexican fan palms, would help to enhance this sensitive natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas (such as currently occurs through the rapid spread of Mexican fan palms). Thus, indirect Project construction and operation activities would not result in significant impacts to sensitive natural communities.

Also, the California brittlebush scrub is relatively dense in most areas and not easily traversable. Nevertheless, the Project will install fencing along the edge of the Leased Property to prevent people from trampling down the side of the hill through the California brittlebush scrub to the Zev Greenway trail, as well as along the sides of the new ADA-compliant pedestrian ramp that would lead from the Project Site to the Zev Greenway. As designed, the fencing has spacing that would allow for local wildlife (e.g., smaller animals) to pass through while still providing an appropriate aesthetic and line-of-sight to the river.

### **Comment No. ORG 1B-50**

In addition, the DEIR's analysis fails to account for impacts associated with the installation of 38 trees in the community and the impact of the associated loss of sunlight on this sensitive nature community. The DEIR has thus failed to identify and mitigate impacts to this community. The DEIR has also failed to demonstrate that the MM-BIO-2 for impacts to this community is feasible.

### **Response No. ORG 1B-50**

The comment states that loss of sunlight as a result of planting 38 trees would cause impacts to the California brittlebush scrub and that the Draft EIR fails to demonstrate that the mitigation measure for the California brittlebush scrub is feasible. As stated on page II-30, in Section II, *Project Description*, under the heading Open Space and Trees, of the Draft EIR, Table II-2 shows that the Zev Greenway, where the California brittlebush scrub is planted, already has 76 native trees, primarily coast live oak (*Quercus agrifolia*) and California sycamore (*Platanus racemosa*). These native trees create partial shade for the California brittlebush scrub, in which the dominant species *Encelia californica* is known to

grow and survive in part shade.<sup>11</sup> The California Native Plant Society provides the following description of California brittle bush - Ashy buckwheat scrub (*Encelia californica* - *Eriogonum cinereum* Shrubland Alliance) indicates that emergent trees such as coast live oak may be present within the scrub natural community.<sup>12</sup> As stated on page IV.C-19, in Section IV.C, *Biological Resources*, under the heading California Brittlebush Scrub, of the Draft EIR, native trees were already planted as a part of the restored California brittlebush scrub community. The replanted area is also shown in the tree photographs within Appendix A City of Los Angeles Tree Report of Appendix D Biological Resources Technical Report of the Draft EIR (PDF pages 314 through 341 of 394 in Appendix D of the Draft EIR). The planting of an additional 38 native trees, 1/3 of which are large shrubs to small trees, would not significantly impact the restored California brittlebush scrub community.

Planting of native scrub habitat has already been demonstrated as feasible within the area, as shown by the California brittlebush scrub community found along the Zev Greenway. The California brittlebush scrub was installed approximately five years ago, in a location that did not previously support this community subsequent to the channelization of the Los Angeles River. Natural communities may be a mix of more than one community, especially where the tree canopy of woodland habitats have not experienced a hot wildfire for many years. Lastly, the natural distribution of California brittlebush scrub substantially overlaps the distribution of coast live oak trees within southern California such that the species may co-exist.

Furthermore, Mitigation Measure BIO-MM-2 requires the replacement of sensitive natural community habitat to be planted in the 0.14-acre impact area (within the approximately 0.35-acre habitat area), clustered adjacent to and contiguous with the Zev Greenway. The locations and species must be to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement sensitive natural community habitat areas would be planted on-site and shown on the Project's landscape plan. The restored sensitive natural community would be monitored for five years to verify that California brittlebush scrub has been successfully restored. Thus, the planning requirements and long-term monitoring included in Mitigation Measure BIO-MM-2 would ensure that the new California brittlebush scrub would survive over the long-term. The comment fails to provide evidence that this mitigation measure is not feasible nor explain why the commenter thinks it might not be feasible. As such, no further response is necessary.

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<sup>11</sup> Bush Sunflower, *Encelia californica*. Calscape, California Native Plant Society. [https://calscape.org/Encelia-californica-\(Bush-Sunflower\)?srchcr=sc58115c55ea1b4](https://calscape.org/Encelia-californica-(Bush-Sunflower)?srchcr=sc58115c55ea1b4).

<sup>12</sup> *Encelia californica* - *Eriogonum cinereum* Shrubland Alliance. A Manual of California Vegetation Online, California Native Plant Society. <https://vegetation.cnps.org/alliance/544>

## Comment No. ORG 1B-51

### Failure to Disclose, Analyze or Incorporate Mitigation for Avian Collisions

As detailed by Mr. Cashen in his comments included in **Attachment 2**:

The Project site and adjacent Los Angeles River corridor support at least 74 species of birds,<sup>25</sup> some of which are classified as special-status species.<sup>26</sup> . . . Collision with windows is second only to predation by domestic cats as an anthropogenic source of avian mortality.<sup>27</sup> . . . A poorly designed building can kill hundreds of birds per year.<sup>28</sup>

The proposed Project incorporates design variables known to cause high levels of avian mortality:

1. Buildings with reflective or transparent windows, large windows, or a high percentage of glass.
2. Buildings with windows located adjacent to extensive vegetation.

As noted by Mr. Cashen:

The American Bird Conservancy and New York City Audubon Society have developed bird-friendly design standards for new buildings.<sup>29</sup> Because the Project does not incorporate these (or comparable) design standards, the Project's impact on bird populations would be potentially significant.

<sup>25</sup> DEIR, Appendix B to Appendix D (Biological Resources Technical Report). See also checklist for the Los Angeles River--Whitsett to Coldwater Hotspot at: eBird. 2022. eBird: An online database of bird distribution and abundance [web application]. eBird, Cornell Lab of Ornithology, Ithaca, New York. Available at: <http://www.ebird.org>. (Accessed 5 May 2022).

<sup>26</sup> Special-status species documented in the Project are include the osprey, Cooper's hawk, rufous hummingbird, Vaux's swift, and yellow warbler. See California Department of Fish and Wildlife, California Natural Diversity Database. 2022 Apr. Special Animals List. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>. (Accessed 5 May 2022).

<sup>27</sup> Loss SR, Will T, Loss SS, Marra PP. 2014. Bird-Building Collisions in the United States: Estimates of Annual Mortality and Species Vulnerability. *The Condor* 116:8–23.

<sup>28</sup> Hager SB, Trudell H, McKay KJ, Crandall SM, Mayer L. 2008. Bird Density and Mortality at Windows. *Wilson Journal of Ornithology* 120(3):550-564.

<sup>29</sup> American Bird Conservancy and New York City Audubon Society. 2015. Bird-Friendly Building Design, 2nd Ed. Available at: [https://abcbirds.org/wp-content/uploads/2015/05/Bird-friendly-BuildingGuide\\_LINKS.pdf](https://abcbirds.org/wp-content/uploads/2015/05/Bird-friendly-BuildingGuide_LINKS.pdf).

## Response No. ORG 1B-51

The comment states that the analysis on impacts from avian collisions is inadequate. A response addressing avian collision hazards is provided below in Response No. ORG 1B-152. Please refer to Response No. 1B-152 which addresses this comment.

## Comment No. ORG 1B-52

The DEIR's analyses of impacts to bats, migratory and special-status birds, and the Brittlebrush community are deficient and, as a result, the DEIR has failed to identify significant biological resource impacts. Moreover, as detailed by Mr. Cashen, there are problems with the biological resource mitigations measures included in the DEIR which render them ineffective in mitigating impacts to a level considered Less Than Significant. The DEIR analysis must be corrected and that the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4).

## Response No. ORG 1B-52

The comment states that the analysis of impacts to biological impacts is deficient. The comment regarding deficient analyses of specific biological resources is addressed in the Response Nos. ORG 1B-42 and ORG 1B-45 through ORG 1B-48 for bats; ORG 1B-44 and ORG 1B-51 for birds; and ORG 1B-49 and ORG 1B-50 for California brittlebush scrub. The comment does not present substantial evidence of significant new information showing that there is a new significant impact, an increase in the severity of an impact, an alternative that would lessen the impacts, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and recirculation of the Draft EIR is not necessary.

## Comment No. ORG 1B-53

### 4.3 Failure to Identify Significant Historic Resource Impacts

The DEIR fails to accurately identify impacts to an historical resource, the Weddington Golf and Tennis Club (or "Studio City Golf and Tennis Club"), a historic resource which has been found to be both locally eligible for listing as a City Historic-Cultural Monument ("HCM"), and eligible for listing in the California Register of Historical Resources ("California Register").<sup>30</sup> The DEIR fails to identify impacts to the resource, first by inappropriately treating mitigation measures as Project Design Features, as discussed in **Section 3.2** of this letter, and secondly by inappropriately omitting some of the character-defining features of the Project property, which have been identified by historic resource consultants meeting the Secretary of the Interiors Professional Standards, so as to limit the identification of impacts. The DEIR on page IV-D-22 states that: "the clubhouse, putting green with brick wall, and golf ball-shaped light standards are identified as character-defining features that support its status as a Historic-Cultural Monument, as well as it being a private recreational facility open for public use." The DEIR limits the identified character-defining features so as to exclude important aspects of the property, such as the golf course, which will be demolished as part of the Project. It does this while acknowledging on DEIR page IV-D-22 that the "primary physical characteristics of the Project Site include a nine-hole golf course, a twenty-five-stall driving range, sixteen tennis courts, a tennis shack, a clubhouse, a putting green surrounded by a brick wall, and six golf ball-shaped light standards."

The omission of consideration of the Project’s impact to the golf course as a character defining-feature, as well as impacts to other additional character-defining features identified by historic resource experts, is not supported by substantial evidence, defies common sense, and has led to a DEIR which has failed to identify significant Project historic resource impacts. In omitting the golf course portion of the Project Site from the character-defining features, the DEIR ignores the expert opinions of the City’s own Office of Historic Resources staff, as well as multiple historic resource consultants. As a result, the DEIR must be corrected to identify a significant impact to an HCM and California Register eligible resource and recirculated for public review and comment pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4).

<sup>30</sup> See the 2012 Historic Resources Assessment Report prepared by Architectural Resources Group, Inc. Architects, Planners & Conservators, included in Attachment 3 and available at: [https://planning.lacity.org/odocument/5ae20992-41fd-4739-a6b0-66003878f981/CHC-2020-7764-HCM\\_\(4-15-21\).pdf](https://planning.lacity.org/odocument/5ae20992-41fd-4739-a6b0-66003878f981/CHC-2020-7764-HCM_(4-15-21).pdf).

## Response No. ORG 1B-53

The comment states that the analysis of historical resources is inadequate due to failure to include the golf course. See Topical Response No. 6 – Historical Resources. As discussed therein, the City determined the character-defining features of the Project Site based on a review of available evidence and an evaluation of the potential significance of the Project Site. The Project Site was designated a City HCM under the name Studio City Golf and Tennis Club in 2021. The character-defining features of the Project Site, as formally determined by the City, are:

- Private recreational facility open for public use
- Clubhouse
- Golf ball [-shaped] light standards
- Putting green
- Brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property<sup>13</sup>

The commenter is incorrect that the Draft EIR “limits the identified character-defining features so as to exclude important aspects of the property, such as the golf course, which will be demolished as part of the Project.” Character-defining features of the Project Site were formally determined by the City during the nomination and designation of the Project Site as an HCM. This determination is based on substantial evidence including the development history of the Project Site, National Park Service guidance, and the association of the Project Site with post-World War II recreational uses in the San Fernando Valley. Therefore, the City appropriately identified the character-defining

<sup>13</sup> Studio City Golf and Tennis Club Historic-Cultural Monument Application, Council File: 21-0470, Revised Findings, as modified by the PLUM Committee, September 14, 2021, adopted by City Council, September 29, 2021.

features of the Project Site in the Draft EIR based on the analysis of the significance of the Project Site and the City Council's formal designation of the former Studio City Golf and Tennis Club.

The commenter's assertion that character-defining features of the Project Site were artificially "limited" is, therefore, incorrect. Character-defining features of the Project Site have been determined by the City based on substantial evidence of the history and significance of the Project Site, which is reflected in the features that have been formally identified as part of the HCM process. It is the City's identification of the character-defining features of the Project Site that appropriately provide the basis for the analysis in the Draft EIR.

The description of the Project Site referenced by the commenter (Draft EIR page IV-D-22) is intended to describe the Project Site's existing condition only. It is not a description of character-defining features associated with the historical resource, which are identified separately.

Based on the above, the comment does not provide substantial evidence that there is significant new information showing that there is a new significant impact, that there is an increase in the severity of an impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the request for the revision and recirculation of the Draft EIR is not necessary.

### **Comment No. ORG 1B-54**

On April 15, 2021 the Cultural Heritage Commission at its regular meeting<sup>31</sup> considered the designation of the Weddington Golf and Tennis Club as an Historic Cultural Monument. A copy of the Staff Report is included as **Attachment 3** to this comment letter.<sup>32</sup> The agenda packet includes:

1. Final Determination Staff Recommendation Report;
2. Commission/Staff Site Inspection Photos – February 25, 2021;
3. Categorical Exemption;
4. Under Consideration Staff Recommendation Report;
5. Historic-Cultural Monument Application;
6. 2012 Historic Resources Assessment Report prepared by Architectural Resources Group, Inc. ("ARG");
7. Supplemental Photos from the Applicant, received January 20, 2021; and,
8. Supplemental Photos from the Applicant, received February 25, 2021. As part of the hearing, testimony was provided by Jenna Snow, a historical resource consultant.<sup>33</sup>

Evidence that the golf course and several other features of the Project Site are character-defining features of the historic resource is provided by 2012 ARG report attached to this Cultural Heritage Commission Staff Report (see **Attachment 3** to this letter). This information needs to be included in the revised DEIR. As detailed below in the ARG report, which predates the property's HCM designation:<sup>34</sup>

## V. Evaluation of Eligibility

For CEQA purposes, a historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) or a qualified local register (for further explanation of qualifying local registers, see IV. Regulations and Criteria of Evaluation). California properties formally determined eligible for or listed on the National Register of Historic Places are automatically listed on the CRHR. Weddington Golf and Tennis Club has not been previously listed on or determined eligible for the CRHR or the NRHP, nor has it been designated as a City of Los Angeles Historic-Cultural Monument.

For the purposes of this report, the Weddington Golf and Tennis Club was evaluated against the criteria of the California Register of Historical Resources, as is required by CEQA. It was not evaluated for national (National Register) or local (Los Angeles Historic-Cultural Monument) landmark eligibility.

### Significance Under the California Register

The Weddington Golf and Tennis Club appears to be eligible for the California Register of Historical Resources under the following criteria:

**Criterion 1.** It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

*The Weddington Golf & Tennis Club appears to be locally significant in the area of recreation and entertainment as a community recreation center. Specifically, the 9-hole golf course and driving range were constructed in the mid-1950s and developed over the next ten years to provide the growing Studio City community with a publicly-accessible facility where children and adults alike could learn and practice the sport. The clubhouse, course, and driving range were a community draw, particularly for many patrons at all levels of the entertainment industry. The course and driving range reflects the broad popularity of golf in the 1950s and 1960s, and how such recreational facilities were valuable amenities to serve the rapidly growing suburban population base in the San Fernando Valley during its most significant period of community development.*

**Criterion 3.** It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

*The Weddington Golf Course represents the essential characteristics of a local, community golf course in the mid-1950s. It has high associative value and it effectively communicates the features of such a facility. Its setting has high integrity, as do the component elements including the low- slung, Ranch style clubhouse (and its compatible, adjoining driving range shelter) that echo the preferred residential forms of the San Fernando Valley in that era, the golf course with its fairways lined in palm, eucalyptus, and pine trees, and associated features such as the golf ball-shaped light standards and putting green.*

### **Integrity**

The National Register Bulletin series provides guidance in regard to eligibility, integrity, period of significance and resource type.

Essentially, for a property to qualify as an historic resource it must represent a significant part of the history, architecture, archeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past (National Park Service, National Register Bulletin 15, 2002).

Bulletin 15 notes that an historic property derives its importance from its association with an important historic context and its retention of historic integrity of those features necessary to convey its significance. Insensitive modifications to an historic property can have a negative impact on that building's integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and their relation to its significance.

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established can you proceed to the issue of integrity. The steps in assessing integrity are:

- Define the essential [or character-defining] physical features that must be present for a property to represent its significance
- Determine whether the essential physical features are visible enough to convey their significance
- Determine whether the property needs to be compared with similar properties

- Determine, based on the significance and essential physical features, which aspects of integrity are particularly vital to the property being nominated and if they are present.

### **Character-Defining Features**

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both why a property is significant (Applicable Criteria and Areas of Significance) and when it was significant (Periods of Significance.)

The character-defining features of the Weddington Golf and Tennis Club include:

- 9-hole golf course, composed of fairways, greens, and tees (5<sup>th</sup> & 6<sup>th</sup> holes altered).
- Park-like setting on the property created by extensive trees and open space.
- Clubhouse: including board-and-batten siding, shake roof with rectangular cut-outs at planters, brick fireplace and chimney, knotty-pine interior paneling, and lunch counter.
- Driving range (altered) with shed-roof canopy with shake roof.
- Putting green in front of clubhouse.
- Golf ball light standards.

### **Evaluation**

Within the concept of integrity, the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. To retain historic integrity, a property must always possess several, and usually most, of the aspects: location, design, setting, materials, workmanship, feeling, and association. Ultimately, a property either does or does not have integrity. The following is a definition and analysis of each of the seven aspects of integrity in relation to this property.

**Location:** The place where the historic property was constructed or the place where the historic event occurred.

*The historic property remains in its original location. The property retains this aspect of integrity.*

**Design:** The combination of elements that create the form, plan, space, structure, and style of a property.

*The Weddington Golf and Tennis Club has been partially altered in terms of design. The northern portion retains its 1958 design in terms of golf course layout, location and design of the putting green and clubhouse. Alterations completed in 1974 to accommodate tennis courts required the realignment of two holes and the reduction in size (by nearly half) of the driving range. However, the alterations reflect the evolution of the property as a community recreation center. These alterations have the potential of becoming significant and, therefore, do not substantially subtract from the property's integrity of design.*

*A 1966 maintenance building was demolished, but it was located in a part of the property that was removed from the clubhouse and starting and ending points of the course and did not contribute to the historic design.*

*The more recent construction of the fire station at the southeast corner of the site is not associated with the property's historic significance as a community recreation center. However, its siting at the southeast corner of the property minimizes the impact of the new construction on the property's integrity of design as the golf course layout remained unaffected.*

**Setting:** The physical environment of a historic property.

*Unlike location, setting refers to the character of the place in which the property played a historic role. It involves how, not just where, the property is situated, and its relationship to surrounding features and open space. Examples of features that create setting are: topographic features, vegetation, simple manmade features, and relationships between buildings and other features or open spaces.*

*Weddington Golf and Tennis Club largely retains its integrity of setting. Setting is a particularly important aspect of integrity for this property, and refers both to the property's surroundings and the setting created within the property by the arrangement and integrity of its component parts, combining buildings, outdoor spaces and hardscape, and landscaped areas, all with a particular purpose that contributes to the recognition of the property type and the associated use. The clubhouse is the nexus of all of the golf-related uses on the property, including the putting green, the starting and ending points of the golf course, and the driving range. The setting of the property is defined not just by the functional interrelationships of elements, but also by the sense of open space created by the design and location of the golf course. The site is buffered from Ventura Blvd. by its location along the Los Angeles River channel, and along each of the boundaries (as well as within the site), mature trees act as windbreaks, visual buffers, and markers of open space within the neighborhood and on the property.*

*The southeast corner of the property has been disrupted by the construction of a new fire station; however, it is oriented away from the significant areas of the historic property's. Furthermore, the station removed maintenance structures that were secondary to the significance of the property and only partially removed the tennis elements of the property. (The tennis courts are not considered contributing features.) Therefore, the overall impact of the new construction has been limited.*

**Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

*The site retains its integrity of materials. This aspect of integrity refers mainly to building materials and to whether the original materials from the period of significance continue to compose the significant structures, objects, and hardscape of the grounds. The substantially unaltered clubhouse retains the characteristic materials of the interior and exterior, such as the board and batten siding, shingled roof, and knotty pine paneling. The concrete patios that lie between the driving range, clubhouse, and first and last holes also contribute to the setting and design of the property. The driving range shelter is also unaltered and composed of its original materials.*

**Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

*Workmanship is not a significant aspect of integrity for this property. Most of the building materials of the structures were mass produced and did not reflect either traditional building crafts or significant new materials or methods. Workmanship for this property is best exhibited in the superior maintenance of the fairways and greens. In this respect, the skilled craft of golf course maintenance reflects the property's workmanship and the Weddington Golf and Tennis Club retains its integrity of workmanship.*

**Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time.

*As a result of retaining all material aspects of integrity, in whole or in part, Weddington Golf and Tennis Club retains its integrity of feeling.*

**Association:** The direct link between an important historic event or person and a historic property.

*As a result of retaining all material aspects of integrity, in whole or in part, Weddington Golf and Tennis Club retain its integrity of association.*

The ARG report thus found that the character-defining features of the Weddington Golf and Tennis Club include:

- 9-hole golf course, composed of fairways, greens, and tees (5<sup>th</sup> & 6<sup>th</sup> holes altered).
- Park-like setting on the property created by extensive trees and open space.
- Clubhouse: including board-and-batten siding, shake roof with rectangular cut-outs at planters, brick fireplace and chimney, knotty-pine interior paneling, and lunch counter.
- Driving range (altered) with shed-roof canopy with shake roof.
- Putting green in front of clubhouse.
- Golf ball light standards.

<sup>31</sup> See Agenda Item 8 available at: <https://planning.lacity.org/dcpapi/meetings/document/69385>.

<sup>32</sup> The Staff Report is available at: [https://planning.lacity.org/odocument/5ae20992-41fd-4739-a6b0-66003878f981/CHC-2020-7764-HCM\\_\(4-15-21\).pdf](https://planning.lacity.org/odocument/5ae20992-41fd-4739-a6b0-66003878f981/CHC-2020-7764-HCM_(4-15-21).pdf).

Supplemental Hearing material is available at:

<https://planning.lacity.org/dcpapi/meetings/document/addtldoc/60786>

The meeting audio is available at:

<https://planning.lacity.org/dcpapi/meetings/document/69450>

With the meeting audio for this item available at:

[https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08\\_CHC\\_2020\\_7767.mp3](https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08_CHC_2020_7767.mp3)

<sup>33</sup> The meeting audio for this item is incorporated herein by reference:

[https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08\\_CHC\\_2020\\_7767.mp3](https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08_CHC_2020_7767.mp3)

<sup>34</sup> See pages 27 to 31 of the ARG report included on PDF pages 172-176 of the Staff Report for the April 15, 2021 Cultural Heritage Commission meeting, included as Attachment 3 to this comment letter.

## Response No. ORG 1B-54

This comment largely includes direct text from subsection V, Evaluation of Eligibility, in the 2012 ARG report, which was attached to the referenced Cultural Heritage Commission Staff Report (see Attachment 3 to Comment Letter No. ORG 1B, dated May 10, 2022). The comment also provides a summary of what were evaluated to be the character-defining features of the Weddington Golf and Tennis Club from the 2012 ARG Report, including the golf course.

All evidence presented during the Cultural Heritage Commission meeting was reviewed, and ultimately the City did not concur with the recommendation that the golf course should be identified as a character-defining feature of the Project Site. Further, none of the prior analysis or professional opinions represent an official determination or designation of the Project Site as a historical resource. Therefore, the City reviewed all of the evidence, and determined the historical significance and character-defining features of the Project Site as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. Challenging the prior determination of the City does not constitute evidence that the Draft

EIR is inadequate. As such, no further response is necessary. See also Topical Response No. 6 – Historical Resources.

## Comment No. ORG 1B-55

Evidence that the golf course is a character-defining feature of the historic resource was provided at the meeting of the Cultural Heritage Commission. In the Staff Report for the April 15, 2021 Hearing, the City’s historic resource staff recommended designation of the property as a City Historical Cultural Monument, finding that it met two of the City’s criteria.<sup>35</sup> The Staff Report reads in part:<sup>36</sup>

### FINDINGS

- Weddington Golf and Tennis Club “exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community” **as an excellent example of a 1950s private recreational facility and golf club in Studio City.**
- Weddington Golf and Tennis Club “embodies the distinctive characteristics of a style, type, period, or method of construction” **as an excellent example of a 1950s community golf course.**

### SUMMARY

Weddington Golf and Tennis Club is a private recreational facility located on a triangular lot bounded by Valley Spring Lane to the north, Whitsett Avenue to the east, Valleyheart Drive to the south, and Bellaire Avenue to the west in the Studio City neighborhood of Los Angeles. Sited on the former sheep ranch of San Fernando Valley pioneer Wilson C. Weddington, the golf course was built in 1955 when the Weddington family leased the property to actor and golf professional Joe Kirkwood, Jr. That year, architect William M. Bray (1905-1998) designed a golf shop and clubhouse in the Ranch architectural style that was erected by the Colonial Construction Company. The subject property was largely developed over the next ten years, with the addition of tennis courts in the 1970s, and the site now consists of a golf course, driving range, tennis courts, tennis clubhouse, and golf clubhouse. Operated by the McCallister family from 1958 until 2008, the subject property was called the Studio City Golf and Tennis Club. Since 2008, it has been called the Weddington Golf and Tennis Club.

Formed around 1927, Studio City was conceived as a combined studio, commercial development, and residential subdivision; however, the area remained largely rural until the 1950s. Similar to the rest of Southern California, the San Fernando Valley experienced a dramatic construction and population boom fueled by the increased demand for housing following World War II. Migration to the region was driven by a booming postwar

economy, led by the defense industry that provided thousands of new jobs in aviation. In the development of Studio City and surrounding areas, communities were designed and built to be complete neighborhoods, with schools, churches, shopping centers, and parks located within a close drive of residential streets. Neighborhoods were promoted for their balance of work and recreation opportunities, such as golf courses and tennis courts, that had previously been unavailable to the average middle-class citizen.

The subject property spans approximately 16 acres, and the primary entrance is oriented to the east facing Whitsett Avenue. Much of the property maintains a park-like setting with landscaping and more than 400 mature trees. Most of the trees were planted during or following the development off the golf course, but a row of Eucalyptus trees along Valley Spring Lane predates the course. Golf-related resources are located at the northeastern portion of the site and include a one-story clubhouse; a nine-hole, par three golf course; a 24-stand, 230-yard driving range; and a putting green. The clubhouse is of wood-frame construction with board and batten cladding and has a side-gabled roof with wood shingles and overhanging eaves. The structure sits at an angle facing the northeast corner of the site and is approached by a walkway from the parking lot to the south. The primary entrance is recessed beneath the overhang and consists of aluminum-frame glass doors with flanking full-height sidelites. Interior features include knotty pine paneling, wrought iron light fixtures, and a slab fireplace wall with variegated brick cladding. The interior includes a reception area, a coffee shop and a pro shop. The golf course loops around the property, partially encircling the driving range, and winds back to the clubhouse. A wood, shed-style canopy shelters the northern half of the stands within the driving range, and temporary awnings shelter those on the south end. Eight original light standards, designed in the form of a golf ball set atop a tee, line the fence along the Whitsett Avenue parking lot and provide light to the driving range.

The southeastern corner of the parcel is dedicated for tennis use and includes a small club structure and 16 concrete courts located in staggered rows. The club structure faces west toward the tennis courts and features board and batten cladding and a front-gabled roof with wood shingles. Fenestration consists of aluminum sliding windows, and the entrances consist of single doors with inset panels and a cross-timber detail. There is also a temporary maintenance structure east of the tennis courts at the southern property line, which consists of a fenced yard with a roof.

William M. Bray, architect of the golf clubhouse, practiced architecture in Southern California for over 60 years, with an office located in Encino. Aspects of Bray's residential designs were periodically featured in the Los Angeles Times throughout the 1950s and 1960s. Bray was responsible for

two of the residential designs for the Aladowney Homes subdivision in Downey (1951) and Brighton Hills in Montebello (1961), where he employed the popular Ranch architectural style. He also designed a retirement community in Palm Desert called “Palm City.” In 1994, Bray was awarded a lifetime achievement award from the San Fernando Valley chapter of the American Institute of Architects. His son and business partner, Roger W. Bray, continues the practice today as Bray Architects.

The subject property has experienced several alterations that include an addition to the clubhouse in 1962; the demolition of a maintenance building, construction of a new maintenance building and the construction of an enclosure at the driving range, creating 10 sheltered tees, in 1966; the construction of tennis courts, court fencing and a tennis shop in 1974; the installation of tennis court fencing in 1975; the installation of fencing with lights in 1976; and the demolition of four original tennis courts and a 1966 maintenance structure as part of the construction of a fire station in 2007 at the southern corner (land now owned by the City of Los Angeles). Other alterations noted during the Commission site inspection consist of the reconfiguration of the fifth and sixth holes, ninth tee, and a reduction in the size of the driving range from the original 1958 design.

SurveyLA, the citywide historic resources survey, identified the subject property as individually eligible for listing under the national, state, and local designation programs **as an excellent example of a 1950s private recreational facility/tennis club/golf course in Studio City**. The survey found that the property appears to meet the eligibility standards, but it noted that it was not fully visible from the public right-of-way.

## DISCUSSION

Weddington Golf and Tennis Club meets two of the Historic Cultural Monument criteria.

The subject property “exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community” **as an excellent example of a 1950s private recreational facility and golf club in Studio City**. The suburbanization of the middle class and the boom in home and automobile ownership during the 1950s and 1960s enabled larger populations to live near and access golf courses. The golf course and driving range were developed to provide the growing Studio City community with a publicly accessible facility where visitors of all ages could learn and practice the game of golf. Previously a sport reserved for elites, golf began to attract middle-class suburban players and enjoy popular appeal in the postwar period. The televising of golf tournaments greatly increased the sport’s profile and audience and contributed to its popularization. Facilities

like the subject property opened to the public to serve this growing demand for the sport. In addition, the subject property reflects the value of recreational amenities to the suburban population base in the San Fernando Valley during a significant period of growth.

Furthermore, the subject property “embodies the distinctive characteristics of a style, type, period, or method of construction” **as an excellent example of a 1950s community golf course. It retains many essential characteristics of the small, local community golf courses that became popular nationwide in the 1950s.** As open spaces were rapidly disappearing in light of the increased development of urban and suburban landscapes, the combination of greenery, open spaces, social outlets, and community recreation provided by golf courses were valued throughout the mid-20<sup>th</sup> century. **In addition, the golf course retains associative value with the post-World War II era in the San Fernando Valley: the golf ball-shaped lights are a form of programmatic architecture, a type of roadside attraction contemporaneous with the popularity of car culture, and the clubhouse reflects the Ranch architectural style, the preferred residential forms of the San Fernando Valley during that period.**

While the property has experienced some alterations, they are all related to its **evolution as a community golf course over time. As such, the subject property retains a high level of integrity of location, design, setting, materials, workmanship, feeling, and association to convey its significance.**

Separately, staff recommends that the subject property’s proposed monument name be changed to the “Studio City Golf and Tennis Club,” to reflect the original, historic name with which it was associated for 50 years. (Emphasis added)

<sup>35</sup> The Staff Report is signed by the Planning Director as well as: Ken Bernstein, AICP, Principal City Planning Office of Historic Resources; Shannon Ryan, Senior City Planner, Office of Historic Resources; Lambert M. Giessinger, Preservation Architect, Office of Historic Resources; and Melissa Jones, City Planning Associate, Office of Historic Resources.

<sup>36</sup> Final Determination Staff Recommendation Report, Page 3 -7.

## Response No. ORG 1B-55

The comment restates that the commenter disagrees with the City’s prior determination of the character-defining characteristics of the HCM. The commenter is correct that evidence as to whether or not the golf course is a character-defining feature was provided at the April 15, 2021 meeting of the Cultural Heritage Commission, as part of the discussion of the Project Site as a potential HCM. All evidence presented during the Cultural Heritage Commission meeting was reviewed, and ultimately the City did not

concur with the recommendation that the golf course should be identified as a character-defining feature of the Project Site. Further, none of the prior analysis or professional opinions represent an official determination or designation of the Project Site as a historical resource. Therefore, the City reviewed all of the evidence, and determined the historical significance and character-defining features of the Project Site as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. Challenging the prior determination of the City does not constitute evidence that the Draft EIR is inadequate. As such, no further response is necessary. See also Topical Response No. 6 – Historical Resources.

### **Comment No. ORG 1B-56**

In addition, at the hearing, Jenna Snow, an historic resource consultant meeting the Secretary of the Interior's Professional Standards testified regarding the site's evolution and overall integrity, provided an evaluation of the Project Site as a designed historic landscape,<sup>37</sup> and listed the character-defining features of this "mid-20<sup>th</sup> Century recreational facility" as including the: "club house, putting green, golf ball light standards, lawn, tees, fairways, greens, concrete paths and other landscape details." She noted that: "To separate out the club house, putting green and golf ball light standards from the rest of the property would be artificially separating character-defining features that must be considered as an entire unit."<sup>38</sup>

Eric Van Breene, the Preservation Coordinator for the Los Angeles Conservancy also testified at the hearing stating:<sup>39</sup>

. . . speaking on behalf of the Los Angeles Conservancy, the nomination of Weddington golf course, the property is a cultural landscape developed during the mid-century period and embodies the distinct characteristics of the community golf course at that time. Weddington played a significant role in developing recreational sports for middle-class Angelenos in the San Fernando Valley during a period of suburban growth. The property retains a high degree of integrity with many of its original character defining features still intact.

These character defining features are not limited to the William and Bray design ranch clubhouse, but include fairways with mature plantings, tennis courts, and unique features such as programmatic golf ball light standards. Alterations discussed largely reflect continued use as a community golf course and do not negatively impact the properties eligibility as a historic cultural monument.

<sup>37</sup> With the meeting audio for this item available at: [https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08\\_CHC\\_2020\\_7767.mp3](https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08_CHC_2020_7767.mp3)

<sup>38</sup> Jenna Snow testimony 12:30 to 13:02 of the hearing available at: [https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08\\_CHC\\_2020\\_7767.mp3](https://planning.lacity.org/plndoc/Audio/CHC/2021/04-15-2021/08_CHC_2020_7767.mp3)

<sup>39</sup> Hearing testimony at 1:08:03-1:09:03

## Response No. ORG 1B-56

The comment reasserts that the commenter disagrees with the City’s prior determination of the character-defining features of the HCM. The commenter is correct that evidence as to whether or not the golf course is a character-defining feature was provided at the April 15, 2021 meeting of the Cultural Heritage Commission when reviewing the nomination of the Project Site as a potential HCM. However, none of the prior analysis or professional opinions represent an official determination or designation of the Project Site as a historical resource. Therefore, the City reviewed all of the evidence, and determined the historical significance and character-defining features of the Project Site as identified in the Draft EIR. It is the City’s identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. Challenging the prior determination of the City does not constitute evidence that the Draft EIR is inadequate. As such, no further response is necessary. See also Topical Response No, 6 – Historical Resources.

## Comment No. ORG 1B-57

The DEIR’s conclusions have also been reviewed by Architectural and Historic Consultant Kim Tashman who has a Master’s degree in Historic Preservation-Heritage Conservation from the University of Southern California. A copy of her comment letter on the DEIR is included as **Attachment 4** to this letter. We hereby request responses to Ms. Tashman comments. In her expert opinion:

[T]he analysis is defective because it fails to address the impacts of the project on all of the character-defining features of the site. Per my thesis research, and according to the 2012 Architectural Resources Group Historical Resources Assessment Report (ARG Report) regarding the site, Weddington Golf’s historic and character-defining features include: the 9-hole golf course, the clubhouse, the putting green located in front of the clubhouse, the driving range, the golf ball light standards, and the open green space and park-like setting of the site (including the extensive canopy of mature trees). These features are not adequately nor individually addressed in the DEIR. The DEIR arbitrarily limits its own list of “character defining features” to only the clubhouse, putting green, and golf ball light standards. . . Should the Project go forward as planned, these conveniently excluded historic elements will be either damaged or lost entirely – a significant impact on the site’s historic characteristics.

...

The historic nature of the course’s design is thoroughly documented in my thesis research attached. In removing these terms from the HCM, and ignoring the significance of the golf course itself in the DEIR, the DEIR is

deliberately downplaying or outright denying the historic quality of the course, relegating the defining features of the historic site as irrelevant. As such, the DEIR has failed to accurately assess the impact of the Project on the HCM, a California Register eligible resource, and the site's cultural and historic landscape. It has failed to identify significant and unmitigated impacts of the Project.

### **Response No. ORG 1B-57**

The comment restates that the commenter disagrees with the City's prior determination of the character-defining features of the HCM. The assertion that the golf course is a character-defining feature of the Project Site is the opinion of the commenter and is not part of any official determination or designation of the Project Site as a historical resource. The City reviewed all of the evidence related to the history of the Project Site, and determined the historical significance and character-defining features as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. Challenging the prior determination of the City does not constitute evidence that the Draft EIR is inadequate. As such, no further response is necessary. See also Topical Response No, 6 – Historical Resources.

### **Comment No. ORG 1B-58**

The DEIR states that because the site will retain the historic clubhouse facility, putting green, and golf ball light standards, that there will be no significant cultural or historic losses to the site with the construction of the new facility. This is plainly inaccurate, given that one of the things that makes the site itself historic is the unique nine-hole golf course and driving range facilities, according to a number of experts.

It is only common sense that a significant impact to the historic resource would result from removing the golf course feature from a property, which the City's expert staff has found to historic as both: "as an excellent example of a 1950s private recreational facility and golf club in Studio City"; and "as an excellent example of a 1950s community golf course" which "retains many essential characteristics of the small, local community golf courses that became popular nationwide in the 1950s." Removing the golf course component and any other character-defining features would materially alter, in an adverse manner, those physical characteristics of the historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the local register and/or the California Register of Historical Resources. The Project, as proposed, would remove a number of key character-defining features, including the golf course. The Project would clearly result in significant adverse impacts to a historic resource which is both an HCM and eligible for listing in the California Register of Historical Resources. The DEIR must be revised and recirculated to acknowledge this significant Project impact on an historic resource.

## Response No. ORG 1B-58

See Topical Response No. 6 – Historical Resources. The commenter states that “one of the things that makes the site itself historic is the unique nine-hole golf course and driving facilities, according to a number of experts.” However, none of the prior analysis or professional opinions regarding the historic significance or character-defining features represent an official determination or designation of the Project Site as a historical resource. The analysis contained in the Draft EIR also noted several other nine-hole golf courses and driving facilities in the area. Therefore, the City reviewed all of the evidence, and determined the historical significance and character-defining features of the Project Site as identified in the Draft EIR. It is the City’s identification of the character-defining features of the Project Site that appropriately provide the basis for the analysis in the Draft EIR.

The commenter therefore incorrectly states that the Project “would remove a number of key character-defining features, including the golf course.” As identified in the Draft EIR, the Project would retain the character-defining features of the Project Site, including maintaining its historic use as a recreational facility that is open for public use; and retaining and rehabilitating the clubhouse, golf ball-shaped light standards, putting green, and brick wall with weeping mortar. The City Cultural Heritage Ordinance requires compliance with the Secretary of the Interior’s Standards (the “Standards”) for properties that are designated HCMs (Los Angeles Administrative Code, Section 22.171.14). According to guidance from the National Park Service, “a project meets the Standards when the overall effect of all work is consistent with the property’s historic character.”<sup>14</sup> Determination that a Project meets the Standards is based on the cumulative effect of all the proposed work in the context of the specific existing conditions. The Project has been Designed to comply with the Standards; see Topical Response No. 6 – Historical Resources, for further discussion of the Project’s compliance with the Standards. The Draft EIR finds that the Project overall is consistent with the Standards, based on an evaluation of the cumulative effect of the proposed work in the context of the specific features that contribute to the Project Site’s significance as a 1950s recreational facility. Therefore, the Draft EIR correctly identifies that the Project would not result in a substantial adverse change in the significance of a historical resource on the Project Site.

## Comment No. ORG 1B-59

The DEIR includes three PDF which are in fact typical historic resource mitigation measures. The DEIR authors have inappropriately considered these PDFs prior to making impact judgements. The three PDFs are: (1) requirements for a Rehabilitation Plan to ensure that rehabilitation of just the clubhouse, putting green, and low brick wall with weeping mortar complies with the Secretary of the Interiors Standards for Rehabilitation (Secretary’s Standards); (2) a requirement for preparation of Historic

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<sup>14</sup> U.S. Department of the Interior, National Park Service, “Technical Preservation Services: Cumulative Effect and Historic Character,” <https://www.nps.gov/tps/standards/applying-rehabilitation/cumulative-effect.htm> (accessed February 2022).

American Buildings Survey (HABS) Level III documentation; and (3) a requirement for the preparation of an interpretation of the history of the Project Site to be housed on-site. However, even if the DEIR had correctly identified significant Project historic resource impacts, and these PDFs had been properly identified as mitigation measures, they would not be sufficient to fully mitigate Project historic resource impacts associated with the substantial proposed modification of the Project site. The requirement for treatment consistent with the Secretary's Standards only applies to three of the character-defining features of the Project Site. It therefore would not fully mitigate Project impacts. As noted by the court in *Architectural Heritage Association v. County of Monterey* (19 Cal. Rptr. 3d 469): "As drawing a chalk mark around a dead body is not mitigation, so archival documentation cannot normally reduce destruction of an historic resource to an insignificant level." The documentation PDF, even if it were a mitigation measure, thus would not fully mitigate Project impacts. The same is true of the requirement for an interpretive display (see *League for Protection v. City of Oakland*, 52 Cal.App.4th 896). As proposed, the Project would result in significant unmitigated Project impacts. The DEIR must be revised and recirculated for public review and comment pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4).

## **Response No. ORG 1B-59**

The comment contends that the PDFs included in Section IV.D, *Cultural Resources*, of the Draft EIR should have been mitigation measures and that these features do not fully mitigate Project impacts. As to the use of PDFs, see Response Nos. ORG 1B-8, ORG 1B-22, ORG 1B-23 (regarding the general use of PDFs), and ORG 1B-26 and ORG 1B-27 (regarding the specific PDFs for cultural resources).

See Topical Response No. 6 – Historical Resources. The Project as designed would comply with the Standards and would retain all of the character-defining features of the Studio City Golf and Tennis Club as identified by the City. Therefore, the Draft EIR correctly identifies that there would be no significant impacts to historical resources on the Project Site as a result of the Project, and no mitigation measures specific to historical resources are required. The PDFs referenced by the commenter were incorporated in recognition of the historic significance of the Project Site, and to reinforce the School's commitment to the history of the Project Site and understanding of City requirements regarding the typical design development and permitting process for designated HCMs. As to the assertion that the PDFs incorporated into the Project related to cultural resources should be analyzed as mitigation measures, see Response Nos. ORG 1B-26 and ORG B1-27 which explain that, (i) these are appropriate PDFs which ensure that the Project would not result in a substantial adverse change in the significance of a historical resource and (ii) the cases cited in the comment are not applicable to the Project. The comment also states that PDFs are insufficient to ensure that the Project would not have a significant impact on the cultural resources within the Project Site. This issue is fully analyzed in Section IV.D, *Cultural Resources*, pages IV.D-27 through IV.D-34 of the Draft EIR and in Appendix E-1, Historical Resources Technical Report for 4141 N. Whitsett Avenue, Studio City, pages 66 through 77 (PDF pages 70 through 81 of 176 of Appendix E). No substantial evidence is presented

in the comment to support the contention that the Draft EIR incorrectly concluded that the Project would not result in a significant impact to the character-defining features of the designated HCM.

Based on the above, the comment does not provide substantial evidence of significant new information showing that there is a new significant impact, of an increase in the severity of an impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and recirculation of the Draft EIR is not necessary.

## **Comment No. ORG 1B-60**

### **4.4 Failure to Identify Significant Greenhouse Gas Impacts.**

The DEIR's analysis of Project Greenhouse Gas ("GHG") emissions underestimates Project GHG impacts for a number of reasons. First, the analysis fails to account for the GHG emissions from removing existing turf and soil from the site. This will both release sequestered carbon and result in the loss of turf-related carbon sequestration as existing turf is removed, disposed of and replaced with artificial turf.

Recent studies have shown that both home of [sic] golf course turf results in net carbon sequestration:

The Colorado Carbon Project, a collaborative effort among Colorado State University, the USDA and the Rocky Mountain Golf Course Superintendents Association and other entities, suggests that if the average fairway is 1.7 acres, then a single fairway will sequester .75 tons of carbon per year, which is equivalent of driving 6,500 miles with the average car. In addition, putting greens have the potential to sequester .40 tons of carbon per acre per year.

<sup>40</sup> <https://www.golfcourseindustry.com/article/gci-0310-golf-carbon-sequestration/>

## **Response No. ORG 1B-60**

The comment states that the analysis underestimates GHG impacts from the Project and did not account for the removal of the existing turf and soil from the Project Site. Section IV.G, *Greenhouse Gas Emissions*, addresses GHG emissions from the construction and operation of the Project, which includes the construction activities and equipment necessary to remove the existing turf. As analyzed, the Project would be consistent with applicable plans, policies, and regulations adopted to reduce GHG emissions and impacts would be less than significant. The loss of carbon sequestration due to the removal of the existing golf course and driving range was not calculated in the Draft EIR because it would be negligible. As stated in the CalEEMod user's guide, CalEEMod "assumes the IPCC active growing period of 20 years. Thereafter, the accumulation of carbon in biomass slows with age, and will be completely offset by losses

from clipping, pruning, and occasional death.”<sup>15</sup> Thus, an existing golf course with mature vegetation does not generate any substantial net carbon sequestration.

As stated in Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 inventoried on- and off-site trees (four of which are deemed dead and, therefore, excluded from mitigation requirements), and plant 393 trees, resulting in a net increase of 153 trees beyond existing conditions (or a 36 percent increase); provide approximately 5.4 acres (235,224 square feet) of publicly-accessible open space and landscaped pedestrian pathways connecting via an ADA-compliant pedestrian ramp to the adjacent Zev Yaroslavsky Los Angeles River Greenway, and on-site landscaped areas. This new vegetation would be available as growing vegetation and contribute to a net increase in carbon sequestration. Although the Project results in vegetation removal, this loss would not be permanent due to the replanting of RIO-compliant and/or native trees once completed. Research by the University of Florida determined that highly maintained lawns sequester much less carbon than more natural areas requiring little maintenance and that lawn sequestered much less carbon than trees.<sup>16</sup> Additionally, the referenced article stated that if the average fairway is 1.7 acres, then a single fairway will sequester 0.75 tons of carbon per year, while one acre of trees will store 2.5 tons of carbon per year.<sup>17</sup> Thus, the Project would actually increase, not decrease, the carbon sequestration, resulting in a net increase in sequestration of CO<sub>2</sub> emissions. Reduced carbon sequestration through the installation of artificial turf would be offset by the net increase in overall RIO-compliant trees and the planting of native landscaping throughout the Project Site. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy after nearly 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

### **Comment No. ORG 1B-61**

Agricultural Research Service soil scientists have similarly found that golf course turf serves to sequester carbon:

Agricultural Research Service soil scientist Ronald F. Follett and Colorado State University researcher Yaling Qian have studied soil records from 16 Denver-area golf courses. Follett says they found that carbon sequestration in the soil under turf- grass occurred at a “significant rate that is comparable to the carbon sequestration rate reported from U.S. land that has been

<sup>15</sup> California Air Pollution Control Officers Association, California Emissions Estimator Model, User’s Guide, Appendix A, page 60, October 2017.

<sup>16</sup> Hostetler, M & Escobedo F., 2019. What Types of Urban Greenspace are Better for Carbon Dioxide Sequestration? University of Florida, Department of Wildlife Ecology and Conservation, UF/IFAS Extension. February 24. Available: <https://edis.ifas.ufl.edu/publication/UW324>, Accessed June 2022.

<sup>17</sup> Carbon Pirates, 2019. How much Carbon does on Tree absorb?, August 24. Available: <https://www.carbonpirates.com/blog/how-much-carbon-do-trees-absorb/>. Accessed June 2022.

placed in the Conservation Reserve Program.” That voluntary program, run by USDA’s Farm Service Agency, pays agricultural landowners to “establish long-term, resource-conserving covers on eligible farmland,” which helps trap carbon.

Follett explains that golf course managers generally keep excellent soil records; some of the records used for this research go back 45 years. The scientists found that carbon sequestration lasts for up to 31 years in fairways and 45 years in greens, after which the rates slow or become negligible.

<sup>41</sup> <https://agresearchmag.ars.usda.gov/AR/archive/2003/Jun/golf0603.pdf>

### **Response No. ORG 1B-61**

The comment restates that golf course turf sequesters carbon. However, as discussed in Response No. ORG 1B-60, the Project would result in a net increase of 153 trees beyond existing conditions (or a 36 percent increase) and would have a net environmentally beneficial effect on carbon sequestration. Regardless, according to the Follett citation offered by the commenter, carbon sequestration by the existing golf course and driving range would have “slow[ed] or become negligible” in the early 2000s (given that the course and range became operational in the late 1950s).

### **Comment No. ORG 1B-62**

The DEIR’s GHG analysis needs to account for the loss of carbon sequestration from the turf and the release of sequestered carbon as the removed turf rots. The DEIR’s GHG analysis also needs to account for carbon release from the large volume of soil to be removed from the Project Site. As noted by the United States Department of Agriculture’s Natural Resources Conservation Service:

It is also important to limit soil disturbance because research has shown that large amounts of carbon dioxide are released when the soil is disturbed. The greater the volume of soil disturbed, the greater the carbon lost from the soil.<sup>42</sup>

<sup>42</sup> <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/pa/soils/health/?cid=nrcseprd1201408>

### **Response No. ORG 1B-62**

The comment restates the prior comments on carbon sequestration and states that carbon release from the removed turf must be analyzed, including as it rots following removal. See Response No. ORG 1B-60 for a detailed discussion of carbon sequestration for the Project. With regard to the referenced article, this is an article about farming soils (not urban parks) and managing humus (soil with high organic matter content) in soils by

managing carbon, which feeds soil organisms through the living roots of plants.<sup>18</sup> The article states that “[t]he below-ground part of the plant is probably more important than the above-ground part for increasing humus content. Therefore, it is important to have living roots in the soil year-round...”<sup>19</sup> As discussed in Response No. ORG 1B-60, the Project would result in a net increase of 153 trees beyond existing conditions (or a 36 percent increase) and would have a net environmentally beneficial effect on carbon sequestration. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy after nearly 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. With respect to sequestered carbon as the removed turf rots, this source of carbon is not an anthropogenic (human-made) emission. According to the USEPA, “carbon dioxide is naturally present in the atmosphere as part of the Earth’s carbon cycle (the natural circulation of carbon among the atmosphere, oceans, soil, plants, and animals).”<sup>20</sup> CalEEMod recognizes that “the accumulation of carbon in biomass slows with age, and will be completely offset by losses from clipping, pruning, and occasional death.”<sup>21</sup> Thus, an existing golf course with mature vegetation does not generate any substantial net carbon sequestration. No additional analysis on carbon sequestration is required.

### **Comment No. ORG 1B-63**

The DEIR’s analysis has failed to account for the GHG impacts of turf and soil removal. The analysis also contains a number of errors as documented by the environmental consulting firm, SWAPE.

As detailed in the letter from SWAPE included in **Attachment 1**, and quoted or paraphrased herein, there are a number of problems with the GHG analysis in the DEIR. SWAPEs full comments need to be addressed in the responses to comments and revised DEIR.

### **Response No. ORG 1B-63**

The comment restates the contention that the GHG analysis is inadequate for failure to analyze impacts of turf and soil removal and from other unspecified errors. See Response Nos. ORG 1B-60 through ORG 1B-62 for a detailed discussion of why the analysis did not need to account for carbon sequestration for the Project. All comments in the SWAPE

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<sup>18</sup> USDA. Manage Carbon. Available: <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/pa/soils/health/?cid=nrcseprd1201408>. Accessed June 2022.

<sup>19</sup> USDA. Manage Carbon. Available: <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/pa/soils/health/?cid=nrcseprd1201408>. Accessed June 2022.

<sup>20</sup> USEPA, Overview of Greenhouse Gases. Available: <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>. Accessed June 2022.

<sup>21</sup> California Air Pollution Control Officers Association, California Emissions Estimator Model, User’s Guide, Appendix A, page 60, October 2017.

letter, included as Attachment 1, have been responded to in Response Nos. ORG 1B-115 through 1B-137. However, the Draft EIR does not require revisions related to carbon sequestration as discussed in Response Nos. ORG 1B-60 through ORG 1B-62.

### **Comment No. ORG 1B-64**

According to SWAPE, the DEIR estimates that the Project would generate net annual greenhouse gas (“GHG”) emissions of 1,533- and 2,226-metric tons of carbon dioxide equivalents per year (“MT CO<sub>2</sub>e/year”) with and without GHG reduction measures, respectively (see p. IV.G-53, Table IV.G-7). However, the DEIR elects not to apply a quantitative GHG threshold. Instead, the DEIR concludes a less- than-significant GHG impact based on “the Project’s compliance with performance-based standards included in the regulations outlined in the applicable portions of CARB’s Climate Change Scoping Plan, the 2020-2045 Regional Transportation Plan/Sustainable Communities Plan (“RTP/SCS”), City’s Green New Deal, and the Los Angeles Green Building Code” (p. IV.G-40). However, the DEIR’s analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for five reasons:

- (1) The DEIR’s quantitative GHG analysis relies upon an incorrect and unsubstantiated air model;
- (2) The DEIR fails to indicate a potentially significant GHG impact;
- (3) The DEIR should incorporate PDFs as formal mitigation measures, not PDFs;
- (4) The DEIR fails to consider the performance-based standards under CARB’s Scoping Plan; and
- (5) The DEIR fails to consider the performance-based standards under SCAG’s RTP/SCS.

### **Response No. ORG 1B-64**

The comment states that the GHG analysis is defective due to the air model used, failure to include unspecified significant impacts, use of PDFs instead of mitigation measures, and not using performance-based standards. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. The modeling used for GHG emissions consists of the CalEEMod model, which was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts<sup>22</sup>. The model uses regional data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) provided by the various California air districts to account for local requirements and condition and is considered to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California by lead agencies. The CARB on-road vehicle

<sup>22</sup> SCAQMD website, <http://www.aqmd.gov/caleemod/home>. Accessed August 16, 2022.

emissions factor (EMFAC) model was used for mobile source emissions to account for variability in day-to-day construction vehicle miles traveled.

As discussed on page IV.G-38, In Section IV.G, *Greenhouse Gas Emissions*, under the heading Thresholds of Significance in the Draft EIR, CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. Although GHG emissions were quantified for the Project, CARB, SCAQMD, and the City have not adopted quantitative project-level significance thresholds for GHG emissions that would be applicable to the Project. Therefore, in the absence of any adopted quantitative thresholds of general application, the City, as Lead Agency, has determined that the Project's GHG emissions would not be considerable and would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB's Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code consistent with CEQA Guidelines Sections 15064.4(b)(2). Since the Project was not in conflict with these applicable regulatory plans to reduce GHG emissions, Project impacts are less than significant. In addition, support for this threshold is found in California Supreme Court case law, such as *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife and Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.).

Table IV.G-7, *Estimated Operational Greenhouse Gas Emissions – Project*, on page IV.G-53 of the Draft EIR, provides the Project's estimated GHG emissions with and without implementation of GHG reduction characteristics, features, and measures. This comparison is provided to evaluate the Project's efficiency with respect to GHG emissions but is not the threshold of significance used for the impact analysis. The analysis assumes the Project without implementation of GHG reduction characteristics, features, and measures would incorporate the same land uses and building square footage as the Project. Furthermore, this analysis is consistent with the most current regulatory policies and GHG quantification methods; however, the scientific, regulatory environment regarding GHG reduction and CEQA approaches for GHG analysis are constantly evolving and would continue to do so into the future. Although the quantification of GHG emissions was not measured against a significance threshold because none have been adopted that are applicable to the Project, it nevertheless provides the extent to which the Project would increase GHG as compared to the existing environmental setting. In addition, as the Project does not result in a significant GHG impact based on the established qualitative threshold above, mitigation measures are not required and the GHG reduction characteristics, features, and measures are more appropriately assigned as PDFs.

For all the reasons described in the prior responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-28 for further discussion of the Draft EIR's use of PDFs as related to GHG emissions.

In addition, the compliance of the Project with performance-based standards under CARB's Scoping Plan and SCAG's RTP/SCS are discussed in Table 1, *Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies* and Table 2, *Comparison of Project Characteristics with Applicable SCAG 2016-2040 RTP/SCS and 2020-2045 RTP/SCS Actions and Strategies*, which are provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR (PDF pages 39 through 50 of 437). As explained in Tables 1 and 2, regarding the performance-based standards under CARB's Scoping Plan and SCAG's RTP/SCS, as required under SB 375, the CARB is required to update regional GHG emissions targets every 8 years, which have been updated in 2018. As part of the 2018 updates, the CARB adopted a passenger vehicle related GHG reduction of 19 percent per capita for 2035 for the SCAG region. The Project would be consistent with SB 375 as it would be an infill development with various transit options. In addition, the Project would implement a shuttle system between the School's Upper Campus and the Project Site whenever there are School activities underway at the Project Site. The local and regional bus line services and the implementation of the shuttle system would encourage efficient transportation and reduce VMT associated with the Project. In addition, although the Project is not required to provide any bicycle parking spaces per the LAMC, the Project would also provide up to 100 on-site bicycle parking spaces. The Project would provide spectators, visitors, students and employees with the ability to access nearby public transit and opportunities for walking and biking, which would facilitate a reduction in VMT and related vehicular GHG emissions. Evidence of the Project's less-than-significant impact is provided in Table IV.G-7 of the Draft EIR, where mobile source GHG emissions associated with the Project are reduced by approximately 31 percent compared to a project without implementation of GHG reduction characteristics, features, and measures. By locating the Project in an urban infill location, which is a GHG reduction strategy supported in the CARB 2017 Climate Change Scoping Plan, VMT from Project users would be reduced, which results in the 31 percent reduction in mobile source GHG emissions and, as shown in Table 2 (referenced above) would exceed the SCAG region-wide reduction goals in SB 375. As such, the Project would not conflict with the 2020-2045 RTP/SCS goal of reducing daily VMT per capita and providing local community serving uses in infill locations. Therefore, as discussed, the Project would comply with the performance-based standards under CARB's Scoping Plan and SCAG's RTP/SCS. Therefore, the analysis, as presented in the Draft EIR, provides correct and substantiated quantitative GHG analyses and modeling; provides correct and substantiated GHG impact determinations; appropriately incorporates PDFs; considers performance-based standards under CARB's Scoping Plan; and considers the performance-based standards under SCAG's RTP/SCS. Revisions to the Draft EIR are not required.

### **Comment No. ORG 1B-65**

As detailed in **Attachment 1**, in an effort to quantitatively evaluate the Project's GHG emissions, SWAPE compared the Project's GHG emissions, as estimated by the DEIR, to the SCAQMD 2035 service population ("SP") efficiency target of 3.0 MT CO<sub>2</sub>e/SP/year, which was calculated by applying a 40% reduction to the 2020 targets. When dividing the

Project's net annual GHG emissions, as estimated by the DEIR, by a SP of 100 people, SWAPE found that the Project would emit approximately 15.5 MT CO<sub>2</sub>e/SP/year. When applying this threshold, the Project's incorrect and unsubstantiated air model indicates a potentially significant GHG impact.

### **Response No. ORG 1B-65**

The comment states that the Draft EIR's quantitative GHG emissions analysis is incorrect. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Please refer to Response No. ORG 1B-64 for a discussion on the appropriate use of the qualitative significance threshold where it was determined that the Project's GHG emissions would not be considerable and therefore would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB's Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code, rather than any service population or quantitative threshold. In addition, please refer to Response No. ORG 1B-64 for a discussion on the validity and applicability of the CalEEMod model used to assess the Project's GHG emissions.

The calculation provided in the comment regarding a service population of 100 people and per service population GHG emissions is not meaningful and lacks any substantial evidence as to its applicability to the Project. It is not known how the commenter arrived at a service population of 100 people. It is presumed that the commenter is referencing information in Chapter 2, *Project Description*, of the Draft EIR, which states that "[o]n days in which high attendance events do take place (i.e., greater than 300 spectators and participants) there would be a maximum of approximately 100 employees." However, using a population of 100 people in a GHG calculation is faulty and problematic as it excludes other people that would be traveling to and from the Project Site and using the Project Site amenities including students, parents, and other visitors not affiliated with the School, but nonetheless included in the Project's calculation of GHG emissions. Similar comments were raised to the SCAQMD regarding the problematic nature of per service population thresholds and how such potential thresholds would be infeasible for many commercial projects that serve non-resident and non-employee customers.<sup>23</sup> The SCAQMD did not provide a formal response to the comment and, as has been previously discussed, the SCAQMD has never adopted nor formally recommended a quantitative GHG emissions threshold for land use development project, such as this Project. Given the faulty and problematic nature of per service population thresholds, the City has determined that a per service population threshold is not appropriate for this Project.

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<sup>23</sup> SCAQMD, Greenhouse Gases (GHG), CEQA Significance Thresholds, GHG Meeting 15 Comment Letter. Available: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-comment-letter.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-comment-letter.pdf?sfvrsn=2). Accessed June 2022.

All comments in the SWAPE letter, included as Attachment 1 to Comment Letter No. ORG 1B, dated May 10, 2022, have been responded to in Response Nos. ORG 1B-115 through 1B-137.

### **Comment No. ORG 1B-66**

Additionally, according to SWAPE, the CalEEMod output files demonstrates that the “Harvard Westlake – Operations” model includes a manual reduction to the default CO<sub>2</sub> intensity factor (Appendix C, pp. 279, 291, 388, 403). This unsubstantiated reduction presents an issue, as CalEEMod uses the CO<sub>2</sub> intensity factor to calculate the Project’s greenhouse gas (“GHG”) emissions associated with electricity use. Thus, by including an unsubstantiated reduction to the default CO<sub>2</sub> intensity factor, the model may underestimate the Project’s GHG emissions and should not be relied upon to determine Project significance.

### **Response No. ORG 1B-66**

This comment states that the modeling files for the Project include unsubstantiated reductions to the default factors. Contrary to the comment, the adjustment made to the CO<sub>2</sub> intensity factors in the CalEEMod modeling are justified. First, the CO<sub>2</sub> was adjusted based on the Los Angeles Department of Water and Power (LADWP) 2017 Power Strategic Long-Term Resource Plan in which LADWP provided a carbon dioxide equivalent (CO<sub>2</sub>) intensity value for the LADWP’s own generation power electricity of 834 lbs CO<sub>2</sub>/MWh which converts to 0.378 million tons (MT) CO<sub>2</sub>e/MWh for year 2016. Furthermore, the power content label for SCE for 2016, which was used to establish the baseline CO<sub>2</sub>e intensity value, states that the SCE power mix came from 29 percent renewable sources for year 2017, meaning the base CO<sub>2</sub> intensity value for electricity with no renewables would be 1,174.65 pounds (lbs) CO<sub>2</sub>/MWh. Therefore, using linear projection based on SB 100, renewable energy procurement requirements for retail sellers and local publicly owned electric utilities renewable procurement requirements of 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, the projected 2025 renewables for year 2025 was 46.67 percent and would correspond to a CO<sub>2</sub> intensity factor of 626.48 lbs CO<sub>2</sub>/MWh.

For these reasons, the adjusted CO<sub>2</sub> intensity factors used to calculate the Project’s GHG emissions associated with electricity use are substantiated and accurately estimate the Project’s GHG emissions. Therefore, revisions to the Draft EIR are not required.

### **Comment No. ORG 1B-67**

Given the errors in the GHG analysis in the DEIR, the analysis and DEIR must be revised and recirculated for public review and comment pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4).

## Response No. ORG 1B-67

The comment restates that errors in the GHG analysis require revision and recirculation. The Draft EIR fully and accurately addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Refer to Response Nos. ORG 1B-64 through 1B-66 for a discussion on the validity and applicability of the CalEEMod model used to assess the Project's GHG emissions; the appropriate use of the qualitative significance threshold where it was determined that the Project's GHG emissions would not be considerable, and therefore, would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB's Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code, rather than any service population or quantitative threshold; the appropriateness in assigned GHG reduction characteristics, features, and measures as PDFs since the Project does not have significant GHG impacts; the compliance of the Project with the performance-based standards under CARB's Scoping Plan and SCAG's RTP/SCS; and substantiated the adjustments to the CO<sub>2</sub> intensity factors used to calculate the Project's GHG emissions associated with electricity use. Therefore, the analysis, as presented in the Draft EIR, provides correct and substantiated quantitative GHG analyses and modeling; provides correct and substantiated GHG impact determinations; appropriately incorporates PDFs; considers performance-based standards under CARB's Scoping Plan; and consider the performance-based standards under SCAG's RTP/SCS.

Based on the above, the comment does not provide substantial evidence of significant new information showing that there is a new significant impact, of an increase in the severity of an impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and recirculation of the Draft EIR is not necessary.

## Comment No. ORG 1B-68

### **4.5 Deficiencies in the Discussion of Hazardous Materials, Health, Water Quality and Waste Management Impacts – Artificial Turf**

The analysis of the hazards posed by the proposed Project's artificial turf in the DEIR oversells the safety of such turf and fails to adequately disclose the health unknowns of artificial turf. The most pertinent concern, echoed by many scientists and advocates, is that researchers don't know much about the safety of artificial turf crumb rubber. In 2008 researchers from Robert Wood Johnson Medical School put it like this:

Neither systematic testing nor post-test evaluation has been performed on the composition and fate of either the turf or the filler. Is the crumb rubber contaminated with metals as it comes from ground up used tires that have been in contact with many road- ways and dirt surfaces; what is the surface

temperature of the artificial turf as the crumb rubber is black and will absorb more heat than a grass surface; how are the fields safely disposed of once they exceed their usable lifetime; and what happens to the rubber material that does not stay attached to the turf as it becomes mobilized and is released into the environment or becomes attached to the skin and clothing of the users? Numerous mothers have told us that this crumb rubber comes home with the child and is distributed around the house. Furthermore, there are now residential uses of turf with and without “in fill” marketed in many colors with unspecified coloring agents. Is the rubber and turf safe? (J. Expo. Sci. Environ. Epidemiol. 2008;18:533–4; doi:10/1038/jes.2008.56)

As noted in Journal of National Cancer Institute (JNCI), 2016, Vol. 108, No. 12:<sup>43</sup>

Griffin’s concern is that the way scientists have been testing the safety of artificial turf may not reflect the way some soccer players interact with the material. She has seen blood cancers mostly in soccer players who were goalkeepers. They dive into the turf, often breathing only inches away from it, and end up ingesting much more of the substance orally than the average player. That’s not the sort of interaction researchers tend to investigate.

Despite widespread adoption of the crumb rubber–filled synthetic turf (the U.S. has some 12,000 such fields now), no epidemiological studies have examined populations with experience playing [*sic*] on such fields. Nor have researchers conducted animal testing on rubber fill, in which mammals are directly exposed to the substance for long periods and researchers examine the effects.

Andrew Watterson, Ph.D., professor of health and director of the Centre for Public Health and Population Health Research at Scotland’s University of Stirling, has found cancer-causing chemicals in crumb samples from artificial soccer fields. He argues that the problem is just that so little is known about such a potentially dangerous substance.

“The surprising thing to me is that the health issues were not checked out much earlier—bearing in mind how long such pitches have been around and how many millions of people, especially children, use the surfaces worldwide—and we still don’t know what, if any, health risks there are from widely recognized carcinogenic substances used in crumb rubber and what uptake rather than simply exposure there is,” Watterson said. “It would have been in both government and industry interests to have sorted this [out] a long time ago.”

Tania Bush Isaksen, Ph.D., M.P.H., lecturer in the department of environmental and occupational health sciences at UW’s School of Public Health, is investigating cancer rates among athletes across Washington State. What she’s working on won’t tell whether artificial turf causes cancer, but “it’ll [tell] us if these rates are higher than we should expect.”

The Environmental Protection Agency, the Consumer Product Safety Commission, and the Center for Disease Control and Prevention also are studying the issue.

<sup>43</sup> Artificial Turf and Cancer Risk by Daniel Luzer available at starting on page 2: <https://academic.oup.com/jnci/article/108/12/djw311/2706944>

## Response No. ORG 1B-68

The comment states that the Draft EIR underestimates the impacts of the use of artificial turf. See Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project’s use of artificial turf fields. Also, please refer to Response Nos. ORG 8-5, ORG 8-6 and ORG 8-11 regarding testing of FieldTurf samples and additional information related to impacts associated with artificial turf. The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand, emissions, and avoiding the use of pesticides associated with the turf grass. Annually lawns consume nearly 3 trillion gallons of water a year, 200 million gallons of gas for mowing and 70 million pounds of pesticides in the U.S.<sup>24</sup>

In regard to the article about artificial turf crumb rubber, Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of crumb rubber and artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant. Refer to Table IV.H-2 on page IV.H-41 of the Draft EIR, for a summary of the major findings from the health studies discussed in Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR regarding the use of crumb rubber and artificial turf. Also, refer to Topical Response No. 7 for additional details regarding the Project’s health-related impacts associated with artificial turf.

With respect to the article mentioned by the commenter regarding coach Griffin and cancer in soccer players in Washington State, the Washington State Department of Health investigated this topic in a report titled *Investigation of Reported Cancer among Soccer Players in Washington State*<sup>25</sup>, which found “less cancer among the soccer players, select and premier players, and goalkeepers on the coach’s list than expected based on rates of cancer among Washington residents of the same ages. In addition, the currently available research on the health effects of artificial turf does not suggest that artificial turf presents

<sup>24</sup> Talbot, M., 2016. *More Sustainable (and Beautiful) Alternatives to a Grass Lawn*. Available: More Sustainable (and Beautiful) Alternatives to a Grass Lawn | NRDC. Accessed July 28, 2022.

<sup>25</sup> Washington State Department of Health, 2017. *Investigation of Reported Cancer among Soccer Players in Washington State*, April. Available: <https://doh.wa.gov/sites/default/files/legacy/Documents/Pubs//210-091.pdf?uid=62a24798bd6dc>. Accessed June 2022.

a significant public health risk. The Washington State Department of Health recommends that people who enjoy soccer continue to play irrespective of the type of field surface.”

Furthermore, a recent Dutch National Institute for Public Health and Environment, *Evaluation of health risk of playing sports on synthetic turf pitches with rubber granulate*<sup>26</sup>, concluded that no indications were found in the available literature of a link between playing sports on synthetic turf pitches with an infill of rubber granulate and the incidence of leukemia and lymphoma. A health risk assessment was conducted which concluded that for polycyclic aromatic hydrocarbons (PAHs), the additional cancer risk is 2.2-3.0 per million for someone who has been a goalkeeper from ages 7 to 50. This additional cancer risk is virtually negligible.<sup>27</sup>

Therefore, the analysis of the hazards posed by the proposed Project’s artificial turf, which contains crumb rubber, in the Draft EIR does not oversell the safety of such turf and adequately discloses the potential for health impacts from exposure to artificial turf materials.

### **Comment No. ORG 1B-69**

The USEPA is currently conducting research on recycled tire crumb used in artificial turf on playing fields. As noted by the EPA:<sup>44</sup>

Concerns have been raised by the public about the potential health risks from playing on synthetic turf fields in the U.S. containing tire crumb rubber. Studies to date have not shown an elevated health risk from playing on fields with tire crumb rubber, but the existing studies have been limited.

To help address these concerns, the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (CDC/ATSDR) and the U.S. Environmental Protection Agency (EPA), in collaboration with the Consumer Product Safety Commission (CPSC), launched a multi-agency research effort in February 2016.

This multi-agency research effort, known as the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds (FRAP), is focused on assessing potential human exposure, which includes conducting research activities to characterize the chemicals associated with tire crumb rubber and to identify the ways in which people may be exposed to those chemicals based on their activities on synthetic turf fields. Also, the FRAP includes characterizing emissions and bioaccessibility to differentiate what is present in the tire crumb rubber from what people may actually be exposed to from tire crumb rubber. . .

<sup>26</sup> National Institute for Public Health and the Environment *Ministry of Health, Welfare and Sport, 2017. Evaluation of health risk of playing sports on synthetic turf pitches with rubber granulate, Scientific background document*. Available: <https://www.rivm.nl/bibliotheek/rapporten/2017-0017.pdf>. Accessed June 2022.

<sup>27</sup> It is much smaller than the so-called maximum permissible risk ( $1 \times 10^{-4}$ ) and is slightly higher than the negligible risk ( $1 \times 10^{-6}$ , the *de minimis* risk).

The study has four parts:

- Literature Review/Gap Analysis (EPA and CDC/ATSDR)
- Recycled Tire Crumb Characterization (EPA and CDC/ATSDR)
- Exposure Characterization Study (EPA and CDC/ATSDR)
- Playground Study (Consumer Product Safety Commission)

<sup>44</sup> <https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields>

## Response No. ORG 1B-69

The comment does not raise any issues as to the adequacy of the Draft EIR and instead refers to concerns regarding recycled tire crumb rubber in artificial turf. Nonetheless, see Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related effects due to the Project's use of artificial turf fields. The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant.

Additionally, Part one of the FRAP study, published in July 2019<sup>28</sup>, states that it is not a risk assessment and that its goal is to characterize potential human exposures to the substances associated with recycled tire crumb rubber used in synthetic fields. The report collected tire crumb rubber samples from nine tire recycling facilities and 40 synthetic turf fields, both indoors and outdoors, across the United States. Lab analyses were conducted to measure the physical, chemical, and microbiological characteristics of tire crumb rubber material. Results of the analysis indicate:<sup>29</sup>

- Emissions of most semi-volatile organic compounds (SVOCs) and many volatile organic compounds (VOCs) were low when tested at 25 degrees Celsius (77

<sup>28</sup> United States Environmental Protection Agency, 2019. Synthetic Turf Field Recycled Tire Crumb Rubber Research Under the Federal Research Action Plan, Final Report Part 1 – Tire Crumb Rubber Characterization Volume 1, July 25. Available: [https://www.epa.gov/sites/default/files/2019-08/documents/synthetic\\_turf\\_field\\_recycled\\_tire\\_crumb\\_rubber\\_research\\_under\\_the\\_federal\\_research\\_action\\_plan\\_final\\_report\\_part\\_1\\_volume\\_1.pdf](https://www.epa.gov/sites/default/files/2019-08/documents/synthetic_turf_field_recycled_tire_crumb_rubber_research_under_the_federal_research_action_plan_final_report_part_1_volume_1.pdf). Accessed June 2022.

<sup>29</sup> United States Environmental Protection Agency, 2019. Synthetic Turf Field Recycled Tire Crumb Rubber Research Under the Federal Research Action Plan, Final Report Part 1 – Tire Crumb Rubber Characterization Volume 1, July 25. Available: [https://www.epa.gov/sites/default/files/2019-08/documents/synthetic\\_turf\\_field\\_recycled\\_tire\\_crumb\\_rubber\\_research\\_under\\_the\\_federal\\_research\\_action\\_plan\\_final\\_report\\_part\\_1\\_volume\\_1.pdf](https://www.epa.gov/sites/default/files/2019-08/documents/synthetic_turf_field_recycled_tire_crumb_rubber_research_under_the_federal_research_action_plan_final_report_part_1_volume_1.pdf). Accessed June 2022.

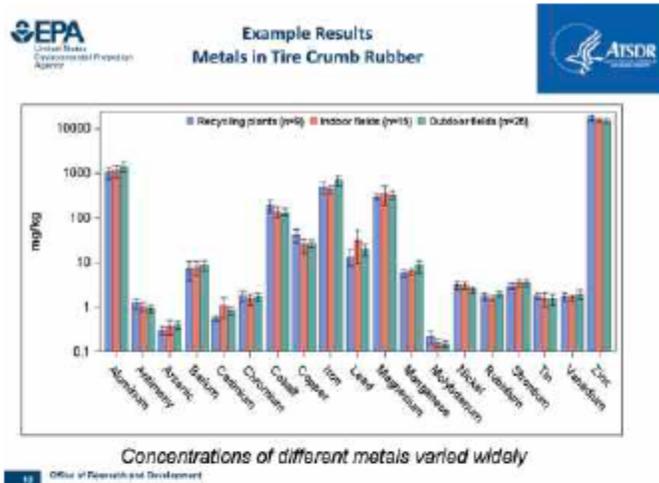
degrees Fahrenheit), while emissions were higher for some, but not all at 60 degrees Celsius (140 degrees Fahrenheit).

- The amount of metals released into simulated biological fluids was low, on average about 3 percent in gastric fluid and less than 1 percent in saliva and sweat plus sebum.
- The emissions and bioaccessibility measurements suggest that exposures to most chemicals may be relatively low, but exposure measurements are being conducted to confirm these results.
- Concentrations of many organic chemicals found in crumb rubber infill material vary with synthetic turf field age and type (i.e., indoor versus outdoor). In general, concentrations of many organic chemicals appeared to decrease with increasing field age, leading to lower concentrations of many organic chemicals over time, particularly for outdoor fields.
- Concentrations of many organic chemicals were higher for indoor fields compared to outdoor fields.
- Concentrations of metals were comparable between the crumb rubber samples collected at tire recycling plants and synthetic turf fields. A few chemicals [e.g., lead and bis(2-ethylhexyl) phthalate] had higher average concentrations in infill samples from synthetic turf fields than in tire crumb rubber samples collected at recycling plants. Additional research may be needed to better understand whether there are contributions of some chemicals at fields from sources other than the recycled tire crumb rubber.
- Emission measurements suggested that several VOCs, such as benzene and toluene, may be present primarily at the surface of the rubber particles; other VOCs, such as methyl isobutyl ketone and benzothiazole, appear more likely to be intrinsic to the tire crumb rubber material.

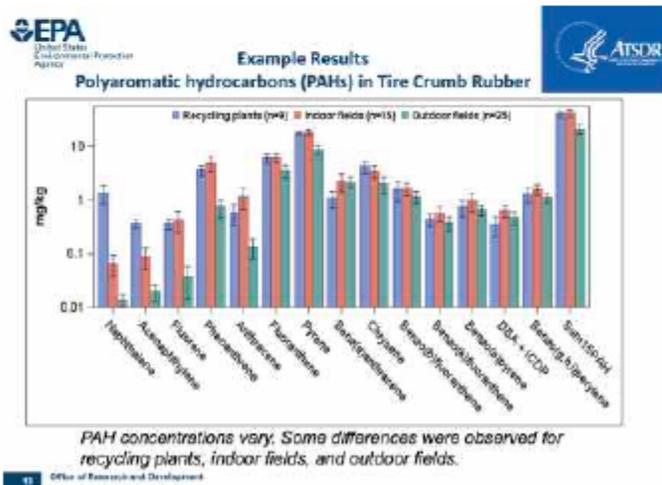
In conclusion, the FRAP report found that, as expected, a range of metals, organic chemicals, and bacteria was found to be associated with recycled crumb rubber. The results of the FRAP study were comparable to other studies characterizing tire crumb, such as those discussed in Section IV.H, under *Artificial Turf Studies*, pages IV.H-33 through IV.H-45, and Appendix H-2, *Artificial Turf Technical Memorandum*, of the Draft EIR. Further, the emissions of many organic chemicals into air were typically found to be below detection limits or test chamber background, and releases of metals into simulated biological fluids were very low (mean bioaccessibility values averaged about 3 percent in gastric fluid and less than 1 percent in saliva and sweat plus sebum). Together, these findings support the premise that while many chemicals are present in the recycled tire crumb rubber, exposure may be limited based on what is released into air or biological fluids. As further shown in Appendix E.3, *Field Turf Testing Report*, in the Final EIR, concentrations of metals in the crumb rubber were either 1) below the USEPA and/or State of California screening thresholds, or 2) exist in a form that would not leach into the surrounding environment (e.g., cobalt, arsenic, and chromium). This information supports the less-than-significant finding as described in detail in the Draft EIR.

### Comment No. ORG 1B-70

Only the Synthetic Turf Field Recycled Tire Crumb Rubber Characterization Research Final Report: Part 1 -Tire Crumb Rubber Characterization has been completed, to date.<sup>45</sup> The study found:



**FIGURE 1 – Concentration of Metals in Artificial Turf Crumb Rubber**  
 Source: [https://www.epa.gov/sites/default/files/2019-08/documents/tc\\_public\\_webinar\\_-\\_august\\_6\\_2019.pdf](https://www.epa.gov/sites/default/files/2019-08/documents/tc_public_webinar_-_august_6_2019.pdf)



**FIGURE 2 – PAH Concentrations in Artificial Turf Crumb Rubber**  
 Source: [https://www.epa.gov/sites/default/files/2019-08/documents/tc\\_public\\_webinar\\_-\\_august\\_6\\_2019.pdf](https://www.epa.gov/sites/default/files/2019-08/documents/tc_public_webinar_-_august_6_2019.pdf)

- Most of the target analytes among the 21 metals and 49 SVOCs, and several of the 31 target VOCs, were found in tire crumb rubber collected at fields across the U.S.
- Average concentrations ranged from <1 mg/kg for several metals and extractable SVOCs to up to 15,000 mg/kg for zinc.

- For most VOC and SVOC chemicals, air emissions were low at 25 °C and in many cases, not measurable above the detection limit or above background levels.
- At 60 °C, higher emissions were measured for some, but not all, VOCs and SVOCs.
- Every sample from the 40 fields was positive for total bacteria.
  - 42% had at least one sample with *Staphylococcus aureus*.
  - 70% had a least one positive sample for methicillin resistance.

<sup>45</sup> The report is available at: <https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumbused-playing-fields>. A presentation on the report from an August 6, 2019 public webinar is available at: <https://www.epa.gov/chemical-research/public-webinar-part-1-tire-crumb-rubber-characterization> The webinar slides are available at: [https://www.epa.gov/sites/default/files/2019-08/documents/tc\\_public\\_webinar\\_-\\_august\\_6\\_2019.pdf](https://www.epa.gov/sites/default/files/2019-08/documents/tc_public_webinar_-_august_6_2019.pdf)

## Response No. ORG 1B-70

The comment does not raise any issues as to the adequacy of the Draft EIR and instead refers to a report regarding recycled tire crumb rubber in artificial turf. Nonetheless, refer to Response No. ORG 1B-69, above for a discussion of potential health-related effects due to the Project's use of artificial turf.

## Comment No. ORG 1B-71

Given that the proposed Project is in the San Fernando Valley, with it's [sic] high heats, the DEIR needs to address the potential for off-gassing of VOCs and SVOCs. This should be addressed as part of the Hazardous Material discussion, the air quality analysis and the needed health risk assessment.

## Response No. ORG 1B-71

The comment states that the potential for off-gassing VOCs and SVOCs should be discussed in the Draft EIR. A number of artificial turf studies that discussed the off-gassing of VOCs and SVOCs and the health risks associated with inhalation risks were reviewed and summarized in Section IV.H , under *Artificial Turf Studies* on pages IV.H-33 through IV.H-45 of the Draft EIR and Appendix H-2, *Artificial Turf Technical Memorandum*, of the Draft EIR. The information contained in these studies support the less-than-significant finding as described in detail in the Draft EIR. In addition, as discussed in Response No. ORG 1B-69, the FRAP report stated that for most VOC and SVOC target chemicals, air emissions were low at 25 degrees Celsius (77 degrees Fahrenheit) and in many cases, not measurable above the detection limit or above background levels. At 60 degrees Celsius (140 degrees Fahrenheit), higher emissions were measured for some, but not all, VOCs and SVOCs. Overall, methyl isobutyl ketone and benzothiazole had the highest emission factors among the target analytes in this

study.<sup>30</sup> Refer also to Topical Response No. 7 for additional detail regarding the Project's health-related impacts associated with artificial turf.

### **Comment No. ORG 1B-72**

The second phases of the EPA study, which will include a health risk assessment has yet to be completed. The EPA has yet to determine whether the health risks of artificial turf which includes crumb rubber are less than significant.

According to the Mount Sinai Children's Environmental Health Center:<sup>46</sup>

#### **What chemicals can be contained in the infill crumb rubber?**

Because infill crumb rubber is made from recycled tires and other recycled materials, it can contain a mixture of chemicals. These chemicals include rubber, polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and heavy metals (lead, zinc, iron, and manganese).<sup>1</sup>

#### **How can people be exposed to these chemicals?**

(1) Inhalation: Exposure to airborne chemicals was recently studied by Connecticut's Departments of Public Health and Environmental Protection, their Agricultural Experiment Station, and UCONN Division of Occupational and Environmental Medicine. They studied both indoor and outdoor turf fields. Results showed that each field had a different mixture of airborne chemicals. When the amount of airborne chemicals at outdoor turf fields was compared to background (non turf field) levels, they did not find a difference. However, there were more airborne chemicals (e.g. benzothiazole) in one indoor field as compared to outdoor fields.<sup>2</sup> This result supports the idea that chemicals remain in the air longer with decreased ventilation. Based on these measurements, the Connecticut Department of Health found that health risk from playing on turf fields (even indoors) was "...within typical risk levels in the community from ambient pollution sources and are below target risks associated with many air toxics regulatory programs."<sup>2</sup> However, one limitation of the Connecticut findings is that chemical measurements were taken on summer days when the temperature was below 90 degrees. They did not assess the potential for increased chemical release with hotter temperatures typical of summer heat waves.

<sup>30</sup> United States Environmental Protection Agency, 2019. Synthetic Turf Field Recycled Tire Crumb Rubber Research Under the Federal Research Action Plan, Final Report Part 1 – Tire Crumb Rubber Characterization Volume 1, July 25. Available: [https://www.epa.gov/sites/default/files/2019-08/documents/synthetic\\_turf\\_field\\_recycled\\_tire\\_crumb\\_rubber\\_research\\_under\\_the\\_federal\\_research\\_action\\_plan\\_final\\_report\\_part\\_1\\_volume\\_1.pdf](https://www.epa.gov/sites/default/files/2019-08/documents/synthetic_turf_field_recycled_tire_crumb_rubber_research_under_the_federal_research_action_plan_final_report_part_1_volume_1.pdf). Accessed June 2022.

(2) Ingestion: Pellet infills can stick to the hands and bodies of children playing on the fields. This can lead to ingestion in young children who often put hands and toys into their mouths.<sup>4</sup>

(3) Skin: Certain chemicals may be absorbed through direct skin contact. This is of greater concern in young children whose skin barrier is not as thick, or keratinized, as older individuals.<sup>4</sup>

<sup>46</sup> [https://icahn.mssm.edu/files/ISMMS/Assets/Research/PEHSU/ArtTurfFactSheet\\_2011.pdf](https://icahn.mssm.edu/files/ISMMS/Assets/Research/PEHSU/ArtTurfFactSheet_2011.pdf)

## Response No. ORG 1B-72

The comment does not raise any issues as to the adequacy of the Draft EIR and instead refers to an uncompleted study regarding potential health risks of artificial turf. The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant. Refer to Section (2)(a) in Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health for additional detail regarding the human health-related risks, including human health risk assessments (HHRAs) conducted on crumb rubber material associated with dermal, inhalation, and ingestion contact with artificial turf.

HHRAs have been conducted on crumb rubber in artificial turf as outlined in the Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, which concluded that cancer risks for inhalation, ingestion, and dermal were primarily below the *de minimis* risk level ( $1 \times 10^{-6}$ ) and the few that were above this risk level were within the EPA's target risk range of  $1 \times 10^{-6}$  to  $1 \times 10^{-4}$ , mostly towards the lower end of this range. All non-cancer risks were below the Hazard Index of 1. One HHRA studied skin sensitization and the results suggest that crumb rubber used in artificial turf did not cause skin sensitization in children. As shown by these health risk assessments, impacts from crumb rubber are less than significant and the information supports the less-than-significant finding as described in detail in the Draft EIR.

## **Comment No. ORG 1B-73**

### **What are the health and environmental effects of chemical exposures related to infill rubber?**

Exposures to chemicals present in crumb rubber at very high levels, typical of animal or occupational studies, are known to cause birth defects, neurologic and developmental deficits, and some can even cause cancer.<sup>4</sup> These are higher exposures than would be found in infilled tire crumb. What is not yet known is the extent to which these chemicals actually enter the bodies of children playing on turf fields. Several studies have attempted to approximate exposure to concerning components of crumb rubber by using theoretical estimates of inhalation, ingestion, and dermal exposure; these studies found that exposure would in most cases be too small to have health effects.<sup>4</sup> A limitation of these studies is that exposure level is only theoretical. In addition, the long-term health effects of very small doses is still unknown.

Another concern is the extent to which chemicals may leach from the fields into the surrounding environment, soil and groundwater. The New York State Department of Environmental Conservation is investigating the impact of chemicals in rubber infill on groundwater and the environment. Results, as of May 2009, have not shown significant groundwater contamination, however, the study is still ongoing.<sup>8</sup> Lastly, the ability of infill-related chemical exposure to cause allergic reaction or irritation (skin or respiratory) has not yet been studied.

## **Response No. ORG 1B-73**

The comment does not raise any issues as to the adequacy of the Draft EIR and instead asks questions regarding potential health risks of artificial turf. As such, no further response is warranted. Nonetheless, refer to Response Nos. ORG 1B-68, ORG 1B-69, and ORG 1B-72, above.

## **Comment No. ORG 1B-74**

### **What are the proven hazards of turf fields?**

(1) Heat: It is unsafe for children to be playing on surfaces at extreme temperatures as they can develop heat-induced illnesses (eg. dehydration, heat stress, heat stroke, and heat burns).<sup>4</sup> Temperatures on artificial turf fields are elevated as compared to natural grass turf. At the University of Missouri's turf field, surface temperature reached 173°F and "head level" height temperature reached 138°F on a 98°F day.<sup>4</sup> Heat levels on artificial turf fields are slightly lower in areas shaded from sunlight.<sup>4</sup>

(2) “Turf burn” or friction abrasions: Athletes who fall on turf fields can get friction abrasions called “turf burns”, which should be cleaned with soap and water. However, injuries on turf fields are not increased with respect to injury rate or severity as compared with natural grass fields. <sup>3,5,6,7,9,10</sup>

References:

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10. *Soligard T, Bahr R, Andersen TE. Injury risk on artificial turf and grass in youth tournament football. Scand J Med Sci Sports. 2010.*

## Response No. ORG 1B-74

The comment does not raise any issues as to the adequacy of the Draft EIR but claims there are proven risks to the use of artificial turf related to heat and turf burns. As to turf burns, the comment acknowledges that the injury rate and severity of turf burns are not increased as compared with natural grass fields. As to the issue of heat, see Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. In addition, Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant.

As discussed in in Topical Response No. 7 and Appendix H-2 of the Draft EIR, the New York City Department of Health and Mental Hygiene<sup>31</sup> stated the average synthetic turf surface was 26 degrees Fahrenheit higher than the grass surface temperature and 35 degrees Fahrenheit higher than the sand surface temperature. However, the temperature survey found little difference for the indicators of heat stress between the synthetic turf, grass, and sand surfaces, on any given day. Although little difference between indicators of heat stress measurements was found, the synthetic turf surface temperatures were much higher and prolonged contact with the hotter surfaces may have the potential to create discomfort, cause thermal injury and contribute to heat-related illnesses. Thus, the report recommended that awareness of the potential for heat illness and how to recognize and prevent heat illness should be raised among users and managers of athletic fields, athletic staff, coaches and parents. Thus, with proper management of the use of the field, heat-related impacts were found to be less than significant in the Draft EIR. Regarding the comment that artificial turf fields contribute to an increase in localized temperatures, which could contribute to a broader urban island effect, a study conducted by Milone & MacBroom, Inc., a privately-owned, multidisciplinary consulting firm, conducted a temperature evaluation study designed to determine the temperature rise of artificial turf materials under a number of environmental conditions.<sup>32</sup> That study, which is described in more detail in Appendix H-2 of the Draft EIR, concluded that while artificial turf fields, and specifically the artificial fibers used to simulate blades of grass, do exhibit higher surface temperatures when exposed to sunlight for prolonged periods of time (as compared to natural turf), rapid cooling was observed if the sunlight was interrupted or filtered by clouds, and would therefore not continue to release heat into the evening in the same manner as sidewalks, parking lots, streets, and roofing.

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<sup>31</sup> New York City Department of Health and Mental Hygiene, 2008. A Review of the Potential Health and Safety Risks from Synthetic Turf Fields Containing Crumb Rubber Infill, May. Available: [https://www1.nyc.gov/assets/doh/downloads/pdf/eode/turf\\_report\\_05-08.pdf](https://www1.nyc.gov/assets/doh/downloads/pdf/eode/turf_report_05-08.pdf). Accessed June 2022.

<sup>32</sup> Milone & MacBroom, Inc., Thermal Effects Associated with Crumb Rubber In-filled Synthetic Turf Athletic Fields, December 2008.

## Comment No. ORG 1B-75

In addition, the possible presence of polyfluoroalkyl substances – known as PFAS chemicals (or forever chemicals) in artificial turf blades and backing is a concern. As noted by the organization Public Employees for Environmental Responsibility (PEER):<sup>47</sup>

In September, the Ecology Center, working with PEER, found elemental fluorine in artificial turf blades, suggesting that PFAS is an ingredient in the carpet grass fibers or a byproduct of the manufacturing process. It also found specific PFAS chemicals in discarded turf backing and an adjacent wetland. Per- and polyfluoroalkyl substances (PFAS), often referred to as “forever chemicals,” do not break down in the environment and bioaccumulate in the food chain. Human exposures to PFAS are associated with cancer, birth defects, and other impairments. On October 14, 2019, the Synthetic Turf Council put out a statement that did not deny the presence of PFAS but nonetheless blasted the groups’ “inaccurate, non-verified report using questionable test methods.” Yet, it is hard for industry to dispute that:

- Two specific PFAS substances were found in backing of two different turf samples: one had 6:2 FTSA, the other had PFOA from samples taken by three PhD scientists who collected samples using proper lab protocols;
- Shaw Industries, one of the companies that produced the turf that tested positive for elemental fluorine, admits, “These chemicals are commonly used by synthetic turf manufacturers as a non-stick agent.... We are exploring alternatives with our technical teams and suppliers but have not yet identified a substitute that provides the non-stick properties required for manufacturing synthetic turf.” (emphasis added); and
- ACTGlobal also concedes it uses a “fluoroelastomer process aid” (likely a PFAS) in the manufacture of synthetic grass.

Significantly, the groups can only test for 36 PFAS because widespread claims of “confidential business information” prevent release of data about hundreds of other PFAS compounds. “We are asking manufacturers to fully disclose all PFAS chemistry used, including fluoropolymers and any other fluorinated processing aids used in the production of turfgrass fibers and backing,” said Jeff Gearhart of the Ecology Center. “Industry continues to claim this chemistry is proprietary, however, the public has a right to know.”

Two big concerns about PFAS in the turf blades and backing is the direct chemical exposure to children, and the potential for PFAS to leach off the fields into groundwater, surface water and eventually, drinking water.

<sup>47</sup> <https://peer.org/industry-in-a-dither-about-pfas-in-synthetic-turf>

## Response No. ORG 1B-75

The comment does not raise any issues as to the adequacy of the Draft EIR but suggests the possible presence of polyfluoroalkyl substances in artificial turf. Nonetheless, see Section (2)(a)(iii)(d) in Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, and Section IV.H, *Hazards and Hazardous Materials* and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR for discussions regarding the human health-related risks from Per- and Polyfluoroalkyl Substances (PFAS) in artificial turf, which the Draft EIR found to be less than significant based on HHRAs conducted on compounds in artificial turf, including PFAS. As discussed in Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health, several laboratory tests of FieldTurf samples (including a 2022 test conducted by Eurofins on the product to be used in the Project) did not detect PFAS above the test method’s reporting limit. Further, all results were below the screening levels for any form of PFAS issued by the USEPA and as proposed by the state of California. Also, please refer to Appendix E-3, Field Turf Testing Report, of this Final EIR.

PFAS are a family of thousands of chemicals that vary widely in their chemical and physical properties, as well as their potential risks to human health and the environment.<sup>33</sup> PFAS impart oil, water, stain, and soil repellency, chemical and thermal stability, and friction reduction in a range of products, including consumer products such as carpets, clothing, furniture, outdoor equipment, cosmetic products, non-stick cookware, and food packaging. PFAS can be found in drinking water, soil and water, fire extinguishing foam, manufacturing or chemical production facilities, food, food packaging, household products and dust, personal care products, and biosolids.<sup>34</sup> They are of concern due their widespread production and use, as well as their ability to move and persist in the environment and that they can accumulate in the body over time, primarily through exposure from drinking water.<sup>35</sup> The primary exposure route that the USEPA and state regulatory agencies have identified is through consumption of PFAS in contaminated drinking water. Based on research studies and what is known about the chemical composition of PFAS, dermal (skin) exposure to PFAS containing materials is not significant and thus poses a negligible human health risk. Similarly, due to the high water solubility of PFAS and low volatility, these compounds pose a negligible health risk via the inhalation exposure pathway.

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<sup>33</sup> Interstate Technology Regulatory Council, 2020. History and Use of Per- and Polyfluoroalkyl Substances (PFAS) found in the Environment, August. Available: [https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history\\_and\\_use\\_508\\_2020Aug\\_Final.pdf](https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf). Accessed June 2022.

<sup>34</sup> EPA, 2022. Our Current Understanding of the Human Health and Environmental Risks of PFAS, March 16. Available: <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>. Accessed June 2022.

<sup>35</sup> EPA, 2022. Our Current Understanding of the Human Health and Environmental Risks of PFAS, March 16. Available: <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>. Accessed June 2022.

Artificial turf has been in the news recently for PFAS following the sampling and analysis of discarded turf. Two papers, the Boston Globe<sup>36</sup> and The Intercept<sup>37</sup> ran articles in October 2019 that said two nonprofit environmental groups, Ecology Center and Public Employees for Environmental Responsibility (PEER), tested an abandoned pile of artificial turf and found that PFAS showed up in samples. The concentrations found in the turf samples contained 190 parts per trillion (ppt) and 10 ppt in water samples. Although these articles have brought out concern about PFAS in artificial turf, there are points of contention with the sources. The newspaper articles did not, nor did the interest groups that did the sampling, specify the precautions taken in the field to avoid contamination of samples as there are many materials that contain PFAS used in sampling including gloves, clothing, sampling items, containers, notebooks, makeup, perfumes, etc.<sup>38</sup> Additionally, there is no certified method for analyzing PFAS concentrations in materials other than a USEPA method for analyzing PFAS in drinking water. Since synthetic turf samples and not drinking water were sampled, the methods used for analysis were likely not certified leading to questionable results.<sup>39</sup> Additionally, the Boston Globe article noted that an additional eight samples were analyzed for total fluorine and assumed that total fluorine is an indication that PFAS is present.<sup>40</sup> However, this method can be biased by the presence of many non-PFAS compounds that also contain fluorine. For example, some anionic surfactants applied to the field drain may contain fluorine. Many consumer products also contain fluorine such as toothpaste,

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<sup>36</sup> Abel, D., 2019. Boston Globe Article, Toxic chemicals are found in blades of artificial turf, October 9. Available: <https://www.bostonglobe.com/metro/2019/10/09/toxic-chemicals-found-blades-artificial-turf/1mlVxXjzCAqRahwgXtfy6K/story.html#:~:text=Public%20health%20advocates%20have%20long,cadmium%2C%20and%20other%20known%20carcinogens..> Accessed June 2022.

<sup>37</sup> Lerner, S., 2019. The Intercept Article, Toxic PFAS Chemicals Found In Artificial Turf, October 8. Available: <https://theintercept.com/2019/10/08/pfas-chemicals-artificial-turf-soccer/>. Accessed June 2022.

<sup>38</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>39</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>40</sup> Abel, D., 2019. Boston Globe Article, Toxic chemicals are found in blades of artificial turf, October 9. Available: <https://www.bostonglobe.com/metro/2019/10/09/toxic-chemicals-found-blades-artificial-turf/1mlVxXjzCAqRahwgXtfy6K/story.html#:~:text=Public%20health%20advocates%20have%20long,cadmium%2C%20and%20other%20known%20carcinogens..> Accessed June 2022.

mouthwash and household cleaners. The presence of fluorine, therefore, does not necessarily indicate PFAS compounds are present.<sup>41, 42, 43</sup>

A review article, in *Remediation Journal*, collected information on background and ambient levels of two predominant PFAS, perfluorooctane sulfonate (PFOS) and perfluorooctanoate (PFOA), in North America in both abiotic media (soil, sediment, surface water, and public drinking water supplies) and selected biotic media (human tissues, fish, and shellfish) with no known point source of PFAS.<sup>44</sup> The range of concentrations for PFOS, which was detected in every soil sample taken in North America, was 0.018 - 2.55 µg/kg (range of PFOA was 0.059 – 1.84 µg/kg). Concentrations in the eastern U.S. are much higher (>0.184 µg/kg).<sup>45</sup> Thus, a concentration of 0.19 µg/kg PFOS, which is what was measured in the abandoned artificial turf (Boston Globe and *The Intercept* articles), in a swatch of used turf falls into this uncontaminated concentration range which would be considered “clean”.<sup>46</sup> Widespread ambient soil and sediment concentrations were noted but were well below human health-protective thresholds for direct contact exposures.<sup>47</sup> Surface water, drinking water supply waters (representing a combination of groundwater and surface water), fish and shellfish tissue, and human serum levels ranged from less than to greater than available health-based

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41 Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

42 Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

43 Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

44 Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

45 Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

46 Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

47 Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

threshold values.<sup>48</sup> Since these levels were well below the safe soil RSL by two to three orders of magnitude, human health risk is negligible.<sup>49</sup>

Furthermore, according to a recent study of plastic- and rubber-containing artificial turf fields in Stockholm, Sweden,<sup>50</sup> samples were subjected to total fluorine (TF), extractable organic fluorine (EOF) and target PFAS analysis. TF was observed in all 51 artificial turf samples (range: 16 - 313, 12 - 310, and 24 - 661 µg F/g in backing, filling, and blades, respectively)<sup>51</sup>, while EOF and target PFAS occurred in <42 percent of all samples (<200 and <1 ng/g, respectively).<sup>52,53</sup> A subset of samples extracted with water confirmed the absence of fluoride. Moreover, application of the total oxidizable precursor assay revealed negligible perfluoroalkyl acid (PFAA) formation across all three sample types, indicating that the fluorinated substance(s) in artificial turf are not low molecular weight PFAA-precursors.<sup>54</sup> Collectively, these results point towards polymeric organofluorine (e.g. fluoroelastomer, polytetrafluoroethylene, polyvinylidene fluoride), consistent with patent literature.<sup>55</sup> The combination of poor extractability and recalcitrance towards advanced oxidation suggests that leaching and/or conversion to mobile PFAAs is unlikely over the

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<sup>48</sup> Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

<sup>49</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>50</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. *ChemRxiv*. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>51</sup> 1 µg/g = 1 mg/kg = 1 pp.m.

<sup>52</sup> 1 ng/g = 0.001 mg/kg, 1 ng/g = 1 pp.m

<sup>53</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. *ChemRxiv*. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>54</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. *ChemRxiv*. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>55</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. *ChemRxiv*. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

lifetime of artificial turf and/or following accidental ingestion of artificial turf components.<sup>56</sup> Thus, the fluorine in artificial turf does not pose an imminent risk to users.<sup>57</sup>

As discussed above, although PFAS was found in one sampling of artificial turf, levels were orders of magnitude below safe soil RSLs and as the studies have shown PFAS levels are found in background soil and water samples and ambient samples taken in North America at levels of less than to greater than health based levels. Additionally, the above cited articles suggest that the PFAS in artificial turf does not pose an imminent risk to users based on the level of PFAS and/or fluorine found in the artificial turf samples and that PFAS in artificial turf is unlikely to leach or convert to mobile PFAAs which could affect surface water and groundwater.

### Comment No. ORG 1B-76

The DEIR needs to disclose the unknowns regarding the potential health risks of artificial turf. Given the unknowns, impact should be classified as potentially significant.

It should also be noted in the DEIR that PEER has filed a complaint with the Federal Trade Commission (“FTC”) alleging that artificial turf manufacturer claims that artificial turf is recyclable are false and that recycling is not possible due to the difficulty of separating component parts.<sup>48</sup> The complaint states that artificial turf fields last eight to ten years<sup>49</sup> and that there are currently no facilities in the United States that can recycle artificial turf.<sup>50</sup> The DEIR, therefore, also needs to disclose and address the solid waste impacts associated with the use of artificial turf.

<sup>48</sup> [https://peer.org/wp-content/uploads/2022/03/3\\_7\\_22-Filed-FTC-Complaint-2.28.22.pdf](https://peer.org/wp-content/uploads/2022/03/3_7_22-Filed-FTC-Complaint-2.28.22.pdf)

<sup>49</sup> Citing SYBTHETIC TURF COUNCIL, A Guideline to Recycle, Reuse, Repurpose and Remove Synthetic Turf Systems, 3 (Oct. 2017) [https://cdn.ymaws.com/www.syntheticturfcouncil.org/resource/resmgr/guidelines/STC\\_Guideline\\_for\\_Recycle\\_Re.pdf](https://cdn.ymaws.com/www.syntheticturfcouncil.org/resource/resmgr/guidelines/STC_Guideline_for_Recycle_Re.pdf)

<sup>50</sup> See Lucas Thors, Concerns Raised over Feasibility of Synthetic Turf Recycling, MVTIMES, (Oct. 21, 2020) <https://www.mvtimes.com/2020/10/21/concerns-raised-feasibility-synthetic-turf-recycling/> (“[T]here is currently no operational recycling facility in the U.S.”); see also Guy Oldenkotte, ‘Recycling turf in the US is just a matter of time’, SPORTSFIELDS, (Mar. 22, 2021) (“[A] recycling facility doesn’t currently exist in the country the rest [of the artificial turf] ‘sit in big yards in different parts of the country, like Pennsylvania’”). As of December 1, 2021, Re- Match, a company located in Denmark, has chosen Luzern County, Pennsylvania to be the location of its first North American recycling facility. Artificial Turf Recycler Opens First North American Facility in Luzerne County Creating New Jobs, GOVERNOR TOM WOLF, (Dec. 1, 2021) <https://www.governor.pa.gov/newsroom/gov-wolf-announces-artificial-turfrecycler-establishing-first-north-american-facility-in-luzerne-county-creating-approximately-40-jobs>.

<sup>56</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sührling R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>57</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sührling R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

## Response No. ORG 1B-76

The comment states that the Draft EIR must disclose the unknowns regarding potential health impacts related to the use and disposal of artificial turf, and must also disclose and address the solid waste impact associated with the use of artificial turf since a complaint has been filed with the FTC alleging that it is not recyclable. Section IV.H, *Hazards and Hazardous Materials*, of the Draft EIR, included a detailed evaluation of the disposal of artificial turf and disclosed information that is known and unknown based on the cited studies in the Draft EIR and its Appendices, in Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, and within the Responses to Comment Letter No. ORG 1B. For example, Draft EIR Appendix H-2 provides detailed discussion of health risk impacts and discloses the compounds analyzed in the various cited studies including those that are known or not known to cause specified health risk impacts. The State CEQA Guidelines prohibit lead agencies from engaging in speculation or conjecture (State CEQA Guidelines Section 15145); therefore, the Draft EIR refrains from engaging in speculation or conjecture on the impacts from unknown factors.

As stated on page IV.H-45 of the Draft EIR, used turf would be disposed of in accordance with hazardous waste standards in 22 CCR 66261.20 et seq., and would have to demonstrate that none of the CCR Title 22 metal concentrations exceed California Total Threshold Limit Concentrations (TTLC), which are used to classify a hazardous waste, except for zinc. Additionally, the infill materials would have to be analyzed for soluble metals and demonstrate that none exceed the Soluble Limit Threshold Concentration for disposal. Although zinc levels could exceed the TTLC, disposal of the turf consistent with the management of used tires would ensure disposal as a non-hazardous material in accordance with CCR Title 22. In addition to compliance with applicable regulations, artificial turf consists of materials that can be recycled at the end of its useful life, or repurposed. A pilot program known as the TenCate Turf Recycling Solutions, established in 2022, aims to receive old turf from California, separate the materials or shred the materials at a Southern California facility, and send the plastics by railcar to an International Sustainability and Carbon Certification (ISCC) PLUS certified advanced recycling facility in Baytown, Texas.<sup>58</sup> Other recycling options are available in the western United States with stated recycling rates of 97 percent or higher of artificial turf materials including sand and rubber products.<sup>59</sup> Compliance with applicable regulatory requirements would ensure that Project impacts related to disposal of artificial turf would be less than significant. In addition, as Harvard Westlake School intends to recycle the artificial turf, Section IV.O.3, *Solid Waste*, of the Draft EIR appropriately did not assume annual operational solid waste disposal impacts associated with the artificial turf, which may be disposed of approximately every 8+ years. Further, even if the selected recycling facility did have some nominal portion of the turf that was not recyclable, it can be reasonably expected the facility would be permitted to dispose of any materials in

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<sup>58</sup> TenCate Turf Recycling Solutions, <https://turfrecycling.us/>. Accessed November 11, 2022.

<sup>59</sup> Artificial Grass Recyclers, Recycling, <https://artificialgrassrecyclers.com/recycling-turf/>. Accessed November 11, 2022.

accordance with applicable regulatory requirements at a disposal facility with remaining capacity. As discussed on page IV.O.3-18 in Section IV.O. 3 of the Draft EIR, per the County of Los Angeles Countywide Integrated Waste Management Plan (CoIWMP) 2019 Annual Report, future disposal needs over the next 15-year planning horizon (2034) would be adequately met through the use of in-County and out-of-County facilities through a number of strategies that would be carried out over the years. It should also be noted that with annual reviews of demand and capacity in each subsequent Annual Report, the 15-year planning horizon provides sufficient lead time for the County to address any future shortfalls in landfill capacity. Thus, there would not be substantial increase in the severity of operational solid waste impacts analyzed in the Draft EIR.

## **Comment No. ORG 1B-77**

### **4.6 Inadequate Health Risk Assessment and Failure to Identify Significant Health Risks**

As detailed in the SWAPE letter included as Attachment 1 to the letter and quoted or paraphrased below, the DEIR concludes that the Project would have a less than-significant health risk impact without conducting a quantified construction or operational health risk analysis (“HRA”) (p. IV.B-61 – IV.B-62). The DEIR’s evaluation of the Project’s potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect and the analysis is insufficient for three reasons:

First, this qualitative as opposed to quantitative approach is inconsistent with CEQA’s requirement to make “a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.”<sup>51</sup> The Project will generate a substantial number of Project-related trips both during construction and operation. For example, during construction 250,000 cubic yards of soil must be removed from the Project Site. The DEIR needs to quantitatively evaluate health risks both in the vicinity of the Project Site, along the haul route, and in the vicinity of the soil disposal site.

<sup>51</sup> “Sierra Club v. County of Fresno.” Supreme Court of California, December 2018, available at: <https://ceqaportal.org/decisions/1907/Sierra%20Club%20v.%20County%20of%20Fresno.pdf>

## **Response No. ORG 1B-77**

The commenter maintains that the EIR should have included both a construction and operational health risk assessment (HRA) of the Project’s toxic air contaminant (TAC) emissions. Pages IV.B-61 through IV.B-63 of the Draft EIR analyze and disclose the potential for the Project to cause adverse health impacts from exposure to TACs from the Project’s construction and operational emissions consistent with CEQA Guidelines Section 15126.2(a). As discussed therein, the Draft EIR correctly concludes that construction and operational TAC impacts would be less than significant (see Response No. ORG 1B-79 below). Although a quantitative HRA for the Project is not required for the reasons discussed in Response No. ORG 1B-79, in order to provide information that

further supports the Draft EIR's less than significant finding with respect to TAC emissions, a quantitative HRA has been prepared. As discussed in further detail in Response to Comment No. ORG 1B-79, the results of the quantitative HRA demonstrate that the health risks from TAC emissions from Project construction would not exceed the SCAQMD significance threshold. This HRA further confirms the Draft EIR's less than significant impact finding with respect to TAC emissions.

All comments in the SWAPE letter, included as Attachment 1, have been responded to in Response Nos. ORG 1B-115 through 1B-137.

Note that modifications to the Project design would reduce the total amount of Project grading from 250,000 cubic yards to 197,000 cubic yards. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 1B-78**

Second, the analysis is inconsistent with guidance from the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting Health Risk Assessments (“HRAs”) in California. OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015. Specifically, OEHHA recommends that all short-term projects lasting at least 2 months assess cancer risks and that exposure from projects lasting more than 6 months should be evaluated for the duration of the project.<sup>52</sup> Thus, as the Project's anticipated construction duration exceeds the 2-month and 6-month requirements set forth by OEHHA, construction of the Project meets the threshold warranting a quantified HRA under OEHHA guidance and should be evaluated for the entire 30-month construction duration.

<sup>52</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 8-18.

### **Response No. ORG 1B-78**

The comment states that the Draft EIR is inconsistent with guidance from the Office of Environmental Health Hazard Assessment (OEHHA) regarding HRAs. The OEHHA 2015 Guidance Manual, the most recent version, was developed by OEHHA, in conjunction with the CARB, for use in implementing the Air Toxics “Hot Spots” Program. The Air Toxics “Hot Spots” Program requires stationary sources (e.g., power generation facilities, refineries, and chemical plants) to report the types and quantities of certain substances routinely released into the air. The intent in developing the 2015 Guidance Manual was to provide health risk assessment procedures for use in the Air Toxics Hot Spots Program or for the permitting of new or modified stationary sources. The Project is not a “Hot Spots”

Program project but rather involves the construction and operation of a School's athletic facilities and open space.

The guidance states:

*The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises. Cancer potency factors are based on animal lifetime studies or worker studies where there is long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime. (Page 8-17)*

While OEHHA provides limited guidance on how to conduct HRAs for short-term projects, it acknowledges the “considerable uncertainty” in evaluating cancer risk over short-term durations. In addition, the guidance document does not identify short-term projects or non-stationary source projects that warrant the preparation of a HRA or recommend the preparation of HRAs for short-term construction projects or non-stationary source projects, such as the Project. Therefore, the most relevant HRA guidance for short-term construction was used, and the results are not underestimated.

### **Comment No. ORG 1B-79**

Third, by claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the DEIR fails to compare the Project's excess cancer risk to the SCAQMD's specific numeric threshold of 10 in one million.<sup>53</sup> Thus, in accordance with the most relevant guidance, an assessment of the health risk posed to nearby, existing receptors as a result of Project construction and operation should be conducted.

The DEIR needs to be revised to include the required quantitative Health Risk Assessment. The DEIR must then be revised and recirculated for public review and comment pursuant to CEQA Guidelines Section 15088.5(a)(4).

<sup>53</sup> “South Coast AQMD Air Quality Significance Thresholds.” SCAQMD, April 2019, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

### **Response No. ORG 1B-79**

The commenter maintains that the EIR should have included both a construction and operational HRA of Project's TAC emissions. Pages IV.B-61 through IV.B-63 of the Draft EIR analyze and disclose the potential for the Project to cause adverse health impacts from exposure to TACs from the Project's construction and operational emissions

consistent with CEQA Guidelines Section 15126.2(a). As discussed therein, with respect to Project construction, the Project would be consistent with applicable SCAQMD Air Quality Management Plan strategies intended to reduce emissions from construction equipment and activities, which include the use of cleaner construction equipment. The Project would comply with regulatory mandates including CARB Air Toxic Control Measure (ATCM) that limits idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation for the use of cleaner construction equipment. As a result, the impacts from TACs during construction would be less than significant. Consistent with and supportive of the goals of these regulatory mandates to minimize emissions and exposure to emissions, the Project would include emissions controls agreed upon by the City and the School that would be fully enforceable by the City, as per Mitigation Measure AQ-MM-1. While this mitigation measure is intended to reduce the Project's construction criteria pollutant emissions, it would also have the beneficial effect of reducing TACs, including diesel particulate matter (DPM.) emissions, from Project construction equipment.

Implementation of Mitigation Measure AQ-MM-1 would result in the reduction of DPM. exhaust emissions from the Project's construction equipment by over approximately 65 percent as compared to the fleet average emissions for construction equipment and vehicles. Please refer to Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR regarding emissions from the unmitigated localized construction emissions presented on PDF pages 60 through 64 of 437 and mitigated localized construction emissions presented on PDF pages 65 through 69 of 437. As shown therein, on-site construction emissions of PM<sub>2.5</sub>, which are highly correlated to DPM emissions, would be minimized to less than 1 pound per day with incorporation of Mitigation Measure AQ-MM-1. Furthermore, the Project would comply with the CARB ATCM that limits diesel powered equipment and vehicle idling to no more than 5 minutes at a location and the CARB In-Use Off-Road Diesel Vehicle Regulation. Compliance with these standards would substantially minimize emissions of TACs during construction. Note that bullet point No. 3 in Mitigation Measure AQ-MM-1 was updated in Chapter 3 of this Final EIR to clarify the idling regulatory requirements that are applicable to the Project and assumed as part of the mitigated air quality emission analyzed in the Draft EIR.

Furthermore, as disclosed in the Draft EIR on pages IV.B-32 and IV.B-61, health effects from TACs for sensitive residential receptors are described in terms of individual cancer risk based on a long-term resident exposure duration (i.e., resident lifetime or 70-year). Given the temporary and short-term construction schedule (approximately 30 months), the Project would not result in a long-term (i.e., lifetime or 70-year) exposure as a result of Project construction. Although a quantitative HRA for the Project is not required for the reasons discussed above, in order to provide information that further supports the Draft EIR's less than significant finding with respect to TAC emissions, a quantitative HRA has been performed. Consistent with the discussion on pages IV.B-61 of Section IV.B, *Air Quality*, of the Draft EIR, the findings of the HRA show that the Project, with incorporation of Mitigation Measure AQ-MM-1, would result in cancer risk below 10 in one million for the maximum impacted air quality-sensitive receptors, which would be located directly

across the street to the Project Site. Other receptors would result in lower air pollutant health risk impacts from the Project due to atmospheric dispersion effects. The results of the refined AERMOD dispersion modeling provides further substantial evidence that TAC emissions from construction activities would not expose sensitive receptors to substantial TAC concentrations. The results of the quantitative health risk modeling are provided in Appendix I of this Final EIR.

As discussed on pages IV.B-62 and IV.B-63 of the Draft EIR, the Project does not include the installation of industrial-sized stationary sources of TAC emissions; therefore, potential long-term operational impacts associated with the release of TACs would be minimal, regulated, and controlled, and would not exceed the SCAQMD thresholds of significance. As such, the Draft EIR addressed human health in the air quality analysis, and no additional analysis is required. The SCAQMD has published and adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities). The Project would not include any of these uses; therefore, an operational HRA is neither required nor necessary.

Additionally, with respect to operational health risks, see Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts from inhalation, ingestion, and dermal contact, and heat related would be less than significant. Refer to Topical Response No. 7 for additional detail regarding the Project's health-related impacts associated with artificial turf.

Based on the above, the comment does not provide substantial evidence that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and recirculation of the Draft EIR is not necessary.

## **Comment No. ORG 1B-80**

### **4.7 Lack of an Adequate Cumulative Noise Assessment**

The DEIR needs to address the potential of the proposed Project in combination with cumulative noise sources such as increasing aviation noise in the Project area, to result in cumulative noise impacts. As explained by Studio City for Quite Skies:<sup>54</sup>

NextGen is the Federal Aviation Administration's new satellite GPS system for guiding aircraft. It is being implemented all over the country. It creates concentrated flight paths supposedly to promote efficiency and save money for the airlines but it has not achieved its goal (according to the Inspector General) and has been a complete failure inspiring lawsuits nationwide. . .

### **How is it different from the previous system?**

The FAA formerly used a radar system that dispersed flights in six-mile wide paths. With NextGen, the FAA has compressed these paths into narrow, undeviating half-mile corridors - massively increasing noise and pollution for those living under them. Previously, jets departing Hollywood Burbank Airport were dispersed over a six-mile area, sharing the burden of noise across the East San Fernando Valley. Since NextGen, however, flight paths have been narrowed to a half-mile wide area, at dramatically lower altitudes, and were shifted south directly above our once-tranquil hillside suburb, including the protected, 4(f)-designated wilderness of the Santa Monica Mountains. This High Fire Severity Zone was never studied as part of Metroplex and residents were never given notice of the change. Studio City is now subjected to almost 200 low and loud jets per day from Burbank, expected to increase by 15% per year - with an all-new Expanded Burbank Terminal coming in 2024. This is on top of some 80-100 flights per day from Van Nuys Airport - also increasing.

### **How does all this affect Studio City, Sherman Oaks and Encino?**

Control towers and airlines gradually rolled out NextGen in Southern California ("The Southern California Metroplex") in November, 2016 and officially in March, 2017. See evidence of November 2016 rollout [HERE](#). At Burbank Airport, Air Traffic Control began vectoring flights far south of the 101 Freeway in anticipation of the FAA creating two new departure procedures, named SLAPP TWO and OROSZ THREE. Since the Task Force recessed in May 2020, FAA has added multiple new operations over our community in addition to just departures. We now receive simultaneous arrivals and departures from both BUR and VNY, when prior to the Task Force, we received arrivals only on "wind days," and instead of departures.

### **What are the two New Proposed Procedures?**

FAA has proposed TWO NEW BURBANK DEPARTURE PROCEDURES (SLAPP TWO and OROSZ THREE) which will create GPS-guided waypoints over Colfax/Ventura (near Carpenter Community Charter Elementary School) and at Hollyline, south of Valley Vista (near The Buckley School). These will serve to legitimize and make permanent flight paths that are already destroying our quality of life - while extending the air noise misery to Sherman Oaks and Encino. These procedures were

proposed without an Environmental Assessment or any consultation with affected communities. Studio City has suffered a devastating increase in airplane noise since the introduction of NextGen.

The DEIR needs to address the cumulative noise impact of the proposed Project in combination with the related cumulative noise impact resulting from past, present and reasonably foreseeable changes in Burbank Airport operations.

<sup>54</sup> <https://www.studiocityforquietskies.com/copy-of-about>

## **Response No. ORG 1B-80**

The comment states that the Draft EIR needs to address the flight patterns for the Hollywood Burbank Airport as a cumulative noise impact. As discussed under Threshold (c) of Section IV.K, *Noise*, of the Draft EIR, the Project is not located within two miles of a public airport or private airstrip and is not within the boundaries of an airport land use plan. Therefore, the Project would have no impact and would not expose people residing or working in the Project Site area to excessive noise levels from aircraft. Accordingly, the Project would, therefore, not contribute to any cumulative noise impacts related to airports.

## **Comment No. ORG 1B-81**

### **4.8 Public Services – Failure to Identify Significant Impacts to Fire Station Operations During Construction and Operation and on Emergency Access**

As noted on DEIR page II-53, the “south driveway” for the aboveground and underground parking areas would be “via a driveway at the paved portion of Valleyheart Drive located just south of LAFD Fire Station 78”. **Figure 3** shows the proximity of this driveway to the Fire Station. **Figures 4 and 5** shown the configuration of the Fire Station and its driveways.



**FIGURE 3 – Location of South Driveway and Dropoff Area in Relation to Fire Station No. 78**

Source: DEIR Figure II-6 – The number 2 indicates vehicular entry, the number 5 indicates a vehicular gate



**FIGURE 4 – Aerial View of Fire Station 78**

Source: Google Earth



**FIGURE 5 – View of Fire Station 78 from Valleyhart – Eastern Driveway**  
Source: Google Earth

## Construction

DEIR page II-62 indicates that the “inbound haul route would come from US-101, head southbound on Coldwater Canyon Avenue, eastbound on Moorpark Street, and southbound on Whitsett Avenue to access the Project Site” and that the “outbound haul route would leave the Project Site and head southbound on Whitsett Avenue, westbound on Ventura Boulevard, and northbound on Coldwater Canyon Avenue to reach US-101.”

As noted on page IV-M-18 of the DEIR: With regard to LAFD Fire Station 78 emergency access, **the station’s main driveway used for the departure of the larger fire trucks from the station bays is located on Whitsett Avenue**, north of Valleyheart Drive. The station also has two driveways on the north side of Valleyheart Drive. Of these two driveways, the westerly driveway is used for the return of the larger fire vehicles, which swing wide and use most of the Valleyheart Drive roadway to enter the fire station before proceeding to the bays. The easterly driveway to the fire station is used for the entry and departure of smaller vehicles, such as ambulances. (Emphasis added).

DEIR page IV.M-44 concludes without providing any evidence that:

emergency access would be maintained at all times as no road closures would be necessary. However, while construction activities would not require full street closures (i.e., at least one travel lane would be open at all times) and most Project construction activities would be confined to the Project Site, the Project would still implement a CMP (see Project Design Feature TRAF-PDF-1). Because of the short-term nature of the construction activities and with implementation of a CMP, the Project’s construction activities would not require a new, or significantly interfere with an existing, risk management, emergency response, or evacuation plan. The Project would not result in inadequate emergency access during construction.

Given the volume of construction truck traffic associated with the project, the fact that the construction haul route will use Whitsett, the fact the DEIR admits that some travel lanes may be closed during construction, the location of Fire Station 78 and its driveways, and the fact that the DEIR relies on Project Design Feature TRAF-PDF-1 (a Construction Management Plan), the specifics of which have not been disclosed, the conclusion that impacts to emergency response during construction will be less than significant are not supported by substantial evidence. There has been no demonstration that the Construction Management Plan will fully mitigate emergency access and response impacts during construction or that such mitigation is really feasible. The potential for significant emergency response impacts during construction remains.

### **Response No. ORG 1B-81**

The comment states that the analysis of impacts regarding emergency response is inadequate. Impacts on emergency response during construction were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. The commenter is referred to Topical Response No. 10 – Emergency Access, for a discussion of Project construction and operations at LAFD Fire Station 78. As discussed therein, the Project would employ temporary traffic controls, such as flag persons, to control traffic movement during temporary traffic flow disruptions. Traffic management personnel would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. During operation, as part of the Project design and per Project Design Feature TRAF-PDF-2, a flashing red warning light(s) will be installed on the southern exit driveway within the Project Site to hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. The warning light would assist the return of the fire trucks and other vehicles to the fire station via Valleyheart Drive and could be activated by LAFD during the initial stages of response mobilization, allowing any inbound or outbound vehicles at the Project Site to clear the LAFD driveways, effectively maintaining unfettered emergency vehicle access to the fire station.

Project Design Feature TRAF-PDF-1 on page IV.M-26 of the Draft EIR describes the basic requirements that the Construction Management Plan (CMP) will be required to achieve. The CMP will be reviewed, approved, and monitored by LADOT to ensure that the plan will adequately address any transportation impacts during construction.

### **Comment No. ORG 1B-82**

#### **Operation**

As previously discussed in **Section 3.7**, the DEIR impermissibly relies on a Project Design Feature, TRAF-PDF-2, the installation of a flashing warning light installed on the southern exit driveway as the mechanism for ensuring that vehicles existing the Project Site will not conflict with emergency vehicles entering and existing Fire Station 78 site and POL-PDF-2, the existence of security kiosks, when making impact judgements.

The DEIR concludes on page IV.M-45 that:

The warning light would allow for adequate emergency access by LAFD vehicles between Valleyheart Drive and Whitsett Avenue by reducing conflicts between vehicles leaving the Project Site and emergency vehicles leaving/coming back to the station. Further, the warning light would minimize the eastbound queues by vehicles leaving the Project Site along Valleyheart Drive at Whitsett Avenue when emergency vehicles need to access Valleyheart Drive. With the warning light in operation, LAFD would be able to effectively maintain adequate emergency vehicle access to the fire station. Also, the Project would include an at-grade security kiosk located near the roundabout, thereby placing a security guard nearby to assist with traffic management when the warning light is activated. . . .

**Based on the above, Project impacts with respect to emergency access would be less than significant.**

The DEIR has thus failed to identify a significant emergency access impact, by relying on PDFs which are clearly mitigation measures when conducting the analysis. Given that the DEIR has failed to identify a significant impact, by relying on PDFs which are in fact clearly mitigation measures, recirculation of the DEIR is required pursuant to CEQA Guidelines Section 15088.5(a)(1).

## **Response No. ORG 1B-82**

The comment restates that Project Design Feature TRAF-PDF-2, which has the effect of minimizing impacts on the emergency access to the adjacent fire station, should be included as a mitigation measure. The comment conflates Project components with mitigation measures needed if those components were not integrated into the design of the Project. For all the reasons previously stated in the responses to this comment letter, the Draft EIR is not flawed in its use of PDFs which are Project elements, or its use of mitigation measures which are additional measures added after analysis of the Project with the PDFs integrated into the Project. See Response No. ORG 1B-8, Response No. ORG 1B-22, Response No. ORG 1B-23, Response No. ORG 1B-25 and Response No. ORG 1B-26 for further discussion of PDFs.

Project Design Feature TRAF-PDF-2 is an integral part of the Project as designed by the School. As such, it is part of the whole of the Project and appropriately considered as a Project component in the analysis of the Project's potential impacts on fire services and emergency access. The comment, however, implies that having a design element which ensures that the Project avoids conflicts with the fire station is proof that the PDF is really a mitigation measure. Even if this analysis were logical, unlike the situation in *Lotus*, the environmental impacts of the Project are fully disclosed in the Draft EIR and the compliance with the PDF is secured by inclusion of the PDF in the MMP. See Section IV.M, *Transportation*, and Appendix M, *Transportation Assessment*, to the Draft EIR, which thoroughly discuss the transportation consequences of the Project. The Draft EIR

does not mask the emergency access concerns presented by the Project. The Draft EIR acknowledges that at certain times, such as the end of large interscholastic competition, the Project could temporarily increase traffic (Draft EIR at page IV.L.1-24). It also explains that LAFD Fire Station 78 is located on Valleyheart Drive, which provides access for the Project's southern driveway. The Draft EIR further explains that to ensure that access to the fire station would not be impacted by any increase in traffic, the Project was designed with Project Design Feature TRAF-PDF-2 which provides a system to ensure emergency access for the fire station. The exact elements of that design and what it would accomplish is thoroughly discussed on pages IV.L.1-25 through IV.L.1-26 and IV.M-44 through IV.M-45 of the Draft EIR. Therefore, the Draft EIR's discussion of emergency access is not diminished by including this design feature as a PDF rather than a mitigation measure. See also, Topical Response No. 10 – Emergency Access, which summarizes impact findings related to emergency access associated with LAFD Fire Station 78. As discussed in Topical Response No. 10, the Project's emergency access impacts were fully evaluated in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, of the Draft EIR. Despite the Project's periodic and temporary increase in localized traffic, the Project would not significantly impair the LAFD from responding in a timely manner to emergencies at the Project Site or the surrounding area. The Project would provide for emergency access into the Project Site and would not substantially interfere with emergency access in the surrounding neighborhood such that response times are substantively increased. It would also provide a system to maintain adequate access for emergency vehicles to enter and return to the adjacent LAFD Fire Station 78 and, thus, would not interfere with the operation of that fire station or substantively increase response times. In conclusion, as discussed in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, impacts to fire protection services, including operations at LAFD Fire Station 78, as well as emergency access associated with LAFD Fire Station 78, would be less than significant.

### **Comment No. ORG 1B-83**

The Traffic Analysis included as Appendix M to the DEIR identifies, on page 62, two mitigation measures for Project access issues at the south Project driveway:

#### **Potential Corrective Actions**

After identifying the Project related access constraint at the south driveway on Whitsett Avenue during the Special Event Scenario, the following corrective action was identified to minimize the access constraints:

- On Special Event Days, prohibit left turns out of the south driveway and force all exiting vehicles to turn right onto Whitsett Avenue. This can be employed using traffic control officers (TCOs) as part of an event management plan to be developed with LADOT. This change would improve the projected LOS at the southern driveway from LOS F to LOS

B and would reduce the projected queue length from 150 feet to 25 feet, as shown in **Table 12A** and **Table 12B**.

- To minimize effects on access for LAFD vehicles on Valleyheart Drive, implement a warning light that would hold back vehicles exiting the Project turnaround onto Valleyheart Drive when an emergency vehicle is approaching Valleyheart Drive from Whitsett Avenue or exiting from one of the two LAFD driveways on Valleyheart Drive. This warning light would be activated by a button pressed by LAFD staff in the emergency vehicles.

While the second of these needed mitigations has been included as Project Design Feature (TRAF-PDF-2), the left-turn restriction has not been required as a mitigation measure. In the absence of this mitigation, significant Project impacts remain and the DEIR needs to be recirculated to acknowledge these impacts.

### **Response No. ORG 1B-83**

The comment incorrectly states that the Transportation Assessment, Appendix M of the Draft EIR, required imposition of two mitigation measures. In fact, the measures discussed in the Transportation Assessment, PDF page 81 of 217 in Appendix M to the Draft EIR, and cited in the comment, are only listed as potential corrective actions to minimize access constraints and not required to mitigate any potentially significant CEQA impact. As noted in the comment, the warning light has been included in Project Design Feature TRAF-PDF-2.

The left-turn prohibition on Special Event Days would be included in an event Parking and Traffic Management Plan, as described in Topical Response No. 9 – Transportation and Parking During Construction and Operations. As discussed therein, Project Design Feature TRAF-PDF-3 has been modified to include a Parking and Transportation Management Plan that would be employed by Harvard-Westlake School for all athletic competitions or Special Events that are expected to draw more than 300 concurrent attendees. This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Moreover, the comment fails to provide any evidence that exclusion of the potential corrective action causes the Project's impact to be significant. A mitigation measure is only needed to minimize significant adverse impacts (CEQA Guidelines Section 15126.4). Since the Transportation Assessment did not recommend this corrective action to lessen a significant impact, the Draft EIR is not deficient and recirculation is not required.

### **Comment No. ORG 1B-84**

In addition, the analysis on pages IV.M-44 to 45 of the DEIR and PDFs only addresses traffic exiting the Project Site via the driveway adjacent to Fire Station 78. No analysis has been provided in the DEIR of the potential of vehicles, turning onto Valleyhart [*sic*] in

the vicinity of Fire Station 78 from Whitsett to enter the Project Site for drop-off or parking purposes, to interfere with the operation of the Fire Station.<sup>55</sup> The DEIR needs to address both left and right-turn movements onto Valleyhart [*sic*] from Whitsett into the south Project driveway. If exiting vehicles will result in impacts to Fire Station operations, so too will entering vehicles. This impact has not been identified in the DEIR. Recirculation of the DEIR is required pursuant to CEQA Guidelines Section 15088.5(a)(1) and (4). Please also see and address all of the comments by Aperture, included in Attachment 5 to this letter. Aperture is a forensic engineering firm and has identified defects in the DEIR's analysis.<sup>56</sup>

<sup>55</sup> See for example

<sup>56</sup> See <https://www.aperturellc.com> or <https://wexco.net> Apertures services include: accident reconstruction, animation & graphics, biomechanics, construction defect and premises liability analyses.

## Response No. ORG 1B-84

The comment states that Draft EIR fails to address vehicles entering the Project Site at Valleyheart Drive, in the vicinity of LAFD Fire Station 78, thus requiring revision and recirculation of the Draft EIR. PDF pages 80 and 81 of 217 of Appendix M , Transportation Assessment, to the Draft EIR addresses the passenger loading at the on-site turnaround off of Valleyheart Drive. The turnaround at the western edge of Valleyheart Drive would be used exclusively for drop-off and pick-up activities (i.e., shuttles, transportation network company [TNC] vehicles). The available storage capacity in the turnaround was found to be sufficient for the estimated queuing on special event days, which is the worst-case, highest trip generating event anticipated at the Project Site. Since the storage capacity is sufficient to contain the vehicular queue at the turnaround, queue spillback from the turnaround onto Valleyheart Drive would not occur and thus would not interfere with LAFD Fire Station 78 operations on Valleyheart Drive.

Further, refer to Response No. ORG 1B-81 and Topical Response No. 10 – Emergency Access, for a discussion of effects to operation at LAFD Fire Station 78, including those associated with construction activities.

The comment does not provide substantial evidence of significant new information showing that there is a new significant impact, an increase in the severity of an impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the revision and recirculation of the Draft EIR is not necessary.

The responses to the comments by Aperture in Attachment 5 are addressed in the Responses to Comment Nos. ORG 1B-170 through 1B-196 below.

## Comment No. ORG 1B-85

Furthermore, the Traffic Analysis needs to be redone since the trip assignment used makes no sense given that one of the Harvard-Westlake schools that would use the facilities is located on Coldwater Canyon Boulevard and the other is located west of Coldwater Canyon. As shown in **Figure 6**, which reproduces Figure 8A from the Traffic Analysis in DEIR Appendix M, the Traffic Analysis assumes that 60 percent of Harvard-Westlake visitors to the site would arrive from the eastbound 101 freeway and 20 percent would be coming from east of Whitsett. The same trip distribution was also used for Harvard-Westlake employees (see Appendix M, Figure 8C). The trip distribution used in the analysis therefore makes no sense and is likely to underestimate right turns onto Valleyheart from Whitsett after vehicles pass Fire Station 78. Furthermore, a separate trip distribution and analysis needs to be provided for non-Harvard-Westlake events at the Project Site. The analysis of potential impacts from Project vehicular movements needs to be completely redone and the DEIR recirculated for public review and comment pursuant to CEQA Guidelines Section 15088.5(a)(4).



**FIGURE 6 – Trip Distribution Assumptions for Harvard-Westlake Visitors and Employees Used in the Traffic Analysis**

Source: Figure 8A from the Traffic Analysis in DEIR Appendix M

## Response No. ORG 1B-85

The comment states that the Transportation Assessment's trip assignment figures are not adequate. As explained in pages 53 through 63 (PDF pages 71 through 81 of 217) of Appendix M, Transportation Assessment, to the Draft EIR, Figures 8A through 8C, Trip Distribution Map, on pages 50 through 52 (PDF pages 68 to 70 of 217) and Table 10, Trip

Generation Estimate, on page 49 (PDF page 67 of 217) represent the trip generation and distribution of the following groups: Harvard-Westlake students traveling to the Project Site for practice or a game, Harvard-Westlake coaches, visiting team athletes and coaches, spectators, and visitors to the Harvard-Westlake campus, which includes the visiting team athletes and coaches, as well as spectators. This trip distribution was developed based on zip code data provided by Harvard-Westlake School of the number of Harvard-Westlake student households in each zip code, as this would be representative of the origin and/or destination of the groups indicated above.

Zip code data for employees was analyzed to obtain the average trip length to the Project Site, as well as trip distribution. The average trip length was found to be slightly longer than the trip length for the Harvard-Westlake “Other” category (i.e., the groups listed in the paragraph above), but the distribution of the trips to the streets and intersections in the vicinity of the Project Site was found to be the same, due to the majority of trips of both categories using the US-101.

The Harvard-Westlake student athletes arriving from the Upper School to the Project Site or from the Middle School to the Project Site (via the existing intercampus shuttle that carries Middle School athletes to the Upper School) are not included in this trip distribution and were considered separately. The Middle School students that would participate in sports at the Project Site are currently already bused from the Middle School to the Upper School campus for these sports, along with other Middle School students who use transportation to the Upper School campus at the end of the academic day (such as for after-school clubs and meeting up with the student’s older sibling(s)). Therefore, these students are considered to already be at the Upper School and, in terms of trip distribution, are included with the other Upper School students riding the shuttle to the Project Site (students from the Middle School are, except in very rare circumstances, not of legal driving age). Regarding non-Harvard-Westlake events (community events), these events are exempt as community uses for VMT analysis, but were analyzed for project access, safety, and circulation in Appendix M to the Draft EIR. Therefore, the trip generation and distribution utilized in the Transportation Assessment for the Project is valid.

### **Comment No. ORG 1B-86**

Given that impacts are underestimated, recirculation of the DEIR is required pursuant to CEQA Guidelines Section 15088.5(a)(2). Due to both the failure to identify an impact and the underestimate of impacts recirculation of the DEIR is also required pursuant to CEQA Guidelines Section 15088.5(a)(4).

### **Response No. ORG 1B-86**

The comment contends that revision and recirculation of the Draft EIR is required due to underestimation of impacts related to transportation. Refer to Response Nos. ORG 1B-81 through ORG 1B-85. Based on the above, the comment does not present substantial evidence that the Draft EIR is fundamentally flawed to support a contention that the Draft

EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, the recirculation of the Draft EIR is not necessary.

## **Comment No. ORG 1B-87**

### **4.9 Traffic – Failure to Identify Pedestrian and Vehicular Safety Impacts**

Please also see and address the comments by Aperture regarding pedestrian and vehicular safety, included in **Attachment 5** to this letter.

## **Response No. ORG 1B-87**

The responses to the comments by Aperture in Attachment 5 are addressed in the Responses to Comment Nos. ORG 1B-170 through 1B-196 later in this document.

## **Comment No. ORG 1B-88**

### **4.10 Traffic – Inadequate Analysis of Construction Impacts to Freeway Safety and Off-Ramp Queuing**

DEIR pages IV.M-41 to IV.M-44 include an analysis of the impacts of Project operations on local and freeway safety, including the operation of the US-101 Southbound Off-ramp to Coldwater Canyon Avenue during the peak afternoon hour. This analysis largely consists of a narrative unsupported by quantitative data or analysis. It is therefore not supported by substantial evidence.

Furthermore, no such analysis is provided of the impacts of Project construction-related activities on local and freeway safety. The proposed Project will generate an enormous amount of truck traffic during construction, more than one inbound and one outbound truck trip every two minutes. As required by CEQA, the DEIR needs to address construction, as well as operational impacts of the Project on local roadway and freeway safety and the operation of the freeway ramps. A quantitative analysis of the impact of truck traffic, with truck traffic converted to passenger car equivalents as appropriate, needs to be included in the DEIR, otherwise, based on the sheer volume of truck traffic, there is the clear potential for significant unmitigated truck-related impacts to the safety and operation of the freeway and freeway ramps at both ends of the haul routes. Given that truck traffic will be generated during both the a.m. and p.m. peak period, both periods need to be addressed in the analysis.

## **Response No. ORG 1B-89**

The comment states that the analysis of Project impacts on local and freeway safety is inadequate. While the discussion of impacts of Project operations on freeway safety is qualitatively described on page IV.M-43 of the Draft EIR, the quantitative analysis supporting this discussion and conducted in accordance with LADOT guidance is included on pages 28 through 31 (PDF pages 46 through 49 of 217) of Appendix M,

Transportation Assessment , to the Draft EIR. An analysis of potential construction-period impacts on the transportation system conducted in accordance with the requirements of LADOT's Transportation Assessment Guidelines is presented on page 69 (PDF page 87 of 217) of Appendix M to the Draft EIR.

## Comment No. ORG 1B-90

### 4.11 Traffic –Failure to Identify Significant Neighborhood Impacts

The proposed project includes 532 parking spaces to serve the 80,249 square foot, two-story gymnasium with basement, playing fields, courts and clubhouse with 10-seat café. DEIR Table II-6 shows the calculation of required parking per LAMC Section 12.21 A4 as 444 spaces and is based on the number of fixed seats associated with the gymnasium, tennis courts, Field A, Field B and Pool. While LAMC Section 12.21 A4 (e)<sup>57</sup> does provide for calculating parking requirements based on fixed seats as follows, this has been inappropriately applied to the gymnasium portion of the Project:

(e) **For Auditoriums.** There shall be at least one automobile parking space for each five seats contained within any theatre, church, high school, college or university auditorium, or general auditorium, stadium or other similar place of assembly. Where there are no fixed seats in the auditorium or place of assembly, there shall be one parking space for each 35 square feet of floor area (exclusive of stage) contained therein.

However, LAMC Section 12.21 A4 (c)(2) specifies:

(2) **Health Clubs:** There shall be at least one automobile parking space for each 100 square feet of floor area in the building being utilized for a health club, athletic club, bath house, **gymnasium**, dance studio, dance hall, or any similar establishment, which operates as a private facility or offers the use of the premises and equipment to the general public for physical exercise, dance or sports activities. This provision does not include such a facility located in a building which is accessory to an elementary school, junior high school or senior high school as defined in Section 12.03 of this article or any other institution of learning under the jurisdiction of the State Department of Education. This provision does not include such a facility located within an office building of at least 50,000 square feet or more of gross floor area, or located within the Downtown Business District parking exception area described in Paragraph (i) of this subdivision.

The gymnasium does not qualify as accessory to a school, since it is not located on the same lot as the school.<sup>58</sup> Parking requirements for the gymnasium should therefore have been calculated based on square footage. Given the 80,249 square foot size of the gymnasium, 802 parking spaces would be required for this portion of the proposed Project.<sup>59</sup> In total 1,041 parking spaces would thus be required for the Project. The Project is thus severely under-parked and it is therefore likely that event parking will spill over into

nearby neighborhoods, particularly given that DEIR page II-50 acknowledges that school events will include attendance by up to 2,000 persons:

In addition to the school athletic and recreational activities described above, the Project Site could be used for up to 30 school-related special events per year, 27 of which are conservatively assumed to have up to 500 people and three with 2,000 people. These special events would include a maximum of 15 weekday events, 10 Saturday events and 5 Sunday events. Special events are defined as any non-athletic, non-recreational or non-regular academic activity involving more than 100 persons.

<sup>57</sup> See: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lapz/0-0-0-5183](https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-5183)

<sup>58</sup> See LAMC definition of accessory use at: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lapz/0-0-0-886#JD\\_12.03](https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-886#JD_12.03)

<sup>59</sup> It should be noted that parking requirements are typically established based on studies of trip generation associated with different uses.

## Response No. ORG 1B-90

The comment states that the parking requirements for the Project were not correctly determined. Contrary to the contention in the comment, the parking needs for the Project's gymnasium are more akin to an auditorium than a health club because the activities on-site are generally controlled by the School. In this case, the gymnasium would be considered as accessory to the school, as the Project would primarily serve Harvard-Westlake students from the Upper School campus. The gymnasium would not be operated as a typical health club open to the public upon simple remittance of health club dues. Further, LAMC Section 12.21 A.4(e) requires one parking space per five fixed seats for stadiums, high schools, colleges, and general assembly, as well as for auditoriums. A 5:1 seat:parking ratio is consistent with how the City has evaluated other school-constructed gymnasiums throughout the City and, therefore, a 1 seat per 100 square foot is inappropriately applied in this comment. As discussed in Chapter II, *Project Description*, of the Draft EIR, students would be bused to the Project Site from the Upper Campus for typical after-school activities. The capacity for spectators for Harvard-Westlake athletic events and for public use by pre-approved organizations would be limited by the seating capacity of the gymnasium.

Appendix M, Transportation Assessment, to the Draft EIR evaluated the Project access, safety and circulation associated with the Special Event Scenario, which represents the trips associated with a Harvard-Westlake special event day, specifically a conference day. This scenario was selected as it was anticipated to generate the highest number of vehicle trips based on the attendance (up to 500 attendees) and average vehicle occupancy (AVO of 1). This would result in a maximum of 500 vehicles parking on-site, which is a conservative estimate since some conference attendees would likely use a TNC service like Lyft or Uber and would not require parking on-site. 500 vehicles would be accommodated on-site and would not result in spillover onto neighborhood streets. There would be events with up to 2,000 attendees, but those events would require busing to the

Project Site from either the Upper School or the Middle School with an AVO of 40, and thus would not result in a higher vehicle trip generation compared to the special event day scenario of 500 attendees with an AVO of 1. Please refer to Response to Comment No. 1B-13 regarding the addition of Project Design Feature NOI-PDF-4 which limits the maximum attendance at school-related Special.

### **Comment No. ORG 1B-91**

According to DEIR page II-56:

By providing more parking spaces than required by the LAMC, the School would accommodate the parking needs of its students, employees, and visitors on-site, to ensure they do not park in the surrounding community. Off-site parking for the Project Site's users would be prohibited through the following measures:

- Security patrols present north of the Project Site on Valley Spring Lane during events to enforce no neighborhood or other off-site parking.
- Security guard placed at the pedestrian entrance on Whitsett Avenue to screen visitors for neighborhood parking and to return visitors to their car if inappropriately parked.
- On days in which event attendance is expected to surpass 300 spectators, tickets and parking passes would be required for visitors to enter the Project Site. This includes single events or combined events. For reference, attendance reached this level fewer than ten times during Harvard-Westlake School's 2018- 2019 school year and is anticipated to be similarly infrequent at the Project Site. On ticketed days, visitors without parking passes would be directed to the upper school campus on Coldwater Canyon Avenue to utilize the shuttle service to the Project Site.
- Three shuttles are anticipated to transfer students, coaches, and visitors between the campus and the Project Site between 2:30 p.m. to the end of the day's latest activity. Shuttles would have an estimated rider capacity of 24 and service is anticipated every 5 to 10 minutes. Ingress and egress at the Project Site would be at the south driveway drop-off roundabout, at Valleyheart Drive, just west of the LAFD Fire Station 78.

Requirements for use of a Shuttle and parking passes is required by TRAF-PDF3, which is clearly intended as a mitigation measures for potential impacts. POL-PDF-2 specifies the provision of the specified security personnel, and is clearly intended as a mitigation measure for potential impacts. The DEIR has therefore failed to identify significant pre-mitigation neighborhood impacts.

## Response No. ORG 1B-91

The comment restates the contention that PDFs related to transportation should have been analyzed as mitigation measures. Refer to Response Nos. ORG 1B-32 and ORG 1B-33, which address the adequacy of Project Design Feature TRAF-PDF-3 and POL-PDF-2 as PDFs, and not mitigation measures.

Project Design Feature TRAF-PDF-3 is legitimately a PDF rather than a mitigation measure since it has been the intention of Harvard-Westlake to require shuttling from the Upper Campus from early planning for the Project to the present. Project Design Feature POL-PDF-2 is legitimately a PDF rather than a mitigation measure since provision of on-site security personnel is a necessity to ensure the safety of students, employees, spectators, and public users of the Project Site and has also been an element of the Project from early planning to the present. As such, these features are appropriately included as PDFs.

## Comment No. ORG 1B-92

The DEIR silent [sic] on the number of frequencies of non-school special events that will be permitted at the Project Site and how parking for such events will be controlled. In the absence of a mitigation measure prohibiting non-school special events, assumptions about the frequency of large events that will occur at the site are not supported by substantial evidence, and impacts associated with special events has been underestimated. Both the impact analysis and DEIR's Project Description are silent on how non-school special event traffic will be managed.

## Response No. ORG 1B-92

The comment states that non-school events are inadequately analyzed and that the number of non-school special events is not disclosed. As discussed in Chapter II, *Project Description*, page II-34 of the Draft EIR, there would be up to five special events per year for the public. Refer to Response Nos. ORG 1B-14 to ORG 1B-17 for information pertaining to the transportation analysis for non-school events (community events).

The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of mechanisms to manage traffic and parking on event days. As discussed therein, per the City's criteria, the Project is not expected to create an excessive burden on any of the surrounding residential streets in either the Non-Event Scenario or the Special Event Scenario. The preferred driving route to access the Project Site would use local arterial roadways such as Coldwater Canyon Avenue, Moorpark Avenue, and Whitsett Avenue, the preferred driving route would be widely communicated to Project Site visitors. Further, Project Design Feature TRAF-PDF-3 has been modified to include a Parking and Transportation Management Plan that will be employed by Harvard-Westlake School for all School-related athletic competitions or Special Events that are expected to draw more than 300 concurrent attendees. The

Parking and Transportation Management Plan will include appropriate tools to manage and control traffic and parking for the competitions or events so that impacts to the surrounding areas are minimized.

### **Comment No. ORG 1B-93**

The DEIR fails to adequately analyze the impact of visitors to the Project Site seeking parking on nearby streets and neighborhoods and its impact on both neighborhoods and roadway operations and the operation of Fire Station 78. The DEIR similarly fails to adequately analyze the impact noise generation associated with visitors and special events. Given that impacts are underestimated, recirculation of the DEIR is required pursuant to CEQA Guidelines Section 15088.5(a)(1) and (2).

### **Response No. ORG 1B-93**

The comment states that the Draft EIR fails to adequately analyze the impacts related to visitor parking on streets, roadway operations, LAFD Fire Station 78, and noise associated with visitors and special events. As shown in Table II-6, *Required Parking Per LAMC Section 12.21 A.4*, on page II-56 in Chapter II, *Project Description*, of the Draft EIR, the Project is providing an appropriate number of parking spaces as required by the LAMC to ensure that there is sufficient parking on-site and that spillover would not occur onto neighborhood streets. Furthermore, Project Design Feature TRAF-PDF-3 requires that, on days in which event attendance is expected to surpass 300 concurrent spectators, tickets and parking passes would be required for visitors to enter the Project Site and that visitors without parking passes would be directed to the Upper School campus on Coldwater Canyon Avenue to utilize the shuttle service to the Project Site.

To prevent visitors from driving through and parking in the surrounding residential neighborhood, visitors would have the use of the subterranean garage. The provision of parking passes would be part of the reservation program for games or other use of recreational facilities by the public. For larger events that would exceed the capacity of the parking structure, visitors would be shuttled from either of the two Harvard-Westlake campuses. For public community events, parking passes would be required in the event that community participants are expected to exceed 300 people. Parking passes would be issued for up to 400 vehicles, or as many parking spaces are available on-site, whichever is fewer. Parking off-site in the surrounding neighborhood would be prohibited. Organizations would be notified of such parking requirements and would be required to inform their participants, coaches, and spectators. These mechanisms would be enforced by Harvard-Westlake, and violations could result in rescinding of the public's permission to use the Project Site.

The commenter is referred to Response No. ORG 1B-92 above and Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of mechanisms to manage traffic on event days.

Further, as discussed in pages IV.K-46 and IV.K-49 of Section IV.K, *Noise*, of the Draft EIR, and shown in Tables IV.K-14, *School Related Special Events Noise Levels*, and IV.K-15, *Public Special Events Noise Levels*, of the Draft EIR, the range of public or special events activities (including the use of amplified sound), singularly or in combination, would not exceed CEQA threshold levels for noise. The comment that noise levels associated with visitors and special events are not adequately analyzed is not substantiated by fact and no further response is necessary.

Based on the above, the comment does not present substantial evidence of significant new information showing that there is a new significant impact, an increase in the severity of an impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, recirculation of the Draft EIR is not necessary.

## **Comment No. ORG 1B-94**

### **4.11 Inadequate Traffic, Public Facility and Recreational Impacts Due to Displaced Users Analyses**

The DEIR fails to cite any source for the golf course and driving range usage figures provided on DEIR page IV.L.3-14 or to indicate what year and month(s) these figures are for. The DEIR should provide the source of the figures. The DEIR should also provide data showing how monthly usage rates have changed since Harvard-Westlake bought the property.

The DEIR needs to provide multiple-year, monthly data, regarding the use of golf and tennis facilities in the region, not just the limited data provided on page IV.L3-17 to 19. The DEIR indicates that golf and tennis reservations data are from surveys for February and March of 2021. However, there is no indication that these months are typical of historic patterns use pattern. Conclusions regarding the impact of displaced users on other facilities are thus not supported by substantial evidence. The DEIR's VMT analysis needs to account for the additional miles traveled by displaced site users that will have to travel a greater distance to access golf and tennis facilities.

## **Response No. ORG 1B-94**

The comment states that the Draft EIR failed to cite source(s) for data regarding golf course and driving range usage, and failed to analyze the impacts related to displaced users of the current Project Site facilities. The data cited on page IV.L.3-14 in Section IV.L.3, *Parks and Recreation*, of the Draft EIR is based on existing conditions at the Project Site, which is currently occupied by a "for-fee" golf and tennis facility. Harvard-Westlake School is the current property owner and operator of the Project Site. The former Project Site owner/ operator operated the facility for more than a decade prior to Harvard-Westlake School's ownership. Accordingly, Harvard-Westlake School is the source of all existing conditions information, such as the number and type of existing facilities, existing floor areas, acreages for the Project Site and the leased parcels,

existing operations, and other existing features. A clarification has been added to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, indicating that existing condition information was provided by Harvard-Westlake School as the facility operator. The data provided by Harvard-Westlake School was current at the time of the preparation of the Draft EIR in 2021. Data cited for off-site facilities was sourced from websites and operators of the facilities, which is primarily the City of Los Angeles Department of Recreation and Parks. These sources are referenced and dated in footnotes provided in the section. As shown in the footnotes, contact dates are primarily in early 2021.

The study area for tennis facilities is focused on the eastern and south San Fernando Valley, which reflect existing user zip codes and existing locations of individuals who would be most likely relocated to other recreational facilities. The evaluated study area for golf facilities was broader than tennis since, according to the Department of Recreation and Parks, golfers often travel greater distances to municipal courses. This means that the existing location of users who use the Project Site's tennis and golf facilities already derive from throughout the region. In addition, according to the Department of Recreation and Parks, use of outdoor recreational facilities, such as tennis courts and golf courses, during the Covid outbreak skewed higher than typical usage because outdoor recreational use continued to be available and replaced other indoor recreational activity that was not available during the outbreak and subsequent lockdown. In this regard, the data provided by the School during the Covid outbreak was conservative and, as such, multiple-year, monthly data to show a historic use pattern is not necessary. This is discussed on page IV.L.3-17 of the Draft EIR. Regarding lengths of vehicle trips, the City of Los Angeles Department of Transportation VMT calculator ascribes the evaluations of trip length to per capita residents and employees. The analysis of VMT in the Draft EIR is correctly based on VMT calculator requirements for the defined recreational use of the Project Site.

The comment provides no evidence that the figures used in the Draft EIR were inaccurate or improper for use in the analysis of the Project's potential impacts. As such, no further analysis is necessary.

### **Comment No. ORG 1B-95**

The DEIR fails to provide substantial evidence to support its conclusions regarding the lack of recreational facility impacts resulting from the Project. The DEIR provides insufficient data to demonstrate that conclusions are based on data which is representative of historic patterns of site usage both before and after Harvard-Westlake purchased the property and at the other facilities in the region. Monthly data for multiple years is required to support the conclusions in the DEIR. The potential for significant impacts remains.

## Response No. ORG 1B-95

The comment states that the Draft EIR fails to provide substantial evidence that the Project's impacts related to recreational facilities would be less than significant. Section IV.L.3, *Parks and Recreation*, of the Draft EIR accurately depicts the use of the Project Site under current conditions and compares the anticipated relocation of users as well as accommodation of users on-site, to existing conditions as required for the CEQA analysis. Harvard-Westlake School has continued the use of the Project Site that existed prior the School's purchase of the Project Site in 2017. This includes public access to 16 tennis courts per current demand, use of the golf course, use of the clubhouse, use of the driving range, and use of the putting green. The replacement of users who visited the site prior to 2017 would not be pertinent to the CEQA analysis. For instance, if a site once-developed with a large-scale dairy farm were razed and remained vacant for several years, CEQA would require that a future project would be compared to the vacant condition of the Project Site, not to the historic use.

## Comment No. ORG 1B-96

### 4.12 Failure to Identify Significant Cumulative Water Supply Impacts

According to page IV.O.1-28 of the DEIR, after improperly accounting for the water use reductions resulting from WS-PDF-1 (artificial turf) and WS-PDF-2 (capture and reuse system), which are in fact mitigation measures, the DEIR calculates Project water use as follows:

Depending on rainfall frequency and volume, a minimum of one-third of the Project's total annual irrigation demand is expected to be provided by the Project's 1-million-gallon stormwater capture and reuse system. Thus, with Project Design Feature WS-PDF-2, the Project's irrigation demand would be reduced, at minimum, to 6,064 gpd or 6.8 afy; and, the Project's overall water demand would be reduced to 36,885 gpd or 41.31 afy.

...

As indicated in Table IV.O.1-8, the Project would result in a total domestic water demand of 30,821 gpd or 34.52 afy, and a landscape/irrigation demand of 9,051 gpd or 10.13 afy. In total, the Project's overall water demand would be 39,872 gpd or 44.65 afy. The Project, as conservatively analyzed and as further explained below, would result in a net increase of 6,993 gpd or 7.82 afy compared to existing conditions.

The DEIR then goes on to concluded on page IV.O.1-31 that:

As discussed in LADWP's 2020 UWMP and summarized in Tables IV.O.1-4 to IV.O.1-7, above, LADWP expects to have available water supplies during average year, single dry year, multiple dry years and drought

condition scenarios. Assuming the conservative analysis included in Table IV.O.1-8 with a Project water demand of 44.65 afy or a net increase of 7.82 afy above existing conditions, the Project's water demand increase would be well within the City's total increase of 69,200 afy in water demand from 2025 to 2045.<sup>39</sup> With its current water supplies, planned future water conservation and planned future water supplies, LADWP has available supplies to meet all demands under all three hydrologic scenarios (average, single dry, and multiple dry years) through the 25-year planning period covered by the 2020 UWMP. In addition, as shown in Table IV.O.1-7, LADWP would have available water supplies to meet water demand under drought conditions in 2025.

However, the DEIR has failed to account for an important cumulative project which will result in water demand in excess of that analyzed in the 2020 UWMP. That cumulative project is the City's 2021-2029 Housing Element and associated up-zoning of the City.

### **Response No. ORG 1B-96**

The comment states that the Draft EIR improperly accounted for reductions in water use resulting from the incorporation of Project Design Features WS-PDF-1 and WS-PDF-2 and failed to include the City's 2021-2029 Housing Element and associated zoning as a related project for the cumulative analysis. On the first issue, see Response No. ORG 1B-35.

On the second issue, CEQA requires that a project analyze the cumulative effects of potentially significant adverse impacts as specified in CEQA Guidelines Section 15130. Pursuant to Section 15130, the Draft EIR determined the list of related projects within a reasonable geographic area to be discussed in the cumulative analysis of the environmental topics covered in the Draft EIR. (Draft EIR pages III-3 through III-5 and Figure III-1, *Related Projects Map*.) The Draft EIR analyzed the cumulative impact on water supplies due to the demand from the Project, the related projects, and the cumulative increase in population and housing growth combined. As discussed on pages IV.O.1-33 through IV.O.1-35 of the Draft EIR, the analysis shows that the Project's contribution to a cumulative impact to the water supply would not be cumulatively considerable. As explained in that analysis, the water demand for projects that are consistent with the allowable land uses, building area, and density contained in the General Plan, which includes the Housing Element, were taken into account in the planned growth of the City by the LADWP in their 2020 Urban Water Management Plan (2020 UWMP). The 2020 UWMP concludes that the LADWP will have sufficient water supply to reliably provide water to its customers through the year 2045, based on the growth projections in SCAG's 2020-2045 RTP/SCS. Although the 2021-2029 Housing Element Update was adopted after the 2020 UWMP, the analysis is still correct since the Housing Element Update EIR determined that the cumulative demand was within the projections of the 2020 UWMP as explained below.

The 2021-2029 Housing Element was adopted by the Los Angeles City Council on November 24, 2021. The 2021-2029 Housing Element was only adopted after certification of an EIR (ENV-2020-6762-EIR; State Clearinghouse Number: 2021010130) (Housing Element EIR) which analyzed project and cumulative impacts to the City's water supply. The Housing Element EIR included the geographic area of the entire City, approximately 467 square miles. Section 4.16.2, Water Supply and Facilities, pages 4.16-27 through 4.16-55, of the Housing Element EIR, analyzed cumulative water demand and supply and concluded that the City would have sufficient water supplies to serve the build out of the City's Regional Housing Needs Assessment (RHNA) under the Housing Element during normal, dry and multiple dry years and, as such, the impacts to water supply with full build out of the Housing Element would be less than significant (Housing Element EIR at page 4.16-48.)

In the analysis of cumulative impacts, the Housing Element EIR determined that the City would have sufficient water for both the Housing Element and other Citywide project water demand. "Total water demand projected by the LADWP 2020 UWMP accounts for growth within its jurisdictional boundaries, which is based on SCAG's demographic data and the 2020-2045 RTP/SCS, which would include the cumulative projects as well as the growth being accommodated by the Housing Element Update. The LADWP is projected to supply 693,200 afy, which would accommodate the citywide estimated water demand of 597,000 afy with implementation of the Housing Element Update. Per the 2020 UWMP, based on current water supplies, planned future water conservation and planned future water supplies, LADWP will be able to reliably provide water to meet the demands of the City for the 25-year planning horizon identified in the 2020 UWMP, including the planning period of the Housing Element Update through the year 2029. Therefore, cumulative development would not result in a cumulatively significant impact with respect to water supply." (Housing Element EIR page 4.16-73.) This conclusion is consistent with the analysis in the Draft EIR and demonstrates that the City can accommodate the Project, the related projects, and the 2021-2029 Housing Element build out.

Additionally, while the Draft EIR does not list the 2021-2029 Housing Element as a related project, it is not required to do so. CEQA Guidelines Section 1530(b) only requires one of two protocols for discussion of cumulative impacts (i) a list of projects, or (ii) a summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. The Housing Element of the City's General Plan is an adopted local plan and therefore is classified under option two of the protocols. The City chose to prepare the cumulative analysis using option one and created a list of nearby planned projects. An EIR is not required to utilize both protocols; therefore the Draft EIR for the Project was not required to also analyze the contribution of the Housing Elements projections.

Moreover, the Draft EIR is not flawed because the water demand projections are appropriately based on the Project's and the Related Project's projected water needs to determine the cumulative impact of the Project's water demand. (See Table IV.O.1-9, *Estimated Cumulative Demand*, Draft EIR page IV.O.1-34.) The Draft EIR then compares

the cumulative total against the total water availability pursuant to the 2020 UWMP as projected through 2045. Since the Housing Element EIR found that the 2020 UWMP projected water supply would be sufficient for both build out of the RHNA and projected Citywide demand, the Draft EIR's reliance on the 2020 UWMP was sufficient to account for any growth caused by full build out of the RHNA housing goals.

Accordingly, the assertion that the Draft EIR failed to take the Housing Element's projected increase in water demand into account is not correct.

### **Comment No. ORG 1B-97**

The Notice of Preparation for the EIR for the proposed Project was issued September 30, 2020, after the City received its Regional Housing Needs Assessment (RHNA) housing production targets for the 2021-2029 period, yet the analysis of Project water use impacts fails to address this important related impacts cumulative project. The additional demand, which arises from housing production targets and associated up-zoning goals established after adoption of the 2020 Urban Water Management Plan (UWMP), is not accounted for in the current 2020 UWMP (see 2020 UWMP Exhibit 1C and 1D on UWMP page 1-6).<sup>60</sup>

<sup>60</sup> The 2020 UWMP is available at:

<https://www.ladwp.com/cs/groups/ladwp/documents/pdf/mdaw/nzyy/~edisp/opladwpccb762836.pdf>

### **Response No. ORG 1B-97**

This comment restates that the Draft EIR's cumulative analysis of impacts on water supply failed to assess water supply in light of the RHNA. See Response No. ORG 1B-96 which explains that the Housing Element EIR did take into account cumulative water demand from full RNHA build out, as well as the City's other projected water needs. and concluded that the water demand projected by LADWP's 2020 UWMP would be sufficient to meet the water demands of the City to serve the build out of the RHNA and other projected citywide growth. Therefore, while the 2020 UWMP was adopted prior to adoption of the 2021-2029 Housing Element, it projected sufficient growth to accommodate the RHNA build out, the Project, and the related projects. The Project Draft EIR, therefore, adequately analyzed the cumulative water demands through reliance on the 2020 UWMP. Moreover, the cumulative analysis in the Draft EIR does analyze total water demand including the cumulative demand from the Project, the related projects, and projected City population and housing growth (see Draft EIR, pages IV.0.1-32 through IV.0.1-35.)

### **Comment No. ORG 1B-98**

As detailed in the City's 2021-2029 draft Housing Element and the Housing Element DEIR, the draft Housing Element would result in the significant up-zoning of land within the City. "In accordance with SCAG's RHNA Allocation Plan, adopted in March 2020, the City's 2021-2029 Housing Element must accommodate a total of **456,643 units**, of which 184,721 units must be affordable to lower income households (Very Low and Low)." <sup>61</sup>

This can be compared to its RHNA allocation of 82,002 units for the prior eight-year cycle. In January of 2020, the City had a total of 1,496,453 housing units according to the California Department of Finance (DOF).<sup>62</sup> The RHNA allocation thus requires a 30% increase in the City's total housing stock in just eight years.

In addition to meeting its RHNA allocation, the City's 2021-2029 Housing Element includes a 15% buffer of additional housing units, resulting in a total housing production goal and associated rezoning to provide for 486,379 units additional housing units from 2021 to 2029.<sup>63</sup> These additional units substantially exceed the year 2030 housing unit assumptions in the UWMP. As shown in **Table 1**, this will result in water demand in excess of supply unless significant on-going water conservation is implemented. However, as noted in a recent Los Angeles Times article:<sup>64</sup> "Between July — when Newsom urged Californians to slash water use by 15% — and February, statewide cumulative water savings have amounted to just 5.8% relative to a 2020 baseline." (See **Attachment 6**). To date, even during a drought, water conservation has failed to meet targets.

<b>Land Use</b>	<b>Dwellings Per Unit</b>	<b>Daily Water Use Rate (GPD/unit)</b>	<b>Daily Water Demand (gpd)</b>	<b>Average Year /1/ Annual Water Demand (afy)</b>	<b>Single Dry Year /3/ Annual Water Demand (afy)</b>
Housing Element Single-family Residential Demand	89,008	326	29,016,458	32,503	32,503
Housing Element Multi-family Residential Demand	397,371	189	75,103,119	84,127	84,127

<b>TABLE 1 CUMULATIVE WATER DEMAND WITHOUT PROJECT ESTIMATED WATER DEMAND COMPARED TO SUPPLY AVERAGE YEAR AND SINGLE DRY YEAR CONDITIONS (2030) ASSUMING 18.3% OF NEW UNITS ARE SINGLE-FAMILY WITH THE ADDITIONAL DEMAND RESULTING FROM ACHIEVING THE 2029 HOUSING ELEMENT'S HOUSING PRODUCTION TARGETS</b>					
			Average Year /1/	Single Dry Year /3/	
Land Use	Dwellings Per Unit	Daily Water Use Rate (GPD/unit)	Daily Water Demand (gpd)	Annual Water Demand (afy)	Annual Water Demand (afy)
Total 2029 Housing Element Water Demand	486,379		104,119,577	116,629	116,629
UWMP Citywide Water Demand (Year 2030) Pre- Conservation /1/				660,200	693,200
UWMP Citywide Water Demand (Year 2030) Post Conservation /1/				526,700	526,700
2030 UMWP Demand Plus Project Pre- Conservation Demand				<b>776,829</b>	<b>809,829</b>
2030 UWMP Demand Plus Project Post Conservation Demand /2/				618,837	615,338
Projected Year 2030 Water Supply Average Weather Year /1/				<b>660,200</b>	<b>693,200</b>
Source: /1/	UWMP Table ES-S - per page ES-21: Exhibit ES-S summarizes the water demands and supplies for average year conditions, which has the highest probability of occurring.				
/2/	Assumes same Post Conservation water consumption rate of 76% for Average Year and 79% for Single Dry Year				
/3/	UWMP Table ES-R- per page ES-20: Exhibit ES-R summarizes the water demands and supplies for average year conditions, which has the highest probability of occurring.				

<sup>61</sup> [https://planning.lacity.org/odocument/6e79ba73-689a-4f6f-95e4-057dd85b5b57/What\\_to\\_Know\\_about\\_RHNA\\_Site\\_Selection\\_and\\_Rezoning.pdf](https://planning.lacity.org/odocument/6e79ba73-689a-4f6f-95e4-057dd85b5b57/What_to_Know_about_RHNA_Site_Selection_and_Rezoning.pdf)

<sup>62</sup> State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2022. Sacramento, California, May 2022. See DOF Table E-5 available at: <https://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/> <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2021/>

<sup>63</sup> [https://planning.lacity.org/odocument/6e79ba73-689a-4f6f-95e4-057dd85b5b57/What\\_to\\_Know\\_about\\_RHNA\\_Site\\_Selection\\_and\\_Rezoning.pdf](https://planning.lacity.org/odocument/6e79ba73-689a-4f6f-95e4-057dd85b5b57/What_to_Know_about_RHNA_Site_Selection_and_Rezoning.pdf)

<sup>64</sup> <https://www.latimes.com/environment/story/2022-05-07/why-has-water-conservation-in-california-beena-bust-so-far>

## Response No. ORG 1B-98

This comment states that 2020 UWMP does not adequately account for the growth in demand that would result from full build out of the RHNA. As such, the comment is

challenging the accuracy of the Housing Element EIR which found that the City would have sufficient water supplies to meet the demand generated by build out of the RHNA under the Housing Element and other City needs pursuant to the growth projections of the 2020-2045 RTP/SCS (Housing Element EIR at page 4.15-48). See also Response No. ORG 1B-96. Pursuant to CEQA Guidelines Section 15112, the statute of limitations for challenging the Housing Element EIR has expired. Since this comment challenges the conclusions of a different EIR from that prepared for the Project, no further response is necessary.

### **Comment No. ORG 1B-99**

The analysis of Project water supply impacts in the DEIR is inaccurate because it fails to address the amount of cumulative growth planned for and encouraged by the City in its 2021-2029 Housing Element, which is in excess of that addressed in the UWMP. As shown in **Table X**, with achievement of Housing Element targets, water demand in the City will exceed supply even in average years, unless substantial water conservation measures are undertaken. The Project's additional water demand of 7.82 afy compared to existing conditions, even after implementation of the PDFs which are in fact mitigation measures, would thus represent a significant cumulative water supply impact which has not been acknowledged in the DEIR, as it would contribute to pre-conservation demand in excess of supply in average years in a State which has to-date only managed to achieve water conservation level which are well below the UWMP's water conservation scenario. Given the City is experiencing substantial drought conditions, which will persist for an unknown period of time, this cumulative impact may be even greater. The DEIR has failed to identify a significant cumulative water supply impact resulting from the Project. Recirculation of the DEIR is required pursuant to CEQA Guidelines Section 15088.5(a)(1) and (2).

### **Response No. ORG 1B-99**

This comment restates that the Draft EIR fails to include the increase in water demand that could be generated from the Housing Element Update in the cumulative analysis. See Response No. ORG 1B-96 through Response No. ORG 1B-98.

### **Comment No. ORG 1B-100**

#### **5.0 IMPROPER DEFERRAL OF ANALYSIS OR MITIGATION AND INFEASIBLE MITIGATION MEASURES**

The following mitigation measures demonstrate that the City has improperly deferred analysis of potential project impacts. They also constitute examples of improper deferral of mitigation.

**HAZ-MM-1: Soil Management Plan.** Prior to the issuance of grading permits, Harvard- Westlake School shall retain a qualified environmental consultant to prepare a Soils Management Plan (SMP), which shall be

submitted to the Los Angeles Department of Building and Safety (LADBS) and Los Angeles Regional Water Quality Control Board (LARWQCB), as necessary, for review and approval. The SMP shall specify soil testing parameters and sampling frequency for areas within the golf course and near the location of the 500-gallon UST removed from the Project Site in 1995. Sampling, testing, and analysis shall be conducted in accordance with appropriate California and local guidelines [e.g., Department of Toxic Substances Control (DTSC), California Environmental Protection Agency (CalEPA), and LARWQCB]. Any soils qualifying as hazardous waste and/or soils that include concentrations of chemicals that exceed applicable State Office of Environmental Health Hazard Assessment (OEHHA) California Human Health Screening Levels (CHHSL), shall be subject to site-specific soil removal, treatment, and disposal measures included in the SMP to comply with applicable federal, State, and local overseeing agencies requirements to prevent unacceptable exposure of hazardous materials to construction workers, the environment or the public from contaminated soils or soil vapors during construction. The SMP shall also include, but is not limited to, protocols that address the following: screening measures for soil exhibiting impacts, stockpile management, vapor suppression and dust control, surface and groundwater protection, soil stockpile sampling, and exporting of contaminated soils. Upon completion of construction-related soil disturbing activities, Harvard-Westlake School shall obtain a closure letter(s) or No Further Action (NFA) letter from the LADBS, DTSC, LARWQCB, and/or other local or State agencies, as applicable, which states that no further soils testing or remediation is required on the Project Site, including near the former 500-gallon UST that was removed from the Project 72 Site in 1995 just south of the tennis courts near the adjacent LAFD site boundary. The closure letter and/or NFA letter(s) shall at a minimum address the on-site area, including the previously removed 500-gallon UST.

**HAZ-MM-2: Health and Safety Plan (HASP):** Harvard-Westlake School shall commission a HASP to be prepared in compliance with Occupational Safety and Health Administration (OSHA) Safety and Health Standards (29 CFR 1910.120) and Cal/OSHA requirements (8 CCR, General Industry Safety Orders and California Labor Code, Division 5, Part 1, Sections 6300-6719) and submitted for review and approval by the LADBS. The HASP would address, as appropriate, safety requirements that would serve to avoid significant impacts or risks to workers or the public in the event that contaminated soils or elevated levels of subsurface vapors are encountered during grading and excavation. The general contractor shall be responsible for health and safety concerns not related to contaminated soils or soil vapors, such as those associated with standard construction operations (e.g., excavation stability, stockpile placement, heavy equipment operation, etc.).

## Response No. ORG 1B-100

This comment states that Mitigation Measures HAZ-MM-1 and HAZ-MM-2 demonstrate that the City has improperly deferred analysis of potential project impacts and includes deferred mitigation. The comment provides no substantial evidence that a Project impact related to hazards and hazardous materials has not been analyzed in the Draft EIR. Section IV.H, *Hazards and Hazardous Material*, thoroughly discusses the Project's potential hazards and hazardous materials impacts that could occur during Project construction and operation, as well as its incremental contribution to cumulative impacts. (See also Appendix H-1, Phase I Hazardous Materials Environmental Site Assessment, of the Draft EIR.) As to the need for this particular mitigation measure, as stated on pages IV.H-46 through IV.H-49 in Section IV.H, *Hazards and Hazardous Materials*, of the Draft EIR, given the long term use of the Project Site as a golf course, the pesticides used in a golf course, and the fact that an underground storage tank was removed in 1995 under the supervision of the LAFD, but a No Further Action letter was not located, the Draft EIR conservatively included a soils management plan as a mitigation measure to ensure that there is no potential for exposure. Thus, the mitigation measure is not a deferral of an analysis of a potential impact; the Draft EIR acknowledges that there may be an impact, however low the risk, and, therefore, requires a plan to deal with it. Based on this conservative analysis, Mitigation Measures HAZ-MM-1 and HAZ-MM-2 were developed to ensure that neither the construction nor operation activities of the Project would result in exposure to hazardous materials. Moreover, Mitigation Measure HAZ-MM-1 and HAZ-MM-2 do not constitute the deferral of mitigation measures. Rather, these measures set forth exactly what the soils management plan and HASP must contain, who must approve them, what regulations must be complied with, and what performance criteria are required in case contaminated soils or soil vapors are encountered. The courts have held that such a measure is permissible. (See, e.g. *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884.)

## Comment No. ORG 1B-101

In addition, HAZ-MM-1 needs to be revised to specify that Harvard-Westlake School shall obtain a closure letter(s) or No Further Action (NFA) letter from the LADBS, DTSC, LARWQCB, and/or other local or State agencies, as applicable, which states that no further soils testing or remediation is required on the Project Site, and that documentation shall be obtained prior to the issuance of any demolition, grading, site preparation and construction permits.

## Response No. ORG 1B-101

The comment states that Mitigation Measure HAZ-MM-1 should include a requirement to obtain a No Further Action letter. A closure letter is already required under Mitigation Measure HAZ-MM-1 on page IV.H-48, of the Draft EIR. Mitigation Measure HAZ-MM-1 includes the following statement: "Upon completion of construction-related soil disturbing activities, Harvard-Westlake School shall obtain a closure letter(s) or No Further Action

(NFA) letter from the LADBS, DTSC, LARWQCB, and/or other local or State agencies, as applicable, which states that no further soils testing or remediation is required on the Project Site, including near the former 500-gallon UST that was removed from the Project Site in 1995 just south of the tennis courts near the adjacent LAFD site boundary. The closure letter and/or NFA letter(s) shall at a minimum address the on-site area, including the previously removed 500-gallon UST.” No further response to this comment is necessary.

### **Comment No. ORG 1B-102**

Please also see and address comments from Mr. Cashen included in Attachment 2 regarding improperly deferred and potentially infeasible Biological Resource mitigation measures. Recirculation of the DEIR is required pursuant to CEQA Guidelines Section 15088.5(a)(1) and (2).

### **Response No. ORG 1B-102**

The comment requests that the City address Mr. Cashen’s comments pertaining to improperly deferred and potentially infeasible Biological Resource mitigation measures contained in Attachment 2 to Comment Letter No ORG 1B, dated May 10, 2022. Mr. Cashen’s comments are included and addressed in Comment and Response Nos. ORG 1B-138 through ORG 1B-162, below. Note that the statement in Comment No. ORG 1B-102 regarding “improperly deferred and potentially infeasible Biological Resource mitigation measures” is not demonstrated in either the comments above or in Mr. Cashen’s comments below. That is, the comment and the attachment contain no facts to substantiate the letter’s allegations regarding deferment or infeasibility of the mitigation measures. As such, no further response is necessary.

### **Comment No. ORG 1B-103**

#### **6.0 INADEQUATE MITIGATION**

The DEIR fails to include feasible mitigation measures to ensure Project operation consistent with assumptions used in the DEIR’s impact analysis, such as number and size of both Harvard-Westlake and non-Harvard-Westlake events. The DEIR thus includes inadequate mitigation.

### **Response No. ORG 1B-103**

The comment states that the Draft EIR fails to include unspecified mitigation measures to ensure that there are no significant operational impacts. The comment contains no evidence of any potentially significant operational impacts including impacts due to the number or size of School and non-School events. The Project’s maximum operation would not exceed the number of events and types of activities listed in Chapter II, *Project Description*, of the Draft EIR, and evaluated throughout the Draft EIR. The listed activities represent the maximum use of the Project Site and cannot be exceeded under the

potential conditions of approval that would be required for the proposed CUP. As such, the Draft EIR evaluates the maximum activity that would occur on the Project Site, including the number and size of all events. No further mitigation beyond the mitigation measures provided in the Draft EIR would be required.

## **Comment No. ORG 1B-104**

### **7.0 INADEQUATE ALTERNATIVES ANALYSIS**

#### **7.1 Impact Reducing Alternatives**

As noted on DEIR page V-4:

As described above, according to State CEQA Guidelines Section 15126.6(a) the purpose of analyzing project alternatives is to identify alternatives that "...would avoid or substantially lessen any of the significant effects of the project..."

The alternatives included in the DEIR fail to appropriately do this because the DEIR analysis fails to identify a number of significant Project impacts, as explained in Sections 3 and 4 of this letter. As noted on DEIR page V-4:

As shown in Chapter IV, Environmental Analyses, of this Draft EIR, the Project would not have significant long-term impacts due to Project operations that would require consideration of alternatives that would reduce such impacts.

The DEIR has thus inappropriately limited its definition of alternatives to those which would reduce only the construction noise and vibration impacts of the Project. The definition in the DEIR of alternatives is thus based on the faulty premise that the DEIR only needs to address two significant unmitigated construction-related impacts. Once the DEIR is corrected to appropriately identify a number of operational impacts, additional alternatives to address these impacts should be defined and added to the DEIR. This should include the addition of an alternative that would address the significant unmitigated historical resource impacts of the proposed Project.

## **Response No. ORG 1B-104**

The comment states that the Draft EIR impermissibly limited the number of alternatives based on failure to include alternatives to address alleged operation impacts. Under CEQA Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. An EIR is not required to consider alternatives which are infeasible. As determined by the City, the only significant and unavoidable impacts of the Project are construction-related noise and vibration impacts. A significant contributor to the Project's

noise and vibration impacts is the excavation and soil hauling required for the subterranean garage and stormwater capture and reuse system. With the exception of Alternative 4, the Project alternatives would eliminate the subterranean garage and stormwater capture and reuse system, reduce overall on-site construction activity and intensity, and, thus, reduce on-site noise and vibration impacts compared to the Project. However, similar to the Project, Alternatives 2 through 4 would install an ADA-compliant pedestrian ramp leading to the Zev Greenway at Coldwater Canyon Avenue (the Coldwater Canyon Avenue Riverwalk Path Ramp). In addition, Alternative 4, which would eliminate all public use of the Project Site, which would substantially reduce daily use and activity at the Project Site (as described in the table notes of Table IV.O.3.-3 on page IV.O.3-17 in Section IV.O.3, *Utilities and Service Systems – Solid Waste* of the Draft EIR, an estimated 82 percent of Project Site usage would be derived from public users and not the School). The selection of Alternatives also includes those that would meet the underlying purpose of the Project, which is to supplement the School's athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles. The statement in the comment that the definition in the Draft EIR of alternatives is “based on the faulty premise that the Draft EIR only needs to address two significant unmitigated construction-related impacts” and that “once the DEIR is corrected to appropriately identify a number of operational impacts, additional alternatives to address these impacts should be defined and added to the DEIR” including “an alternative that would address the significant unmitigated historical resource impacts,” is not based on substantial evidence presented in this comment letter or in the evaluation in Section IV.D. *Cultural Resources*, of the Draft EIR. As further evaluated in Topical Response No. 6 – Historical Resources, the Project Site's historical cultural monument (HCM) designation requires the preservation and/or restoration of the Project Site's City-designated character-defining features (private recreational facility open for public use, the clubhouse, the golf ball [-shaped] light standards, the putting green, and the brick wall with weeping mortar at the front lawn) that will be preserved and/or, as necessary, restored. As concluded in Section IV.D, *Cultural Resources*, of the Draft EIR and in Topical Response No. 6, the Project as designed would not result in significant adverse impacts to historical resources on the Project Site. Because the alternatives evaluated in the Draft EIR would reduce the Project's construction noise and vibration impacts (albeit the impacts would still remain significant and unavoidable), reduce many of the Project's less than significant impacts (acknowledging a few impacts may be greater than the Project's) while largely achieving most of the Project's basic objectives either fully, substantially or partially, the selection of alternatives is consistent with CEQA Guidelines. As the comment provides no evidence to support its assertions, no further response is necessary.

## Comment No. ORG 1B-105

### 7.2 Alternatives Considered and Rejected - Alternative Project Site Designs/Reduced Development Intensity

In Section 4 of Chapter V, the DEIR artificially rejects this alternative suggested in NOP comments as failing to meet five of the Project objectives. (See DEIR pages V-7 to V-8). However, the argument is disingenuous as no serious attempt has been made to design an alternative which would retain more of the character-defining features of the historic resource. The DEIR needs to include a serious alternative which retains more of the character-defining features of the historic resource and which address some of the other construction and operational impacts of the Project as discussed in **Section 4** of this letter.

## Response No. ORG 1B-105

The comment states that the City has improperly rejected alternatives which would retain more of character-defining features of the historical resource. An EIR does not need to consider every possible alternative (Guidelines Section 15126.6(a)). The alternatives selected for analysis should be those which attain most of the basic objectives of the project but would avoid or substantially lessen any of the project's significant effects. (Id.) As thoroughly analyzed in Appendix E-1, Historic Resources Technical Report, and Section IV.D, *Cultural Resources*, of the Draft EIR, the Project would not result in significant impacts to historical resources. As explained on in pages IV.D-31 through IV.D-33 in Section IV.D of the Draft EIR, the distinct character-defining features of the Project Site as identified in the HCM designation would be retained. As such, the Project would not result in a substantial adverse change in the significance of a historical resources and, therefore, no inclusion of an alternative to retain more of the character-defining features is required. Moreover, as explained on page V-7 and V-8 in Chapter V, *Alternatives*, of the Draft EIR, the alternatives rejected were rejected because they failed to meet most of the Project objectives. The comment neither describes which alternative design should have been included nor provides substantial evidence that the Project would result in a significant impact to the historical resource. See also, Topical Response No. 6 – Historical Resources, which summarizes direct and indirect impacts on historical resources and Response No. ORG 1B-26 which further discusses the Project's retention of the Project Site's character-defining features.

## Comment No. ORG 1B-106

### 7.3 Alternative Sites

The DEIR should be revised to include consideration of an alternative where the proposed facilities are constructed on the Los Angeles Valley College (LAVC) campus for joint use by Harvard-Westlake and LAVC. Under this alternative, limited improvements could be made to the Project Site to meet non-academic Project objectives and the facility could be maintained for public use, thus meeting objectives 3, 4, 5, 6, and 9 at the Tennis Club site and the remaining objectives at the LAVC site.

## Response No. ORG 1B-106

The comment suggests that an alternative site for the Project be evaluated. CEQA does not require an EIR to analyze any specific number of alternatives. Pursuant to CEQA Guidelines Section 15126.6(a), “[a]n EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. There is no ironclad rule governing the nature or the scope of the alternatives to be discussed other than the rule of reason. [citations omitted]” Chapter V, *Alternatives*, of the Draft EIR, provides a reasonable range of alternatives and explains the reasons for selecting those alternatives and rejecting others. The comment contains no facts to substantiate the contention that the range of alternatives analyzed were impermissibly limited.

As explained on page V-6 of the Draft EIR, no alternative sites are available which would meet the Project objectives and result in lessened impacts. Moreover, Harvard-Westlake owns the Project Site and cannot acquire an existing public school site.

Additionally, the comment provides no evidence that the LAVC is available, suitable, nor that use of that site would avoid or substantially lessen any of the Project’s significant impacts.

## Comment No. ORG 1B-107

### 8.0 **INADEQUATE CUMMULATIVE AND GROWTH-INDUCTING IMPACT ANALYSIS**

#### 8.1 Inadequate Related Project’s List

CEQA Guidelines Section 15130(b) specifies that:

The following elements are necessary to an adequate discussion of significant cumulative impacts:

- (1) Either:
- (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
  - (B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

The City has opted to use a related projects lists as the basis of the cumulative impact analysis in the DEIR. As noted on DEIR page III-4, under CEQA:

Cumulative study areas are defined based on an analysis of the geographical scope relevant to each particular environmental issue. Therefore, the cumulative study area for each individual environmental impact issue may vary. For example, a cumulative land use impact generally may only affect the compatibility of uses within the vicinity of the project site, while a cumulative air quality impact may affect the entire South Coast Air Basin. The specific boundaries and the projected growth within those boundaries for the cumulative study area of each environmental issue are identified in the applicable environmental issue section in *Chapter IV, Environmental Impact Analysis*, of this Draft EIR.

## **Response No. ORG 1B-107**

The comment cites the Draft EIR's explanation of application of the CEQA Guidelines for the discussion of cumulative impacts. The comment contains no evidence to support the allegation that the Draft EIR's related project list is inadequate. For environmental impact reports, the Los Angeles Department of City Planning derives the list of related projects according to a geographic radius of one-half mile of the Project Site plus one-quarter mile from the farthest outlying intersection in accordance with LADOT Transportation Assessment Guidelines (TAG). The study area radius is common for project EIRs throughout the City. The Project Site is unique in that, unlike most urban areas in the City of Los Angeles, relatively little new development is occurring or anticipated within its surrounding geographic area. In addition, the relatively small study area under the TAG provides an accurate picture of cumulative impacts in that projects within a closer physical radius are more apt to result in cumulative impacts throughout most environmental issue

areas. It is correct that cumulative effects can be variable and that cumulative emissions within the established geographic study area, or a broader geographic area, are able to affect the air quality of the South Coast Air Basin. For this reason, the Draft EIR evaluates the Project's impacts with respect to regional plans, such as LADWP's 2020 UWMP and SCAQMD's Air Quality Management Plans (AQMPs), which are based on the long-term projected buildout of the of region. As such, the Draft EIR provides local and regional evaluations of the Project and related projects, as necessary. However, establishing specific related projects based on a geographically-defined study area provides that no individual projects are unfairly credited with greater or fewer cumulative impacts than other development projects throughout the region.

### **Comment No. ORG 1B-108**

A list of proposed development projects in the area of the Project that could affect conditions in the Project area (e.g., by generating population increases requiring public services) was prepared based on information obtained primarily from LADOT and the City of Los Angeles Department of City Planning (DCP). A total of five (5) potential related development projects have been identified within the vicinity of the Project Site for inclusion in the cumulative impact analysis for this EIR

As noted on DEIR page IV.A-21:

All of the related projects are located within a 0.5-mile section of Ventura Boulevard, between 12544 and 12833 Ventura Boulevard. All of the related projects sites are zoned C-1.5 (Limited Commercial) and are currently developed with commercial uses.

This list of five related projects formed the basis of the cumulative impact analysis of: aesthetics (light and glare), geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services (police, fire and parks and recreation), transportation, tribal cultural resources, and wastewater generation. Only two of the five related projects were considered when assessing cumulative biological resource impacts and the analysis of cumulative historic resource impacts. Only the analyses of cumulative energy impacts, cumulative water supply impacts, and soil waste considered a wider geographic area.

### **Response No. ORG 1B-108**

The comment appears to assert that the Draft EIR's analysis of the related projects was not adequate due to the geographic limitations of the individual environmental topics analyzed. The study area for the related projects is based on the LADOT's TAG procedures and representative of a common radius in the City's EIRs. The comment provides no evidence to substantiate the claim that the list of related projects and cumulative analysis are inadequate. Pages IV.B-64 through IV.B-67 in Section IV.B, *Air Quality*; pages IV.C-57 and IV.C-58 in Section IV.C, *Biological Resources*; pages IV.D-

37 through IV.D-39 in Section IV.D, *Cultural Resources*, and pages IV.G-75 through IV.G-78 in Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR describe all of the five related projects and conditions on those sites pertinent to biological and historical resources. The Draft EIR evaluates the regional environmental effects related to energy, water supply and solid waste from projects within the Study Area, and is not required to evaluate the impacts of all development occurring within an undefined broader geographic area, or throughout the City, the County, or the State. Moreover, it is not uncommon to have situations where a related project would have no effect or a *de minimus* effect on biological and/or historical resources. For instance, three of the five related project sites do not contain any biological or historical resources. As such, the respective related projects would not be specifically evaluated regarding biological or historical resources.

### Comment No. ORG 1B-109

The analyses of cumulative impacts in the DEIR, for most issue areas is thus based on an artificially constrained list of related projects, leading to an underestimate of the potential of the project in combination with related projects to result in significant cumulative impacts. The DEIR, in each of the issue area analyses, has failed to justify this artificially constrained definition of related projects. CEQA Guidelines Section 15130 specifies:

(a) . . .

- (1) As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing **related impacts**.” (Emphasis added).

(b) . . .

- (2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.
- (3) Lead agencies should define the geographic scope of the area affected by the cumulative effect and **provide a reasonable explanation for the geographic limitation** used. (Emphasis added).

## Response No. ORG 1B-109

This comment states that the Draft EIR's cumulative impacts analysis improperly constrained the list of related projects. The comment contains no evidence that any relevant projects were omitted nor facts to show that the radius determined to be appropriate by LADOT and the City of Los Angeles Department of City Planning was insufficient. Contrary to the implication in the comment, the Draft EIR does explain how it determined the appropriate geographic area. As explained on page III-5 in Chapter III, *Environmental Setting*, of the Draft EIR, "[a] list of proposed development projects in the area of the Project that could affect conditions in the Project area (e.g., by generating population increases requiring public services) was prepared based on information obtained primarily from LADOT and the City of Los Angeles Department of City Planning. According to the LADOT Transportation Assessment Guidelines (TAG), related projects are new development within a one-half mile radius of the Project Site plus one-quarter mile from the farthest outlying intersection." The methodology used to establish the related projects radius is consistent with guidelines and EIRs regularly evaluated for other projects throughout the City. The comment provides no facts to show that this standard City radius for determining the appropriate list of related projects is not adequate. As such, no further response is necessary.

## Comment No. ORG 1B-110

The DEIR and City have failed to comply with CEQA Guidelines Section 15130(b)(2). The DEIR inappropriately constrains the related projects considered in the cumulative impact analyses by both geography and use type, rather than by related impacts, resulting in an underestimate of cumulative impacts. The cumulative impacts analysis is thus fatally flawed and must be redone and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(2) and (4).

## Response No. ORG 1B-110

The comment states that the Draft EIR fails to comply with CEQA Guidelines Section 15130(b)(2) by constraining the list of related projects by geography and use type. As to the basis for determining the geographic boundaries, see Response No. ORG 1B-109. Regarding the alleged constraint by use type, the comment does not include an explanation of what use constraint is imposed by the Draft EIR. The list of related projects is based on the City's standard practice of including any known new projects within the area established by the TAG to be the area where cumulative impacts may occur. As stated in the Draft EIR, for some of the environmental topic analysis the potential for a cumulative impact goes beyond the immediate area of the Project and, therefore, the analysis for that topic goes beyond the listed related projects (Page III-4 in Chapter III, *Environmental Setting*, of the Draft EIR at). There is no restriction on type of use of related projects in the Draft EIR analysis.

Based on the above, the comment does not provide substantial evidence that there is an increase in the severity of a cumulative impact or that the Draft EIR is fundamentally

flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. . As such, revision and recirculation of the Draft EIR is not necessary.

## **Comment No. ORG 1B-111**

### **8.2 Failure to Include Important Cumulative Projects**

As discussed in **Section 4.12** of this letter, the DEIR needs to include as a cumulative project, the City's Housing Element targets and associated up-zoning requirements. This cumulative project will result in important related cumulative impacts on infrastructure demand and services as well as traffic and thus roadway operations in the project area. It also needs to included projects involving the substantial related disposal of soil as discussed in Section 1 of this letter. The failure to include projects related by impact in the analysis has led to an underestimate of cumulative impacts.

## **Response No. ORG 1B-111**

The comment restates that the City's Housing Element should have been listed as a related project. See Response No. ORG 1B-96. The Draft EIR is not required to list an adopted plan as a related project. As explained in Response No. ORG 1B-96, CEQA Guidelines Section 1530(b) only requires one of two protocols for discussion of cumulative impacts (i) a list of projects, or (ii) a summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. The Housing Element of the City's General Plan is an adopted local plan and, therefore, is classified under option two of the protocols. The City chose to prepare the cumulative analysis using option one and created a list of nearby planned projects. An EIR is not required to utilize both protocols; therefore, the Draft EIR for the Project was not required to also analyze the contribution of the Housing Elements projections.

Moreover, the Housing Element EIR contains a cumulative analysis for each environmental topic it analyzed. As shown throughout the Housing Element EIR, in determining the cumulative impacts, the Housing Element EIR included projected growth and accommodation of the increased housing due to the Housing Element's housing goals. For example, (and without listing all the examples), the Housing Element EIR contains the following type of language for all its cumulative analysis: Section 4.2, page 4.2-64, states that cumulative air quality impacts "would include any reasonably anticipated development in [South Coast Air Basin] for regional air quality impacts, as well as housing development accommodated under the Housing Element Update..."; Section 4.10, page 4.10-52, states that cumulative noise and vibration impacts could occur "if such impacts from development projects under the Housing Element Update combine with similar impacts of other development (e.g., nonresidential, past residential) projects throughout the geographic extent of analysis, which is defined as the City of Los Angeles"; and Section 4.16.2, page 4.16-72 states that cumulative water supply impacts could occur "if such impacts to utilities and service systems from development projects under the

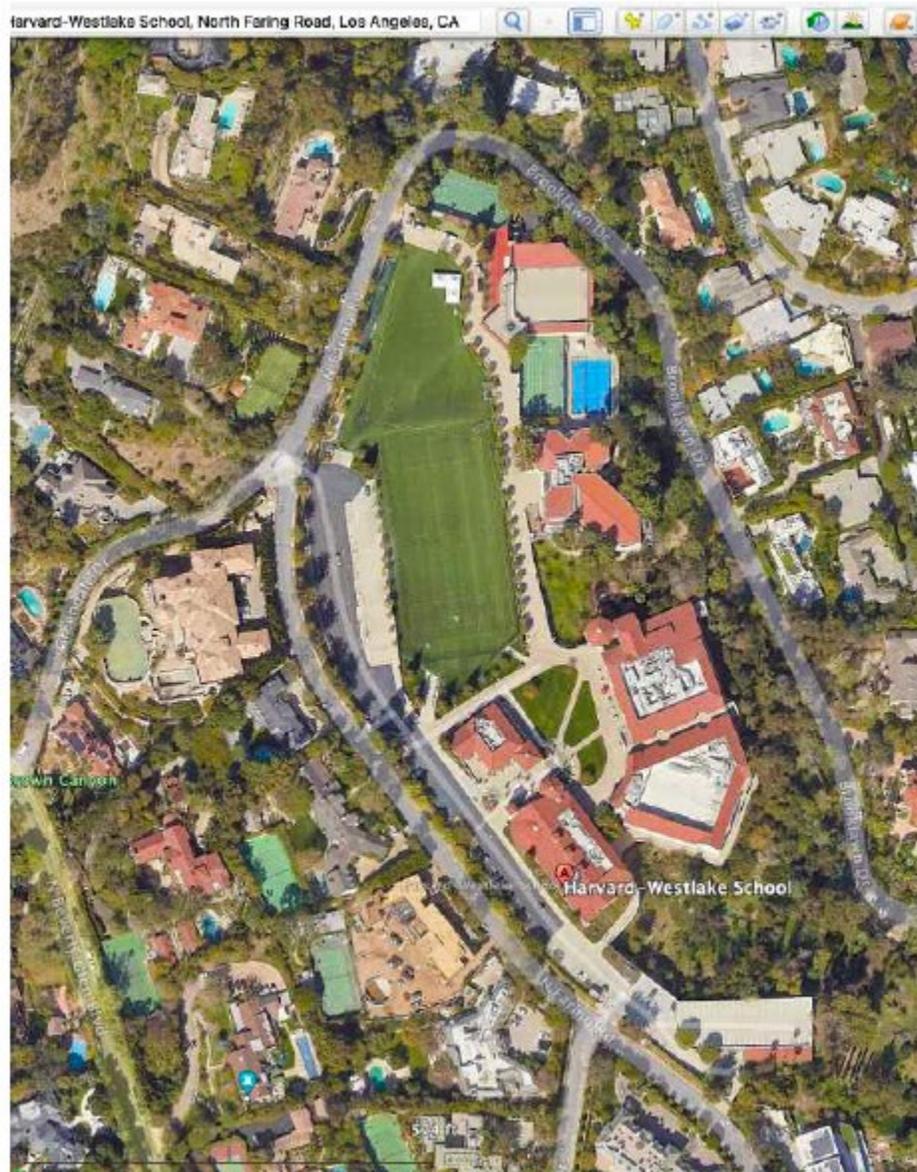
Housing Element Update combine with similar impacts to utilities and service systems of other development projects throughout the geographic extent of analysis, which is defined as the City of Los Angeles". As such, the Housing Element EIR has already discussed the cumulative impact of anticipated housing growth under the Housing Element and Citywide projected growth for each environmental topic. Thus, no discussion of the Housing Element is required in the Draft EIR. The comment also states that the Draft EIR needs to include projects involving the substantial related disposal of soil as discussed in Section 1 of this letter (which referenced the Big Tujunga, Cogswell and San Gabriel, Devil's Gate, Morris, and Pacoima, and future public works and debris basin cleaning projects). The cited projects are outside the scope of the Draft EIR (see also Response No. ORG 1B-20). The Draft EIR correctly concluded that Project construction would not generate solid waste in excess of state and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and impacts would be less than significant (page IV.O.3-16 of the Draft EIR).

## **Comment No. ORG 1B-112**

### **8.3 Failure to Address Reasonably Foreseeable Future Development on the Two Harvard-Westlake Campuses**

The DEIR fails to identify or adequately address the cumulative and growth-inducing impacts of the proposed Project associated with the transfer of athletic facilities and uses from the two Harvard-Westlake campuses to the Project Site. The proposed Project would free up space on the two existing Harvard [sic]-Westlake campuses currently used for playing fields and other athletic facilities, thus freeing up land that would allow for expansion of academic facilities and thus enrollment expansion on the two campuses. As shown in **Figures 7 and 8**, elimination of athletic fields at the two campuses would free up substantial land area for campus program expansion. The proposed Project would thus be growth-inducing. The DEIR's cumulative impact analysis and growth-inducing impact analyses needs to address the potential of the proposed Project to lead to enrollment expansion and new construction at the two existing campuses, as a result of the transfer of athletic activities to the Project Site. This additional development is a reasonably foreseeable consequence of the proposed Project.





**FIGURE 8 – Harvard-Westlake North Faring Road Campus Showing Share of Campus Occupied by Athletic Facilities**

Source: Google Earth

## Response No. ORG 1B-112

The comment states that the Draft EIR is flawed for failing to discuss the cumulative and growth inducing impacts of the Project related to the potential for expansion of uses at the existing Harvard-Westlake campuses. As to the sufficiency of the cumulative analysis, see Response Nos. ORG 1B- 96, ORG 1B-97, ORG 1B-109, ORG 1B-110 and ORG 1B-111. The potential for growth inducing impacts of the Project is adequately analyzed in Chapter VI, *Other CEQA Considerations*, of the Draft EIR. As stated on pages VI-9 through VI-10, the Project would serve the School's existing need for recreational

facilities for which space is not available at the School's Upper Campus. The Project's primary objective, as stated on page II-13 of the Draft EIR, is to "supplement the School's athletic and recreational facilities." The commenter's assertion that the Project would allow Harvard-Westlake to increase Upper School campus academic facilities or increase student population is speculation. Please refer to Topical Response No. 13 - Need for the Project. As discussed therein, the need for the Project is to serve existing demand for recreational facilities for athletic programs to meet the requirements of the CIF rule change and other growth factors that heighten stress on the School's longstanding athletics facilities. No changes in the existing on-campus facilities, which would continue to be used for the School's physical education program, are anticipated. Please refer to Topical Response No. 13 for a more detailed discussion of the need for the Project as well as existing on-campus recreational facilities. The comment contains no substantial evidence to support the speculative comments. As was reiterated in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 373, citing previous authority, an EIR is not required to engage in speculation. See also, Topical Response No. 13 – Need for the Project (Non-CEQA), which discusses the current constrained conditions at the School demonstrating that the Project would not be growth inducing at the existing campuses.

### **Comment No. ORG 1B-113**

#### **9.0 CONCLUSION**

In this comment letter and its attachments, we have provided substantial evidence regarding defects in the DEIR. In addition to our comments, as part of the response to comments, the City needs to provide detailed response to the comments provided by subject-matter experts contained in Attachments 1, 2, 4 and 5 to this letter. As documented herein, the DEIR fails to identify a number of significant impacts as well as underestimates impacts. The DEIR needs to be corrected and these issues addressed and the recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1) and (2).

### **Response No. ORG 1B-113**

The comment restates the contention that the Draft EIR's analysis is flawed, requests that the City respond to the comments in the attachments to the comment letter, and concludes that recirculation is required. The responses to the assertions contained in the Comment Letter No ORG 1B, dated May 10, 2022, are included in Response Nos. ORG 1B-1 through ORG 1B-112. The responses to the assertions contained in the attachments to the comment letter are included in Response Nos. ORG 1B-115 through ORG 1B-197. As stated in those responses, the comment letter, including the attachments, do not provide substantial evidence that the Draft EIR's analysis is deficient or, in some cases, raise a substantive issue on the content or adequacy of the Draft EIR.

Based on the above, the comment does not provide substantial evidence of significant new information showing that there is a new significant impact, an increase in the severity of an impact, or that the Draft EIR is fundamentally flawed to support a contention that

the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. . As such, revision and recirculation of the Draft EIR is not necessary.

### **Comment No. ORG 1B-114**

#### **Attachments:**

1. Comments on Defects in the Air Quality, Greenhouse Gas and Health Risk Assessment by technical expert SWAPE
2. Comments on Defects in the Biological Resource analysis by technical expert Scott Cashen, M.S.
3. April 15, 2021 Los Angeles Department of Planning Recommendation Report and Agenda Packet for the Cultural Heritage Commission
4. Comment of the DEIR by Architectural and Historic Consultant Kim Tashman
5. Comments on the DEIR by forensic engineers: Aperture
6. LA Times article dated May 8, 2022 entitled “California’s water conservation has been a bust so far. Will drought restrictions work

### **Response No. ORG 1B-114**

The comment is a list of attachments for Letter ORG 1B. Responses to these attachments are provided below in Response Nos. ORG 1B-115 through ORG 1B-197.

### **Comment No. ORG 1B-115**

#### **ATTACHMENT 1 (Swape Consultants)**

We have reviewed the March 2022 Draft Environmental Impact Report (“DEIR”) for the Harvard-Westlake River Park Project (“Project”) located in the City of Los Angeles (“City”). The Project proposes to demolish an existing 799-square-foot (“SF”) tennis facility, 426,000-SF golf course, and 2,300-SF driving range, as well as construct an 80,249-SF gym, a 52-meter swimming pool, and 532 parking spaces on the 17.2-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project’s air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

### **Response No. ORG 1B-115**

The comment contains an introductory statement regarding the description of the Project and a summary of the conclusions of the commenter. Because the comment does not provide any facts to support the conclusions that the Draft EIR’s air quality, health risk, or

greenhouse gas impacts are flawed, no further response is necessary. See Response Nos. ORG 1B-116 through ORG 1B-137 for responses to the commenter's specific contentions.

## **Comment No. ORG 1B-116**

### **Air Quality**

#### **Incorrect Analysis of Construction-Related Criteria Air Pollutant Emissions**

Regarding the DEIR's analysis of the Project's construction-related criteria air pollutant emissions, the Air Quality/Greenhouse Gas Emissions Technical Documentation ("AQ & GHG Report"), provided as Appendix C to the DEIR, states:

"Emissions from off-road equipment and off-road vehicles were estimated through CalEEMod [...] Emissions from worker trips, haul truck trips, concrete truck trips and vendor truck trips were estimated outside of CalEEMod to account for the ARB on-road vehicle emissions factor EMFAC2017 (EMFAC) model because it has not yet been incorporated in the current version of CalEEMod [...] Emissions from haul trucks, vendor trucks and concrete trucks were also estimated outside of CalEEMod using EMFAC emission factors for haul, vendor and concrete trucks because CalEEMod assumes that the number of heavy-duty trucks input into the model occurs across the entire length of the applicable construction phases" (p. 2).

As demonstrated above, emissions associated with off-road equipment and vehicles during Project construction were calculated with the California Emissions Estimator Model ("CalEEMod"), while emissions associated with on-road vehicles during Project construction were calculated outside of CalEEMod. Furthermore, the AQ & GHG Report states:

"The maximum daily emissions estimated based on maximum construction activity conditions for heavy-duty off-road construction equipment and onroad mobile sources and do not represent the emissions that would occur every day during Project construction" (p. 3).

As demonstrated above, the AQ & GHG Report acknowledges that the off-road emissions calculated with CalEEMod, and the on-road emissions calculated outside of CalEEMod, each "do not represent the emissions that would occur every day during Project construction." As neither account for the entirety of the criteria air pollutants that would be generated during Project construction, the DEIR should have summed the off-road and on-road emissions estimates in order to accurately evaluate the Project's maximum daily construction-related emissions. Specifically, the Project's mitigated off-road and on-road construction-related emissions, as estimated by the DEIR, are respectively presented below.

Off-Road Emissions (Appendix C, pp. 75, 120):

Mitigated Construction

**2.1 Overall Construction (Maximum Daily Emission)**

**Mitigated Construction**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total
Year	lb/day									
2022	8.5622	78.2738	90.4146	0.1923	2.2439	3.6352	5.0765	0.3286	3.4518	3.4796
2023	16.6668	158.4967	180.4986	0.3640	0.2665	6.8816	6.8816	0.0286	6.4732	6.4732
2024	20.1653	116.0021	139.3479	0.2711	0.0000	4.8248	4.8248	0.0000	4.5319	4.5319
<b>Maximum</b>	<b>20.1653</b>	<b>158.4967</b>	<b>180.4986</b>	<b>0.3640</b>	<b>2.2439</b>	<b>6.8816</b>	<b>6.8816</b>	<b>0.3286</b>	<b>6.4732</b>	<b>6.4732</b>

On-Road Emissions (Appendix C, pp. 65):

However, upon review of the DEIR’s construction-related emissions summary, it appears that the DEIR fails to include the off-road emissions estimates calculated with CalEEMod (see excerpt below) (p. IV.B- 55, Table IV.B-8):

**Air Quality Construction Analysis - Mitigated**

Regional Maximums Source	ROG	NOX	CO	SO2	Total PM10	Total PM2.5
	lb/day					
3.2 Site Preparation-1 - 2022	1.4	33.3	31.8	0.1	4.3	1.3
3.3 Demolition - 2022	2.4	52.7	66.9	0.2	7.5	2.1
3.3 Demolition - 2022 (116 truck trips)	2.1	42.9	63.7	0.2	6.5	1.8
3.4 Grading - 2022	3.7	91.8	73.0	0.4	10.1	3.3
3.4 Grading - 2022 (150 truck trips)	2.3	48.5	58.8	0.2	5.6	1.8
3.4 Grading - 2023	2.7	72.7	71.9	0.4	10.0	3.1
3.4 Grading - 2023 (200 truck trips)	2.1	50.2	62.8	0.3	7.0	2.2
3.5 Foundations - 2022	1.7	11.1	76.8	0.1	2.4	0.8
3.5 Foundations - 2023	2.8	30.9	92.9	0.2	3.7	1.2
3.5 Foundations - 2023 (no trucks)	1.7	11.1	76.2	0.1	2.4	0.8
3.5 Foundations - 2023 (100 truck trips)	2.3	22.6	86.1	0.2	3.1	1.0
3.5 Foundations - 2023 (200 truck trips)	3.0	34.2	96.0	0.2	3.7	1.2
3.6 Utilities - 2023	1.9	11.4	44.0	0.1	1.0	0.4
3.6 Utilities - 2024	1.3	11.4	43.9	0.1	1.0	0.4
3.7 Building Construction - 2023	0.9	6.2	35.1	0.1	2.6	0.8
3.7 Building Construction - 2023 (no workers)	0.8	5.8	29.6	0.1	0.4	0.2
3.7 Building Construction - 2024	0.9	6.2	34.7	0.1	2.6	0.8
3.8 Site Preparation-2 - 2023	1.6	31.2	53.6	0.2	4.3	1.3
3.9 Landscape - 2023	1.9	21.2	68.0	0.1	0.7	0.3
3.9 Landscape - 2024	2.0	21.6	73.2	0.1	2.9	0.9
3.9 Landscape - 2024 (no workers)	1.9	21.3	68.0	0.1	0.7	0.3
3.9 Landscape - 2024 (reduced trucks)	1.8	17.4	69.7	0.1	2.7	0.9
3.10 Pool Area - 2023	0.8	10.1	25.1	0.1	0.5	0.2
3.10 Pool Area - 2024	0.8	10.1	25.1	0.1	0.5	0.2
3.10 Pool Area - 2024 (reduced trucks)	0.6	6.5	22.1	0.0	0.3	0.1
3.11 Architectural Coating - 2024	8.5	4.5	27.2	0.1	3.4	1.0
3.11 Architectural Coating - 2024 (reduced trucks)	8.4	3.1	26.1	0.1	3.3	0.9
3.12 Paving - 2024	0.7	4.2	27.1	0.0	0.8	0.3
<b>Overlapping Phases</b>						
	ROG	NOX	CO	SO2	Total PM10	Total PM2.5
<b>2024</b>						
Demolition + Site Preparation-1 - 2022	3.8	85.9	98.7	0.4	11.8	3.4
Demolition (116 truck trips) + Grading (150 Trucks) - 2022	4.4	91.3	122.5	0.4	12.1	3.6
Grading (200 Truck Trips) + Utilities + Foundations (100 truck trips) - 2023	5.7	84.2	192.9	0.5	11.1	3.6
Site Preparation-2 + Utilities + Foundations (200 trucks) + Building Construction (no workers) -2023	6.7	82.6	223.2	0.5	9.4	3.1
Utilities + Foundations (200 trucks) + Building Construction (no workers) + Landscape - 2023	6.9	72.6	237.6	0.5	5.8	2.1
Utilities + Foundations (100 trucks) + Building Construction (no workers) + Landscape + Pool Area - 2023	7.1	71.1	252.9	0.5	5.7	2.1
Utilities + Building Construction + Landscape (no worker) + Pool Area + Architectural Coating - 2024	13.4	53.3	199.0	0.4	8.3	2.7
Landscape (reduced trucks) + Pool Area (reduced trucks) + Architectural Coating (reduced trucks) + Paving - 2024	11.7	34.8	148.1	0.3	7.3	2.2
<b>Project Daily Maximum Emissions</b>	<b>13.38</b>	<b>91.78</b>	<b>252.87</b>	<b>0.52</b>	<b>12.11</b>	<b>3.58</b>
SCAQMD Regional Significance Threshold	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

The DEIR’s construction-related emissions summary, as displayed above, appears to be incorrect for two reasons. First, the overlapping phase estimates in the emissions summary are identical to the on-road construction-related emissions (Appendix C, pp. 65). Thus, the DEIR’s analysis of the Project’s construction-related emissions fails to include the estimates calculated by CalEEMod or account for emissions generated by off-road construction equipment. Second, the maximum daily emissions presented in the emissions summary are underestimated and inconsistent with the on-road peak daily

emissions (Appendix C, pp. 65). As such, the DEIR underestimates the Project's construction-related emissions and should not be relied upon to determine Project significance.

### **Response No. ORG 1B-116**

The comment states that the Draft EIR underestimates the Project's construction related emissions due to the failure to account for emissions generated by off-road construction equipment and daily emissions inconsistency with the on-road peak daily emissions. The comment also mischaracterizes a quotation from Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR.

The Draft EIR does not underestimate the Project's construction related emissions and, contrary to the assertions made by the commenter, the emissions generated by off-road construction equipment and on-road vehicles are summed together when assessing maximum daily emissions and associated impacts. As discussed on page IV.B-36 in Section IV.B, *Air Quality*, of the Draft EIR, emissions from worker trips, haul truck trips, concrete truck trips and vendor truck trips were estimated using EMFAC2017. Emissions from haul trucks, vendor trucks, and concrete trucks were also estimated outside of CalEEMod using EMFAC2017 emission factors for haul, vendor and concrete trucks because CalEEMod assumes that the number of heavy-duty trucks input into the model occurs across the entire length of the applicable construction phases. However, since the applicable construction phases would not have the same number of haul trucks, vendor trucks, and concrete trucks on-site every day within each particular phase, the emissions calculations performed outside of CalEEMod are able to account for the varying maximum numbers of daily haul truck and concrete truck trips within each of the demolition, site preparation, grading/excavation, and foundations/concrete pour, landscape and pool/canopy/building phases. The EMFAC2017 mobile emission factors are used to calculate on-road construction mobile emissions, as shown on pages 254 through 269 of 437 of Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. The EMFAC2017 mobile sources emission factors are used for the calculations on both PDF pages 65 and 66 of 437 in Appendix C-1, which is why they are the same. As stated in Section IV.B, *Air Quality*, the maximum daily emissions were estimated based on maximum construction activity conditions for heavy-duty off-road construction equipment and on-road mobile sources accounting for the overlap of individual construction phases; therefore, the estimated maximum daily emissions include these potential overlaps by combining the relevant construction phase emissions based on the construction schedule based on information provided by Harvard-Westlake School. These maximum daily emissions, accounting for maximum construction activity conditions for heavy-duty off-road construction equipment and on-road mobile sources accounting for the overlap of individual construction phases, are presented in Tables IV.B-6 and Table IV.B-8 in Section IV.B, *Air Quality* of the Draft EIR. Further, the construction emissions are presented in more detail in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, including presenting the heavy-duty off-road construction equipment and on-road mobile sources for individual

phases, on PDF pages 60 through 64 of 437 for unmitigated construction emissions, and PDF pages 65 through 69 of 437 for mitigated construction emissions.

Regarding on-road peak daily emissions, the commenter is incorrect that off-road emissions are not accounted for because the commenter is referencing an unmitigated CalEEMod modeling run for off-road equipment and referencing a mitigated summary worksheet (Appendix C, pages 75 of 437 and 120 of 437). It is apparent that the commenter is referencing an unmitigated CalEEMod modeling run because the emissions in Section 2.1 of the CalEEMod modeling run are the same for both “unmitigated” and “mitigated” tables, which indicates no mitigation has been applied in the modeling run. The appropriate reference would be to Appendix C, PDF pages 166 of 437 and 213 of 437, which show substantially reduced emissions due to implementation of mitigation measures within these referenced CalEEMod modeling runs. As discussed above, with respect to mitigated impacts, the appropriately mitigated emissions from off-road and on-road sources are accounted for when evaluating the maximum mitigated daily emission impacts.

The comment also mischaracterizes a quotation from Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. The comment is mistaken in purporting that the quotation means that off-road and on-road emissions do not occur on the same day. The quotation is actually saying that the analysis evaluates maximum daily emissions from both off-road and on-road emissions in order to determine maximum daily air quality impacts, maintaining a conservative analysis for the purpose of the Draft EIR, but that the maximum daily emission levels produced using this conservative approach do not represent emissions levels that would occur every day of Project construction.

Therefore, the construction-related emissions summaries in Section IV.B, *Air Quality* and Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation are not underestimated and provide substantial evidence to determine the Project’s impacts.

## **Comment No. ORG 1B-117**

### **Unsubstantiated Input Parameters Used to Estimate Project Emissions**

The DEIR’s operational air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. IV.B-35).<sup>1</sup> CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project’s construction and operational emissions are calculated, and “output files” are generated. These output files disclose to the reader what parameters are utilized in calculating the Project’s air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the AQ & GHG Report as Appendix C to the DEIR, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. As a result, an updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

<sup>1</sup> "CalEEMod Version 2016.3.2." California Air Pollution Control Officers Association (CAPCOA), November 2017, available at: <http://www.aqmd.gov/caleemod/archive/download-version-2016-3-2>.

## **Response No. ORG 1B-117**

This comment states that there are inconsistent and/or unsubstantiated input parameters to estimate Project air quality and GHG emissions. However, the comment does not state specific inputs that were inconsistent or unsubstantiated. As described on pages IV.B-36 through IV.B-43 in Section IV.B, *Air Quality*, of the Draft EIR, and on pages IV.G-40 to IV.G-50 in Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR, the assumptions used for air quality and GHG emissions modeling and emissions estimates for the Project were based on Project-specific inputs based on information provided by Harvard-Westlake School, the Project's engineering and construction representatives, and CalEEMod modeling software (Version 2016.3.2) default inputs. In addition, the detailed list of construction and operational inputs used in the modeling with source documentation is presented on PDF pages 7 through 18 of 437 in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation. Thus, the Project's air quality analysis uses substantiated and consistent (as applicable) inputs and adequately evaluates the impacts that construction and operation of the Project would have on local and regional air quality.

## **Comment No. ORG 1B-118**

### **Overestimated Existing Land Use Size**

Review of the DEIR demonstrates that the operational emissions associated with the existing land uses are subtracted from the operational emissions associated with the proposed land uses in order to determine the significance of the Project's air quality impact (see excerpt below) (p. IV.B-53, Table IV.B-7).

**TABLE IV.B-7  
ESTIMATED MAXIMUM REGIONAL OPERATIONAL EMISSIONS – PROJECT (POUNDS PER DAY) <sup>a</sup>**

Source	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM10	PM2.5
<b>Existing</b>						
Area (Coating, Consumer Products, Landscaping)	<1	<1	<1	0	<1	<1
Energy (Natural Gas)	<1	<1	<1	<1	<1	<1
Mobile	2	5	20	<1	5	1
<b>Total Existing</b>	<b>2</b>	<b>5</b>	<b>20</b>	<b>&lt;1</b>	<b>5</b>	<b>1</b>
<b>Project</b>						
Area (Coating, Consumer Products, Landscaping)	3	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
Mobile	13	23	116	<1	38	10
<b>Total Project</b>	<b>16</b>	<b>23</b>	<b>116</b>	<b>&lt;1</b>	<b>38</b>	<b>10</b>
<b>Net Increase</b>						
Area (Coating, Consumer Products, Landscaping)	3	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
Mobile	11	18	96	<1	33	9
<b>Net Total Regional Emissions</b>	<b>14</b>	<b>19</b>	<b>97</b>	<b>&lt;1</b>	<b>33</b>	<b>9</b>
<b>SCAQMD Thresholds of Significance</b>	<b>55</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Exceeds Thresholds?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

<sup>a</sup> Totals may not add up exactly due to rounding in the modeling calculations. Detailed emissions calculations are provided in Appendix C of this Draft EIR.

<sup>b</sup> Area source VOC emissions are primarily emitted by consumer product usage as estimated in CalEEMod.

SOURCE: ESA, 2021.

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area
General Office Building	0.80	1000sqft	0.05	799.00
Other Non-Asphalt Surfaces	128.00	1000sqft	2.94	128,000.00
Parking Lot	89.00	Space	0.88	38,400.00
City Park	1.10	Acre	1.10	47,916.00
Golf Course	11.78	Acre	11.78	<b>559,860.96</b>

However, the DEIR’s analysis is incorrect, as the size of the existing land uses to be removed from the Project site was overestimated in the Project’s air modeling. Specifically, review of the CalEEMod output files demonstrates that the “Harvard Westlake - Existing” model includes 559,860-SF of golf course area (see excerpt below) (Appendix C, pp. 301, 309, 419).

This is inaccurate, as the DEIR indicates that the existing golf course consists of only 426,000-SF (p. II-3). As such, the land use size is overestimated by approximately 133,860-SF in the model.<sup>2</sup>

This overestimation presents an issue, as the land use size feature is used throughout CalEEMod to determine default variable and emission factors that go into the model’s calculations. The square footage of a land use is used for certain calculations such as determining the wall space to be painted (i.e., VOC emissions from architectural coatings) and volume that is heated or cooled (i.e., energy impacts).<sup>3</sup> By overestimating the area of the existing land use, the model overestimates the emissions associated with the

existing land uses, resulting in an underestimation of the net change in operational emissions associated with the proposed Project. As a result, the model should not be relied upon to determine Project significance.

**Unsubstantiated Changes to Individual Construction Phase Lengths**

Review of the CalEEMod output files demonstrates that the “Harvard Westlake - Construction” model includes several changes to the default individual construction phase lengths (see excerpt below) (Appendix C, pp. 71, 116, 163, 210, 323).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	20.00	310.00
tblConstructionPhase	NumDays	300.00	312.00
tblConstructionPhase	NumDays	300.00	446.00
tblConstructionPhase	NumDays	300.00	392.00
tblConstructionPhase	NumDays	300.00	365.00
tblConstructionPhase	NumDays	20.00	53.00
tblConstructionPhase	NumDays	30.00	181.00
tblConstructionPhase	NumDays	20.00	28.00
tblConstructionPhase	NumDays	10.00	27.00
tblConstructionPhase	NumDays	10.00	26.00

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix C, pp. 76, 121, 167, 171, 214, 328):

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Site Preparation-1	Site Preparation	6/30/2022	7/31/2022	6	27
2	Demolition	Demolition	7/1/2022	8/31/2022	6	53
3	Grading	Grading	8/1/2022	2/27/2023	6	181
4	Foundations	Building Construction	12/2/2022	11/30/2023	6	312
5	Utilities	Trenching	2/2/2023	4/5/2024	6	368
6	Building Construction	Building Construction	5/1/2023	10/1/2024	6	446
7	Site Preparation-2	Site Preparation	9/1/2023	9/30/2023	6	26
8	Landscape	Building Construction	10/2/2023	12/31/2024	6	392
9	Pool Area	Building Construction	11/2/2023	12/31/2024	6	365
10	Architectural Coating	Architectural Coating	1/2/2024	12/27/2024	6	310
11	Paving	Paving	11/1/2024	12/3/2024	6	28

As you can see from the excerpts above, the “Site Preparation-1” phase is increased by 170% from the default value of 10 to 27 days; the “Demolition” phase is increased by 77%, from the default value of 30 to 53 days; the “Grading” phase is increased by 503%,

from the default value of 30 to 181 days; the “Foundations” phase is increased by 4%, from the default value of 300 to 312 days; the “Building Construction” phase is increased by 49%, from the default value of 300 to 446 days; the “Site Preparation-2” phase is increased by 160%, from the default value of 10 to 26 days; the “Landscape” phase is increased by 31%, from the default value of 300 to 392 days; the “Pool Area” phase is increased by 22%, from the default value of 300 to 365 days; the “Architectural Coating” phase is increased by 1,450%, from the default value of 20 to 310 days; and the “Paving” phase is increased by 40%, from the default value of 20 to 28 days.

<sup>2</sup> Calculated: 559,860-SF – 426,000-SF = 133,860-SF

<sup>3</sup> “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 28

<sup>4</sup> CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 1, 14

<sup>5</sup> “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 13-14

## Response No. ORG 1B-118

The comment contends that the emissions analysis overestimated the size of the existing uses which would be removed and failed to justify the length of construction. As discussed on page, II-3 in Chapter II, *Project Description*, of the Draft EIR, the existing uses include a “nine-hole, 27-par golf course (with Frisbee golf), comprising approximately 426,000 square feet, a 25-stall driving range with a 2,300-square-foot golf canopy...”, where the 25-stall driving range is separate from the nine-hole, 27-par golf course (with frisbee golf). As presented on PDF page 8 of 437 in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, the 25-stall driving range was estimated to be approximately 133,860 square feet and together with the nine-hole golf course were modeled combined as approximately 559,860 square feet. Therefore, the area of the existing land use and emissions associated with the existing land uses were correctly estimated, resulting in an accurate estimation of the net change in operational emissions associated with the proposed Project. As a result, the modeling conducted for the Draft EIR constitutes substantial evidence that can appropriately be relied upon to determine the Project’s impacts.

As stated on page 9 of the CalEEMod user guide, “The user may override the defaults to input more accurate, project-specific information as appropriate.”<sup>60</sup> As discussed on page IV.B-36 in Section IV.B, *Air Quality*, of the Draft EIR, the construction schedule used in modeling was based on information provided by Harvard-Westlake School and MATT Construction, the School’s construction representative and general contractor with expert knowledge in construction projects, including estimating equipment, phasing, and scheduling of construction projects. Therefore, the changes in construction phase length

<sup>60</sup> CAPCOA, CalEEMod User’s Guide, page 9, November 2017. Available: [https://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](https://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4)

and duration in the modeling inputs to match the Project construction schedule provided by Harvard-Westlake School is substantiated. The provided schedule would be more accurate based on duration estimates received from the Schools construction representative for the specific Project, as compared to the CalEEMod default schedule for all types of projects. Therefore, the construction schedule provided by Harvard-Westlake School and used in the modeling as documented on page 10 in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, to the Draft EIR is more accurate than the CalEEMod default schedule in estimating the Project's construction air quality impacts. Thus, the DEIR provides substantial evidence to support the revised individual construction phase lengths and construction duration.

### **Comment No. ORG 1B-119**

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.<sup>4</sup> According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

"see construction assumptions" (Appendix C, pp. 71, 116, 163, 210, 323).

Furthermore, regarding the Project's anticipated construction duration, the DEIR states:

"Construction of the Project is anticipated to begin in the third quarter of 2022 pending Project consideration and approval, and is estimated to be completed in the fourth quarter of 2025 with construction occurring for approximately two and a half years (approximately 30 months)" (II-61).

However, while the DEIR indicates an overall construction duration of 30 month, the DEIR fails to mention or justify the individual construction phase lengths. This is incorrect, as according to the CalEEMod User's Guide:

"CalEEMod was also designed to allow the user to change the defaults to reflect site- or project specific information, when available, provided that the information is supported by substantial evidence as required by CEQA."<sup>5</sup>

Here, as the DEIR only justifies the total construction duration of 30 months, the DEIR fails to provide substantial evidence to support the revised individual construction phase lengths. As such, we cannot verify the changes.

### **Response No. ORG 1B-119**

The comment contends that changes to the default CalEEMod model were unsubstantiated. Please see Response No. ORG 1B-118 for a discussion of the analysis and the changes that were made to the CalEEMod default construction phase lengths and durations in the modeling inputs in order to match the Project-specific construction schedule provided by Harvard-Westlake School, consistent with the CalEEMod User's Guide, which were in turn received by the School from its construction representative.

## Comment No. ORG 1B-120

These unsubstantiated changes present an issue, as the construction emissions are improperly spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).<sup>6</sup>

**Demolition** involves moving buildings or structures.

**Site Preparation** involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.

**Grading** involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.

**Building Construction** involves the construction of the foundation, structures and buildings.

**Architectural Coating** involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of walls or other components such as stair railings inside parking structures.

**Paving** involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

Thus, by disproportionately altering and extending some of the individual construction phase lengths without proper justification, the model assumes there are a greater number of days to complete the construction activities required by the prolonged phases. As such, there will be less construction activities required per day and, consequently, less pollutants emitted per day. As a result, the model may underestimate the peak daily emissions associated with some phases of construction and should not be relied upon to determine Project significance.

<sup>6</sup> "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 32.

## Response No. ORG 1B-120

The comment states that unsubstantiated changes to the default construction schedule underestimates the construction related emission impacts. Please see Response No. ORG 1B-118 for a discussion of the analysis and the changes that were made to the CalEEMod default construction phase lengths and durations in the modeling inputs in order to match the Project-specific construction schedule provided by Harvard-Westlake School and its construction representative, consistent with the CalEEMod User's Guide.

## Comment No. ORG 1B-121

### Unsubstantiated Number of Vendor Trips

Review of the CalEEMod output files demonstrates that the “Harvard Westlake - Construction” model includes several reductions to the number of vendor trips (see excerpt below) (Appendix C, pp. 74, 119, 165, 212, 326).

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	VendorTripNumber	163.00	0.00
tblTripsAndVMT	VendorTripNumber	163.00	0.00
tblTripsAndVMT	VendorTripNumber	163.00	0.00
tblTripsAndVMT	VendorTripNumber	163.00	0.00

As you can see in the excerpt above, the number of vendor trips is reduced from the default value of 652- to 0-trips. As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.<sup>7</sup> According to the “User Entered Comments & Non-Default Data” table, the justification provided for these changes is:

“construction mobile emissions calculated outside of CalEEMo.d”  
(Appendix C, pp. 71, 116, 163, 210, 323).

While we understand mobile-source construction-related emissions are calculated outside of CalEEMod, the number of vendor trips remains unsubstantiated. Review of the construction on-road emissions in the AQ & GHG Report demonstrates that only 82 vendor trips are included in the calculations (Appendix C, pp. 254). As such, the number of vendor trips required for Project construction is reduced from the CalEEMod default value by 570 trips. However, the AQ & GHG Report fails to provide sufficient justification for this reduction and therefore, we are unable to verify the number of vendor trips is accurate.

The unsubstantiated number of vendor trips presents an issue, as CalEEMod uses the vendor and worker trip numbers to estimate the construction-related emissions associated with on-road vehicles.<sup>8</sup> By including an unsubstantiated number to vendor trips in the on-road emissions analysis, the DEIR may underestimate the Project’s mobile-source construction-related emissions and should not be relied upon to determine Project significance.

<sup>7</sup> “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 1, 14.

<sup>8</sup> “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 35

## Response No. ORG 1B-121

The comment states that unsubstantiated changes from the default inputs to vendor trips underestimates the construction related emissions impacts. As stated on page 9 of the CalEEMod User Guide, “The user may override the defaults to input more accurate, project-specific information as appropriate.”<sup>61</sup> As discussed on page IV.B-36 in Section IV. B, *Air Quality*, of the Draft EIR, worker trip, concrete truck, vendor truck and haul truck trip estimates are based on Project-specific construction information. Therefore, the changes to the default construction vendor trip numbers in the modeling inputs were made to match the provided Project construction information and allows for the modeling to be more representative of the actual anticipated number of vendor trips that would be required for Project construction as compared to the CalEEMod default number of vendor trips. Therefore, the construction vendor trip numbers provided by Harvard-Westlake School and used in modeling as documented on page 10 in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR provides for a more accurate analysis than the CalEEMod default vendor trips in estimating the Project’s construction air quality impacts. As such, the Draft EIR provides substantial evidence to support the revised individual construction phase lengths and construction duration.

## Comment No. ORG 1B-122

### Incorrect CO<sub>2</sub> Intensity Factors

Review of the CalEEMod output files demonstrates that the “Harvard Westlake - Operations” model includes a manual reduction to the default CO<sub>2</sub> intensity factor (see excerpt below) (Appendix C, pp. 279, 291, 388, 403).

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CO2IntensityFactor	1227.89	626.48

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.<sup>9</sup> According to the “User Entered Comments & Non-Default Data” table, the justification provided for the change is:

“CO<sub>2</sub> intensity factor linearly adjusted to account for SB100 RPS by year 2025” (Appendix C, pp. 278, 289, 386).

<sup>61</sup> CAPCOA, CalEEMod User’s Guide, page 9, November 2017. Available: [https://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](https://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4)

Furthermore, regarding the California’s Renewables Portfolio Standard (“RPS”), the DEIR states:

“Emission factors for GHGs due to electrical generation to serve the demands of the existing Project Site were obtained from the LADWP 2017 Power Strategic Long-Term Resource Plan, which accounts for the generation mix using renewable and non-renewable sources.<sup>109</sup> Approximately 34 percent of LADWP’s 2019 electricity purchases were from renewable sources, which is similar to the 32 percent Statewide percentage of electricity purchases from renewable sources.<sup>110</sup> LADWP would provide an increasing percentage from renewable sources in compliance with the RPS with 50 percent by 2025, 55 percent by 2030, and 65 percent by 2036. [...] Based on LADWP future projections for the Project opening year of 2025, an estimated emission factor of 626.48 lbs CO<sub>2</sub>/MWh for electricity was calculated using LADWP projections from existing plans for compliance with the RPS (i.e., SB 100) and future projected energy supply resources” (p. IV.G-46)

However, these changes remain unsupported for two reasons. First, the LADWP 2017 Power Strategic Long-Term Resource Plan, which is the source provided for the revised CO<sub>2</sub> intensity factor, appears to be unavailable. Second, simply because the State has renewable energy goals, such as 50% renewable energy by 2025, does not ensure that these goals will be achieved locally on the Project site or by the Project’s specific utility company. As such, the CO<sub>2</sub> intensity factor should be based on currently achieved power mixes, rather than future estimates based on statewide targets. As a result, we cannot verify the revised value.

This unsubstantiated reduction presents an issue, as CalEEMod uses the CO<sub>2</sub> intensity factor to calculate the Project’s greenhouse gas (“GHG”) emissions associated with electricity use.<sup>10</sup> Thus, by including an unsubstantiated reduction to the default CO<sub>2</sub> intensity factor, the model may underestimate the Project’s GHG emissions and should not be relied upon to determine Project significance.

<sup>9</sup> “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 35.

<sup>10</sup> “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 19.

## Response No. ORG 1B-122

The comment states that the unsubstantiated changes from the CO<sub>2</sub> defaults underestimates the GHG emissions. Refer to Response No. ORG 1B-66 for a discussion of the adjusted CO<sub>2</sub> intensity factors used to calculate the Project’s GHG emissions associated with electricity use. As discussed therein, the adjusted CO<sub>2</sub> intensity factors are substantiated and are appropriately relied upon to estimate the Project’s GHG emissions. In addition, the LADWP 2017 Power Strategic Long-Term Resource Plan is

available in the link provided.<sup>62</sup> Furthermore, SB 100 does not set RPS “goals” but rather establishes RPS “requirements” that regulatorily mandate 44 percent by 2024, 52 percent by 2027, and 60 percent by 2030, and that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by 2045.<sup>63</sup> Therefore, the use of future regulatorily-mandated RPS requirements for future CO<sub>2</sub> intensity of the electric supply is appropriate and provides a more accurate analysis of future expected GHG emissions.

## Comment No. ORG 1B-123

### Incorrect Application of Construction-Related Mitigation Measures

Review of the CalEEMod output files demonstrates that the “Harvard Westlake - Construction” model includes the following construction-related mitigation measures (see excerpt below) (Appendix A, pp. 73, 110, 140):

#### 3.1 Mitigation Measures Construction

- Use Soil Stabilizer
- Water Exposed Area
- Reduce Vehicle Speed on Unpaved Roads

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.<sup>11</sup> However, the “User Entered Comments & Non-Default Data” table fails to provide a justification for these changes. Furthermore, regarding Project compliance with fugitive dust regulations, the DEIR states:

“Rule 403 – Fugitive Dust: This rule requires projects to prevent, reduce or mitigate fugitive dust emissions from a site. Rule 403 restricts visible fugitive dust to the project property line, restricts the net P.M.10 emissions to less than 50 micrograms per cubic meter (µg/m<sup>3</sup>) and restricts the tracking out of bulk materials onto public roads. Additionally, projects must utilize one or more of the best available control measures (identified in the tables within the rule). Best available control measures may include adding freeboard to haul vehicles, covering loose material on haul vehicles, watering, using chemical stabilizers and/or ceasing all activities. Finally, a contingency plan may be required if so determined by the USEPA” (p. IV.B-16).

<sup>62</sup> LADWP, 2017 Final Power Strategic Long-Term Resource Plan, December 2017. Available: [https://www.ladwp.com/ladwp/faces/wcnav\\_externalId/a-p-doc?\\_adf.ctrl-state=1cwrvmmyrn\\_4&\\_afLoop=1227158160253547](https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-p-doc?_adf.ctrl-state=1cwrvmmyrn_4&_afLoop=1227158160253547).

<sup>63</sup> California Legislative Information, *SB-100 California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases*. Available: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB100](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB100)

However, the inclusion of the above-mentioned construction-related mitigation measures remain unsupported for three reasons.

First, the inclusion of the construction-related mitigation measures, based on the Project's compliance with SCAQMD Rule 403, is unsupported. According to the Association of Environmental Professionals ("AEP") CEQA Portal Topic Paper on mitigation measures.

"By definition, mitigation measures are not part of the original project design. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are above-and-beyond existing laws, regulations, and requirements that would reduce environmental impacts."<sup>12</sup>

As you can see in the excerpt above, mitigation measures "are not part of the original project design" and are intended to go "above-and-beyond" existing regulatory requirements. As such, the inclusion of these measures, based solely on SCAQMD Rule 403, is unsubstantiated.

<sup>11</sup> "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 1, 14.

<sup>12</sup> "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, available at: <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>, p. 5.

## Response No. ORG 1B-123

The comment states that the modeling for the Project includes incorrect application of construction-related mitigation measures. Compliance with SCAQMD Rule 403 and Rule 1466 is a requirement of every construction project within SCAQMD's jurisdiction. Therefore, the reduction of fugitive dust emissions based on compliance with Rule 403 and Rule 1466 (which is, by default, not included by CalEEMod in the unmitigated default calculation) is justified because the use of "mitigation" for dust suppression is actually a function of the unmitigated scenario. The use of "mitigation measures" (which is the vernacular used as part of CalEEMod's program and is separate and distinct from the inclusion of a project's mitigation measures in an EIR as per CEQA) to comply with Rule 403 and Rule 1466 does not indicate that compliance with Rule 403 and Rule 1466 would be a mitigation measure needed to mitigate impacts. It is simply using a built-in function of the program to accurately estimate fugitive dust emissions from construction activities. This is a common practice within the industry, and therefore, compliance with Rule 403 and Rule 1466 are not considered a mitigation measure.

As CalEEMod defaults for watering is a minimum of three times daily for the SCAQMD area, watering three times daily would be the minimum required to meet the Rule 403 requirements for dust suppression from grading/soil disturbance. In addition, as noted in Rule 1466, the speed limit of 15 mph is required for excavating and grading activities to minimize the amount of off-site fugitive dust emissions containing TACs by reducing

particulate emissions in the ambient air as a result of earth-moving activities. As such, the application of this measure to the Project scenario accurately reflects the unmitigated Project emissions of fugitive dust.

The soil stabilizer “mitigation measure” was selected to provide it as an option for compliance with Rule 403 in conjunction with and/or separate from watering. Thus, there is reasonable justification provided to substantiate the use of soil stabilizer in the CalEEMod construction modeling to accurately estimate the Project’s dust emissions during the site preparation and grading phases, and the Project’s overall construction-related emissions, which can be relied upon to determine the significance of air quality impacts. However, the effect of applying both a soil stabilizer and watering are not additive, partially additive, or multiplicative, as modeling performed without the soil stabilizer “mitigation measure”, while watering and reduced speed are applied results in the same fugitive dust emissions as when all three measures including the soil stabilizer, watering and reduced speeds are applied. The construction CalEEMod runs that show that the fugitive dust emissions results would not change are provided as Appendix H to this Final EIR. Thus, applying soil stabilizers in the modeling does not change the Project’s maximum PM10 or PM2.5 impacts, and the impacts would be less than significant as presented in the Draft EIR. Therefore, the analysis provided in the Draft EIR is supported by substantial evidence.

### **Comment No. ORG 1B-124**

Second, according to the above-mentioned AEP report:

“While not ‘mitigation’, a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact.”<sup>13</sup>

As you can see in the excerpt above, project design features (“PDFs”) that are not formally included as mitigation measures may be eliminated from the Project’s design altogether. Thus, as the above-mentioned construction-related measures are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site.

<sup>13</sup> “CEQA Portal Topic Paper Mitigation Measures.” AEP, February 2020, available at: <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>, p. 6.

## Response No. ORG 1B-124

The comment states that construction-related measures, including PDFs, should be included as mitigation measures to ensure that they are enforced. Compliance with SCAQMD Rule 403 and Rule 1466 is a requirement of every construction project within SCAQMD's jurisdiction. Therefore, the reduction of fugitive dust emissions based on compliance with Rule 403 and Rule 1466 (which is, by default, not included by CalEEMod in the unmitigated default calculation) is justified because the use of "mitigation" for dust suppression is actually a function of the unmitigated scenario. The use of "mitigation measures" (which is the vernacular used as part of CalEEMod program and is separate and distinct from the inclusion of a project's mitigation measures in an EIR as per CEQA) to comply with Rule 403 and Rule 1466 does not indicate that compliance with Rule 403 and Rule 1466 would be a mitigation measure needed to mitigate impacts. It is simply using a built-in function of the program to accurately estimate fugitive dust emissions from construction activities. This is a common practice within the industry, and therefore, compliance with Rule 403 and Rule 1466 are not considered a mitigation measure.

Additionally, while compliance with regulatory measures are neither PDFs nor mitigation measures for CEQA analysis, the PDFs in the Draft EIR are enforceable by the City as they are included in the Mitigation Monitoring Program. See Chapter 4.0, *Mitigation Monitoring Program*, of this Final EIR.

## Comment No. ORG 1B-125

Third, simply because the DEIR references SCAQMD Rule 403 does not justify the inclusion of the above-mentioned construction-related mitigation measures in the model. Specifically, according to SCAQMD Rule 403, Projects can either water unpaved roads 3 times per day, water unpaved roads 1 time per day and limit vehicle speeds to 15 mph or apply a chemical stabilizer (see excerpt below).<sup>14</sup>

Table 2 (Continued)

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Unpaved Roads	(4a) Water all roads used for any vehicular traffic at least once per every two hours of active operations [3 times per normal 8 hour work day]; OR (4b) Water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour; OR (4c) Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.

As you can see in the above excerpt, to simply comply with SCAQMD Rule 403, the Project may either water unpaved roads 3 times per day, water unpaved roads 1 time per day and limit vehicle speeds to 15 mph, or apply a chemical stabilizer. Thus, the "Use

Soil Stabilizer,” “Water Exposed Area,” and “Reduce Vehicle Speed on Unpaved Roads” measures are not all explicitly required by SCAQMD Rule 403, and should therefore not be included in the model. By incorrectly including several construction-related mitigation measures without properly committing to their implementation, the model may underestimate the Project’s construction-related emissions and should not be relied upon to determine Project significance.

<sup>14</sup> “RULE 403. FUGITIVE DUST.” SCAQMD, June 2005, available at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>, p. 403-21, Table 2.

## **Response No. ORG 1B-125**

The comment contends that the Draft EIR underestimated Project-related construction emissions by not committing the Project to one of the specific mitigation measures contained in SCAQMD Rule 403. The soil stabilizer “mitigation measure” was selected to provide it as an option for compliance with Rule 403 in conjunction with and/or separate from watering. Thus, there is reasonable justification provided to substantiate the use of soil stabilizer used in the CalEEMod construction modeling to accurately estimate the Project’s dust emissions during the site preparation and grading phases, and the Project’s overall construction-related emissions, which can be relied upon to determine the significance of air quality impacts. However, the effect of applying both a soil stabilizer and watering are not additive, partially additive, or multiplicative, as modeling performed without the soil stabilizer “mitigation measure”, while watering and reduced speed are applied results in the same fugitive dust emissions as when all three measures including the soil stabilizer, watering and reduced speeds are applied. The construction CalEEMod runs that show that the fugitive dust emissions results would not change are provided as Appendix H to this Final EIR.

## **Comment No. ORG 1B-126**

### **Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated**

The DEIR concludes that the Project would have a less-than-significant health risk impact without conducting a quantified construction or operational health risk analysis (“HRA”) (p. IV.B-61 – IV.B-62). Regarding the health risk impacts associated with Project construction, the DEIR states:

“Temporary TAC emissions associated with DP.M. emissions from heavy construction equipment would occur during the construction phase of the Project. According to OEHHA and the SCAQMD Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, 96 health effects from TACs are described in terms of individual cancer risk based on a lifetime (i.e., 70- year) resident exposure duration. Given the temporary construction schedule (approximately 30 months), the Project would not result in a long-term (i.e., lifetime or 70-year) exposure as a result of Project construction” (p. IV.B-61)

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant construction-related health risk impact because the temporary construction schedule would not result in long-term toxic air contaminant (“TAC”) emissions. Furthermore, regarding the health risk impacts associated with Project operation, the DEIR states:

“As a result, toxic or carcinogenic air pollutants are not expected to occur in any substantial amounts in conjunction with operation of the proposed land uses within the Project Site. Based on the uses expected on the Project Site, operation of the Project would not expose sensitive receptors to substantial TAC concentrations, and operational impacts would be less than significant” (p. IV.B-62).

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant operational health risk impact because the proposed land uses are not expected to generate substantial TAC emissions. However, the DEIR’s evaluation of the Project’s potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, by failing to prepare a quantified construction and operational HRA, the Project is inconsistent with CEQA’s requirement to make “a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.”<sup>15</sup> This poses a problem, as construction of the Project would produce diesel particulate matter (“DP.M.”) emissions through the exhaust stacks of construction equipment over a duration of approximately 30 months (p. II-61). Furthermore, operation of the Project is expected to generate an estimated 3,932 total daily vehicle miles travelled (“VMT”), which would produce additional exhaust emissions and continue to expose nearby, existing sensitive receptors to DP.M. emissions during Project operation (p. IV.M-40). However, the DEIR fails to evaluate the TAC emissions associated with Project construction and operation, or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project’s TAC emissions to the potential health risks posed to nearby receptors, the DEIR is inconsistent with CEQA’s requirement to correlate Project-generated emissions with potential adverse impacts on human health.

<sup>15</sup> “Sierra Club v. County of Fresno.” Supreme Court of California, December 2018, available at: <https://ceqaportal.org/decisions/1907/Sierra%20Club%20v.%20County%20of%20Fresno.pdf>. Duration. Furthermore, OEHHA recommends that an exposure duration of 30 years should be used to estimate the individual cancer risk at the maximally exposed individual resident (“MEIR”).<sup>18</sup> While the DEIR fails to provide the expected lifetime of the proposed Project, we can reasonably assume that the Project would operate for at least 30 years, if not more. Therefore, operation of the Project also exceeds the 2-month and 6-month requirements set forth by OEHHA, and should be evaluated for the entire 30- year residential exposure duration as indicated by OEHHA guidance. These recommendations reflect the most recent state health risk policies, and as such, an updated EIR should be prepared to include an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DP.M. emissions.

## Response No. ORG 1B-126

The commenter maintains that the EIR should have included both a construction and operational HRA of the Project's TAC emissions. As stated on pages IV.B-42 through IV.B-43 in Section IV.B, *Air Quality*, of the Draft EIR, the City is not required to conduct a quantified HRA for recreational and athletic facility projects, such as the Project, as the applicable standards and guidance that are available are intended for evaluation of health risks associated with stationary long-term sources of TAC emissions. Rather than being a stationary source of TAC emissions, the Project's emissions are largely from mobile sources, and, while the Project would generate localized TAC emissions primarily during construction, the associated activities and exposures would be short- rather than long-term.

Further, the OEHHA developed the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual),<sup>64</sup> in conjunction with CARB, for use in implementing the Air Toxics "Hot Spots" Program (Health and Safety Code Section 44360 et. seq.). The Air Toxics "Hot Spots" Program requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels. The intent in developing the Guidance Manual was to provide HRA procedures for use in the Air Toxics Hot Spots Program or for the permitting of new or modified stationary sources.

Although the HRA guidelines are intended for assessment of long-term stationary sources, in relation to assessment of health risk due to short-term construction, the Guidance Manual states:

*"The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises. Cancer potency factors are based on animal lifetime studies or worker studies where there is long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime."*<sup>65</sup>

The Project is not a "Hot Spots" Program project but rather involves the construction and operation of a school athletic and recreational facility and publicly-accessible recreational uses. The OEHHA Guidance Manual applies to stationary source operations which have no applicability to athletic and recreational projects, such as the Project. While OEHHA provides limited guidance on how to conduct HRAs for short-term projects, it makes it clear there is

<sup>64</sup> Office of Environmental Health Hazard Assessment, Air Toxics Hot Spots Program, Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015.

<sup>65</sup> Office of Environmental Health Hazard Assessment, Air Toxics Hot Spots Program, Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015, page 8-17.

“considerable uncertainty” in evaluating cancer risk over short-term durations. In addition, the Guidance Manual does not identify short-term projects or non-stationary source projects that warrant the preparation of an HRA or recommend the preparation of HRAs for short-term construction projects or non-stationary source projects, such as the Project.

In addition to OEHHA highlighting the considerable uncertainty in meaningfully evaluating short term exposures to TACs, with respect to construction emissions, the SCAQMD states that it “currently does not have guidance on construction Health Risk Assessments.”<sup>66</sup> Furthermore, in comments presented to the SCAQMD Governing Board<sup>67</sup> relating to TAC exposures associated with Rules 1401, 1401.1, 1402 and 212 revisions, with regard to the use of the OEHHA Guidance Manual for projects subject to CEQA, SCAQMD staff reported that:

*The Proposed Amended Rules are separate from the CEQA significance thresholds. Per the Response to Comments Staff Report PAR 1401, 1401.1, 1402, and 212 A—(8 June 2015), SCAQMD staff is currently evaluating how to implement the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will evaluate a variety of options on how to evaluate health risks under the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will conduct public workshops to gather input before bringing recommendations to the Governing Board.*

To date, the SCAQMD has not conducted public workshops nor developed policy relating to the applicability of applying the Guidance Manual for projects prepared by other public/lead agencies subject to CEQA, for short-term construction emissions, or for recreational and athletic facility projects, such as the Project. Therefore, as stated on pages IV.B-42 through IV.B-43 in Section IV.B, *Air Quality*, of the Draft EIR, in light of the considerable uncertainty and lack of accepted guidance for assessing short-term construction emissions from OEHHA and SCAQMD, the City does not require that a quantified HRA be prepared for the Project for the purposes of CEQA compliance.

While a quantified HRA is not required to be conducted, for informational purposes only, a quantitative construction HRA has been prepared, included as Appendix I to this Final EIR. The results of the HRA, which was performed through a refined modeling approach

<sup>66</sup> South Coast Air Quality Management District, Final Environmental Assessment for: Proposed Amended Rule 307.1 – Alternative Fees for Air Toxics Emissions Inventory; Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants; Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources; SCAQMD Public Notification Procedures for Facilities Under the Air Toxics “Hot Spots” Information and Assessment Act (AB 2588) and Rule 1402; and, SCAQMD Guidelines for Participating in the Rule 1402 Voluntary Risk, page 2-23, September 2016. The SCAQMD only applies the revised OEHHA Guidelines for operational impacts at stationary industrial source facilities that are in the AB 2588 Air Toxics Hot Spots program, which does not apply to the Project.

<sup>67</sup> SCAQMD, Board Meeting, Agenda No. 28, Proposed Amended Rules 1401 – New Source Review of Toxic Air Contaminants, 1401.1 – Requirements for New and Relocated Facilities Near Schools, Rule 1402 – Control of Toxic Air Contaminants from Existing Sources, and 212 – Standards for Approving Permits and Issuing Public Notice, June 5, 2015.

using the USEPA/AMS Regulatory Model (AERMOD), show that the Project would result in cancer risk below 10 in one million for the maximum impacted residential receptors. The maximum non-cancer impacts for the Project would be below a hazard index of 1.0. The results of this refined AERMOD dispersion modeling provides further substantial evidence that TAC emissions from construction activities would not expose sensitive receptors to substantial TAC concentrations. Thus, although this analysis is provided for informational purposes only, it demonstrates that construction activities under the Project would not expose sensitive receptors to substantial TAC concentrations and supports the information and conclusions presented on pages IV.B-61 through IV.B-63 of the Draft EIR.

In addition, as stated on page IV.B-62 in Section IV.B, *Air Quality*, of the Draft EIR, the SCAQMD recommends that operational health risk assessments be conducted for substantial sources of operational DP.M. (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units) and has provided guidance for analyzing mobile source diesel emissions. The Project would not include any truck stop or warehouse distribution uses, and, as such, operations would generate only minor amounts of diesel emissions from mobile sources, such as delivery trucks and occasional maintenance. Further, the potential for significant increased health risk impacts associated with the inhalation of vapors and particulate matter in the air space above the artificial turf field, the accidental ingestion of artificial turf products, or dermal contact with artificial turf products are evaluated in Section IV.H, *Hazards and Hazardous Materials*, with additional detail provided in Appendix H-2 of the Draft EIR. As analyzed therein, Project impacts related to the inhalation of vapors and particulates associated with the use of artificial turf, ingestion of artificial turf products, and dermal contact with artificial turf products would be less than significant because evidence does not support a conclusion of a significant increase in health risks. As a result, toxic or carcinogenic air pollutants are not expected to occur in any substantial amounts in conjunction with operation of the proposed land uses within the Project Site. Based on the uses expected on the Project Site, operation of the Project would not expose sensitive receptors to substantial TAC concentrations, and operational impacts would be less than significant. Thus, the findings as described on pages IV.B-61 through IV.B-63 of the Draft EIR that the potential for the Project to cause adverse health impacts from exposure to TACs from the Project's construction and operational emissions consistent with CEQA Guidelines Section 15126.2(a) is less than significant remains unchanged as is further substantiated by the quantitative HRA. No additional analysis is required.

### **Comment No. ORG 1B-127**

Second, the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, released its most recent Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments in February 2015. This guidance document describes the types of projects that warrant the preparation of an HRA. Specifically, OEHHA

recommends that all short-term projects lasting at least 2 months assess cancer risks.<sup>16</sup> Furthermore, according to OEHHA:

“Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs (OEHHA, 2009).”<sup>17</sup>

Thus, as the Project’s anticipated construction duration exceeds the 2-month and 6-month requirements set forth by OEHHA, construction of the Project meets the threshold warranting a quantified HRA under OEHHA guidance and should be evaluated for the entire 30-month construction duration. Furthermore, OEHHA recommends that an exposure duration of 30 years should be used to estimate the individual cancer risk at the maximally exposed individual resident (“MEIR”).<sup>18</sup> While the DEIR fails to provide the expected lifetime of the proposed Project, we can reasonably assume that the Project would operate for at least 30 years, if not more. Therefore, operation of the Project also exceeds the 2-month and 6-month requirements set forth by OEHHA, and should be evaluated for the entire 30- year residential exposure duration as indicated by OEHHA guidance. These recommendations reflect the most recent state health risk policies, and as such, an updated EIR should be prepared to include an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DP.M. emissions.

<sup>16</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 8-18.

<sup>17</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 8-18.

<sup>18</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 2-4.

## Response No. ORG 1B-127

The comment restates that a health risk assessment is required for Project construction and operation. Refer to Response Nos. ORG 1B-77 through ORG 1B-79 and ORG 1B-126.

## Comment No. ORG 1B-128

Third, by claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the DEIR fails to compare the Project’s excess cancer risk to the SCAQMD’s specific numeric threshold of 10 in one million.<sup>19</sup> Thus, in accordance with the most relevant guidance, an assessment of the health risk posed to nearby, existing receptors as a result of Project construction and operation should be conducted.

<sup>19</sup> “South Coast AQMD Air Quality Significance Thresholds.” SCAQMD, April 2019, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

## Response No. ORG 1B-128

The comment restates the need for a health risk assessment to assess the Project's cancer risks. Refer to Response No. ORG 1B-126.

## Comment No. ORG 1B-129

### Greenhouse Gas

#### Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual greenhouse gas ("GHG") emissions of 1,533- and 2,226-metric tons of carbon dioxide equivalents per year ("MT CO<sub>2</sub>e/year") with and without GHG reduction measures, respectively (see excerpt below) (p. IV.G-53, Table IV.G-7).

**TABLE IV.G-7  
ESTIMATED OPERATIONAL GREENHOUSE GAS EMISSIONS – PROJECT**

Emissions Sources	CO <sub>2</sub> e at Buildout Year (2025) (Metric Tons per Year) <sup>a</sup>	
	Project with implementation of GHG reduction characteristics, features, and measures	Project without implementation of GHG reduction characteristics, features, and measures
<b>Project Operational</b>		
Mobile Sources <sup>b</sup> (Includes VMT associated from both the Project and Community Use)	1,420	1,865
Area	<1	<1
Electricity	693	972
Natural Gas	93	94
Water and Wastewater Treatment	64	73
Solid Waste	19	19
Construction (Amortized)	430	430
Project Subtotal	2,719	3,452
Existing Site (refer to Table IV.G-5)	1,186	1,186
<b>Net Total (Project minus Existing)</b>	<b>1,533</b>	<b>2,266</b>

<sup>a</sup> Totals may not add up exactly due to rounding in the modeling calculations.

<sup>b</sup> As discussed in subsection IV.G.3.b) *Methodology*, while the community use component of the Project, which is classified as a community-serving recreational facility, is exempt from VMT analysis per LADOT's *Transportation Assessment Guidelines*, the emissions associated with VMT from the community use component of the Project were accounted for in the Project's operational emissions for the purposes of this GHG analysis, including from typical weekday community use. The Project's GHG analysis also accounted for annual VMT from occasional community use events that could occur during the year, including five Community Events with approximately 500 attendees per event. Factoring in these various uses, estimated operational GHGs associated with community uses account for more than two-thirds of the Project total. Refer to VMT data in Appendix C and Appendix M of this Draft EIR.

SOURCE: ESA, 2021.

However, the DEIR elects not to apply a quantitative GHG threshold. Instead, the DEIR concludes a less-than-significant GHG impact based on “the Project’s compliance with performance-based standards included in the regulations outlined in the applicable portions of CARB’s Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City’s Green New Deal, and the Los Angeles Green Building Code” (p. IV.G-40). However, the DEIR’s analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for five reasons:

- (1) The DEIR’s quantitative GHG analysis relies upon an incorrect and unsubstantiated air model;
- (2) The DEIR fails to indicate a potentially significant GHG impact;
- (3) The DEIR should incorporate PDFs as formal mitigation measures;
- (4) The DEIR fails to consider the performance-based standards under CARB’s Scoping Plan; and
- (5) The DEIR fails to consider the performance-based standards under SCAG’s RTP/SCS

### **Response No. ORG 1B-129**

The comment states that the GHG analysis is defective due to the air model use, failure to include unspecified significant impacts, use of PDFs instead of mitigation measures, and not using performance-based standards. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Please refer to Response No. ORG 1B-64 for a discussion on the validity and applicability of the CalEEMod model used to assess the Project’s GHG emissions; the appropriate use of the qualitative significance threshold where it was determined that the Project’s GHG emissions would not be considerable and therefore would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB’s Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City’s Green New Deal, and the Los Angeles Green Building Code, rather than any service population or quantitative threshold; the appropriateness in assigned GHG reduction characteristics, features, and measures as PDFs since the Project does not have significant GHG impacts; and the compliance of the Project with the performance-based standards under CARB’s Scoping Plan and SCAG’s RTP/SCS.

Additionally, see Response No. ORG 1B-28 regarding use of PDFs in the GHG analysis.

## Comment No. ORG 1B-130

### 1) Incorrect and Unsubstantiated Quantitative Analysis of Emissions

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 1,533- and 2,226-MT CO<sub>2</sub>e/year with and without GHG reduction measures, respectively (p. IV.G-53, Table IV.G-7). However, the DEIR's quantitative GHG analysis is unsubstantiated. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the AQ & GHG Report as Appendix C to the DEIR, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR. As a result, the model underestimates the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment.

## Response No. ORG 1B-130

This comment states that there are inconsistent and/or unsubstantiated input parameters to estimate Project GHG emissions; however, the comment does not state specific inputs that were inconsistent or unsubstantiated. As described on pages IV.G-40 to IV.G-50 in Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR, the assumptions used for the air quality and GHG emissions modeling and emissions estimates for the Project were based on Project-specific information provided by Harvard-Westlake School, the Project's engineering and construction representatives, and CalEEMod modeling software (Version 2016.3.2) default inputs. In addition, the detailed list of construction and operational inputs used in the modeling with source documentation is presented on pages PDF pages 7 through 20 of 437 in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation. As a result, the model accurately estimates the Project's GHG emissions. Thus, the Project's GHG analysis uses substantiated and consistent (as applicable) inputs and adequately evaluates the impacts that construction and operation of the Project would have regarding GHG emissions. Further, as discussed on page IV.G-38, in Section IV.G, *Greenhouse Gas Emissions*, under the heading Thresholds of Significance in the Draft EIR, CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. Although GHG emissions were quantified for the Project, CARB, SCAQMD, and the City have not adopted quantitative project-level significance thresholds for GHG emissions that would be applicable to the Project. Therefore, in the absence of any adopted quantitative thresholds of general application, the City, as Lead Agency, has determined that the Project's GHG emissions would not be considerable and would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB's Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code. Since the Project was not in conflict with these applicable regulatory plans to reduce GHG emissions, Project impacts are less

than significant. In addition, support for this threshold is found in California Supreme Court case law, such as *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife* and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.).

## Comment No. ORG 1B-131

### 2) Failure to Identify a Potentially Significant GHG Impact

In an effort to quantitatively evaluate the Project's GHG emissions, we compared the Project's GHG emissions, as estimated by the DEIR, to the SCAQMD 2035 service population efficiency target of 3.0 MT CO<sub>2</sub>e/SP/year, which was calculated by applying a 40% reduction to the 2020 targets.<sup>20</sup> When applying this threshold, the Project's incorrect and unsubstantiated air model indicates a potentially significant GHG impact.

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 1,533 MT CO<sub>2</sub>e/year with GHG reduction measures (p. IV.G-53, Table IV.G-7). According to CAPCOA's CEQA & Climate Change report, a service population ("SP") is defined as "the sum of the number of residents and the number of jobs supported by the project."<sup>21</sup> According to the DEIR, the Project would employ a maximum of 100 people during operation (p. II-51). As the Project does not include any residential land uses, we estimate a SP of 100 people.<sup>22</sup> When dividing the Project's net annual GHG emissions, as estimated by the DEIR, by a SP of 100 people, we find that the Project would emit approximately 15.5 MT CO<sub>2</sub>e/SP/year (see table below).<sup>23</sup>

DEIR Greenhouse Gas Emissions	
Annual Emissions (MT CO <sub>2</sub> e/year)	1,553
Service Population	100
Service Population Efficiency (MT CO <sub>2</sub> e/SP/year)	15.5
SCAQMD 2035 Threshold	3.0
Exceeds?	Yes

As demonstrated above, the Project's service population efficiency value, as estimated by the DEIR's net annual GHG emission estimates and SP, exceeds the SCAQMD 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/SP/year, indicating a potentially significant impact not previously identified or addressed by the DEIR. As a result, the DEIR's less-than-significant GHG impact conclusion should not be relied upon. An updated EIR should be prepared, including an updated GHG analysis and incorporating additional mitigation measures to reduce the Project's GHG emissions to less-than-significant levels.

- <sup>20</sup> “Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15.” SCAQMD, September 2010, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqasignificance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqasignificance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf), p. 2
- <sup>21</sup> “CEQA & Climate Change.” CAPCOA, January 2008, available at: <http://www.capcoa.org/wpcontent/uploads/2012/03/CAPCOA-White-Paper.pdf>, p. 71-72.
- <sup>22</sup> Calculated: 100 employees + 0 residents = 100 total SP.
- <sup>23</sup> Calculated: (1,553 MT CO<sub>2</sub>e/year) / (100 service population) = (15.5 MT CO<sub>2</sub>e/SP/year).

## Response No. ORG 1B-131

The comment contends that use of a quantitative analysis discloses that the Project would have a significant impact related to GHG emissions. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Please refer to Response Nos. ORG 1B-64, ORG 1B-65, and ORG 1B-130 for a discussion on the appropriate use of the qualitative significance threshold where the City determined that the Project’s GHG emissions would not be considerable and therefore would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB’s Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City’s Green New Deal, and the Los Angeles Green Building Code, rather than any service population or quantitative threshold.

The calculation provided in the comment regarding a service population of 100 people and a per service population GHG emissions is not meaningful and lacks any substantial evidence as to its applicability to the Project. It is not known how the commenter arrived at a service population of 100 people. It is presumed that the commenter is referencing information in Chapter 2, *Project Description*, of the Draft EIR, which states that “On days in which high attendance events do take place (i.e., greater than 300 spectators and participants) there would be a maximum of approximately 100 employees.” However, using a population of 100 people in a GHG calculation is faulty and problematic as it excludes other people that would be traveling to and from the Project Site and using the Project Site amenities including students, parents, and other visitors not affiliated with the School, but nonetheless included in the Project’s calculation of GHG emissions. Similar comments were raised to the SCAQMD regarding the problematic nature of per service population thresholds and how such potential thresholds would be infeasible for many commercial projects that serve non-resident and non-employee customers.<sup>68</sup> The SCAQMD did not provide a formal response to the comment and, as has been previously discussed, the SCAQMD has never adopted nor formally recommended a quantitative GHG emissions threshold for land use development projects, such as this Project. Given

<sup>68</sup> SCAQMD, Greenhouse Gases (GHG), CEQA Significance Thresholds, GHG Meeting 15 Comment Letter. Available: . Accessed June 2022.

the faulty and problematic nature of per service population thresholds, the City has determined that a per service population threshold is not appropriate for this Project.

## **Comment No. ORG 1B-132**

### **3) Project Design Features Should Be Incorporated as Mitigation Measures**

As previously mentioned, the DEIR relies upon the Project's consistency with the CARB's Scoping Plan, SCAG's RTP/SCS, the City's Green New Deal, and the Los Angeles Green Building Code (IV.G-40). Furthermore, consistent with the emissions reductions strategies within the above-mentioned plans and policies, the DEIR includes the following Project Design Feature ("PDF"):

"GHG-PDF-1: Solar Voltaic System. The Project will be designed to include solar voltaic panels providing 339,000 kilo Watt-hours (kWh) per year on the roof of the gymnasium that would reduce the amount of electricity demand from City utilities" (p. IV.G-50).

However, we recommend that the DEIR incorporates this PDF as a formal mitigation measure. According to the AEP CEQA Portal Topic Paper on Mitigation Measures:

"While not "mitigation", a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact."<sup>24</sup>

As demonstrated above, PDFs that are not formally included as mitigation measures may be eliminated from the Project's design altogether. Thus, as the solar voltaic system is not formally included as a mitigation measure, we cannot guarantee that it would be implemented, monitored, and enforced on the Project site. As such, until the PDF is included as a mitigation measure, the Project's GHG analysis should not be relied upon to determine Project significance.

<sup>24</sup> "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, available at: <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>, p. 6.

## **Response No. ORG 1B-132**

The comment recommends that Project Design Feature GHG-PDF-1 be changed to a mitigation measure in order to ensure that it would be included in the MMP and not eliminated from the Project's design. All Project PDFs are included in the MMP. This

City practice is consistent with the topic paper cited in the comment which does not state that PDFs should be changed to mitigation measures but rather than PDFs should be included in the MMP. Since GHG impacts would be less than significant, there is no purpose or nexus for including a mitigation measure. Therefore, the commenter's concern is already addressed. See, Chapter 4, *Mitigation Monitoring Program*, in this Final EIR.

### Comment No. ORG 1B-133

#### 4) Failure to Consider Performance-based Standards Under CARB's 2017 Scoping Plan

As previously discussed, the DEIR concludes that the Project would be consistent with CARB's 2017 Climate Change Scoping Plan (p. IV.G-40). However, this is incorrect, as the DEIR fails to consider performance-based measures proposed by CARB.

##### *i. Passenger & Light Duty VMT Per Capita Benchmarks per SB 375*

In reaching the State's long-term GHG emission reduction goals, CARB's 2017 Scoping Plan explicitly cites to SB 375 and the VMT reductions anticipated under the implementation of Sustainable Community Strategies.<sup>25</sup> CARB has identified the population and daily VMT from passenger autos and light-duty vehicles at the state and county level for each year between 2010 to 2050 under a "baseline scenario" that includes "current projections of VMT included in the existing Regional Transportation Plans/Sustainable Communities Strategies (RTP/SCSs) adopted by the State's 18 Metropolitan Planning Organizations (MPOs) pursuant to SB 375 as of 2015."<sup>26</sup> By dividing the projected daily VMT by the population, we calculated the daily VMT per capita for each year at the state and county level for 2010 (baseline year), 2025 (Project operational year), and 2030 (target years under SB 32) (see table below).

2017 Scoping Plan Daily VMT Per Capita						
Year	Los Angeles County			State		
	Population	LDV VMT Baseline	VMT Per Capita	Population	LDV VMT Baseline	VMT Per Capita
2010	9,838,771	216,979,221.64	22.05	37,335,085	836,463,980.46	22.40
2025	10,671,800	217,340,094.90	20.37	42,326,397	929,443,512.65	21.96
2030	10,868,614	215,539,586.12	19.83	43,939,250	957,178,153.19	21.78

As the DEIR fails to evaluate the Project's consistency with the CARB 2017 Scoping Plan performance-based daily VMT per capita projections, the DEIR's claim that the proposed Project would not conflict with the CARB 2017 Scoping Plan is unsupported. An updated EIR should be prepared for the proposed Project to provide additional information and analysis to conclude less-than-significant GHG impacts.

<sup>25</sup> "California's 2017 Climate Change Scoping Plan." CARB, November 2017, available at: [https://ww3.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf), p. 25, 98, 101-103.

<sup>26</sup> “Supporting Calculations for 2017 Scoping Plan-Identified VMT Reductions,” Excel Sheet “Readme.” CARB, January 2019, available at: [https://ww2.arb.ca.gov/sites/default/files/2019-01/sp\\_mss\\_vmt\\_calculations\\_jan19\\_0.xlsx](https://ww2.arb.ca.gov/sites/default/files/2019-01/sp_mss_vmt_calculations_jan19_0.xlsx).

## **Response No. ORG 1B-133**

The comment states that the Draft EIR is flawed for failure to consider performance-based standards under CARB’s 2017 Scoping Plan illustrated in Comment No. ORG 1B-133. The 2017 CARB Scoping Plan provides generalized VMT per capita standards that have been refined for specific areas of the City of Los Angeles by the LADOT’s 2020 City of Los Angeles VMT Calculation Documentation. The City’s VMT Calculator is consistent with the purposes of the CARB Scoping Plan and SB 375. Refer to Response No. ORG 1B-64 for a discussion of the substantial evidence provided in the Draft EIR supporting the determination that the Project would not conflict with the SB 375, CARB’s 2017 Scoping Plan and 2020-2045 RTP/SCS goals of reducing daily VMT per capita, providing local community-serving uses at infill locations, and not conflicting with CARB’s 2017 Scoping Plan and 2020-2045 RTP/SCS’s performance-based standards. Therefore, the GHG emissions analysis in the Draft EIR appropriately concludes less-than-significant GHG emission impacts.

## **Comment No. ORG 1B-134**

### **5) Failure to Consider Performance-based Standards under SCAG’s RTP/SCS**

As previously discussed, the DEIR concludes that the Project would be consistent with SCAG’s RTP/SCS (p. IV.G-40). However, the DEIR fails to consider whether or not the Project meets any of the specific performance-based goals underlying SCAG’s RTP/SCS and SB 375, such as: i) per capita GHG emission targets, or ii) daily vehicles miles traveled (“VMT”) per capita benchmarks.

#### **i. SB 375 Per Capita GHG Emission Goals**

SB 375 was signed into law in September 2008 to enhance the state’s ability to reach AB 32 goals by directing CARB to develop regional 2020 and 2035 GHG emission reduction targets for passenger vehicles (autos and light-duty trucks). In March 2018, CARB adopted updated regional targets requiring a 19 percent decrease in VMT for the SCAG region by 2035. This goal is reflected in SCAG’s 2020 RTP/SCS Program Environmental Impact Report (“PEIR”), in which the 2020 RTP/SCS PEIR updates the per capita emissions to 18.8 lbs/day in 2035 (see excerpt below).<sup>27</sup>

**Table 3.8-10**  
**SB 375 Analysis**

	2005 (Baseline)	2020 (Plan)	2035 (Plan)
Resident population (per 1,000)	17,161	19,194	21,110
CO2 emissions (per 1,000 tons)	204.0 <sup>a/</sup>	204.5 <sup>b/</sup>	198.6 <sup>b/</sup>
Per capita emissions (pounds/day)	23.8	21.3	18.8
% difference from Plan (2020) to Baseline (2005)			-8%
% difference from Plan (2035) to Baseline (2005)			-19% <sup>c/</sup>

*Note:*

*/a/ Based on EMFAC2007*

*/b/ Based on EMFAC2014 and SCAG modeling, 2019.*

*/c/ Includes off-model adjustments for 2035 and 2045*

*Source: SCAG modeling, 2019.*

*<http://www.scag.ca.gov/committees/CommitteeDocLibrary/jointRCPC110515fullagn.pdf>*

As the DEIR fails to evaluate the Project's consistency with the SCAG's per capita emissions, the DEIR's claim that the proposed Project would not conflict with SCAG's RTP/SCS is unsupported. An updated EIR should be prepared for the proposed Project to provide additional information and analysis to conclude less-than-significant GHG impacts.

<sup>27</sup> "Connect SoCal Certified Final Program Environmental Impact Report." SCAG, May 2020, available at: [https://scag.ca.gov/sites/main/files/file-attachments/fpeir\\_connectsocial\\_complete.pdf?1607981618](https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_complete.pdf?1607981618), p. 3.8-74.

## Response No. ORG 1B-134

The comment states that the Draft EIR is flawed for failure to consider performance-based standards under the 2020-2045 RTP/SCS. However, the comment misinterprets the data presented in Table 3.8-10, *SB 375 Analysis*. The table is not prescribing a performance-based standard of a specific per capita emissions goal for every individual project under Connect SoCal, but is rather presenting the expected per capita emissions reductions in year 2020 and 2035 as compared to the 2005 baseline through implementation of all the projects that could occur over the lifetime of the 2020 Connect SoCal Plan. Therefore, it is not stating that individual projects need to meet an 18.8 pounds per day per capita emissions level to be consistent with the 2020 Connect SoCal plan. Furthermore, as previously stated, Response No. ORG 1B-64 provides a discussion of the substantial evidence provided in the Draft EIR supporting the determination that the Project would not conflict with SB 375, CARB's 2017 Scoping Plan and 2020-2045 RTP/SCS goals of reducing daily VMT per capita, providing local community serving uses at infill locations, and not conflicting with CARB's 2017 Scoping Plan and 2020-2045 RTP/SCS's performance-based standards. Therefore, the GHG emissions analysis in the Draft EIR appropriately concludes less-than-significant GHG emission impacts.

## Comment No. ORG 1B-135

### ii. SB 375 RTP/SCS Daily VMT Per Capita Target

Under the SCAG's 2020 RTP/SCS, daily VMT per capita in the SCAG region should decrease from 23.2 VMT in 2016 to 20.7 VMT by 2045.<sup>28</sup> Daily VMT per capita in Los Angeles County should decrease from 22.2 to 19.2 VMT during that same period.<sup>29</sup> Here, however, the DEIR fails to consider any of the above-mentioned performance-based VMT targets. As the DEIR fails to evaluate the Project's consistency with the SCAG's performance-based daily VMT per capita projections, the DEIR's claim that the proposed Project would not conflict with SCAG's RTP/SCS is unsupported. An updated EIR should be prepared for the proposed Project to provide additional information and analysis to conclude less-than-significant GHG impacts.

<sup>28</sup> "Connect SoCal." SCAG, September 2020, available at: [https://scag.ca.gov/sites/main/files/fileattachments/0903fconnectsocial-plan\\_0.pdf?1606001176](https://scag.ca.gov/sites/main/files/fileattachments/0903fconnectsocial-plan_0.pdf?1606001176), pp. 138.

<sup>29</sup> "Connect SoCal." SCAG, September 2020, available at: [https://scag.ca.gov/sites/main/files/fileattachments/0903fconnectsocial-plan\\_0.pdf?1606001176](https://scag.ca.gov/sites/main/files/fileattachments/0903fconnectsocial-plan_0.pdf?1606001176), pp. 138.

## Response No. ORG 1B-135

The comment states that the Draft EIR is flawed for failure to evaluate performance-based VMT targets. Refer to Response No. ORG 1B-64 for a discussion of the substantial evidence provided in the Draft EIR supporting the determination that the Project would not conflict with SB 375, CARB's 2017 Scoping Plan and 2020-2045 RTP/SCS goals of reducing daily VMT per capita, providing local community serving uses at infill locations, and not conflicting with CARB's 2017 Scoping Plan and 2020-2045 RTP/SCS's performance-based standards. As noted under Response No. ORG-133, the 2017 CARB Scoping Plan's VMT per capita standards have been refined for specific areas of the City of Los Angeles by the LADOT's 2020 City of Los Angeles VMT Calculation Documentation. The City's VMT Calculator is consistent with the purposes of the CARB Scoping Plan and SB 375. Therefore, the GHG emissions analysis in the Draft EIR appropriately concludes less-than-significant GHG emission impacts.

## Comment No. ORG 1B-136

### Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in a potentially significant GHG impact that should be mitigated further. As such, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Therefore, to reduce the Project's emissions, we recommend consideration of SCAG's 2020 RTP/SCS PEIR's Greenhouse Gas Project Level Mitigation Measures ("P.M.M-GHG-1"), as described below:<sup>30</sup>

<b>SCAG RTP/SCS 2020-2045</b>	
<b>Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1</b>	
<p>In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the <i>State CEQA Guidelines</i>, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:</p>	
b)	Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.
c)	Include off-site measures to mitigate a project’s emissions.
d)	<p>Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:</p> <ol style="list-style-type: none"> <li>i. Use energy and fuel-efficient vehicles and equipment;</li> <li>ii. Deployment of zero- and/or near zero emission technologies;</li> <li>iii. Use lighting systems that are energy efficient, such as LED technology;</li> <li>iv. Use the minimum feasible amount of GHG-emitting construction materials;</li> <li>v. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;</li> <li>vi. Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;</li> <li>vii. Incorporate design measures to reduce energy consumption and increase use of renewable energy;</li> <li>viii. Incorporate design measures to reduce water consumption;</li> <li>ix. Use lighter-colored pavement where feasible;</li> <li>x. Recycle construction debris to maximum extent feasible;</li> <li>xi. Plant shade trees in or near construction projects where feasible; and</li> <li>xii. Solicit bids that include concepts listed above.</li> </ol>
e)	<p>Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following:</p> <ol style="list-style-type: none"> <li>i. Promote transit-active transportation coordinated strategies;</li> <li>ii. Increase bicycle carrying capacity on transit and rail vehicles;</li> <li>iii. Improve or increase access to transit;</li> <li>iv. Increase access to common goods and services, such as groceries, schools, and day care;</li> <li>v. Incorporate affordable housing into the project;</li> <li>vi. Incorporate the neighborhood electric vehicle network;</li> <li>vii. Orient the project toward transit, bicycle and pedestrian facilities;</li> <li>viii. Improve pedestrian or bicycle networks, or transit service;</li> <li>ix. Provide traffic calming measures;</li> <li>x. Provide bicycle parking;</li> <li>xi. Limit or eliminate park supply;</li> <li>xii. Unbundle parking costs;</li> </ol>

4.0-23; See also: “Certified Final Connect SoCal Program Environmental Impact Report.” Southern California Association of Governments (SCAG), May 2020, available at: <https://scag.ca.gov/peir>.

<ul style="list-style-type: none"> <li>xiii. Provide parking cash-out programs;</li> <li>xiv. Implement or provide access to commute reduction program;</li> </ul>
f) Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network;
g) Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and
<p>h) Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that:</p> <ul style="list-style-type: none"> <li>i. Provide car-sharing, bike sharing, and ride-sharing programs;</li> <li>ii. Provide transit passes;</li> <li>iii. Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services;</li> <li>iv. Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle;</li> <li>v. Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms;</li> <li>vi. Provide employee transportation coordinators at employment sites;</li> <li>vii. Provide a guaranteed ride home service to users of non-auto modes.</li> </ul>
i) Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
<p>j) Land use siting and design measures that reduce GHG emissions, including:</p> <ul style="list-style-type: none"> <li>i. Developing on infill and brownfields sites;</li> <li>ii. Building compact and mixed-use developments near transit;</li> <li>iii. Retaining on-site mature trees and vegetation, and planting new canopy trees;</li> <li>iv. Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and</li> <li>v. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.</li> </ul>
k) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities. The measures provided above are also intended to be applied in low income and minority communities as applicable and feasible.
l) Require at least five percent of all vehicle parking spaces include electric vehicle charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in.
<p>m) Encourage telecommuting and alternative work schedules, such as:</p> <ul style="list-style-type: none"> <li>i. Staggered starting times</li> <li>ii. Flexible schedules</li> <li>iii. Compressed work weeks</li> </ul>
<p>n) Implement commute trip reduction marketing, such as:</p> <ul style="list-style-type: none"> <li>i. New employee orientation of trip reduction and alternative mode options</li> <li>ii. Event promotions</li> <li>iii. Publications</li> </ul>
o) Implement preferential parking permit program
p) Implement school pool and bus programs

## q) Price workplace parking, such as:

- i. Explicitly charging for parking for its employees;
- ii. Implementing above market rate pricing;
- iii. Validating parking only for invited guests;
- iv. Not providing employee parking and transportation allowances; and
- v. Educating employees about available alternatives.

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all feasible mitigation measures, as well as include an updated GHG analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

<sup>30</sup> "4.0 Mitigation Measures." Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: [https://scag.ca.gov/sites/main/files/fileattachments/fpeir\\_connectsocial\\_addendum\\_4\\_mitigationmeasures.pdf?1606004420](https://scag.ca.gov/sites/main/files/fileattachments/fpeir_connectsocial_addendum_4_mitigationmeasures.pdf?1606004420), p. 4.0-2 – 4.0-10; 4.0-19.

## Response No. ORG 1B-136

The comment states that additional mitigation measures are needed to reduce the alleged significant GHG emissions. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Please refer to Response No. ORG 1B-64 for a discussion on the appropriate use of the qualitative significance threshold where it was determined that the Project's GHG emissions would not be considerable and therefore would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB's Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code. As the Project's GHG impacts would be less than significant, no mitigation measures are required.

## Comment No. ORG 1B-137

### Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar

circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

### **Response No. ORG 1B-137**

The comment expresses the right to revise or amend the provided report at a future time and submits the caveat that the comments may contain information gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties. The comments are noted and made part of the Final EIR record. However, since the comment does not discuss the adequacy of the Draft EIR, no further response is necessary.

### **Comment No. ORG 1B-137a**

Attachment A: Curriculum vitae (CV) for Matt Hagemann, the co-preparer of the SWAPE letter.

### **Response No. ORG 1B-137b**

Attachment A does not include any comments on the Draft EIR and no further response is necessary.

### **Comment No. ORG 1B-137b**

Attachment B: CV for Paul E. Rosenfeld, the co-preparer of the SWAPE letter

### **Response No. ORG 1B-137b**

Attachment B does not include any comments on the Draft EIR and no further response is necessary.

### **Comment No. ORG 1B-138**

#### **Attachment 2 (Scott Cashen, Independent Biological Resources Consultant)**

#### **Subject: Comments on the Draft Environmental Impact Report for the Harvard-Westlake River Park Project**

This letter contains my comments on the Draft Environmental Impact Report (“DEIR”) prepared by the City of Los Angeles (“City”) for the Harvard-Westlake River Park Project (“Project”). The Project Applicant, Harvard-Westlake School (“Applicant”) proposes construction and operation of an athletic and recreational facility on a 16.1-acre parcel

owned by the Applicant, and a 1.1-acre parcel leased from the Los Angeles County Flood Control District, in the community of Studio City. Although the majority of the Project site is currently occupied by a private golf course and tennis facility, some components of the Project extend into the Zev Yaroslavsky Los Angeles River Greenway (“Zev Greenway”).

### **Response No. ORG 1B-138**

The comment briefly summarizes the Project Site but does not discuss the adequacies or content of the Draft EIR. The comment is noted and included herein for the record but no further response is necessary.

### **Comment No. ORG 1B-139**

I am an environmental biologist with 29 years of professional experience in wildlife biology and natural resources management. I have served as a biological resources expert for over 150 projects in California. My experience and scope of work in this regard has included assisting various clients with evaluations of biological resource issues; preparation and peer review of environmental compliance documents prepared pursuant to the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”); and preparation of written comments that address deficiencies with CEQA and NEPA documents. My work has included written and oral testimony for the California Energy Commission, California Public Utilities Commission, and Federal courts. My educational background includes a B.S. in Resource Management from the University of California at Berkeley, and a M.S. in Wildlife and Fisheries Science from the Pennsylvania State University. A copy of my curriculum vitae is attached hereto.

### **Response No. ORG 1B-129**

The comment briefly summarizes the commenter’s professional background but does not discuss the adequacies or content of the Draft EIR. The comment is noted and forwarded to the Project decision-makers for their consideration. Therefore, no further response is necessary.

### **Comment No. ORG 1B-140**

The comments herein are based on my review of the environmental documents prepared for the Project, a review of scientific literature pertaining to biological resources known to occur in the Project area, consultations with other biological resource experts, and the knowledge and experience I have acquired during my 29-year career in the field of natural resources management.

## Response No. ORG 1B-140

The comment introduces the commenter’s position in reviewing the Biological Resources section of the Draft EIR but does not discuss the adequacies or content of the Draft EIR. The comment is noted and forwarded to the Project decision-makers for their consideration. Therefore, no further response is necessary.

## Comment No. ORG 1B-141

### ENVIRONMENTAL SETTING

#### The DEIR Fails to Establish the Environmental Setting with Respect to the Western Yellow Bat

The western yellow bat (*Lasiurus xanthinus*) is a California Species of Special Concern that appears to roost exclusively in the skirts of palm trees located near open water or wetlands.<sup>1</sup> The photographs provided in the tree report prepared by the Applicant’s arborist depict numerous palms at the Project site with skirts suitable for roosting bats.<sup>2</sup> According to the DEIR:

“Western yellow bat has moderate potential to roost and forage in the Biological Study Area. The Biological Study Area supports a number of palm trees that would be suitable roosting habitat for this species. Additionally, the adjacent Los Angeles River may provide suitable foraging habitat above the river and near the southwestern boundary of the Biological Study Area.”<sup>3</sup>

Although the DEIR acknowledges there is potential for western yellow bats to occur at the Project site, there was no effort to determine presence, abundance, and distribution of the species at the site, nor were there any attempts to determine how many of the site’s 174 palm trees contain bat roosts.

<sup>1</sup> Pierson ED, Rainey WE. 1998. Western yellow bat, *Lasiurus xanthinus*. In: Bolster BC, ed. Terrestrial Mammal Species of Special Concern in California. pp. 50 and 51. See also Marty J, Unnasch R. 2015. Western Yellow Bat (*Lasiurus xanthinus*) (WYBA) Basic Conceptual Ecological Model for the Lower Colorado River. Submitted to the Bureau of Reclamation, Boulder City, Nevada, by Sound Science, LLC, Boise, Idaho.

<sup>2</sup> DEIR, Appendix A (Arborist Report) to Appendix D (Biological Resources Technical Report).

<sup>3</sup> DEIR, p. IV.C-27.

## Response No. ORG 1B-141

The comment states that no effort was made to document the presence or absence of the western yellow bat on the Project Site. ESA previously surveyed the Project Site for wildlife, including bats, in November 2016 for a different project and the western yellow bat was not detected at that time. That survey was conducted by an individual with bat expertise. Similarly, the western yellow bat was not observed during the more recent ESA wildlife surveys undertaken for the current project, which is acknowledged to be general

in nature (i.e., for the purpose of broadly examining and inventorying onsite plant and animal species, including bats) and not focused exclusively on bats. Because these surveys were not exhaustive, which is not required by CEQA, the EIR assessed the potential for this species to occur, which is a moderate potential to roost within palm trees retaining the dried and dead fronds, and explicitly recommends Mitigation Measure BIO-MM-1, with the knowledge that the species may be present and, if present, needs protection prior to construction.

As stated in Comment No. ORG 1B-46, some western yellow bats are year-round residents in southern California. Therefore, if present, western yellow bat would be detected by a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special status bat species are roosting within trees that would be removed, as outlined in Mitigation Measure BIO-MM-1 on pages IV.C-42 to IV.C-43 in Section IV.C, *Biological Resources*, of the Draft EIR.

Additionally, as stated in Response No. ORG 1B-45, there is only one CNDDDB occurrence record of this bat species within the vicinity of the Project Site, which was recorded in 1984 approximately 8.5 miles to the east in a developed area of Glendale. Closer in proximity to the Glendale record, bat surveys were conducted between April and November 2008 in Griffith Park, and the results of the surveys found no individual of western yellow bat to be present. Nonetheless, in coordination with CDFW, Mitigation Measure BIO-MM-1 on pages IV.C-42 to IV.C-43 of the Draft EIR has been revised to include additional requirements if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed are suitable bat roosting habitat. This update has been incorporated into Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR.

### **Comment No. ORG 1B-142**

The DEIR's failure to establish the environmental setting (with respect to bats) precludes informed decision making and public participation because it precludes understanding of the severity of the Project's impacts on the western yellow bat population. For example, without data on the number of active bat roosts at the Project site, the public (and City) have no idea whether the Project would affect 1 yellow bat, 100 yellow bats, or no yellow bats. This lack of information not only has implications on the public's ability to understand the Project's impacts, but also the City's ability to effectively evaluate the significance threshold used in the DEIR (i.e., "[w]ould the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species..."). Whereas loss of one active bat roost from the Project site would not have a substantial adverse effect on the western yellow bat population, the loss of 50 active roosts (for example) would have severe, and potentially unmitigable impacts on the population. To properly disclose, analyze, and mitigate the Project's impacts on bats, the City must conduct surveys to determine the presence, abundance, and distribution of active roosts at the site, and these data must be released to the public in a recirculated DEIR.

## Response No. ORG 1B-142

The comment contends that a survey of the Project Site to determine the presence, abundance, and distribution of active roosts is required in order to properly analyze impacts to the western yellow bats and that the Draft EIR should be recirculated with this information. See Response Nos. ORG 1B-45 and ORG 1B-141 for a discussion of the potential for the western yellow bat to be present on the Project Site. Additionally, the comment does not provide substantial evidence of significant new information showing that there is a new significant impact, an increase in the severity of an impact, or that the Draft EIR is fundamentally flawed to support a contention that the Draft EIR is required to be recirculated pursuant to CEQA Guidelines Section 15088.5. As such, recirculation of the Draft EIR is not necessary.

## Comment No. ORG 1B-143

### PROJECT IMPACTS

#### The DEIR Fails to Adequately Disclose and Analyze Project Impacts to the Western Yellow Bat

##### Direct Impacts

The DEIR's analysis of direct impacts to the western yellow bat is limited to the statement that: "[c]onstruction of the Project could result in potentially significant direct impacts to this bat species if tree removal commences during the maternity roosting season (generally March 1 through September 30)."<sup>4</sup>

Direct impacts to the western yellow bat (and other bat species) are not limited tree removal during the maternity roosting season. Some western yellow bats are year-round residents in southern California.<sup>5</sup> These bats may use trees at the Project site as day roosts, night roosts, or maternity roosts.<sup>6</sup> Consequently, western yellow bats may occur in trees (especially the palms) at the Project site at any time of day (or night), on any day of the year.

Yellow bats are deep sleepers.<sup>7</sup> Even when fully awake, they feel safe in palm fronds and generally will not flush at signs of danger.<sup>8</sup> As a result, yellow bats are frequently killed or injured when palm trees are felled.<sup>9</sup> Because bats are a prey species that has few behavioral defenses against predation, they rely on concealment (at roosts) to avoid predation by diurnal predators. Therefore, even if bats flush from a tree as it is being felled, most of these individuals are likely to die due to predation or exposure. The DEIR fails to analyze impacts to, or incorporate mitigation for, bats that may occupy trees at the Project site during the non-maternity season.

<sup>4</sup> DEIR, p. IV.C-32.

<sup>5</sup> Pierson ED, Rainey WE. 1998. Western yellow bat, *Lasiurus xanthinus*. In: Bolster BC, ed. Terrestrial Mammal Species of Special Concern in California. pp. 50 and 51.

- <sup>6</sup> Day roosts are used during the day for sleep and protection from predators and heat exposure. Night roosts are used at night to rest, digest food, conserve energy, and avoid predators. Maternity roosts are used to give birth and raise young
- <sup>7</sup> Austin Bat Refuge. 2021. Palm Trees [webpage]. Available at: [https://austinbatrefuge.org/palm trees](https://austinbatrefuge.org/palm-trees). (Accessed 6 May 2022).
- <sup>8</sup> Ibid. See also Tatarian G. 2018. Conserving California's Bats Through Environmental Review and Permitting. CDFW Conservation Lecture Series Archive. Available at: <https://wildlifrr.ca.gov/Conservation/Lecdtures/Archive#ACEApr12> (Accessed 6 May 2022).
- <sup>9</sup> Ibid.

### **Response No. ORG 1B-143**

The comment states that the analysis on the western yellow bat is inadequate for failure to consider potential impacts beyond the maternity roosting season. See Response Nos. ORG 1B-45 through 1B-48 and 1B-142.

### **Comment No. ORG 1B-144**

The Project entails removing 121 of the Mexican fan palms that occur at the Project site. This represents a substantial number of potential roosts for the western yellow bat. Incredibly, the DEIR provides no analysis of this habitat loss. Because the loss of suitable roosting habitat is one of the primary threats to the western yellow bat population,<sup>10</sup> and because the DEIR does not incorporate compensatory mitigation, potentially significant impacts on the western yellow bat remain unmitigated.

<sup>10</sup> Ibid

### **Response No. ORG 1B-144**

The comment contends that removal of Mexican fan palms will result in a loss of habitat for the western yellow bat. See Response No. ORG 1B-45.

### **Comment No. ORG 1B-145**

#### Indirect Impacts

According to the DEIR:

“There would also be additional indirect impacts to special-status bat species from noise and human activities associated with Project construction; however, construction activities would be temporary on an intermittent basis, and potential on-site tree roosts would be removed during the initial construction phase if no active roosts are found. As such, impacts would not diminish the long-term survival of a special-status bat species and, therefore, would be less than significant.”<sup>11</sup>

A fundamental flaw with the DEIR's analysis is that it fails to discuss how noise and human activities associated with construction would impact bats at the Project site. For example,

the DEIR does not identify whether construction activities would affect vital rates (e.g., survival and recruitment), behavior (e.g., roost attendance, sleep and torpor, movement patterns), habitat use, predator-prey relationships, or other variables that may influence the bat population. This precludes the public's ability to validate the DEIR's conclusion that Project impacts "would not diminish the long-term survival of a special-status bat species and, therefore, would be less than significant."

<sup>11</sup> DEIR, pp. IV.C-40 and -41.

## **Response No. ORG 1B-145**

The comment contends that indirect impacts from noise and human activities are not adequately addressed in the Draft EIR. Refer to Response No. ORG 1B-47.

## **Comment No. ORG 1B-146**

The DEIR provides two reasons for its determination that Project impacts to special-status bats would be less than significant. The DEIR's first reason is that construction activities would be "temporary." Project construction activities would occur for approximately two and a half years,<sup>12</sup> which would encompass two or three reproductive cycles of the bat population (bats reproduce only once per year). Bats have low reproductive rates, high juvenile mortality, and long generational turnover.<sup>13</sup> Consequently, any reduction in reproductive output (or success) can have a substantial impact on viability of the bat population. Indeed, it can take a colony (population) many years to recover from activities that cause mortality or even temporary reduced fecundity (i.e., the ability to produce offspring).<sup>14</sup> Therefore, although a 2.5-year impact might be temporary from a human perspective, it is not "temporary" from the bat's perspective.

<sup>12</sup> DEIR, p. II-61.

<sup>13</sup> Western Bat Working Group. 2005 [update]. Species account for the western yellow bat. Available at: <https://wbwg.org/western-bat-species/> (Accessed 6 May 2022).

<sup>14</sup> Johnston D, Tatarian G, Pierson E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Report to California Department of Transportation, Sacramento, California. Project Number 2394-01.

## **Response No. ORG 1B-146**

The comment contends that the construction period is not temporary from a bat's perspective and therefore the determination of less-than-significant construction impacts is flawed. Refer to Response Nos. ORG 1B-45, ORG 1B-46 and ORG 1B-47. It is acknowledged that Mexican fan palms, the suitable habitat for western yellow bat (though the last recorded occurrence of this bat species in the CNDDDB database was in 1984 and approximately 8.5 miles to the east), are currently present and many will be removed with Project implementation (i.e., construction). However, if the species is present, any bats may use the clusters of palm trees that exist on the south side of the Los Angeles River and along Ventura Boulevard. Mitigation Measure BIO-MM-1 is designed and included in order to avoid direct impacts to this species.

## **Comment No. ORG 1B-147**

The DEIR's second reason is that potential roosts would be removed during the initial construction phase. This reason is both confusing and illogical. First, the rationale is confusing because the Project does not involve removal of all potential roosts (e.g., 181 trees would remain, of which 53 are Mexican fan palms).<sup>15</sup> Therefore, removing potential roosts (trees) during the initial construction phase does not eliminate the potential for significant indirect impacts to bats. Second, the rationale is illogical because removing potential roosts would generate a different type of indirect impact to bats. Specifically, removing roosts would eliminate a habitat element essential to survival and reproduction. If replacement roosts are not available, the loss of roosts from the Project site would eliminate the reproductive potential of all individuals that are displaced from the Project site. As a result, and contrary to the DEIR's assertion, removing roosts from the Project site would reduce the potential for "long-term survival," especially for an organism that is already exposed to numerous threats (e.g., habitat loss, pesticides, and wind turbine strikes, among others).

<sup>15</sup> DEIR, pp. IV.C-54 and -55.

## **Response No. ORG 1B-147**

The comment contends that removal of roosts would reduce the potential for the long-term survival of the western yellow bat. Refer to Response Nos. ORG 1B-45, ORG 1B-46 and ORG 1B-47. To clarify, potential on-site tree roosts would be removed during the initial construction phase if no active maternity bat roosts are found, as determined by the pre-construction survey required by Mitigation Measure BIO-MM-1, and consequently, there would be no breeding bats within areas closest to the Project Site that may be indirectly impacted by noise and human activities associated with the Project construction because trees determined to remain would also be surveyed for the presence or absence of active bat roosts. However, the Project will not remove all Mexican fan palms, and if the species is present, any non-breeding bats that remain in the Project area will either be tolerant of the construction noise levels or may relocate to use clusters of palm trees existing on the south side of the Los Angeles River and along Ventura Boulevard, which are further away from the Project construction.

## **Comment No. ORG 1B-148**

### **The DEIR Fails to Provide an Accurate Assessment of Impacts to the California Brittlebush Scrub Community (A Sensitive Natural Community)**

In 2017, the Zev Greenway was restored to native coastal sage scrub habitat along a majority of the Project Site's southern boundary. The restored habitat includes a diverse mix of native species (although some non-native species remain). Because California brittlebush (*Encelia californica*) is the dominant species in the restoration area, it was classified as California brittlebush scrub, which is a sensitive natural community in the State of California.<sup>16</sup>

The DEIR states that the proposed river connection trail, river fence, and river overlook would directly impact 0.14 acres of California brittlebush scrub. However, according to the DEIR, the Project would not have significant indirect impacts on the California brittlebush scrub community because: (a) it occurs along an existing public trail (i.e., the Zev Greenway trail), and (b) “plants would not be affected by subtle changes in Project light, noise, or human activity.”<sup>17</sup> The DEIR’s rationale is flawed because it fails to recognize that the Project would not only increase human activity along the existing trail, but that it would also create a new trail that bisects the California brittlebush scrub community, thereby increasing the proportion of that community that would be susceptible to trampling, weed invasion, and other adverse edge effects associated with fragmentation. In addition, because the proposed river connection trail would not provide the shortest route to the Zev Greenway trail, students and spectators are likely to create shortcuts (and other unauthorized trail routes) through the California brittlebush scrub, as depicted in Figure 1 (below). This would cause further loss, degradation, and fragmentation of the sensitive natural community. The DEIR fails to incorporate mitigation for this potentially significant indirect impact.

<sup>16</sup> DEIR, p. IV.C-19.

<sup>17</sup> DEIR, p. IV.C-43

## Response No. ORG 1B-148

The comment contends that the existing and proposed recreational trails and shortcuts to the Zev Greenway would cause habitat loss, degradation, and fragmentation. As stated in Response ORG 1B-49 above, the restoration of California brittlebush scrub is limited to an isolated strip of restored native habitat along the Zev Greenway. The Project’s ADA-compliant pedestrian ramp between the Project Site and the Zev Greenway was designed to avoid and minimize impacts to biological resources. As stated on pages IV.C-42 and IV.C-44, in Section IV.C, *Biological Resources*, of the Draft EIR under the heading Sensitive Natural Communities, the Project would result in limited impacts from the ramp connection, river fence, and river overlook to 0.14 acre of recently restored California brittlebush scrub (16 percent of off-site sensitive natural community). Although impacts would be limited, direct impacts to this sensitive natural community are identified as potentially significant. Mitigation Measure BIO-MM-2 is provided to require replacement of California brittlebush scrub at an equivalent acreage to reduce potentially significant impacts on sensitive natural communities to a less-than-significant level. Furthermore, as discussed in Section IV.C, *Biological Resources*, under the heading Impact Analysis, of the Draft EIR, the native landscaping proposed, which would exclude invasive exotic plant species, would help to enhance the natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas.

As stated on page IV.C-43, the additional human activity would not have an adverse effect on this sensitive natural community since the plants would not be affected by the changes

in human activity. The California brittlebush scrub is relatively dense in most areas and not easily traversable and, therefore, unlikely to be utilized as a short pathway to the Zev Greenway. Nevertheless, although unlikely to occur, the Project will install fencing along the edge of the Leased Property and along the Project's ADA-compliant pedestrian ramp leading from the Project Site to the Zev Greenway to prevent people from trampling down the side of the hill through the California brittlebush scrub to the Zev Greenway trail. While this fencing was accounted for in the Draft EIR impact analysis, Project Design Feature BIO-PDF-2 has been added to provide further details of the proposed Project fencing. Project Design Feature BIO-PDF-2 is included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. Lastly, Mitigation Measure BIO-MM-2 requires replacement of any removed California brittlebush scrub at a 1:1 ratio, with such replacement to occur adjacent to the Zev Greenway, thereby contributing to the habitat's restoration and integrity as a sensitive natural community. Therefore, the indirect impacts of the Project would not cause further loss, degradation, and fragmentation of the California brittlebush scrub.

### Comment No. ORG 1B-149

The Project includes installation of 38 trees in the California brittlebush scrub community along the Zev Greenway.<sup>18</sup> As these trees mature, they will substantially decrease the amount of sunlight reaching plants in the shrub layer. This is important because California brittlebush, coast goldenbush, Nevin's barberry (an endangered species), and most of the other plant species that occur along the Zev Greenway are adapted to full sun (or part shade),<sup>19</sup> and thus are unlikely to persist in the shady conditions created by the Project's trees. The DEIR fails to analyze this potentially significant indirect impact on the California brittlebush scrub community and the two Nevin's barberry plants that occur therein.

<sup>18</sup> DEIR, Figure IV.C-5.

<sup>19</sup> California Native Plant Society. 2022. Calscape [website]. Available at: <https://Calscape.org>. (Accessed 4 May 2022). See also California Native Plant Society. 2022. A Manual of California Vegetation, Online Edition. Available at: <https://vegetation.cnps.org/> (Accessed 4 May 2022).



**Figure 1.** Unauthorized trail shortcuts (yellow lines) that are likely to be created through the California brittlebush scrub community following Project development.

## Response No. ORG 1B-149

The comment contends that the increase in trees will create shade that would be detrimental to shrubs. As stated on page II-30, in Section II, *Project Description*, under the heading Open Space and Trees, of the Draft EIR, all replacement trees would be RIO-compliant. The proposed tree species would be either native trees or species sourced from the Los Angeles River Master Plan Plant Landscaping Guidelines and Plant Palettes.<sup>69</sup> As stated on page IV.C-19, in Section IV.C, *Biological Resources*, under the heading California Brittlebush Scrub, of the Draft EIR, native trees were already planted as a part of the restored California brittlebush scrub community. This is also shown in the tree photographs provided on pages 228 through 256 (PDF pages 314 through 341 of 394) of the City of Los Angeles Tree Report – Harvard-Westlake River Park Campus Appendix D, Biological Resources Technical Report, of the Draft EIR.

Planting of native scrub habitat has already been successful within the area, as shown by the California brittlebush scrub community found along the Zev Greenway. However, the comment contends that the increase in planted trees would create shade to the detriment of the shrubs, including Nevin’s barberry. As stated on page IV.C-31, in Section IV.C, *Biological Resources*, under the heading Analysis of Impacts, of the Draft EIR, the Project would avoid impacts to Nevin’s barberry by retaining the two cultivated individual plants and avoiding trampling of the plants. As described in Response No. ORG 1B-50, the California brittlebush scrub would not be significantly impacted by planting of additional native trees because the plants can grow in part shade as well as full sun and there are already trees planted in the existing restored native community. Like California brittlebush, Nevin’s barberry also grows in either part shade or full sun and would not be adversely impacted by the addition of more tree canopies.<sup>70</sup>

Furthermore, Mitigation Measure BIO-MM-2 requires the replacement of sensitive natural community habitat to be planted clustered adjacent to and contiguous with the Zev Greenway. The locations and species must be to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement sensitive natural community habitat areas would be planted on-site and shown on the Project’s landscape plan. The restored sensitive natural community would be monitored for five years to verify that California brittlebush scrub has been successfully restored. Thus, the planning requirements and long-term monitoring included in Mitigation Measure BIO-MM-2 would ensure that the new California brittlebush scrub would survive over the long-term, as it needs to be self-sustaining at the end of the five-year monitoring period.

<sup>69</sup> Los Angeles County Public Works, Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, January 2004.

<sup>70</sup> Nevin’s Barberry, *Berberis nevinii*. Calscape, California Native Plant Society. [https://calscape.org/loc-California/Nevin%20%20S%20Barberry%20\(Berberis%20nevinii\)?newsearch=1](https://calscape.org/loc-California/Nevin%20%20S%20Barberry%20(Berberis%20nevinii)?newsearch=1).

## Comment No. ORG 1B-150

### The DEIR Fails to Disclose, Analyze, or Incorporate Mitigation for Avian Collisions

The Project site and adjacent Los Angeles River corridor support at least 74 species of birds,<sup>20</sup> some of which are classified as special-status species.<sup>21</sup> These include summer residents, winter residents, year-round residents, and birds that move through the Project area during migration.

Collision with windows is second only to predation by domestic cats as an anthropogenic source of avian mortality.<sup>22</sup> Klem (2009) estimated over one billion birds are killed each year due to collisions with clear and reflective sheet glass in the U.S. alone.<sup>23,24</sup> The visual system of birds is simply not capable of perceiving glass as a physical obstacle.<sup>25</sup> Casualties occur from head trauma after leaving a perch from as little as one meter away in an attempt to reach habitat seen through, or reflected in, clear and tinted panes.<sup>26</sup> Glass windows kill birds in urban, suburban, and rural settings.<sup>27</sup> There is no window size, building structure, time of day, season of year, or weather conditions during which birds elude the lethal hazards of glass.<sup>28</sup>

Scientists have determined that bird mortality caused by collisions with structures is “biologically significant”<sup>29</sup> and that avian mortality from window collisions is contributing to population declines of special-status species and birds in general.<sup>30</sup> As a result, several cities (e.g., San Francisco, New York) have adopted standards for “bird-safe” buildings.

<sup>20</sup> DEIR, Appendix B to Appendix D (Biological Resources Technical Report). See also checklist for the Los Angeles River—Whitsett to Coldwater Hotspot at: eBird. 2022. eBird: An online database of bird distribution and abundance [web application]. eBird, Cornell Lab of Ornithology, Ithaca, New York. Available at: <http://www.ebird.org> (Accessed 5 May 2022).

<sup>21</sup> Special-status species documented in the Project are include the osprey, Cooper’s hawk, rufous hummingbird, Vaux’s swift, and yellow warbler. See California Department of Fish and Wildlife, California Natural Diversity Database. 2022 Apr. Special Animals List. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentD=109406> . (Accessed 5 May 2022)

<sup>22</sup> Loss SR, Will T, Loss SS, Marra PP. 2014. Bird-Building Collisions in the United States: Estimates of Annual Mortality and Species Vulnerability. *The Condor* 116:8–23.

<sup>23</sup> Klem D Jr. 2009. Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. *Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics*. 244–251.

<sup>24</sup> Daniel Klem Jr. is an ornithologist known for his pioneering research into the mortality of birds due to glass windows. He is Sarkis Acopian Professor of Ornithology and Conservation Biology at Muhlenberg College. Dr. Klem has been publishing peer-reviewed studies on bird-window collisions since 1989. See <http://www.muhlenberg.edu/main/academics/biology/facultystaff/danielklemjr/>

<sup>25</sup> Klem D Jr. 2009. Preventing Bird-Window Collisions. *The Wilson Journal of Ornithology* 121(2):314–321.

<sup>26</sup> Klem D Jr. 2009. Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. *Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics*. 244–251.

<sup>27</sup> Klem D Jr. 1990. Collisions Between Birds and Windows: Mortality and Prevention. *Journal of Field Ornithology*. 61(1):120-128.

- <sup>28</sup> Klem D Jr. 2009. Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics. 244-251.
- <sup>29</sup> Longcore T, Rich C, Gauthreaux SA Jr. 2005. Scientific Basis to Establish Policy Regulating Communications Towers to Protect Migratory Birds. WT Docket No. 03-187, Federal Communications Commission Notice of Inquiry. Available at: <https://ecfsapi.fec.gov/file/6517288491.pdf>.
- <sup>30</sup> Klem D Jr. 2009. Preventing Bird-Window Collisions. *Wilson Journal of Ornithology* 121(2):314-321. See also Klem D Jr. 1990. Collisions Between Birds and Windows: Mortality and Prevention. *Journal of Field Ornithology*. 61(1):120-128.

## Response No. ORG 1B-150

This comment regarding avian collisions is noted and will be provided to the decision-makers for their review and consideration. Because this comment does not raise a substantive issue on the adequacy of the Draft EIR, no further response is necessary.

## Comment No. ORG 1B-151

### Causal Factors of Avian Collisions

There are two factors that cause birds to collide with human-built structures. The first is the lighting of structures at night, which “traps” and disorients many species of nocturnal migrants, making them vulnerable to collision with obstructions.<sup>31</sup> Those birds that are not killed outright by impact with lit windows are disoriented by the light and continue to fly around the light source, often to the point of exhaustion (which often leads to death).<sup>32</sup>

The second factor is the presence of architectural glass (e.g., windows), which birds in flight either cannot detect, or misinterpret.<sup>33</sup> Almost every type of architectural glass under the right conditions reflects the sky, clouds, or nearby trees and vegetation.<sup>34</sup> Glass that reflects the environment presents birds with the appearance of safe routes, shelter, and possibly food ahead. When birds try to fly to the reflected habitat, they hit the glass.

The bulk of bird deaths result when lone, confused birds mistake glass for a safe flight path.<sup>35</sup> During migration, birds make stops to rest and refuel. After landing, these birds make short, low flights near dawn, searching for feeding areas.<sup>36</sup> Thus, they are susceptible to collisions as they ascend, descend, and search for the resources needed to continue their migratory journey. Consequently, night-migrating songbirds<sup>37</sup>—already imperiled by habitat loss and other environmental stressors—face a dual risk, threatened both by illuminated buildings when they fly at night and by daytime glass collisions as they seek food and shelter.<sup>38</sup>

<sup>31</sup> Ogden LJ. 1996. Collision Course: The Hazards of Lighted Structures and Windows to Migrating Birds. A Special Report for the World Wildlife Fund Canada and the Fatal Light Awareness Program. 45 pp

<sup>32</sup> Ibid.

<sup>33</sup> Klem D Jr. 1990. Collisions Between Birds and Windows: Mortality and Prevention. *Journal of Field Ornithology*. 61(1):120-128. See also Klem D Jr. 2009. Preventing Bird-Window Collisions. *Wilson Journal of Ornithology* 121(2):314-321.

- <sup>34</sup> San Francisco Planning Department (and references therein). 2011. Standards for Bird-Safe Buildings. 42 pp
- <sup>35</sup> Ibid.
- <sup>36</sup> Ogden LJ. 1996. Collision Course: The Hazards of Lighted Structures and Windows to Migrating Birds. A Special Report for the World Wildlife Fund Canada and the Fatal Light Awareness Program. 45 pp.
- <sup>37</sup> Most songbirds migrate at night.
- <sup>38</sup> San Francisco Planning Department (and references therein). 2011. Standards for Bird-Safe Buildings. 42 pp.

## Response No. ORG 1B-151

This comment regarding factors causing avian collisions is noted and will be provided to the decision-makers for their review and consideration. Because this comment does not raise a substantive issue on the adequacy of the Draft EIR, no further response is necessary.

## Comment No. ORG 1B-152

### Project-Specific Hazards

A poorly designed building can kill hundreds of birds per year.<sup>39</sup> A few variables in particular have proven to be especially lethal to birds. As described below, the proposed Project incorporates design variables known to cause high levels of avian mortality: 1. Buildings with reflective or transparent windows, large windows, or a high percentage of glass.

Birds have been reported to strike two general types of windows: (1) transparent windows, which appear invisible to birds and (2) reflective windows, which mirror the facing habitat.<sup>40</sup> In addition, studies have shown that buildings with large windows or a high percentage of glass kill a disproportionately high number of birds.<sup>41</sup>

The proposed Project would have transparent and reflective windows.<sup>42</sup> All of the Project's buildings would have large windows (or panes of glass).<sup>43</sup> In addition, the proposed gymnasium and swimming pool buildings would contain a high percentage of glass. Indeed, one of the sustainability features touted in the DEIR is: “[n]atural light to be harvested for the main spaces in the gymnasium building using large expanses of glass and skylights...”<sup>44</sup>

The threat large expanses of glass pose to birds is exacerbated when windows are installed on opposite sides of a building directly across from one another or at a corner, because birds perceive an unobstructed passageway and fly towards the glass with no awareness of an obstacle.<sup>45</sup> The proposed gymnasium and pool buildings would possess this “design trap.”

<sup>39</sup> Hager SB, Trudell H, McKay KJ, Crandall SM, Mayer L. 2008. Bird Density and Mortality at Windows. *Wilson Journal of Ornithology* 120(3):550-564.

- <sup>40</sup> Gelb Y, Delacretaz N. 2009. Windows and Vegetation: Primary Factors in Manhattan Bird Collisions. *Northeastern Naturalist* 16(3):455-470. See also Klem D Jr. Bird-Window Collisions. *The Wilson Bulletin* 101(4):606-620.
- <sup>41</sup> Klem D Jr, Farmer CJ, Delacretaz N, Gelb Y, Saenger PG. 2009. Architectural and Landscape Risk Factors Associated with Bird-Glass Collisions in an Urban Environment. *Wilson Journal of Ornithology* 121(1):126-134. See also Parkins KL, Elbin SB, Barnes E. 2015. Light, Glass, and Bird–building Collisions in an Urban Park. *Northeastern Naturalist* 22(1):84-94. See also Hager SB, Trudell H, McKay KJ, Crandall SM, Mayer L. 2008. Bird Density and Mortality at Windows. *Wilson Journal of Ornithology* 120(3):550-564.
- <sup>42</sup> See DEIR, Figures II-7, II-8, and II-13. Glass can appear transparent or highly reflective, depending on weather or time of day.
- <sup>43</sup> See DEIR, Figures II-7, II-8, and II-13
- <sup>44</sup> DEIR, p. II-60. [emphasis added].
- <sup>45</sup> New York City Audubon. 2007. Bird-Safe Building Guidelines. p. 6.

## Response No. ORG 1B-152

This comment states that the Project’s windows would create an impact on avian species due to collisions. As shown on Figure II-8, *Gymnasium Elevations – North and South Views*, and Figure II-25, *Rendering of the Southwestern Corner of the Gymnasium and Community Room*, in the Draft EIR, while the gymnasium would include glass areas with the building design, the building would feature a wide variety of design elements, including the use of various metal louvers, porcelain tile and slate stone cladding such the glass surfaces on the northern variation would largely be “broken up” such that no continuous unobstructed glass area would exceed approximately 14-feet in height. Also, the southern elevation would have large areas of metal louvers with a printed finish such that no sizeable areas of unobstructive glass would be visible. Similarly, as shown in Figure II-13, *Swimming Pool Elevations – East and West Views*, of the Draft EIR, the design of the pool area buildings and canopy would feature a variety of materials, finishes and columns that also break up the glass areas such that no continuous unobstructed glass area would exceed approximately 14-feet in height. While the commenter provides examples of causal factors of avian collision, the comment offers no substantial evidence that the Project’s use of glass would result in any CEQA impact. Further, the comment states that, “The threat large expanses of glass pose to birds is exacerbated when windows are installed on opposite sides of a building directly across from one another or at a corner, because birds perceive an unobstructed passageway and fly towards the glass with no awareness of an obstacle.”<sup>45</sup> (footnote omitted) The proposed gymnasium and pool buildings would possess this “design trap.”” This assertion is not correct. The south elevation of the gymnasium is almost entirely covered by metal lovers and other solid building materials. Also, the lower levels of the swimming pool building would provide no sizeable areas of unobstructed views through glass within the building. The pool canopy would feature painted steel columns, kynar metal finish panels, and glass windows with anodized aluminum material, which collectively would not provide large, expansive glass areas with unobstructed views through the canopy. Accordingly, while it is acknowledged that avian collisions could occur on any building with reflective glass features (such as a residence with windows), there is no evidence in the comment that any potential avian collisions with the Project’s buildings would substantially interfere with

the movement of migratory birds or have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species.

Nonetheless, as shown on Figure II-8, *Gymnasium Elevations – North and South Views*, and Figure II-25, *Rendering of the Southwestern Corner of the Gymnasium and Community Room*, as revised in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, although the gymnasium will use natural lighting, as part of the Project design modifications the majority of the building would continue to be covered by various metal louvers, porcelain tile and slate stone cladding. In addition, and partly as a response to the comments received on the Draft EIR, the window area of the south side of the gymnasium has been removed from the scope of the Project and will be converted to solid walls, and the window area of the north side of the gymnasium has been reduced in size. On the inside of the gymnasium, the curtain would be down during athletic uses, which would also reduce light visible from the outside. The glass on the north side of gymnasium would be substantially obscured by terrace area and HVAC features, and the curtain on the inside (when down). These changes are discussed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. Also, as shown on Figure II-13, *Swimming Pool Elevations – East and West Views*, as revised in Chapter 3 of this Final EIR, the glass within the pool area buildings would also be limited to small glass areas with anodized aluminum metal and glass garage door.

### **Comment No. ORG-1B-153**

#### 2. Buildings with windows located adjacent to extensive vegetation.

Several studies have provided evidence that buildings with windows adjacent to extensive vegetation kill numerous birds.<sup>46</sup> Buildings that have windows at lower stories (below 60 feet) are the most dangerous because those windows are at or below canopy height and are more likely to reflect trees and other landscape features that attract birds.<sup>47</sup> In suburban areas, buildings with these features have been documented to kill an average of 30 birds per year (per building).<sup>48</sup> This combination may be even more lethal in urban areas. Studies of Manhattan structures with large swaths of windows adjacent to large open spaces have recorded well over 100 collisions per year (per structure).<sup>49</sup>

The proposed Project includes installation of large expanses of glass near ground level and adjacent to vegetation attractive to birds.<sup>50</sup> This would create a significant collision hazard to birds.

The American Bird Conservancy and New York City Audubon Society have developed bird-friendly design standards for new buildings.<sup>51</sup> Because the Project does not incorporate these (or comparable) design standards, the Project's impact on bird populations would be potentially significant.

- <sup>46</sup> San Francisco Planning Department (and references therein). 2011. Standards for Bird-Safe Buildings. 42 pp. See also Gelb Y, Delacretaz N. 2009. Windows and Vegetation: Primary Factors in Manhattan Bird Collisions. *Northeastern Naturalist* 16(3):455-470. See also Klem D Jr, Farmer CJ, Delacretaz N, Gelb Y, Saenger PG. 2009. Architectural and Landscape Risk Factors Associated with Bird-Glass Collisions in an Urban Environment. *Wilson Journal of Ornithology* 121(1):126-134.
- <sup>47</sup> Ibid.
- <sup>48</sup> Klem D Jr. 1990. Collisions Between Birds and Windows: Mortality and Prevention. *Journal of Field Ornithology*. 61(1):120-128. See also O'Connell TJ. 2001. Avian Window Strike Mortality at a Suburban Office Park. *The Raven* 72(2):141-149.
- <sup>49</sup> Gelb Y, Delacretaz N. 2009. Windows and Vegetation: Primary Factors in Manhattan Bird Collisions. *Northeastern Naturalist* 16(3):455-470.
- <sup>50</sup> See DEIR, Figures IV.C-5 and -6.
- <sup>51</sup> American Bird Conservancy and New York City Audubon Society. 2015. Bird-Friendly Building Design, 2nd Ed. Available at:[https://abcbirds.org/wp-content/uploads/2015Bird-friendly-Building-Guide\\_LINKS.pdf](https://abcbirds.org/wp-content/uploads/2015Bird-friendly-Building-Guide_LINKS.pdf)

## Response No. ORG 1B-153

The comment contends that the Project contains large expanses of glass adjacent to vegetation, which could lead to avian collisions. Refer to Response No. ORG 1B-152 for a discussion of the use of glass on Project buildings.

## Comment No. ORG 1B-154

### MITIGATION ISSUES

#### BIO-MM-1 (Special-Status Bats)

BIO-MM-1 requires the Applicant to implement either of the following measures:

- 1) "Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species."
- 2) "Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special-status bat species are roosting within trees that would be removed. The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to

the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions.”

As discussed previously, tree removal outside of the maternity roosting season would avoid direct impacts to bats that use the trees for maternity purposes, but it would not avoid direct impacts to bats that use the trees as day roosts.<sup>52</sup>

There are several reasons why the second approach (i.e., pre-construction survey and buffer) would not reduce potentially significant direct impacts on bats. First, the measure applies only to roosts occupied by special-status bats, thus providing no protection to maternity roosts occupied by other bat species. An impact to a maternity roost of any bat species would constitute a significant impact because it would “impede the use of native wildlife nursery sites” (i.e., CEQA significance threshold “d”).<sup>53</sup>

<sup>52</sup> Presumably trees would be felled only during the daytime.

<sup>53</sup> See DEIR, p. IV.C-29.

## Response No. ORG 1B-154

The comment states that Mitigation Measure BIO-MM-1 is insufficient to protect the western yellow bat during non-nesting periods and that the Draft EIR should have considered protection for other bat species. Although at least some individuals or populations of western yellow bat may be migratory, as stated in Comment No. ORG 1B-46, some western yellow bats are year-round residents in southern California.<sup>71</sup> Therefore, if present, western yellow bats would be detected by a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special status bat species are roosting within trees that would be removed, as outlined in Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR.

Pre-construction surveys for special-status bat species would encompass the only potential suitable bat habitat that occurs on-site and would therefore encompass any other common bat species that could be present. As common bat species, like special-status bat species, have marginally suitable maternity roosts on the Project Site, typically the onsite trees, the selective removal of some of the trees would not impede the use of the Project Site as native wildlife nursery site because most of the perimeter trees would remain. The Project would also plant more trees than would be removed, continuing to provide potential native wildlife nursery sites.

Additionally, as stated in Response No. ORG 1B-45, in coordination with CDFW, Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR has been revised to include additional requirements if a qualified bat specialist determines that

<sup>71</sup> Pierson ED, Rainey WE. 1998. Western yellow bat, *Lasiurus xanthinus*. In: Bolster BC, ed. Terrestrial Mammal Species of Special Concern in California. pp. 50 and 51.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84523&inline>.

special-status bats are present, or that bats are absent but trees to be removed are suitable bat roosting habitat. This update has been incorporated into Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR.

### **Comment No. ORG 1B-155**

Second, although bat detectors can be relatively effective in detecting bat activity, they do not identify roost locations. Furthermore, even when appropriate techniques are implemented (i.e., visually monitoring palm trees at emergence time), it is difficult to locate roosts occupied by western yellow bats.<sup>54</sup> As a result, the pre-construction survey methods required under BIO-MM-1 would not provide reliable information on yellow bat roosts that may be impacted by the Project. This issue is compounded by the DEIR's failure to establish standards for the "qualified biologist" that would conduct the survey.

<sup>54</sup> Western Bat Working Group. 2005 [update]. Species account for the western yellow bat. Available at: <http://wbwg.org/western-bat-species> (Accessed 6 May 2022).

### **Response No. ORG 1B-155**

The comment contends that Mitigation Measure BIO-MM-1 is inadequate to detect the roost locations of the western yellow bat. As stated in Response No. ORG 1B-45, in addition to a pre-construction (or pre-tree removal) survey using sonic bat detectors (e.g., Anabat or Sonobat), additional requirements recommended by CDFW have been added to Mitigation Measure BIO-MM-1, including the requirement for a qualified bat specialist to conduct the bat survey. If a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed are suitable bat roosting habitat, then roost tree nudging prior to palm tree removal will be required to passively encourage any bats to leave the area.

A qualified biologist is a biologist with specialized bat experience including the familiarity with bat roost biology (i.e., a professional biologist with a minimum of two years of bat survey experience, inclusive of acoustic survey experience. This language, as well as the additional requirements recommended by CDFW, have been added to Mitigation Measure BIO-MM-1 as reflected in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR.

### **Comment No. ORG 1B-156**

Third, BIO-MM-1 lacks the specificity needed to ensure reliable data on presence of bats in areas that would be impacted by the Project. Bat detection probabilities during acoustic surveys at a given site are known to vary depending on a range of factors, including weather conditions, sampling duration, number of observers/detectors deployed, and sensitivity/directionality of detector types.<sup>55</sup> BIO-MM-1 fails to address these variables. Importantly, the single pre-construction survey proposed in BIO-MM-1 would not be sufficient to conclude absence of bat roosts. For example, Froidevaux and others (2020) found that a minimum of three and four acoustic surveys are required to be 95% confident

that a building does not host a roost of *Pipistrellus* species and *Plecotus* species, respectively.<sup>56</sup>

<sup>55</sup> Froidevaux JSP, Boughey KL, Hawkins CL, Jones G, Collins J. 2020. Evaluating survey methods for bat roost detection in ecological impact assessment. *Animal Conservation* 23(5) 597-606.

<sup>56</sup> Ibid.

## Response No. ORG 1B-156

The comment states that a single survey is insufficient to determine the presence of bats. As stated in Response No. ORG 1B-45, in addition to a pre-construction (or pre-tree removal) survey using sonic bat detectors (e.g., Anabat or Sonobat), additional requirements recommended by CDFW have been added to Mitigation Measure BIO-MM-1 if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed are suitable bat roosting habitat.

CDFW is the wildlife agency responsible for classifying western yellow bat as a species of special concern, and Mitigation Measure BIO-MM-1 was revised based on their recommended language. Please refer to Comment Letter No. AG 4, Response No. AG 4-30.

## Comment No. ORG 1B-157

Fourth, the DEIR fails to explain how “netting, canvas, or similar materials” could be used to create a buffer around a maternity roost. To the contrary, these materials are used to exclude bats from their roosts—not to protect active roosts from construction activities. Furthermore, bat biologists recommend against netting because it is known to trap (or entangle) bats and birds.<sup>57</sup> Consequently, the DEIR must disclose and analyze potentially significant impacts caused by implementation of BIO-MM-1 if netting might be installed at the Project site.

<sup>57</sup> Johnston D, Tatarian G, Pierson E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Report to California Department of Transportation, Sacramento, California. Project Number 2394-01.

## Response No. ORG 1B-157

The comment contends that use of netting or similar material described in Mitigation Measure BIO-MM-1 would not protect active roosts and are not recommended by bat biologists. Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR has been revised to remove the statement “Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist.” The removal of the use of netting, canvas, or similar materials to establish a buffer around a bat maternity roost is consistent with current mitigation techniques for bat protection, as the comment contends. This update has been incorporated into Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR.

**Comment No. ORG 1B-158**

Fifth, the DEIR does not identify what would be considered a “suitable buffer,” nor does it establish performance standards [sic] BIO-MM-1. Furthermore, although BIO-MM-1 requires a report that documents “any needed maternity roost avoidance actions,” it does not require monitoring to evaluate the efficacy of those actions. As a result, the DEIR provides no assurances that BIO-MM-1 would be successful in preventing significant impacts to bats.

**Response No. ORG 1B-158**

The comment contends that Mitigation Measure BIO-MM-1 is inadequate because it does not define a suitable buffer or include performance standards. As stated in Mitigation Measure BIO-MM-1, a suitable buffer would be determined by the qualified bat biologist, and would depend on the bat biologist’s best professional opinion based on site-specific factors to conservatively prevent roost disturbances, including but not limited to the numbers and locations of bats, proposed construction activities, height and distance of bats from proposed activities, the presence of visual and/or acoustic barriers between the roost and proposed activities, and the existing level of pre-project human activities (e.g., ambient noise, potential movement, etc.) to which the bats may already be acclimated. Mitigation Measure BIO-MM-1 has been modified to include these considerations and included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR.

**Comment No. ORG 1B-159**

BIO-MM-2 states:

“Prior to issuance of a building permit, Harvard-Westlake School shall submit to the Department of City Planning a landscape plan or mitigation plan depicting replacement of an equivalent acreage of California brittlebush scrub removed at a 1:1 ratio. The sensitive natural community does not need to be dominated only by California brittlebush, but this species shall be prevalent within the community, and the native scrub mix proposed shall use similar species as used for the Zev Greenway restoration habitat. The replacement of sensitive natural community habitat shall be planted clustered adjacent to and contiguous with the Zev Greenway, and the locations and species shall be to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement sensitive natural community habitat areas shall be planted on-site and shall be shown on the Project’s landscape plan. The restored sensitive natural community shall be monitored for five years to verify that California brittlebush scrub has been successfully restored.”

There are several problems with BIO-MM-2. First, the DEIR fails to demonstrate it would be feasible to create 0.14 acres of replacement habitat on-site and adjacent to the Zev Greenway. Most of the habitat adjacent to the Zev Greenway already consists of California brittlebush scrub (and therefore does not qualify as a potential mitigation site).<sup>58</sup> Although there are small patches of “Disturbed” and “Ornamental” vegetation along the Greenway near the Project’s southwestern boundary, it is unclear whether there would be 0.14 acres “on-site” that could be restored to California brittlebush scrub, especially given the Applicant’s plan to plant trees in that area.<sup>59</sup>

<sup>58</sup> DEIR, Figure IV.C-3.

<sup>59</sup> DEIR, Figure IV.C-5

### **Response No. ORG 1B-159**

The comment contends that Mitigation Measure BIO-MM-2 is not feasible because it is unclear whether there would be sufficient space onsite to plant the restoration habitat. As stated in Mitigation Measure BIO-MM-2 on page IV.C-44, in Section IV.C, *Biological Resources*, under the heading Mitigation Measures, of the Draft EIR, the Project would plant replacement plantings adjacent to and contiguous with the Zev Greenway. Figure IV.C-6, *Planting Zone Plan*, of the Draft EIR, illustrates the planting zone areas within the Project Site, as well as areas adjacent to and contiguous with the Zev Greenway. As shown in Figures IV.C-1 and IV.C-2 California brittlebrush scrub is located along the Zev Greenway, approximately 0.14 acres of which would be impacted by the Project’s connector ramp to the Zev Greenway. Under Mitigation Measure BIO-MM-2, the area depicted in Zone C in Figure IV.C-6, would be available for restoration that could accommodate the California brittlebush. The restoration area, comprising approximately 0.35 acres that is either owned or leased by Harvard-Westlake, is sufficient to implement Mitigation Measure BIO-MM-2.

### **Comment No. ORG 1B-160**

Second, the DEIR does not establish performance standards for BIO-MM-2, nor does it identify the variables that would be evaluated to determine whether the California brittlebush scrub had been “successfully restored.” As a result, the DEIR lacks assurances that BIO-MM-2 would be effective in mitigating the Project’s impacts to less-than-significant levels.

### **Response No. ORG 1B-160**

The comment contends that Mitigation Measure BIO-MM-2 is inadequate because it does not include performance standards. Planting of native scrub habitat has already been demonstrated as successful within the area, as shown by the California brittlebush scrub community found along the Zev Greenway, which did not occur in this location five or more years ago. As stated in Mitigation Measure BIO-MM-2 on page IV.C-44, in Section IV.C, *Biological Resources*, under the heading Mitigation Measures, of the Draft EIR, the locations and species of the replacement habitat would be to the satisfaction of the

Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement sensitive natural community habitat areas would be planted on-site and shown on the Project's landscape plan, as the intent of the mitigation measure is to ensure that the sensitive natural community that may be impacted by the Project is returned to the existing area. The restored sensitive natural community would be monitored for five years to verify that California brittlebush scrub has been successfully restored, as demonstrated by the survival of the plantings documented on the approved landscape plan. Thus, the Department of City Planning would determine if the California brittlebush scrub has been "successfully restored" by assessing the survival of the plantings at the end of the five years of monitoring. This would identify any dead or dying plants that would need to be replaced. Mitigation Measure BIO-MM-2 has been updated to state that, "...The restored sensitive natural community shall be monitored for five years to verify that California brittlebush scrub has been successfully restored with the survival of the plants depicted in the approved landscape plan at the conclusion of the five years of monitoring." This update is included in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 1B-161**

Third, BIO-MM-2 fails to incorporate a mechanism that would ensure the compensation habitat is maintained (and properly managed) in perpetuity. That is, there is not mechanism that would prevent the Applicant from removing the compensation habitat upon termination of the five-year monitoring period.

### **Response No. ORG 1B-161**

The comment states that Mitigation Measure BIO-MM-2 does not ensure that the compensatory habitat for impacts to California brittlebush scrub would be maintained in perpetuity. The Project would plant replacement plantings of California brittlebush scrub adjacent to and contiguous with the Zev Greenway. The School does not own the Zev Greenway and would require County and City approval of a discretionary action in order to modify the Zev Greenway natural plant communities, such as the communities included as part of the Project. While a conservation easement or other method to protect the replacement plantings is not required because the landscape plan must be prepared in conformance with the Los Angeles River Master Plan Landscaping Guidelines, the five-year monitoring period requires the School to demonstrate the success of the compensation mitigation to the satisfaction of the City. The five-year monitoring period is sufficient to document survival for short-lived native shrubs such as California brittlebush. Any future discretionary projects that may propose modifications to these areas would be subject to environmental review by the Department of City Planning similar to this Project. However, minor landscape changes, such as may be required for maintenance purposes, would not require environmental review.

**Comment No. ORG 1B-162**

For these reasons, BIO-MM-2 does not ensure the Project's impacts to California brittlebush scrub would be mitigated to less-than-significant levels.

**Response No. ORG 1B-162**

The comment restates that Mitigation Measure BIO-MM-2 does not ensure that impacts would be reduced to less-than-significant levels, but does not include additional facts to support the contention. Responses to the prior comments on impacts to California brittlebush scrub are provided above in Response Nos. ORG 1B-49, 1B-50, and ORG 1B-159 through ORG 1B-161. Based on the above, the comment presents no evidence to support a contention that Mitigation Measure BIO-MM-2 does not ensure the Project's impacts to California brittlebush scrub would be mitigated to less-than-significant levels.

**Comment No. ORG 1B 162a**

CV for Mr. Cashsen included in the comment attachment.

**Response No. ORG 1B 162a**

The CV does not include any comments on the Draft EIR and no response is necessary.

**Comment No. ORG 1B-163**

**Attachment 3 (City of Los Angeles Cultural Heritage Board, April 15, 2021)**

**Response No. ORG 1B-163**

*Attachment 3 includes various documents related to the Historic-Cultural Monument Application for the Weddington Gold and Tennis Club. These attachments are referenced in the above comments. However, they do not include comments on the Draft EIR. Refer to Appendix A of this Final EIR for copies of these attachments.*

**Comment No. ORG 1B-164**

**Attachment 4 (Kim Tashman, Architectural & Historical Consulting)**

The following reflects my professional comments and opinion with regards to the Draft Environmental Impact Report (DEIR) for the Harvard-Westlake River Park Project (Case Number ENV2020-1512-EIR), based on the information about the project available as of March, 2022.

## **Response No. ORG 1B-164**

This is an introductory comment regarding Kim Tashman's comments and opinions on the Draft EIR. The comment, however, does not discuss the adequacy of the Draft EIR and no further response is necessary.

## **Comment No. ORG 1B-165**

I hold a Master's degree in Historic Preservation-Heritage Conservation from the University of Southern California, and work as an architectural and historic preservationist. I wrote my Master's thesis on the historical and cultural aspects and value of the Weddington Golf site and its landscape. Based on this experience, and in my expert opinion, the Cultural Resources Impact Analysis in the DEIR is inadequate for the following reasons:

First, the analysis is defective because it fails to address the impacts of the project on all of the character-defining features of the site. Per my thesis research, and according to the 2012 Architectural Resources Group Historical Resources Assessment Report (ARG Report) regarding the site, Weddington Golf's historic and character-defining features include: the 9-hole golf course, the clubhouse, the putting green located in front of the clubhouse, the driving range, the golf ball light standards, and the open green space and park-like setting of the site (including the extensive canopy of mature trees). These features are not adequately nor individually addressed in the DEIR. The DEIR arbitrarily limits its own list of "character defining features" to only the clubhouse, putting green, and golf ball light standards. The DEIR's Cultural Resources analysis states that because the site will retain these limited features, there will not be significant cultural or historic losses. But this limited list is inaccurate, and contradicts their own statement on DEIR page IV-D-22 that the "primary physical characteristics" of the site include both the nine-hole golf course and the driving range. This more detailed list of character defining features is also supported by the ARG Report, which is referenced throughout the DEIR. Should the Project go forward as planned, these conveniently excluded historic elements will be either damaged or lost entirely – a significant impact on the site's historic characteristics.

## **Response No. ORG 1B-165**

See Topical Response No. 6 – Historical Resources. The assertion that the golf course is a character-defining feature of the Project Site is the opinion of the commenter and is not part of any official determination or designation of the Project Site as a historical resource. The City, in a separate action on the designation of the Project Site as an HCM conducted in 2021, reviewed all of the evidence related to the history of the Project Site, and determined the historical significance and character-defining features as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. Moreover, the comment conflates the term "primary physical characteristics" of the Project Site (Draft EIR page IV.D-22) with the "character-defining features" of the HCM which are clearly

differentiated from the Project Site's other physical characteristics on pages IV.D-23 and IV.D-24 of the Draft EIR.

### **Comment No. ORG 1B-166**

Furthermore, the DEIR has completely failed to reference the existing lawsuit filed by Save Weddington Inc. against the City of Los Angeles (Superior Court of California, County of Los Angeles Case Number: 21STCP04158) regarding the last-minute removal of historically and culturally significant terms from final HCM determination. The essential defining terms "golf club" and "golf course" were improperly removed at the last minute during the final vote for the nomination. This was done without any evidence, as is required by law, as to why these essential historical and cultural terms were to be removed. This needs to be addressed and responded to in the DEIR, as once the case is settled it may alter the mitigation measures required to sustain the historic nature of the site. The removal of these terms is suspect, given how convenient their removal is for the developer's desired outcome for the site. Ignoring, or outright invalidating, the historic nature of the golf course's landscape only serves to benefit the developer's interests.

### **Response No. ORG 1B-166**

See Topical Response No. 6 – Historical Resources. The assertion that the golf course is a character-defining feature of the Project Site is the opinion of the commenter and is not part of any official determination or designation of the Project Site as a historical resource. Based on an application that the commenter submitted to the City to designate the Project Site a historical monument, the City reviewed all of the evidence related to the history of the Project Site, and determined the historical significance and character-defining features as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. The fact that the commenter has filed a lawsuit<sup>72</sup> challenging the City's determination is not relevant to the analysis and conclusions of the Draft EIR.

### **Comment No. ORG 1B-167**

Moreover, the DEIR is incorrect when it states on page IV-D-39 that "[c]umulative impacts to historic resources...were determined to be less than significant...and no mitigation measures are required." Once the lawsuit is settled, it is likely that numerous mitigation measures will be required in order to protect the golf course and driving range from significant damage to their historic character.

### **Response No. ORG 1B-167**

See Topical Response No. 6 – Historical Resources. The comment indicates that the lawsuit challenging the City's findings for the Project Site's HCR status would change the

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<sup>72</sup> See *Save Weddington Inc. v. City of Los Angeles* (Los Angeles Superior Court Case No. 21STCP04158; filed Dec. 22, 2021)

evaluation of historic resources in the Draft EIR. The comments states this would change the Draft EIR's cumulative historic analysis and the conclusion in the Draft EIR that the golf course is not a character-defining historic feature. The assertion that the golf course is a character-defining feature of the Project Site is the opinion of the commenter and is not part of any official determination or designation of the Project Site as a historical resource or, to date, the conclusion of a resolved lawsuit. The City reviewed all of the evidence related to the history of the Project Site, and determined the historical significance and character-defining features as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. The commenter's opinion, which is not based on fact, that once the lawsuit is "settled" additional mitigation measures will be required does not question the adequacy of the Draft EIR, and no additional response is necessary.

### **Comment No. ORG 1B-168**

The historic nature of the course's design is thoroughly documented in my thesis research attached. In removing these terms from the HCM, and ignoring the significance of the golf course itself in the DEIR, the DEIR is deliberately downplaying or outright denying the historic quality of the course, relegating the defining features of the historic site as irrelevant. As such, the DEIR has failed to accurately assess the impact of the Project on the HCM, a California Register eligible resource, and the site's cultural and historic landscape. It has failed to identify significant and unmitigated impacts of the Project.

If you have any questions regarding the content of this document, please contact me using the information below.

### **Response No. ORG 1B-168**

See Topical Response No. 6 – Historical Resources. The assertion that the golf course is a character-defining feature of the Project Site is the opinion of the commenter and is not part of any official determination or designation of the Project Site as a historical resource. The City reviewed all of the evidence related to the history of the Project Site, and determined the historical significance and character-defining features as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR.

### **Comment No. ORG 1B-169**

*Ms. Tashman Master's Thesis is provided as an attachment her comments. Refer to Appendix A of this Final EIR for copies of these attachments.*

## Response No. ORG 1B-169

Ms. Tashman Master's Thesis is provided as an attachment to her comments. However, the thesis does not include comments on the Draft EIR. Refer to Appendix A of this Final EIR for copies of these attachments.

## Comment No. ORG 1B-170

### Attachment 5 (Aperture DEIR Report Review – Commentary)

The following are intended to serve as comments regarding WEXCO's observations of the Draft Environmental Impact Report (DEIR) relative to the Harvard-Westlake River Park Project, as of March, 2022, based on the information available to date.

The format of this document is: 1) an excerpt of the DEIR including page/section number, 2) WEXCO's Relevant Summary of the DEIR provision, 3) WEXCO's comment as to the DEIR proposal. This report does not include all of our observations and opinions and is subject to enhancement or changes as additional data is received.

## Response No. ORG 1B-170

The comment introduces WEXCO's comments on the Draft EIR and describes the format of the forthcoming comments. The comment, in itself, does not comment on the Draft EIR and no further response is necessary.

## Comment No. ORG 1B-171

### Opening Statement

Per Section IV H Hazards and Hazardous Materials of the DEIR there are a series of Thresholds of Significance that characterize a significant impacts [sic] related to hazards and hazardous materials if the project would:

- (a) Create a significant hazard to the public or the environment ...

We believe there are significant hazards and / or safety concerns (not limited to hazardous materials) associated with the proposed project not limited to the items listed below.

### 1. DEIR, II. Project Description, 4. Description of the Project, d) Access, Circulation and Parking (2) Vehicle Parking (Page II-53):

Vehicle parking would be provided in aboveground and underground parking areas located on the eastern portion of the Project Site. Vehicles would enter the Project Site on Whitsett Avenue via a driveway located several hundred feet south of Valley Spring Lane (to the north of Field A) (referred to as north driveway) and **via a driveway at the paved portion of Valleyheart Drive located just south of LAFD Fire Station 78 (referred to as south driveway)**. Both driveways would provide access to the proposed

single-level underground parking structure, as described below. **No new driveways would be installed** along Valley Spring Lane or Bellaire Avenue, and the existing service driveway on Valley Spring Lane would be removed, thus eliminating an existing potential conflict location.

**Relevant Summary:**

The roadway serving the Fire Station 78 at Valleyheart Drive is proposed to also be utilized by Harvard Westlake patrons and employees.

**WEXCO Commentary:**

**The elimination of the relatively exclusive use of the Valleyheart Drive serving the Fire Station is Unsafe**

The south driveway and Valleyheart Drive should not be shared with Harvard Westlake in the event of a fire, or earthquake, or other emergency situation or calamity that would require the Firefighters to use the south driveway and Valleyheart. If the Valleyheart Drive has a line of vehicles entering the proposed facility, that traffic would severely impact the emergency services personnel, vehicles and equipment from ingress and egress.

The proposed south driveway plan will hinder emergency services ability to timely egress which can slow response time and be life threatening.

**Response No. ORG 1B-171**

The comment states that joint use of a public street by the Project and LAFD Fire Station 78 would be hazardous or unsafe. It is common for stations and the general public to share the use of public streets. The commenter is referred to Topical Response No. 10 – Emergency Access, for a discussion of the Project’s effects to operations at LAFD Fire Station 78, including those associated with use of Valleyheart Drive.

**Comment No. ORG 1B-172**

**To the extent that pedestrian access, in/out of the Proposed Facility via the proposed South Driveway to cross or impede Emergency Services access is also unsafe.**

There should be no encumbrances to the Fire Station and Emergency Services personnel and vehicles and equipment at the proposed South Driveway.

According to the LAFD Statistics, for LAFD Station 78, the Operational Response Time for Emergency Medical Services (EMS) is currently 7 mins 11 sec. For Advanced Life Support (ALS) LAFD Station 78 response time is currently 6 mins 18 secs. For Structure Fires, the response time is 5 mins 24 secs.

Per Vehicle Code 22500, it is unlawful to Stop, Stand or Park within 15 feet of the driveway entrance to a fire station.

Per the California Fire Code and / or Ca. Vehicle Code the minimum clear width of fire access roads is 20 feet.

## **Response No. ORG 1B-172**

The comment speculates that pedestrian traffic on public streets near LAFD Fire Station 78 would be hazardous or unsafe. There is no reason to believe that pedestrians who may use the public sidewalks along Whitsett Avenue or Valleyheart Drive or the crosswalk at the intersection of Whitsett Avenue and Valleyheart Drive would not obey standard protocols of moving out of the way of emergency vehicles, nor that motorists would not obey Vehicle Code Section 22500.

Valleyheart Drive is approximately 33 feet in width, which is sufficient to provide 20 feet of clear width.

The commenter is also referred to Topical Response No. 10 – Emergency Access, for a discussion of the Project’s effects to operations at the LAFD Fire Station 78, including those associated with use of Valleyheart Drive.

## **Comment No. ORG 1B-173**

### **2. DEIR, II. Project Description, 4. Description of the Project, d) Access, Circulation and Parking (2) Vehicle Parking (Pages II-53-54).**

**The south driveway would only allow entry into the subterranean garage, and all exits from the garage would be via the north driveway off Whitsett Avenue.**

**The roundabout has been designed to accommodate buses, shuttles, and automobiles. The roundabout would lead to a 29-space, short-term surface parking lot near the parking structure’s southern entrance.**

**Rideshare vehicles would use the southern driveway (with roundabout) to access the surface parking lot.**

**Visitors that are not affiliated with the School would be informed about preferred driving routes and neighborhood parking prohibitions via signage, the School’s website, through the online athletic facility reservation system (i.e., tennis court reservation system), and information made available at the security kiosks.**

### **Relevant Summary:**

*The Southern Driveway and Valleyheart Drive will serve numerous types of traffic. Signage will be placed to direct visitors about preferred driving routes and parking prohibitions.*

**WEXCO Commentary:**

**The north driveway will be congested given that the south driveway is slated for ingress only.**

Traffic on Whitsett will be impacted by having a single exit point for a 500+ vehicle parking lot discharging onto Whitsett from the proposed north driveway. Traffic congestion is a safety hazard. It is also a safety hazard in the proximity of the Fire Station 78. Is there a controlled intersection planned for that north driveway? With a traffic signal? Will vehicles exiting the North driveway be allowed to turn left (north) onto Whitsett from the driveway?

**There is no indication that the proposed internal roundabout would accommodate emergency vehicles. It is unclear how the 29-Parking Space vehicles on the surface lot will exit the proposed facility, since the North Driveway is for subterranean parking lot exit only.**

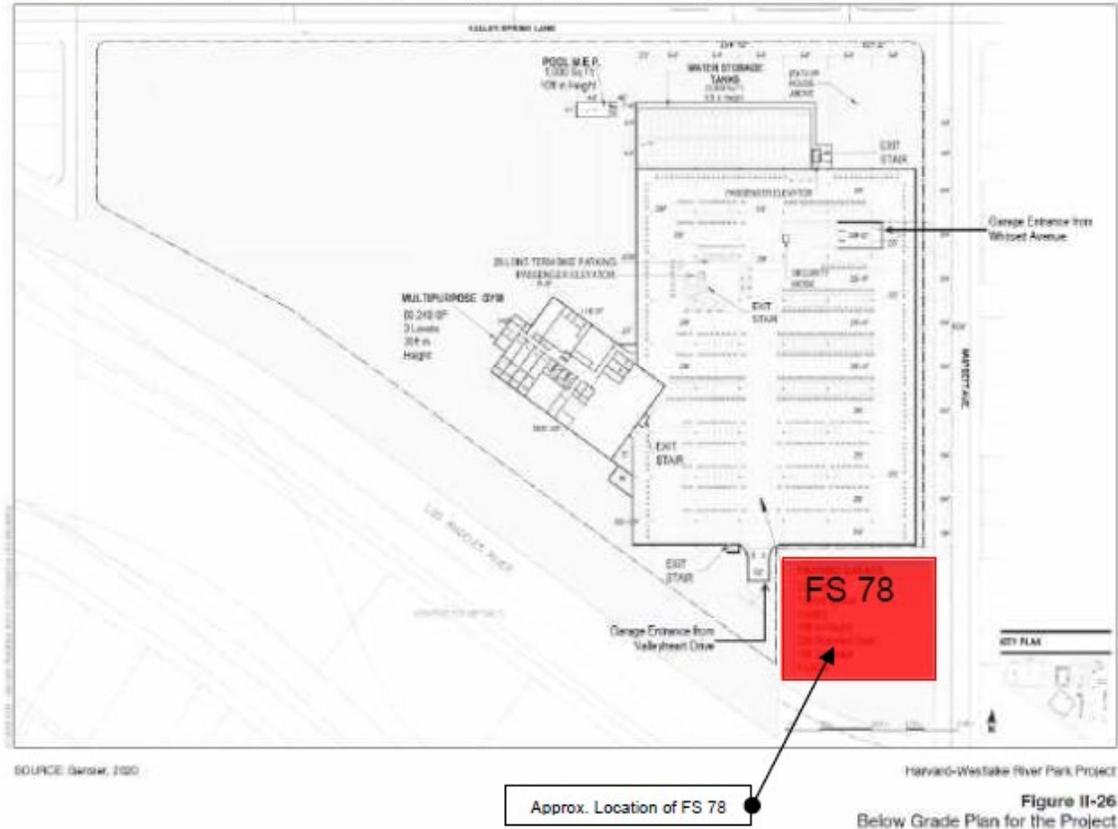
**Allowing Rideshare service Only into the Southern Driveway will cause confusion and a safety hazard. And, the confusion will further complicate the south driveway relative to the Fire Station 78 access/egress.**

**Visitors not familiar with the specialized proposed parking arrangements having to rely on specialized signs without fair warning will cause confusion and safety hazards.**

There does not seem to be a plan to provide motorists enough lead time for motorists to assess the signs. That lack of lead time will force motorists to make snap decisions in using the North or South Driveway Entrance. There would need to be advanced signage along the roadway to accommodate motorists for proper specialized driveway entrance selection.

3. **DEIR, Figure II-26**

*Indicates location of subterranean parking garage. (See below)*



**Response No. ORG 1B-173**

The comment states that the Project’s parking and circulation components will cause congestion and confusion resulting in hazardous or unsafe conditions. Regarding the north driveway, vehicles would be limited to right-turns-in and right-turns out via provision of a triangular island on the driveway itself which will render left-turns infeasible. Exiting vehicles will be controlled by a stop sign. Regarding congestion at the north driveway, the exiting queue length is estimated to be approximately 25 feet (1 vehicle) on non-event days and 275 feet (11 vehicles) on special event days. This queue would occur on the Project Site within the subterranean parking garage and would not affect traffic on Whittsett Avenue. This analysis is shown on Table 12B (page 61 or PDF page 79 of 217) in Appendix M, Transportation Assessment, of the Draft EIR.

Regarding the design and capacity of the roundabout, as stated on page II-53 of the Draft EIR, Section II, *Project Description*, of the Draft EIR, the roundabout is designed to accommodate passenger vehicles, shuttles, garbage trucks, as well as emergency vehicles. The capacity of the roundabout to accommodate turning fire trucks is illustrated in Figure M-3, Fire Truck (NCHRP Report Aerial Fire Truck) Autoturn, in Chapter 3,

*Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. Figure M-3, which is added to Appendix M, Transportation Assessment, of the Draft EIR, is intended to clarify the adequacy of the turnaround and to supplement the discussion provided in Topical Response No. 10 - Emergency Response. As shown in Figure M-3, the fire engine would be accommodated by the proposed roadway.

Regarding the 29-space surface parking lot, vehicles parked in this lot will exit the facility via the roundabout/south driveway to Valleyheart Drive as stated on page II-53 in Chapter II, *Project Description*, of the Draft EIR. Note that modifications to the Project design would reduce the size of the surface parking lot from 29 spaces to 17 spaces. See Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

Regarding rideshare service restricted to only use the south driveway, Harvard-Westlake will work with transportation network companies (TNCs such as Uber and Lyft) to have the Project's address route TNC vehicles to the southern driveway and roundabout and to implement geofencing along Whitsett Avenue.

The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of mechanisms to manage traffic on event days.

## **Comment No. ORG 1B-174**

### **WEXCO Commentary:**

**The proposed Below Grade Plan – does not indicate the Proximity of the Fire Station 78 and does not indicate the shared roadway (Valleyheart Drive) with Fire Station 78.**

The figure II-26 should provide more information so that the impacts to the Fire Station driveway is revealed.



## Response No. ORG 1B-174

The comment requests more information regarding the proximity of LAFD Fire Station 78. Chapter II, *Project Description*, Figure II-6, *Harvard-Westlake Athletic and Recreational Facilities Conceptual Site Plan*, on page II-16 of the Draft EIR clearly shows the Project's driveways, the location and naming of Valleyheart Drive, and the location of LAFD Fire Station 78. The Project Description, page II-53 describes the Project's access as thus: "Vehicles would enter the Project Site on Whitsett Avenue via a driveway located several hundred feet south of Valley Spring Lane (to the north of Field A) (referred to as north driveway) and via a driveway at the paved portion of Valleyheart Drive located just south of LAFD Fire Station 78 (referred to as south driveway). Both driveways would provide access to the proposed single-level underground parking structure, as described below." On page II-55 of the Project Description, the Draft EIR states: "To minimize conflicts with

emergency vehicles exiting LAFD Fire Station 78, a flashing red warning light(s) would be installed on the southern exit driveway within the Project Site at a point located before vehicles reach Valleyheart Drive that will hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. This warning light would be activated by a remote control button pressed by LAFD staff when an emergency vehicle is approaching Valleyheart Drive from Whitsett Avenue or exiting from one of the two LAFD driveways on Valleyheart Drive. This light feature is identified as Project Design Feature TRAF-PDF-2 in Section IV.M, *Transportation*, of this Draft EIR.” Specific access in and around LAFD Fire Station 78 is discussed in more detail in Sections IV.L.1, *Fire Protection*, Emergency Access, page IV.L.1-16, and IV.M, *Transportation*, Emergency Access, page IV.M-18. Both of these sections describe the access for the fire station as such: “With regard to LAFD Fire Station 78 emergency access, the station’s main driveway used for the departure of the larger fire trucks from the station bays is located on Whitsett Avenue, north of Valleyheart Drive. The station also has two driveways on the north side of Valleyheart Drive. Of these two driveways, the westerly driveway is used for the return of the larger fire vehicles, which swing wide and use most of the Valleyheart Drive roadway to enter the fire station before proceeding to the bays. The easterly driveway to the fire station is used for the entry and departure of smaller vehicles, such as ambulances.”

The emergency access discussions in the Draft EIR and Figure II-6 (the Conceptual Site Plan) provide driveway information, the role of Valleyheart Drive for incoming fire vehicles and Project access. The Draft EIR also provides information regarding potential conflicts at Valleyheart Drive with returning fire vehicles and provides, as part of the Project, a PDF to include a stop light to be operated by the LAFD. With the information provided in the Draft EIR, including the Conceptual Site Plan, any potential impacts to LAFD Fire Station 78 are fully explained and addressed.

## **Comment No. ORG 1B-175**

### **4. DEIR, II. Project Description, 4. Description of the Project, d) Access, Circulation and Parking (2) Vehicle Parking (Page II-55):**

**To minimize conflicts with emergency vehicles exiting LAFD Fire Station 78, a flashing red warning light(s) would be installed on the southern exit driveway within the Project Site** at a point located before vehicles reach Valleyheart Drive **that will hold back vehicles** exiting the Project Site roundabout onto Valleyheart Drive. This warning light would be activated by a remote control button pressed by LAFD staff in the emergency vehicle when an emergency vehicle is approaching Valleyheart Drive from Whitsett Avenue or exiting from one of the two LAFD driveways on Valleyheart Drive. This feature is identified as Project Design Feature TRAF-PDF-2 in Section IV.M, *Transportation*, of this Draft EIR.

### **Relevant Summary:**

A Flashing warning light will be added to alert Harvard Westlake patrons inside the proposed facility to “hold back”.

**WEXCO Commentary:****The warning light will not serve traffic on Whitsett or Valleyheart.**

**It was indicated in the DEIR that the south driveway was only an entrance to the proposed facility. Why would a flashing light be needed inside the facility at the South driveway if it is only an entrance?**

**Response No. ORG 1B-175**

The comment questions the purpose of the flashing light at the southern Project driveway. The south driveway would be used to exit the roundabout. The intent of the warning light at the southern exit driveway, paired with the adjacent security kiosk, is to control vehicles exiting the roundabout and from the 29-space surface parking lot to ensure that vehicles do not exit the roundabout when an emergency vehicle is accessing Valleyheart Drive to or from LAFD Fire Station 78. Note that modifications to the Project design would reduce the size of the surface parking lot from 29 spaces to 17 spaces. See Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. See Response No. ORG 1B-192 explaining that fire trucks and engines do not use Valleyheart Drive for departure in an emergency situation. Rather, only lighter-duty fire vehicles, such as ambulances, use LAFD Fire Station 78's eastern driveway on Valleyheart Drive for ingress and egress. Because the comment does not provide any evidence that raises a substantive issue on the adequacy of the Draft EIR, no further response is warranted.

**Comment No. ORG 1B-176****5. DEIR, II. Project Description, 4. Description of the Project, d) Access, Circulation and Parking (2) Vehicle Parking (Page II-55):**

On days in which attendance is expected to surpass 300 spectators, tickets and parking passes would be required to enter the Project Site. **Spectators without a parking pass would be directed to park on the Upper School campus** and ride the School-provided shuttles to the Project Site. **Parking in the neighborhood would not be permitted and would be enforced by security personnel**, as discussed above.

**Relevant Summary:**

*If spectators do not have a parking pass they will be directed to turn around and park at the Harvard Westlake Campus (that already has limited parking and has overflow onto neighboring streets). (All Harvard Westlake related) parking will be enforced by Harvard Westlake security.*

**WEXCO Commentary:**

**This scenario of re-directing motorists from the proposed facility to the HW Upper campus further complicates the traffic in proximity to Fire Station 78.**

**Response No. ORG 1B-176**

The comment states that re-directing motorists to the Upper Campus would complicate traffic in proximity to LAFD Fire Station 78. The comment does not raise a substantive issue on the content or adequacy of the Draft EIR. However, the commenter is referred to Topical Response No. 10 – Emergency Access, for a discussion of effects to operations at LAFD Fire Station 78 and to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how parking restrictions on event days would be enforced. Additionally, re-directing motorists who do not have a parking pass on days when such a pass is needed would not impact LAFD Fire Station 78 operations as the redirected motorists would be required to exit the subterranean parking garage from the northern driveway, located approximately 500 feet north of the LAFD Fire Station 78 driveway on Whitsett. By comparison, existing golf and tennis users must exit the Project Site from a driveway that is located less than 150 feet from the LAFD Fire Station 78 driveway. Furthermore, the majority of visitors would have reservations for specific activities or events, which would include parking passes. Spectators for larger events (greater than available parking) would be informed that all visitors with vehicles would require parking passes, with information as to the alternative of Upper School campus parking and shuttling. Because of the information and coordination provided through the reservation program, the number of vehicle trips caused by visitors without parking passes is anticipated to be low and would not generate a traffic congestion issue of its own.

**Comment No. ORG 1B-177**

**The Harvard Westlake Security agent has no authority to enforce the Vehicle Code or Parking Enforcement – this will further complicate the traffic conditions when spectators that are redirected to HW Upper Campus about 1 mile away – will have the option to park in the neighborhood.**

Harvard Westlake “enforcing” the neighborhood parking rules is unreliable and not lawful.

***It should be noted that the existing facility (Tennis Courts, Driving Range, Club House/Pro Shop, Snack Shop and 9-hole Pitch and Putt Golf Course has 89 parking stalls with two exits on Whitsett. The proposed project includes 532 parking stalls (that reflects nearly a 600% increase in capacity) than what currently exists. It is unclear how this substantial (6x) increase in vehicle parking and traffic can be achieved safely with only one exit (the North Driveway).***

***The proposed project forecasts 2,217 “fixed” seating (there is always seats that can be brought in too). This increase in patronage and traffic for this neighborhood and the proximate Fire Station is excessive.***

### **Response No. ORG 1B-177**

The comment states that increased traffic generated by the Project will impact the neighborhood and LAFD Fire Station 78 and that the School would have no authority to enforce parking restrictions. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how on-site and off-site parking restrictions would be enforced.

The vehicle delay and queue lengths at the driveways were studied in Appendix M, Transportation Assessment, to the Draft EIR. The exiting queue length at the north driveway is estimated to be approximately 25 feet (1 vehicle) on non-event days and 275 feet (11 vehicles) on special event days. This queue would occur on the Project Site, within the subterranean parking garage, and would not affect traffic on Whitsett Avenue.

### **Comment No. ORG 1B-178**

#### **6. DEIR, II. Project Description, 4. Description of the Project, d) Access, Circulation and Parking (2) Vehicle Parking (Page II-56):**

**Three shuttles are anticipated to transfer students, coaches, and visitors between the campus and the Project Site between 2:30 p.m. to the end of the day’s latest activity. Shuttles would have an estimated rider capacity of 24 and service is anticipated every 5 to 10 minutes. Ingress and egress at the Project Site would be at the south driveway drop-off roundabout, at Valleyheart Drive, just west of the LAFD Fire Station 78.**

#### **Relevant Summary:**

HW Shuttles will be used to transport patrons to and from the proposed site every 5 to 10 minutes in proximity to the LAFD Station 78.

#### **WEXCO Commentary:**

***The HW Shuttles are yet additional sources (amongst multiple sources) of traffic that further complicates the congestion and frequency of traffic in proximity to Fire Station 78.***

***It should be noted in this analysis that years of construction of the proposed project will severely impact traffic along Whitsett, and the feeder streets and neighborhood including the LAFD Station 78.***

## Response No. ORG 1B-178

The comment states that shuttle bus traffic and construction activities will impact streets and LAFD Fire Station 78. Vehicle trips generated by Harvard-Westlake shuttle buses were considered in the transportation analyses provided in the Section IV.M, *Transportation*, of the Draft EIR. The Project's total trip generation, including shuttles are illustrated in Section IV.M, Table IV.M-5, *Project Net Total Daily VMT Estimate*, on page IV.M-41 of the Draft EIR and in Appendix A (PDF page 42 of 217) to Appendix M, Transportation Assessment, to the Draft EIR. As shown in Table IV.M-5, the shuttles would generate 58 average daily trips having a one-way trip length of 1.5 miles and result in a daily VMT of 87. The Project's total daily VMT would be 3,032. The existing daily VMT is 6,030. As such, the Project would result in a negative VMT of 2,035 compared to existing conditions and would not result in significant traffic impacts under the CEQA Guidelines Section 15064.3 criterion.

Regarding construction traffic, evaluation criteria include potential temporary traffic constraints (e.g., temporary lane closures), temporary loss of access (e.g., loss of vehicle, bicycle, or pedestrian access to nearby parcels), and temporary loss of bus stops or rerouting of bus lines. The Project would not require construction activities that would take place within the right-of-way which would necessitate temporary lane, alley, or partial street closures for more than a day at a time. In addition to traffic control measures included within the Project's Construction Management Plan (CMP), as required by Project Design Feature TRAF-PDF-1 the mitigation monitoring program provides that LADOT will serve as the monitoring and enforcement agency for the implementation of Project Design Feature TRAF-PDF-1 requiring approval of the CMP prior to issuance of building permit and periodic field inspections. With implementation of Project Design Feature TRAF-PDF-1, construction traffic was determined to be less than significant.

The commenter is referred to Topical Response No. 10 – Emergency Access, for a discussion of effects to operations at LAFD Fire Station 78, by vehicular traffic including shuttles. As also discussed in Topical Response No. 10, during construction, the Project would employ temporary traffic controls, such as flag persons, to control traffic movement during temporary traffic flow disruptions. Traffic management personnel would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access.

The comment does not contain substantial evidence that supports the contention that congestion in the Project area would increase as a result of Project construction and operation, or that Project traffic would create hazardous or unsafe conditions. As such, no further response is necessary.

## Comment No. ORG 1B-179

### 7. DEIR, IV. M. Transportation 3. Project Impacts, (f) Vision Zero (Page M 35):

Vision Zero is a plan that **strives to eliminate traffic-related deaths** in Los Angeles by 2025 through strategies, such as modifying streets to better serve vulnerable road users. Projects located in the HIN should make improvements or fund them. **The Project's frontages are not along streets in the Vision Zero network.** The Project frontages are not along streets that are on the HIN, and, therefore, the **Project would not preclude or conflict** with the implementation of future Vision Zero projects in on the HIN.

#### Relevant Summary:

HW claims the project frontages do not enter the Vision Zero network, therefore the project would not conflict with Vision Zero.

#### WEXCO Commentary:

**In LADOT's High Injury Network (HIN), Ventura Blvd from Coldwater Canyon Ave to Carpenter Ave is identified as a street with one of the City's highest incidences of severe and fatal injury collisions. Although the DEIR claims "The Project Site's frontages are not along streets that are part of the HIN," shouldn't the HIN be taken into account for all aspects of the project, including:**

- 1) construction haul routes (which are planning to utilize Ventura Blvd between Whitsett Ave and Coldwater Canyon Ave),
- 2) prescribed student and visitor trip routes (from the Project Site back to the upper campus would entail heading southbound on Whitsett Ave, turning right and heading westbound on Ventura Blvd, and turning left on Coldwater Canyon Ave),
- 3) and daily, cumulative traffic impacts.

## Response No. ORG 1B-179

The comment questions whether the Draft EIR should include analysis of the High Injury Network (HIN) due to construction haul routes and student and visitor trips that could utilize HIN streets. The City of Los Angeles TAG states that projects located along the HIN should identify countermeasures to enhance safety at the project site and consider avoiding or minimizing the number of driveways along the HIN. As stated on page IV.M-35 in Section IV.M, *Transportation*, of the Draft EIR, the Project Site's frontages are not along streets that are part of the HIN. Furthermore, the Project would not preclude the City's ability to implement safety countermeasures along any of the streets in the area.

## Comment No. ORG 1B-180

### 8. DEIR, IV. M. Transportation 3. Project Impacts, (e) LADOT Manual of Policies and Procedures (Page M 34-35):

MPP 321 states that on arterial highways, such as Whitsett Avenue, serving lots with frontages greater than 250 feet driveways should not be placed within 150 feet of the adjacent street. The Project proposes two driveways. The north driveway on Whitsett Avenue is more than 150 feet away from the closest intersection at Valley Spring Lane to the north. The south driveway on Valleyheart Drive that leads to Whitsett Avenue is more than 150 feet away from the closest intersection at Ventura Court to the south. MPP 321 also allows up to two driveways for up to 400 feet of frontage. The Project proposes two driveways and therefore does not propose more driveways than allowed by MPP 321.

#### WEXCO Commentary:

*The proposed driveways do not comply with the City's applicable requirements, as the north driveway is proposed to be 39 feet wide and the south driveway is proposed to be 33 feet wide.*

*Additionally, the south driveway is the extension of a public street, Valleyheart Drive, which is currently 33 feet wide. The Project is not consistent with the recommendation in the MPP Section 321.*

## Response No. ORG 1B-180

The comment contends that the Project is not consistent with the MPP's recommended driveway width. MPP Section 321 recommends, but does not require, that two-way driveways for commercial/industrial/multi-family residential developments be no wider than 30 feet in width. As stated on page IV.M-35, in Section IV. M, *Transportation*, of the Draft EIR, the inconsistency of the Project with the recommendation in MPP Section 321 would not result in increased circulation, pedestrian and vehicular conflicts since the Project is reducing the number of driveways, a triangular island would be provided on the north driveway configured to restrict turns into and out of the driveway to right-turns only, and the south driveway would be the extension of a public street, which is currently 33 feet wide.

## Comment No. ORG 1B-181

### 9. DEIR, IV. M. Transportation 3. Project Impacts, Threshold (d) (Page M 44-45):

#### (a) Construction

**The Project would include temporary construction activities (e.g., temporary lane closures, etc.) and generate construction traffic that could potentially affect emergency access to the Project Site and surroundings. As stated in the TA, the**

Project would not require construction activities that would take place within the right-of-way, which would necessitate temporary lane, alley, or street closures for more than a day at a time. Furthermore, emergency access would be maintained at all times as no road closures would be necessary. However, while construction activities would not require full street closures (i.e., at least one travel lane would be open at all times) and most Project construction activities would be confined to the Project Site, the Project would still implement a CMP (see Project Design Feature TRAF-PDF-1). Because of the short-term nature of the construction activities and with implementation of a CMP, the Project's construction activities would not require a new, or significantly interfere with an existing, risk management, emergency response, or evacuation plan. **The Project would not result in inadequate emergency access during construction.**

(b) Operation

**Operation of the Project would not include the installation of barriers (e.g., perimeter fencing, fixed bollards, etc.) that could impede emergency vehicle access to the Project Site and in the Project vicinity.** Drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. As discussed in Section IV.L.1, Fire Protection, **impacts to these services from Project implementation would be less than significant.** In addition, as discussed in Section IV.H, Hazards and Hazardous Materials, none of the streets adjacent to the Project Site are a City-designated disaster route.

...the Project would not result in inadequate emergency access.

**WEXCO Commentary:**

**The document addresses that “the Project would not result in inadequate emergency access.” But, it does not specifically address the impacts to the Public. The above does not consider the effects of the construction in such close proximity to the LAFD Station 78 relative to the need of the Public. We are of the opinion that the proposed project would result in inadequate emergency egress to serve the General Public.**

**We disagree that the construction activities will be “less than significant” relative to Traffic and Emergency Services from LAFD Station 78.**

**Response No. ORG 1B-181**

The comment explains that the commenter disagrees with the Draft EIR's determination that construction activities impacts on emergency access would be less than significant. However, the comment does not provide substantial evidence to support the contention that the determination is incorrect. The commenter is referred to Topical Response No. 10 – Emergency Access, for a discussion of effects to operation at LAFD Fire Station 78, including those associated with construction activities.

## Comment No. ORG 1B-182

### 10. DEIR, IV. M. Transportation 3. Project Impacts, Threshold (b) (Page M 40-41):

See Table IV M-5 Project Net Total Daily VMT (Vehicle Miles Traveled) Estimate

... No mitigation measures were required or included, and the impact level remains less than significant.

#### WEXCO Commentary:

**If the data in the DEIR is correct, the proposed project reflects a decrease in the VMT in the area from 6,000 Daily VMT (Existing Use) to 4,000 Daily VMT (but, only as it pertains to HW inbound miles).**

**However, if the Daily VMT included outbound miles the proposed project would be greater than the existing use (i.e. 8,000 Daily VMT). Therefore the subject proposed project VMT will be increased.**

**We would like to see the source of the data relative to the existing use data. It is hard to believe that the existing facility (with 89 parking stalls) generates more VMT than the proposed sports facility with 532 parking stalls and numerous Shuttles and other vehicles (Deliveries, Rideshare, etc).**

## Response No. ORG 1B-182

The comment requests information on the VMT calculations. However, the comment contains no substantial evidence that the VMT calculations are not correct. Table IV.M-5, *Project Net Total Daily VMT Estimate*, in Section IV.M, *Transportation*, of the Draft EIR shows the total daily VMT that would be generated by the Project and the net total daily VMT associated with the Project, which is the additional VMT that would be generated by the Project relative to existing operations. Given that the Harvard-Westlake student athletes are already at the Harvard-Westlake Upper School campus, the VMT associated with the travel of the students returning home from the Project Site is not included in the total daily VMT since this trip already occurs under existing conditions. However, the average daily trip generation in Table IV.M-5 of the Draft EIR for the other population groups like those on the Harvard-Westlake shuttles, the Harvard-Westlake Other category (coaches, visiting schools, spectators), employees, and trips associated with Harvard-Westlake special events, includes both inbound and outbound trips. Therefore, the total daily VMT already includes outbound trips, and the statement in the comment that the daily VMT should be 8,000 VMT is incorrect.

In addition, the VMT associated with non-school events (i.e., community serving recreational facilities) were exempt from the VMT analysis, per guidance from LADOT, as explained on page IV.M-22 of the Draft EIR.

The existing ingress and egress data for the Weddington Golf & Tennis driveways is provided in Figure M-2, *Existing Driveway Data*, in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 1B-183**

#### **11. DEIR, IV. Appendix L. Public Service Provider Correspondence, Section L-1 Los Angeles Fire Department Correspondence, Fire Protection:**

The Los Angeles Fire Department continually evaluates fire station placement and overall Department services for the entire City, as well as specific areas. The **development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following:**

- 1. Increased staffing for existing facilities. (i.e., Paramedic Rescue Ambulance and EMT Rescue Ambulance resources.)**
- 2. Additional fire protection facilities.**
- 3. Relocation of present fire protection facilities.**

#### **WEXCO Commentary:**

**We agree.**

### **Response No. ORG 1B-183**

The comment expresses support for the excerpted language from the Draft EIR but does not raise any issues with respect to the content or adequacy of the Draft EIR. As discussed in Section IV.L.1, *Fire Protection*, the threshold standard for impacts pertaining to fire protection services is based on increased demand for fire services that would require expanded or new fire services facilities, the construction of which would result in potentially significant impacts. The LAFD has not indicated in their response to information for the Draft EIR and in its review of the Draft EIR that the Project would increase demand to the extent that new facilities would be required. As discussed in Section IV.L.1, *Fire Protection*, page IV.L.1-26, “the Project would provide a system to maintain adequate access for emergency vehicles to enter and return to the adjacent LAFD Fire Station 78 and, thus, would not interfere with the operation of that fire station or substantively increase response times.” Since the operation of the Project would not substantively increase response times, or impair the overall operation of the fire station, the development of new or expansion of existing fire facilities would not be required. It is also noted that fire stations in highly urbanized areas frequently deal with potential emergency vehicle/street vehicle conflicts. These conflicts are reduced by the use of sirens and other means for emergency vehicles to exert priority rights on the roadway and at driveway entrances.

Based on the above, Project operation would not result in the need for a new fire station or the expansion of an existing facility, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.

## **Comment No. ORG 1B-184**

### **12. DEIR IV. V. Alternatives**

(5) maximizes public safety through 24-hour, seven-day a week on-site security, monitored points of entry, and enforcement of a prohibition on off-site parking.

#### **WEXCO Commentary:**

**We disagree. On-Site security has no authority to prohibit or enforce off-site parking.**

## **Response No. ORG 1B-184**

The comment expresses disagreement with the excerpted Draft EIR language but does not raise any issues with respect to the content or adequacy of the Draft EIR. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how on-site and off-site parking restrictions would be enforced.

## **Comment No. ORG 1B-185**

### **13. DEIR, IV. V. Alternatives H. Hazards and Hazardous Materials (Page V-47):**

As the Project would require grading and excavation of the Project Site, including a net cut/fill volume of approximately **250,000 cubic yards** (unadjusted), these grading activities could result in the exposure of construction works to hazardous conditions associated with contaminated soils or soil vapor. **As such, the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials as a result of contaminated soils, and impacts would be potentially significant.**

#### **WEXCO Commentary:**

**Upon excavation, undisturbed soil may emit pollutants, contaminants, and particulate matter to the detriment of public health and safety (e.g., Valley Fever) that can compromise those with respiratory conditions.**

**The DEIR does not indicate any Swell Calculation of the Export soils.**

**Swell of compacted soil -as it is being excavated and placed into dump / haul trucks -is commonly estimated to be between 20%-25%. The amount of anticipated haulage of Export is misleading.**

**In other words, the Proposed excavation amount of 250,000 Cubic Yards of compacted earth materials will increase in size by 20%-25% as it is distributed from the earth to the dump trucks; thereby increasing the amount of haulage of earth materials from the 250,000 CY to 310,000 CY (i.e. 22.5% Swell Factor).**

**The DEIR does not indicate the weights of various construction elements that will impact the Roads and Infrastructure**

WEXCO has not seen, in the DEIR, any calculations as to the weight of:

1) Imported soils to the Site.

2) Imported Concrete to the Site.

*The DEIR does not indicate the number of Concrete Trucks per day during the Project,*

*The DEIR does not indicate the amount (in Cubic Yardage - CY) of concrete for the proposed project.*

3) Imported Steel and Reinforcing Steel to the Site.

4) Heavy Equipment transported to/from the site

5) .... and other substantive Construction Equipment and Materials

**Response No. ORG 1B-185**

The comment states that soils could contain contaminants and states that the Draft EIR does not indicate any swell calculation of exported soil or contain information regarding the weights of various construction elements. Section IV.H, *Hazardous Materials*, of the Draft EIR evaluates the potential for contamination in on-site soils and provides mitigation measures that would reduce these hazards to less than significant levels. Required mitigation measures include the following: HAZ-MM-1: Soil Management Plan and HAZ-MM-2: Health and Safety Plan (HASP). These mitigation measures are enforceable through the Project's MMP included in Chapter 4.0 of this Final EIR.

Regarding the potential for Valley Fever due to exposure to dust during construction, the fungus causing Valley Fever is commonly found in areas of the Antelope Valley portion of Los Angeles County, although it can be found in other areas according to the Los Angeles County Department of Public Health. The Project is not located in the Antelope Valley portion of Los Angeles County and thus is not located in an area where it is

expected to be common. Further, according to a study published in the Journal of the American Medical Association, in 1994, an outbreak of Valley Fever occurred in Simi Valley in Ventura County due to large dust clouds generated by landslides associated with the Northridge earthquake. Grading associated with the Project would not cause landslides and would not result in fugitive dust emissions on the level and scale of the 1994 Northridge earthquake. As discussed on pages IV.B-47, IV.B-52, IV.B-56 and IV.B-58 in Section IV.B. *Air Quality*, of the Draft EIR, Project construction would be compliant with SCAQMD Rule 403, which requires that soil be stabilized by watering the unpaved portions of the Project Site three times a day. The use of water is an accepted environmentally-safe dust control agent. The Project would also suspend construction activities on unpaved surfaces when wind speeds exceed 25 mph. In addition, soil migration off-site would be mitigated by installing wheel shaker device to remove soil from tires and vehicle undercarriages as they exit the Project Site, which would minimize the potential for transport of the Valley Fever spores, if present in the soil.

The effect of hauling on public roadways is not a CEQA issue and, as such, the CEQA Guidelines do not include pertinent threshold standards. However, the weight of truck loads is regulated by Caltrans, which establishes maximum loads for types of streets and highways. Under the LADOT approved Construction Management Plan (CMP) and haul route, haul trucks would leave the Project Site by way of Whitsett Avenue, an arterial street which has a higher bearing capacity than, for instance, the surrounding neighborhood/local streets. With compliance with the approved haul route and CMP in accordance with LADOT requirements, construction hauling would not adversely impact the area's arterial streets and highways.

Volumes of exported materials are discussed in Chapter II, *Project Description*, and the hauling of export materials is discussed in Sections IV.B, *Air Quality*; IV.E, *Energy*, IV.M, *Transportation*; and IV.O.3, *Solid Waste*, of the Draft EIR. As described on page II-62 in Chapter II, *Project Description*, of the Draft EIR, rough grading cut volumes would be approximately 251,836 cubic yards (unadjusted), and the fill volume would be approximately 1,836 cubic yards (unadjusted), for a net cut/fill volume of approximately 250,000 cubic yards (unadjusted). As discussed under Response No. ORG 1B-6, above, a bulking factor of 20 percent was used in the estimated 250,000 cubic yards of excavated materials. As explained in Footnote 18 in Chapter II, "unadjusted" cut and fill is a programmed estimate that does not account for minor shrinkage from compaction, swelling, or other factors that may require final manual adjustments to achieve finished gradients/ heights. Note that modifications to the Project design would reduce the total amount of Project grading from 250,000 cubic yards to 197,000 cubic yards. See Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

The Draft EIR also states that the excavated volumes are an estimate and may be subject to either swelling or shrinkage. Under CEQA, hauling is evaluated relative to emissions associated with maximum daily truck trips, landfill capacity, or handling of hazardous materials. Regarding land fill capacity, clean soils are marketable and would be almost entirely recycled and, thus, not adversely impact landfills. From a geotechnical

standpoint, the existing site-soils may also be re-utilized and recompacted for the creation of a compacted fill pad.

Regarding air emissions, regional air emissions from diesel trucks are based on a daily maximum activity which, based on the capacity of the Project Site to accommodate haul trucks within the prescribe hauling hours, would be the same for every maximum day. The maximum daily emissions generation would be the same whether the hauling phase were shortened or lengthened due to shrinkage or swelling of export materials. CEQA does not provide a threshold related to the weight of trucks on streets. However, state and local ordinances establish maximum weights depending on the category of street with which the hauler must comply.

As discussed in Section IV.B, *Air Quality*, of the Draft EIR, the Project must comply with CARB requirements to minimize short-term emissions from on-road and off-road diesel equipment and with SCAQMD's regulations, such as Rule 403 for controlling fugitive dust.

Mitigation Measure AQ-MM-1, Construction Equipment Features, requires that during demolition, site preparation, and grading and excavation activities, the contractor must provide notification and documentation that haul truck drivers have received training regarding idling limitations specified in Title 13 California Code of Regulations, Section 2485, and that haul trucks limit idling for loading and unloading activities to 5 minutes or less at any one location and unloading activities to 5 minutes or less at any one location. Mitigation Measure AQ-MM-1 was updated in Chapter 3 of this Final EIR to clarify these idling regulatory requirements that are applicable to the Project and assumed as part of the mitigated air quality emission analyzed in the Draft EIR. Project Design Feature TRAF-PDF-1 requires the development of a CMP, prior to the issuance of any demolition permit or building permit for the Project. The CMP will formalize how construction will be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The CMP will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site.

With compliance with existing regulations, PDFs, and mitigation measures, the Project would not result in a reasonably foreseeable upset and accident involving hazardous materials or adversely impact roadways. As such, the Draft EIR provides substantial evidence that the Project would not result in a potentially significant impact to the public or the environment as a result of hauling exported materials. The comment does not provide any evidence that contradicts the analysis in the Draft EIR.

## **Comment No. ORG 1B-186**

### **14. Additional Points:**

1. Even if there is a median on Whitsett to prevent left-hand turns, when there are special events with visitors/cars exceeding the 500+ parking spaces, it is likely that people will park on the east side of Whitsett Ave and then either walk around the

block to the nearest cross-street (with currently no crosswalk) or dart across Whitsett (east to west).

### **Response No. ORG 1B-186**

The comment speculates that people will park on the street and either use a street intersection or jaywalk to reach the Project Site. This speculation does not raise any issues with respect to the content or adequacy of the Draft EIR. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how on-site and off-site parking restrictions would be enforced.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

### **Comment No. ORG 1B-187**

2. Even if there are no street parking along Valley Spring Lane, what is to stop patrons from finding other nearby street parking? What safety ramifications were accounted for in the DEIR for the increased pedestrian travel along the surrounding streets that feed into the proposed project?

### **Response No. ORG 1B-187**

The comment requests information on safety ramifications of potential increased pedestrian travel along the street in the Project area but does not any issues with respect to the adequacy of the Draft EIR. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how off-site parking restrictions would be enforced and how such restrictions would reduce pedestrian travel from off-site parking prohibited by the School. In addition, as indicated in Topical Response No. 9, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

**Comment No. ORG 1B-188**

3. Motorists heading northbound on Whitsett Avenue from Ventura Boulevard to the proposed project – where vehicles can't turn left into the project's north driveway – it is foreseeable that these northbound motorists will likely make a U-turn at the intersection of Whitsett Ave. and Valley Spring Lane to be able to enter the North Driveway. The DEIR does not seem to take that scenario into account.

**Response No. ORG 1B-188**

The comment speculates that motorists may make a U-turn at the intersection of Whitsett Avenue and Valley Spring Lane to enter the Project's north driveway but does not raise any issues with respect to the content or adequacy of the Draft EIR. The preferred driving route to access the Project Site and avoid neighboring residential streets would be communicated to Project Site visitors (refer to page II-53 of Chapter II, *Project Description*). As therein discussed, the preferred driving route would direct motorists to approach the Project Site on southbound Whitsett Avenue from Moorpark Avenue. For everyday users of the Project Site, those heading northbound on Whitsett Avenue would know to turn left at Valleyheart Drive and enter the Project's southern driveway. For those who do not regularly visit the Project Site, such as visitors on a special event day, the appropriate information would be distributed in advance and signage would be placed. It is noted that existing Project Site conditions permit an unassisted left-turn into the Project Site's only vehicular entry and no preferred driving routes are posted or otherwise communicated to visitors. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how traffic and parking on event days would be managed on event days.

**Comment No. ORG 1B-189**

4. The methane gas emitted from the installation of artificial turf, along with the urban heat island effect are significant health (odor and or fumes) and safety (heat) impacts to occupants and the public.

**Response No. ORG 1B-189**

The comment states that artificial turf can result in health and safety impacts to the occupants and the public. See Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the

analysis, the Draft EIR determined that health-related impacts from inhalation, ingestion, and dermal contact, and heat related would be less than significant.

In addition, pages IV.G-72 through IV.G-74 in Section IV. G, *Greenhouse Gas Emissions*, of the Draft EIR, included an analysis of urban heat island effects from Project implementation. As analyzed therein, the Project's artificial turf would not substantially contribute to an increase in the urban heat island effect for the area. Refer to Topical Response No. 7 for additional detail regarding the Project's heat island-related impacts associated with artificial turf.

### **Comment No. ORG 1B-190**

5. Significant light and noise pollution. Cumulative noise pollution (Crowds, Vehicles, Event generated sounds, Emergency Vehicles from LAFD Station 78 – coupled with the jet-noise impacts from Burbank and Van Nuys airports - is significant.

### **Response No. ORG 1B-190**

The comment states that the Project's light and cumulative noise impacts would be significant. As described on pages IV.K-56 and IV.K-57 in Section IV.K, *Noise*, of the Draft EIR and Table IV.K-20, *Composite Noise Impacts*, of the Draft EIR, the Project's contribution to operational noise resulting from mechanical equipment, athletic activities, special events, parking facilities, off-site improvements at Coldwater Canyon Avenue Riverwalk Path Ramp, and off-site traffic noise would all be less than significant. The composite (combined) noise levels of all operational components would also be less than significant, even under a "worst-case" scenario in which all of the athletic facilities are being used simultaneously along with a concurrent School special event. Therefore, the Project's contribution to operational noise would not be cumulatively considerable and cumulative impacts would be less than significant.

In addition, the Project is not located within two miles of a public airport or private airstrip and is not within the boundaries of an airport land use plan. Therefore, the Project would have no impact with respect to air traffic noise levels and would not expose people residing or working in the Project Site area to excessive noise levels from aircraft. Therefore, the Project would not contribute to any cumulative noise impacts related to airports.

Light and noise generated by emergency vehicles from LAFD Station 78 are existing conditions that would not be a "related project" under the CEQA definition, nor would these existing conditions be considered to contribute to cumulative light and noise impacts. With respect to warning devices on emergency vehicles, which include sirens (emergency vehicle sirens typically come equipped with a public address system), such noise is exempt from the City's Noise Ordinance in Chapter XI, Articles 1, 2, and 4. Specifically, LAMC Section 111.01(j) states that warning devices on emergency vehicles are not regulated as sound-amplifying equipment. LAMC Section 112.04 exempts

powered equipment and operations specifically mentioned and referenced in the City's Noise Ordinance. Section 114.04 exempts warning devices regulated in Article 1 of Chapter 5 of Division 12 of the California Vehicle Code, commencing at Section 27000, which allows authorized emergency vehicles to be equipped with and use sirens. According to the California Code of Regulations, Title 13, Section 1028, the on-axis sound level for a Class A siren is required to be a minimum of 120 dBA measured directly in front of the siren at a distance of approximately 10 feet.<sup>73</sup> At 50 degrees off-axis, the sound level for a Class A siren is required to be a minimum 113 dBA at a distance of approximately 10 feet. Class B sirens are allowed to be 5 dBA less than Class A sirens. The difference between Class A and Class B sirens is the allowable mounting locations on authorized emergency vehicles.<sup>74</sup> At distances of 25 and 50 feet, which are typical distances used for a roadside noise receptor, the 50 degrees off-axis sound level for a Class A siren would be a minimum of approximately 105 dBA and 99 dBA, respectively. The primary purpose of sirens on emergency vehicles is to generate a sound level that is louder than the ambient noise level to effectively alert the public of an approaching emergency vehicle, and in particular, is intended to alert drivers in cars with windows closed, music playing, and/or passengers conversing. The use of sirens in connection with emergency responses would generate a high level of sound along the response routes; however, siren noise would be occasional and short-lived. Sirens would be used in-transit for a very short duration in the vicinity of the Project Site. The noise level of emergency vehicle sirens are well above typical noise levels in the ambient environment and noise levels that would be generated by the Project, such that, due to the logarithmic decibel scale, the Project's noise would not result in an additive noise level increase to emergency vehicle siren noise (i.e., siren noise is at a purposefully elevated level that it would completely mask Project-related noise). Therefore, the Project would not result in a cumulative noise impact from emergency vehicle sirens.

As evaluated in Section IV.A, *Aesthetics*, of the Draft EIR, light and glare impacts would not exceed existing ambient light and glare levels in the off-site area or exceed RIO standards within the Project Site. In addition, the Project's lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 - Aesthetics, the reduction in lighting would further reduce the Project's light and glare levels. Consistent with the analysis in Section IV.A, light and glare impacts would be less than significant, and as such, would not contribute to cumulative light and glare impacts. Please refer to the specific changes in the number and heights

<sup>73</sup> California Code of Regulations, Title 13, Division 2, Chapter 4, Article 8, Section 1028, [https://govt.westlaw.com/calregs/Document/I0EC464A0D46911DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I0EC464A0D46911DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)). Accessed March 2018.

<sup>74</sup> California Code of Regulations, Title 13, Division 2, Chapter 4, Article 8, Section 1029, [https://govt.westlaw.com/calregs/Document/IA2353020FA6111DE8C6E96BC63A3F6F5?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IA2353020FA6111DE8C6E96BC63A3F6F5?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

of lights provided in in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 1B-191**

Over 40 stadium-lights that are 40' or over in height (many of which are 80' tall) are slated to be added. The DEIR does not seem to account for the glare and light pollution generated by the proposed project.

### **Response No. ORG 1B-191**

The comment states that the Draft EIR does not account for the light and glare impacts of the Project's lights. As evaluated in Section IV.A, *Aesthetics*, of the Draft EIR, light and glare impacts would not exceed existing ambient light and glare levels in the off-site area or exceed RIO standards within the Project Site. In addition, the Project's lighting program has been revised to reduce the number of field and tennis court lights. The revised Lighting Study is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 - *Aesthetics*, the reduction in lighting would further reduce the Project's light and glare levels. Consistent with the analysis in Section IV.A, light and glare impacts would be less than significant, and as such, would not contribute to cumulative light and glare impacts. Please refer to the specific changes in the number and heights of lights provided in in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 1B-192**

6. Per IV. Environmental Impact Analysis; L.1 Public Services – Fire Protection... As noted herein but worth repeating. As part of the Project design and per Project Design Feature TRAF-PDF-2, a flashing red warning light is proposed to be installed at the Project-facing side of the southern exit driveway within the Project Site at a point located before vehicles reach Valleyheart Drive that purports to “hold back” vehicles exiting the Project Site onto Valleyheart Drive. This warning light is proposed to be activated by a remote control button pressed by LAFD staff in the emergency vehicle when an emergency vehicle is approaching / or departing Valleyheart Drive / Whitsett Avenue or exiting one of the LAFD driveways on Valleyheart Drive. The warning light will purportedly reduce conflicts between vehicles leaving (but not entering) the Project Site and emergency vehicles leaving/coming back to the station. Also, the Project would include an at-grade security kiosk located near the roundabout, thereby placing a security guard nearby to assist with traffic management when the warning light is activated.

***The proposed red flashing light solution is not nearly enough... More and other options are needed to address the impacts to the Public Safety relative to the impacts of the construction and proposed project to the LAFD Station 78.***

**The DEIR even suggests that LAFD Station 78 may need to be RELOCATED resulting from the proposed project** (see Section L-1 Los Angeles Fire Department Correspondence, Fire Protection)

***LAFD Fire Station was built in 2004 – it would be a tremendous burden to now (because of the proposed project) resort to relocating an 18 year-old LAFD Station 78.***

**Manual operated safety systems, such as those proposed, are subject to human error.**

## **Response No. ORG 1B-192**

The comment states that Project Design Feature TRAF-PDF-2 is inadequate to address impacts to public safety on LAFD Fire Station 78 and suggests that LAFD Fire Station 78 may need to be moved to ensure safety. The commenter is referred to Topical Response No. 10 – Emergency Access, for a discussion of the Project’s effects to operations at LAFD Fire Station 78.

As discussed in on page IV.L.1-28 Section IV.L.1, *Fire Protection*, of the Draft EIR, the letter received by the LAFD in response to ESA’s request for information in the preparation of the Draft EIR, stated that the development of the Project and related projects in the immediate area may result in the need for increased staffing for existing facilities, additional fire protection facilities, and relocation of present fire protection facilities. The comment letter, which is provided in Appendix L.1 of the Draft EIR is the standard language (form letter) used by the LAFD in the request for information for all EIRs for projects throughout the City of Los Angeles and is not specific to LAFD Fire Station 78. Note also that, on page IV.L.1-28, the Draft EIR states: “However, as previously discussed, the LAFD continuously evaluates fire station placement and overall service capabilities as part of its obligation to provide fire services throughout the City. Currently, the LAFD has no plans to expand or construct new facilities to service the Project Site vicinity.”

Regarding emergency access, the main driveway for LAFD Fire Station 78 used for the departure of fire trucks during all fire emergencies, or emergencies requiring the use of a fire truck, is located on Whitsett Avenue at the north side of the station building. Fire trucks and engines do not use Valleyheart Drive for departure in an emergency situation. The south side of the station has two driveways to Valleyheart Drive. The western such driveway is only used for returning heavy fire equipment (e.g., fire truck), allowing the truck to pull back into the fire station bay and be ready to exit directly onto Whitsett. The eastern such driveway is used for the ingress and egress of lighter-duty fire equipment, such as ambulances. The manual switch for the red light would only be operated by LAFD personnel. The switch would signal vehicles departing the Project Site to hold back when fire trucks are returning to the station and have need to turn wide on Valleyheart Drive in order to enter the fire station, or for smaller emergency vehicles entering and exiting the eastern fire station driveway on Valleyheart Drive. The manual switch is only

a secondary cautionary measure since vehicles leaving the Project Site, and returning fire trucks, which enter the fire station slowly would be in full view of each other. No additional devices to reduce conflict between returning fire trucks and exiting cars would be required. In addition, Valleyheart Drive is two lanes and, if not for the wide-turning fire trucks and engines, would not result in a conflict in two-way use. Since the Project would not affect emergency vehicles leaving the station, it would not result in a public safety hazard.

### **Comment No. ORG 1B-193**

7. In addition to the excessive stadium lighting issue (see item No. 5 above) the existing street lighting on Whitsett Ave. is particularly not suitable for the increased pedestrian traffic that would be generated by the proposed project. Potential mitigation of this hazard would be to eliminate events or day-time only usage of the site.

### **Response No. ORG 1B-193**

The comment states that existing street lighting on Whitsett Avenue is not suitable for increased pedestrian traffic generated by the Project. All City regulations regarding field and pedestrian lighting will be followed. Because this comment does not raise a substantive issue on the adequacy of the Draft EIR, no further response is necessary.

### **Comment No. ORG 1B-194**

8. Given the proximity of the proposed tennis courts to Valley Spring, not only will there be noise pollution from the tennis players but also a risk of errant tennis balls entering the roadway. There is a potential for errant sports related equipment to enter Whitsett from Field A as well.

### **Response No. ORG 1B-194**

The comment states that noise from the tennis courts would increase noise pollution and that there could be errant tennis balls or other sports equipment from Field A entering the roadway. The comment contains no evidence to support the characterization of Project noise or hazards from errant tennis balls. Noise from the tennis courts was evaluated in Section IV.K, *Noise*, of the Draft EIR. As discussed on pages IV.K-27 and IV.K-28, and IV.K-45 through IV.K-49, Table IV.K-12, *Athletic Activities Noise Levels*, Leq Analysis, and Table IV.K-13, *Athletic Activities Noise Levels, L10 Analysis*, activities at the tennis courts would not exceed the significance threshold for operational noise. In addition, the Project Site currently has 16 courts along Whitsett Avenue that are open until 10:00 P.M. daily, compared to the Project which would have 8 courts closing at 9:00 P.M. daily. The potential for errant tennis balls has not been described as an environmental hazard under existing conditions, even though existing tennis courts are proximate to Whitsett Avenue which, according to Mobility Plan 2035, is considered a Major Highway Class II. In

addition, fencing along the Project Site's Valley Spring Lane and Whitsett Avenue frontages would reduce the potential for sports equipment to be lost in these streets.

## Comment No. ORG 1B-195

### **9. Liquefaction issue and the proposed construction of the subterranean garage, and sports facilities at the southern edge of the property near the LA River channel wall:**

Prior to the construction of LAFD Station 78 that was built in 2008, the Geotechnical Engineering Division (GED) commissioned URS Corporation (URS) to perform subsurface exploration at the site and laboratory testing of samples collected from the site.

The URS 2004 report Conclusions and Recommendations section states:

“Liquefaction-induced settlements and lateral spreading were evaluated for the proposed Fire Station #78. For a design seismic event with a probability of occurrence of 10% in 50 years (PGA=0.53g), we estimate that liquefaction-induced settlements would be about 2 inches. For such an event, **lateral spreading would produce ground displacements of up to 8 inches in a zone extending about 125 feet behind the channel wall**, with displacements being greatest immediately behind the wall. Attenuating with increasing distance from the wall, horizontal ground displacements are expected to approach zero at the edge of the 125-foot wide zone affected by lateral spreading. With the proposed building footprint being located just outside this zone, the building foundations are not subjected to shaking-induced lateral spreading”

“Because the site is underlain by loose soils to depths of up to 15 feet, and **because there is a potential for liquefaction-induced settlements from saturated loose sands at depth, we recommend that the building be supported on piles**. In addition to supporting the building loads, **the piles will have to be designed to accommodate negative skin friction caused by liquefaction-induced settlement** of the loose sands at depth.”

The subject DEIR recommends a mat foundation system (not piles), but what remains unclear is how close the proposed planned development is to the LA River channel wall and if any development (including underground) is within that 125 feet zone from the northern wall of the River channel.

According to the URS 2004 report, anything within the 125-foot zone, which would also be “40 feet north of the northern right of way of Valleyheart Drive” would be “susceptible to distress as the result of lateral movement.” ***It appears that the proposed improvements would be susceptible to distress and therefore unsafe for occupants and the general public given the proximity of the***

**proposed project to a vital storm drain system (LA River). This aspect of the proposed project does not appear to have been thoroughly analyzed.**

**Response No. ORG 1B-195**

The comment states that Project facilities could be susceptible to liquefaction and therefore unsafe and that the Draft EIR does not thoroughly analyze this issue. The Draft EIR addresses liquefaction and other geotechnical issues in Section IV.F, *Geology and Soils*, and in Appendix G-1, Preliminary Geotechnical Report, of the Draft EIR. In addition to the analysis in Appendix G-1, pages IV.F-13 and IV.F-14 and IV.F-23 through IV.F-25 of the Draft EIR discuss the potential for liquefaction at the Project Site and the preliminary recommendations for construction to reduce the potential seismically-induced liquefaction. Regarding liquefaction in general, the area of weakness or failure during liquefaction or lateral spread occurs along a “free face.” During lateral spread, blocks of mostly intact, surficial soil displace downslope or toward a free face along a shear zone (the point of ground failure) that has formed within the liquefied sediment. At the Project Site, the free face would correspond to the embankment of the Los Angeles River.

According to established understanding of liquefaction, when saturated cohesionless sediments and soils reach a specific level of movement, the soils lose resistance and begin to collapse. The force at which this would occur at the Project Site is estimated to be  $N1\ 60$  (values greater than 15). Under this criterion, significant displacement is not likely for earthquakes with a magnitude (MW) of less than 8.0.

According to the USGS, the modal predominant MW for the Project Site is 6.9, which is substantially less than 8.0 under which ground failure is anticipated. In addition, the potentially liquefiable layer consists of a stratified layer that is variable and discontinuous throughout the Project Site. Because of the discontinuous and variable stratification with differing depths of soils and bedrock layers, ground failure would not occur uniformly or extensively throughout the Project Site. Based on these considerations, the potential for lateral spreading and liquefaction is considered to be remote for the Project Site.

Additionally, the upper 15 feet strata within the footprint of the proposed structures (gymnasium and subterranean parking garage) will not be subject to lateral spreading, as this would be removed for the construction of the subterranean component or would be completely removed and recompacted for at-grade structures pursuant to the Preliminary Geotechnical Report, as modified, if at all, by the Final Geotechnical Report required by the City. Thus, the structures are not considered subject to distress due to lateral spreading. Based on all of the above, the Draft EIR appropriately concluded that the Project would not exacerbate conditions related to seismic-related ground failure, including liquefaction, and that the risk of loss, injury or death including seismic-related ground failure, including liquefaction, would be less than significant.

### **Comment No. ORG 1B-196**

If you have any questions with the content of this document, please contact the undersigned at (310) 306-3877. This report is subject to further amendments subsequent to receipt of any new additional documents.

### **Response No. ORG 1B-196**

The comment provides basic contact information and states that the report is subject to further amendments. However, no additional amendments have been received by the City subsequent to the closing of the EIR review period on May 10, 2022. The comment does not discuss the adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. ORG 1B-197**

#### **Attachment 6 (Los Angeles Times Article)**

### **Response No. ORG 1B-197**

A Los Angeles Times article is provided as an attachment. However, the article does not include comments on the Draft EIR. Refer to Appendix A of this Final EIR for a copy of this article.

## **Comment Letter No. ORG 1C**

Kim Tashman, President  
Save Weddington  
Received May 10, 2022

### **Comment No. ORG 1C-1**

Save Weddington is a neighborhood non-profit group whose mission is to preserve and protect the last 16 acres of unprotected green open space along the Los Angeles River in the San Fernando Valley at Weddington Golf & Tennis as recreational space available for public use and enjoyment.

Save Weddington submits the following comments on the proposed Project. In addition, we are submitting as part of this letter two independent expert reports: air quality/greenhouse gases and safety.

We are also attaching a copy of our online petition, wherein nearly 14,000 citizens voice both their support for the preservation of the entire 16-acre Weddington Golf & Tennis parcel and concern over the proposed Project's negative impact to precious green open space.

The Draft Environmental Impact Report (DEIR) does not consider the impact of providing so many exceptions and variances to City building codes and limits for this Project, nor the precedential effect that approval of this Project would have on future development.

We continue to have serious concerns about the negative impact of this Project in regards to Aesthetics, Air Quality, Biological Resources, Construction and Operational Noise, Land Use Compatibility, Lighting, Safety, and Traffic hazards created by the Project.

Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. The community urges you to reject the DEIR's inaccurate and incomplete picture of potential environmental impacts, as well as deny approval of the required Condition Use Permit and certification of the DEIR.

Thank you for your time and consideration of this most important matter.

### **Response No. ORG 1C-1**

The comment introduces Save Weddington as a non-profit group whose mission is to preserve the 16-acre Weddington Golf and Tennis site. In addition to general concerns on the impacts evaluated in the Draft EIR, the comment references two attached reports, an air quality/greenhouse gas report and a safety report. The comment also references a 14,000-signature online petition which supports preservation of the entire Weddington Golf and Tennis facility. To note, the petition included as an attachment to this letter is in opposition to the ramp at Coldwater Canyon connecting to the Zev Greenway, and

includes far less than 14,000 signatures. The petition opposing the ramp is provided as an attachment to the original letter (Letter 1C) in Appendix A of this Final EIR. The comment contends that the Draft EIR does not consider the impact of the Project’s requested permits and approvals. The comment further expresses concern regarding impacts related to Aesthetics, Air Quality, Biological Resources, Construction and Operational Noise, Land Use Compatibility, Lighting, Safety, and Traffic hazards.

As this is an introductory comment that does not contain substantial evidence regarding the adequacy of the Draft EIR, no further response is necessary. However, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. ORG 1C-2**

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## Response No. ORG 1C-2

The comment is a table of contents related to issues raised in the comment letter. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. ORG 1C-3

### 1. Air Quality and Air Pollution Impacts (Excavation, Construction, and Operational)

A report was performed by Soil/Water/Air Protection Enterprise (SWAPE) regarding the Project's air quality, health risk, and greenhouse gas (GHG) impacts (Attachment 1). The SWAPE report finds that "the DEIR underestimates the Project's construction-related emissions and should not be relied upon to determine Project significance." The report also finds that "several model inputs were not consistent with information disclosed in the DEIR." These include overestimated existing land use size, unsubstantiated changes to individual construction phase lengths, unsubstantiated numbers of vendor trips, incorrect CO2 intensity factors, and incorrect application of construction-related mitigation measures. In addition, the report finds that diesel particulate matter health risk emissions were inadequately evaluated with no quantified construction or operational health risk analysis (HRA). The report also finds that the DEIR fails to adequately evaluate GHG impacts (e.g., incorrect and unsubstantiated quantitative analysis of emissions, failure to identify a potentially significant GHG impact, project design features should be incorporated as mitigation measures, failure to consider performance-based standards under CARB's 2017 scoping plan, and failure to consider performance-based standards under SCAG's RTP/SCS). Additional considerations and recommendations for inclusion in a recirculated DEIR (RDEIR) can be found in the SWAPE report (Attachment 1).

## Response No. ORG 1C-3

This comment raises concerns regarding the air quality analysis based on issues identified in the SWAPE Report, including underestimation of the Project's construction-related emissions, incorrect model inputs, and incorrect application of mitigation measures in the Draft EIR. Refer to Response Nos. ORG 1B-36 through ORG 1B-40 which address these concerns.

The comment states that diesel particulate matter health risk emissions were inadequately evaluated with no quantified construction or operational health risk analysis (HRA). Please refer to Response Nos. ORG 1B-77 to ORG 1B-79 which address this concern.

The comment states that the Draft EIR fails to adequately evaluate GHG impacts (e.g., incorrect and unsubstantiated quantitative analysis of emissions, failure to identify a potentially significant GHG impact, project design features should be incorporated as

mitigation measures, failure to consider performance-based standards under CARB's 2017 scoping plan, and failure to consider performance-based standards under SCAG's RTP/SCS). Please refer to Response Nos. ORG 1B-129 to ORG 1B-134 which address this concern.

In addition, all issues identified in the SWAPE Report, which is also provided as Attachment 1 to Comment Letter No. ORG 1B, have been previously responded to in Response Nos. ORG 1B-115 through ORG 1B-137.

As discussed in the responses to comments listed above, none of the issues raised in this comment are supported by substantial evidence demonstrating that the Draft EIR is inadequate as all potential air quality and greenhouse gas emissions impacts have been properly analyzed and disclosed in the Draft EIR. Therefore, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

## **Comment No. ORG 1C-4**

### **2. Noise Pollution Impacts (Construction and Operational)**

Excess noise, like that proposed as part of the Project is widely-known to have adverse health impacts in humans, including increased blood pressure and is associated with an increased risk of developing cardiovascular disease, hypertension, stress, sleep disturbances, among other adverse effects. Noise also has adverse impacts on wildlife (e.g., communication interference for songbirds, prey species becoming distracted, etc.) and the DEIR fails to analyze how these impacts to wildlife from increased noise may be reduced to a non-significant level. The DEIR fails to acknowledge these impacts of noise on human or animal health and consider them when determining mitigation measures. A recirculated DEIR (RDEIR) must include this information.

### **Response No. ORG 1C-4**

The comment expresses the concern that the Project's noise impacts would have adverse human health and wildlife effects. Please refer to Response Nos. ORG 7A-109, ORG 7A-110, ORG 7A-114, and ORG 7A-115 which address the human health concerns listed in the comment.

With regard to noise impacts on wildlife, as discussed in Section IV.C, *Biological Resources*, of the Draft EIR, the Project's indirect impacts to wildlife species from noise generated by construction and operation of the Project would be less than significant. See pages IV.C-40, IV.C-41 for a discussion of indirect noise impacts to sensitive wildlife species, and IV.C-48 for a discussion of such impacts to wildlife movement and nesting birds. As stated therein, indirect impacts associated with a change in the on-site operational noise and human activities would be similar to existing conditions with the potential for more noise and human activities during sports events. If present on-site, wildlife species are already adapted to living in an urbanized setting and ambient noise and human activities associated with frequent use of the golf and tennis facilities on-site, nearby

single-family and multi-family residences, and the dense commercial corridor located less than 500 feet away on Ventura Boulevard. Increases in noise and human activities would be concentrated around outdoor athletic activities within the fields, tennis courts, and swimming pool, which do not contain vegetation or have suitable roosting habitat for the special-status bats, and larger sporting events would be limited to specific hours, as well as limited in duration. A change in the on-site operational noise levels and associated human activities would be low and would not diminish the chances for long-term survival or significantly impact wildlife species.

Based on the above, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

### **Comment No. ORG 1C-5**

The DEIR does offer a sound study, but one that merely predicts Project noise generated will be similar to other sport venues, but not how drastically the noise level will increase from what it is now in this residential neighborhood, with some homes as close as 45 feet away.

The DEIR is incomplete as it also fails to accurately identify what noise impacts are avoidable. Several proposals to avoid or minimize construction and operational noise pollution impacts exist (e.g., type of public address (PA) system used, speaker locations, etc.). However, the DEIR does not provide adequate data regarding:

- No public address (PA) system
- No games or scrimmages
- No spectators

### **Response No. ORG 1C-5**

The comment expresses concern that the Project's Noise Study did not adequately analyze impacts to the adjacent residential uses and the increase to existing ambient noise levels. Contrary to the comment, the noise analysis analyzed the Project's construction and operational noise levels based on ambient noise measurements conducted around the Project Site, including at the adjacent residential uses. The noise level differences between the existing ambient levels and the Project noise levels were identified and included in Section IV.K, *Noise*, of the Draft EIR. The Project's use of an amplified sound system is included in Project Design Feature NOI-PDF-2 on page IV.K-39 of the Draft EIR. Also, the analysis of operational noise impacts included athletic activities, with spectators, is discussed on pages IV.K-27 and IV.K-28 of the Draft EIR. Acceptable noise levels from athletic activities are shown in Figure IV.K-2, *Guidelines for Compatible Land Use*, on page IV.K-12 of the Draft EIR. Furthermore, Table IV.K-20, *Composite Noise Impacts*, on page IV.K-57 of the Draft EIR includes composite noise levels from all maximum daily activities occurring on the Project Site. The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for

additional discussion of the Project's construction and operational noise impacts. In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, and Topical Response No. 2 – Modifications to the Project Design, of the Final EIR which describes the changes to the seating capacity and the size of the pool canopy, and Topical Response No. 8 – Noise: Construction and Operation Impacts, of the Final EIR which provides updates to the Project's noise levels due to design modifications. As discussed in Topical Response No. 8 and shown in the Supplemental Noise Analysis included in Appendix F of this Final EIR, the design modifications would not create significant new noise impacts associated with the parking and traffic, use of athletic fields, use of the swimming pool, combined use of all athletic facilities, or composite operational noise. Therefore, similar to the Project without design modifications, the Project with design modifications would result in less than significant operational noise impacts. As the Draft EIR appropriately concluded that the Project would not result in any significant noise impacts from Project operation, mitigation steps, such as those referenced by the commenter, some of which would prohibit the use of the Project Site for School athletic activities, are not necessary.

### **Comment No. ORG 1C-6**

The community is extremely unconvinced that the Applicant will be able to preserve the tranquility (and related noise levels) of the existing site, as was pledged by Councilmember Krekorian in his 2017 letter announcing the Applicant's purchase of the Project Site (Attachment 2). More specifically, the letter indicated that "the school has also acknowledged that it will respect the community's desires by maintaining the tranquility of the property." The Project's proposed components are simply not in compliance with this notion that was promised to the community. Transitioning from a site that is predominantly comprised of a 9-hole golf course to a private school sports complex that offers different, louder sports (e.g., football, soccer, lacrosse, swimming) will not be able to satisfy the commitment of the Applicant conveyed by Councilmember Krekorian.

### **Response No. ORG 1C-6**

This comment references a public update from Councilmember Paul Krekorian and describes the commenter's perceived opinions of the community regarding the intention of the School in the development of the Project Site. This comment is unrelated to the environmental review for the Project and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 1C-7**

In fact, the issue of noise and noise mitigation on the Applicant's existing upper school campus was raised during the Applicant's previous proposed failed development plan (ENV-2013-0150- EIR). A study at the Applicant's upper school campus by Veneklasen Associates found that even though the Applicant was attempting to expand its facilities, which would obviously add to the cumulative noise impact, the Applicant did not even

comply with its existing Conditional Use Permit (CUP), with its current field generating noise in excess of the LAMC and Noise Ordinance (Attachment 3). What is to say this won't happen again at the Project's proposed facilities? In a recirculated DEIR (RDEIR), the Lead Agency must study this occurrence in greater detail before the potential approval or issuance of a CUP.

### **Response No. ORG 1C-7**

The comment expresses the belief that noise levels at the School's existing Upper School campus field have exceeded LAMC noise standards, and that the same conditions would occur at the Project Site. The existing physical conditions at the Upper School campus are not applicable to the Project or Project Site. Noise levels will be enforced by site-specific CUP conditions at the Project Site. As such, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

### **Comment No. ORG 1C-8**

Finally, cumulative noise impacts must include jet noise from altered Federal Aviation Administration (FAA) flight paths and flights that originate from Hollywood Burbank Airport. Numerous lawsuits have been filed and resolution of this issue is ongoing. The Project site is also very close to the Santa Monica Mountains and Foothills, where jet noise is amplified by canyons and hillsides.

### **Response No. ORG 1C-8**

This comment states that aircraft noise should be accounted for in the cumulative noise impact analysis. With regard to (cumulative) noise impacts for jet noise, as stated on page IV.K-69, of the Draft EIR, the nearest airport is the Hollywood Burbank Airport (BUR), located approximately 4.5 miles northeast of the Project Site. Additionally, the Project Site is not located within two miles of a public airport or private airstrip and is not within the boundaries of an airport land use plan and, therefore, would not expose people residing or working in the Project Site area to excessive noise levels for a project within the vicinity of a public use airport or private airstrip. Furthermore, ambient noise measurements were taken as part of the noise analysis in the Draft EIR. The aircraft noise from relocated flight paths from BUR and Van Nuys Airport (VNY) were included in the existing conditions noise measurements. Thus, the existing airports' jet noise was included as part of the ambient noise in the Project vicinity. Intermittent aircraft noise is common throughout the City; however, such temporary noise instances would not materially change the cumulative noise impact analysis as aircraft noise is already included within the existing baseline conditions. Furthermore, the Project would not exacerbate any existing noise issues that the community may have with airport noise; therefore, no additional analysis of the existing noise sources is required by CEQA.

## Comment No. ORG 1C-9

### 3. Lighting and Light Pollution Impacts

Lighting impacts as a result of the Project will be noticeable and significant for the entire community. A majority of the existing Weddington Golf & Tennis site (the 9-hole golf course) is not lit past sundown at night and an increase in illumination of any magnitude will be severe and significant. A lighted gymnasium, two lighted fields, and eight lighted tennis courts, among other lighted Project components, where there is now almost complete darkness will be a significant shock to both the local community and wildlife.

### Response No. ORG 1C-9

The commenter states that the Project's lighting impacts would be significant compared to existing conditions. See Topical Response No. 4 – Aesthetics, regarding the impact of the Project's field lights and other outdoor lighting on surrounding land uses. As evaluated in the Draft EIR, the Project's new lighting system would provide less light intrusion into neighboring sites than the existing Project Site lighting. Further, the Project's outdoor lighting would be in use from dusk to no later than 8:00 p.m. daily (9:00 p.m. for the tennis courts). Field lights would not be used on a daily basis. Existing tennis court lights are kept on up to 10:00 p.m. and lighting for the driving range may extend to 11:00 p.m. Because of the lighting technology for the Project's field and tennis court lights, as well as the reduced hours in which outdoor lighting would be in use compared to existing conditions, the Project's overall off-site light and glare levels and duration would be less than under existing conditions.

In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, and Topical Response No. 2 - Modifications to the Project Design, which provides updates to the Project's light poles. The Project's lighting program has been revised to reduce the number of field, pool and tennis court lights. A Supplemental Lighting Report Memorandum analyzing the modified lighting program is attached as Appendix B to this Final EIR. As further discussed in Topical Response No. 4 – Aesthetics, similar to the Project's original lighting layout, the revised design reflects tighter control of on-site light sources and yields a significant reduction in off-site glare, reducing the lighting impacts that the surrounding neighborhoods would experience. Therefore, similar to the Project without design modifications, the Project with design modifications would result in less than significant light and glare impacts.

In addition, Section IV.C, *Biological Resources*, pages IV.C-32, IV.C-40 and IV.C-41 of the Draft EIR provided a detailed discussion of the impact of the Project's light levels on wildlife. As evaluated therein, on-site light and glare levels would not adversely impact wildlife.

**Comment No. ORG 1C-10**

Lighting impacts will impact the Western Yellow Bat, among other species. The DEIR reads, “If present on-site, the special-status bat species are already adapted to living in an urbanized setting with the existing night lighting on-site, as well as from the adjacent residential and commercial areas and traffic along roads.” This statement negates the fact that the bats are not currently faced with human activity on the golf course past nightfall. So, the bats may be accustomed to surrounding neighborhood streetlights and car headlights, but they are not used to any light emanating from light poles on the golf course, like those that are being proposed in the Project.

**Response No. ORG 1C-10**

This comment raises concerns about lighting impacts to bats, among other species, from Project lighting. Please refer to Response No.ORG 10-5 which addresses this concern. As discussed therein, indirect impacts from Project lighting during Project operation would not diminish long-term survival of roosting bat species and, therefore, would not be significant.

**Comment No. ORG 1C-11**

The DEIR admits that “the illumination of the new Project site would produce more footcandles on the athletic facilities than the lighting of the existing Weddington Golf & Tennis facility” and “this would make the Project site’s surfaces more prominent at night than the previous facility, as the athletic fields will be brighter.” This is absolutely true, given the fact that there is no light whatsoever on a large portion of the Project site as a 9-hole golf course. Furthermore, the Project proposes security lighting, which indicates there will be some level of light on the Project site 24 hours a day, which is in stark contrast to the existing Weddington Golf & Tennis site. Finally, variances for 80 foot light poles cannot be approved without significant detrimental impacts to the surrounding community and therefore, any of the Project’s proposed light poles must remain at the same height of existing light poles at Weddington Golf & Tennis.

The DEIR then continues to explain that because the target plane would be at ground level, which is perpendicular to views from tested receptor locations, views of the illuminated surfaces would be limited. However, it is mentioned that “the residential neighborhood on the hill above Ventura Boulevard has a more direct view of the facilities, unobstructed by landscape or architecture, from which to observe the “glow” of the Project site.” Many of these community members already experience the “glow” from Ventura Boulevard and would consider additional “glow” from the proposed Project to be a cumulative significant impact.

**Response No. ORG 1C-11**

The comment expresses concern that light impacts would increase over existing conditions. The comment also cites excerpts from the Project’s Lighting Report in

Appendix B of the Draft EIR, but does not provide the prior or following corresponding text which provide context to the quoted statements on page 34 of the Lighting Report (PDF page 36 of 46 in Appendix B of the Draft EIR). The general analysis discussed in the Lighting Report indicates that the light focused on the fields may be brighter, but the Project's lighting program would reduce the lighting effects being experienced at the adjacent properties. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts, including the conditions that would require lights and outdoor activities cease no later than 8:00 p.m. (9:00 p.m. for the tennis courts), as compared to existing uses which, daily, extend until 11:00 p.m. Also, as discussed in Topical Response No. 4, the Project's lighting program would reduce the Project Site's existing ambient light and glare conditions as compared to existing conditions. Thus, there would not be additional "glow" from the Project Site, in fact, there would be a reduced extent and duration of visible light or "glow" compared to existing conditions.

In addition, refer to Response No. ORG 1C-9 which discusses the design modifications related to the Project's lighting program. Similar to the Project without design modifications, the Project with design modifications would result in less than significant light and glare impacts.

### **Comment No. ORG 1C-12**

In a July 15, 2019 Los Angeles Times article titled "Harvard-Westlake Releases First Draft for New Athletic Facilities on 16-Acre Site in Studio City,"<sup>1</sup> a Harvard-Westlake School spokesperson said that the Project "is entirely about increasing the capacity of our athletic facilities so we can get kids home earlier." If that is still a primary goal of the School with the Project, no lights on the Project site would compel practices and activities to end earlier so that students can leave school and arrive home earlier. Therefore, we believe there should be no more light than that which presently exists on the Project site.

<sup>1</sup> Available at: <https://www.latimes.com/sports/highschool/varsity-times/la-sp-vti-harvard-westlake-athletic-facilities-20190715-story.html>

### **Response No. ORG 1C-12**

The comment states that there should be no more light than that which presently exists on the Project Site. Refer to Response No. ORG 1C-11, which indicates the Project's lighting program would reduce the Project Site's existing ambient light and glare conditions as compared to existing conditions.

### **Comment No. ORG 1C-13**

The DEIR analysis also does not take into consideration the reflectivity of turf, which has been shown to be about 55% when light is shown directly downwards on turf. However, with slightly different light positioning (60° angle), only 12% of the light is reflected upward. This reflection creates light spillover and glare conditions around the Project site that will

be bright enough to affect both human and animal health. Research has shown that in regions with high light pollution, both humans and other animals experience a suppression of the melatonin hormone, which impacts circadian rhythms. There also appears to be a correlation to outdoor lighting and cancer rates in humans. In birds, specifically, increased illumination can change bird behavior such that normal singing times are altered.

### **Response No. ORG 1C-13**

The comment expresses concern over reflected light from the turf field and the effects that this light pollution would have on human and animal health. The statistics about turf light reflection in this comment are not supported by any substantive facts. It is noted, however, that reflected light (shine) was a characteristic of the first generations of synthetic grass (i.e., Astro turf). The former Astro turf had broader and more continuous surface areas to reflect light. However, because of yarn engineering currently implemented in the production of artificial turf, contemporary synthetic grass minimizes light reflection by using thin blades that produce very little, if any, shine from any angle, even under intense sun conditions. Furthermore, the blades are often extruded in a corrugated design, with a series of parallel concaves, which also serve to lower reflectivity levels. By minimizing surface areas on each blade, reflection is minimal.<sup>75</sup>

Moreover, as discussed in Topical Response No. 4 – Aesthetics, the Project’s lighting program would reduce the Project Site’s existing ambient light and glare conditions as compared to existing conditions. The Project’s outdoor lighting would be in use from dusk to no later than 8:00 p.m. daily (9:00 p.m. for the tennis courts). Field lights would not be used on a daily basis. In comparison, the existing tennis court lights are kept on up to 10:00 p.m. and lighting for the driving range may extend to 11:00 p.m. It is also noted that views and line of sight between the residential neighborhood along Valley Spring Lane of the turf fields would largely be blocked by landscaping, walls, fencing, and trees along the Project Site’s north edges. As such, high light pollution is not expected to occur as a result of the Project. See also Response Nos. ORG 1C-9 and ORG 1C-10 which address lighting impacts to birds/wildlife.

### **Comment No. ORG 1C-14**

Finally, although we would have commented on lighting designs, including photometric calculation reports, plot maps, and cut sheets, the DEIR Appendix B. Lighting Report does not seem to include the Appendix 2 that was referenced in the Appendix B. Lighting Report. A recirculated DEIR (RDEIR) needs to include all materials (including all appendices of appendices).

<sup>75</sup> D.A. Devitt, M.H. Young, M. Baghzouz and B.M. Bird, *Journal of Turfgrass and Sports Surfaces Science, Vol. 83, Surface Temperatures, Heat Loading, and Spectral Reflectance of Artificial Turfgrass* (2007).

## Response No. ORG 1C-14

The comment correctly indicates that Appendix 2 of the Studio K1 Lighting Report (Appendix B) was not provided in the Draft EIR. Appendix 2 includes materials such as datasheets on contemplated light fixtures components and lighting modeling sheets. However, similar light fixture information was included in Section 8 of the Lighting Report and Figures 8 and 9 of the Lighting Report illustrate the composite lighting levels resulting from the Project, which are the basis of the Draft EIR lighting impact conclusions. As such, the technical materials in Appendix 2 do not add “significant” new information in that: 1) the materials included in Appendix 2 do not change the figures, analysis or conclusions in the Draft EIR; 2) the Project’s composite lighting levels were illustrated and discussed in the Draft EIR, which allowed the public meaningful opportunity to review and comment upon the effects of the Project; and 3) no new or substantial increase in the severity of impacts would occur from this information. For these reasons, recirculation of the Draft EIR is not necessary. However, for clarification, Appendix 2 of the Studio K1 Lighting Report has been included as Appendix B.3 of this Final EIR. Appendix B.2 of this Final EIR includes appendices to the Supplemental Lighting Report, which reflects lighting associated with the Project with design modifications.

## Comment No. ORG 1C-15

### 4. Traffic Impacts and Calculations

The DEIR is defective because the baseline condition was never measured, but rather, modeled using pre-COVID data. All other calculations stem from that original modeled baseline. This is a serious problem and therefore, these calculations need to be nullified, since they would not take into account any changes in traffic patterns, populations, usage, or developments during the period from April 2019 to the present.

In addition, in the DEIR, historical Los Angeles Department of Transportation (LADOT) traffic counts from 2017 were used for Intersections 4 (Coldwater Canyon Avenue and Moorpark Street) and 5 (Coldwater Canyon Avenue and Ventura Boulevard). However, these counts in 2017 would have been analyzing traffic flows before construction for the Sportsman's Landing development began (2019) or was completed (2021), which severely compromises additional analyses. A recirculated DEIR (RDEIR) must perform traffic analyses using accurate baseline data, as well as data that incorporate the significant impact of cumulative projects on local traffic.

## Response No. ORG 1C-15

The comment expresses the concern that the traffic counts do not represent actual baseline conditions. The methodology to establish the 2020 baseline conditions was reviewed and approved by LADOT, which confirmed the calculations were appropriate for use in the Project’s Transportation Assessment. The methodology for the traffic counts is discussed on pages 28 (PDF page 56 of 217), 42 (PDF page 60 of 217) and 43 (PDF page 61 of 217) of the Transportation Assessment included in Appendix M of the

Draft EIR. As explained therein, traffic counts were collected in April 2019 at three study area intersections at the time. For the other two study area intersections that were not counted at that time, it was appropriate to use measured counts from 2017 with an added ambient growth factor at two intersections since counts in 2020 would not reflect actual conditions due to the COVID-19 pandemic, which resulted in a significant decrease in typical traffic conditions. In addition, refer to Topical Response No. 12, Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses, for additional discussion on the adequacy of the cumulative traffic analyses, which conservatively analyzed traffic impacts in consideration of the related projects at Sportsmen's Lodge.

The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for additional discussion of transportation-related impacts included in the Draft EIR.

Based on the above, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

### **Comment No. ORG 1C-16**

The DEIR is inadequate because the Applicant's proposed Project would result in a conflict, since it would "preclude the City from implementing adopted transportation-related programs, plans and policies" as it related to Los Angeles' Green New Deal Sustainability pLAN. The pLAN calls for the "redu[ction of] Vehicle Miles Traveled (VMT) per capita by at least 13% by 2025; 39% by 2035; and 45% by 2050."<sup>2</sup> The Applicant's proposed private school sports complex would increase the existing parking space capacity by nearly 600% (from 89 existing spaces to 532 proposed spaces). The increased capacity for parking would inherently encourage VMT at a time when the Green New Deal Sustainability pLAN calls for reducing reliance on single-occupancy vehicle use and trips. More specifically, the pLAN calls for "increas[ing] the percentage of all trips made by walking, biking, micro-mobility / matched rides or transit to at least 35% by 2025; 50% by 2035; and maintain at least 50% by 2050."<sup>2</sup>

<sup>2</sup> Available at: [https://plan.lamayor.org/sites/default/files/pLAN\\_2019\\_final.pdf](https://plan.lamayor.org/sites/default/files/pLAN_2019_final.pdf)

### **Response No. ORG 1C-16**

The comment expresses that the Project would conflict with City plans to reduce VMT and decrease single-occupancy vehicle use. The commenter states the Project's proposed vehicle parking spaces would contribute to these conflicts. The number of parking spaces does not have direct correlation to whether the Project would result in an increase or decrease in VMT compared to existing conditions. VMT impacts in the Project's Transportation Assessment and Draft EIR were analyzed per the City's Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG), which establish the guidelines and methodology for assessing transportation impacts for development projects based on the updated CEQA Guidelines from the State of California. As analyzed on pages IV.M-40 and IV.M-41, in Section IV.M,

*Transportation*, of the Draft EIR, the Project would result in a net decrease in VMT compared to existing conditions, according to the City's approved methodology.

Also, a discussion of the Project consistency with the City's Green New Deal is provided on pages IV.G-70 and IV.G-71, in Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR, with supporting documentation in Appendix C-1, Air Quality and Greenhouse Gas Technical Documentation. Table 3 in Appendix C-1 provides a detailed analysis of the Project's potential to conflict with the targets set forth in the Green New Deal. As analyzed therein, the Project would not conflict with any applicable targets of the Green New Deal.

Moreover, the Project's parking structure upper capacity would only be needed for larger, onsite events, and would not be reached during typical day-to-day operations. See also Response No. ORG 1C-18 for a detailed discussion of the frequency when the parking structure is in use at the upper limit of its capacity. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's parking impacts.

As discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces. With the reduced traffic to/from the Project Site during larger events when the on-site parking may reach capacity, vehicle occupants that would have parked at the Project Site in the former 129 spaces would be shuttled from the Upper School campus. Since Harvard-Westlake students, other Harvard-Westlake visitors, and Special Event attendees all have the same average trip length to the Project Site as evaluated in the Draft EIR, the shift in parking from the Project Site to the Upper School campus for vehicles that could have parked at the Project Site without the modifications would not substantially change the VMT for the Project. As such, the same less than significant VMT impacts would occur for the Project with design modifications.

### **Comment No. ORG 1C-17**

The DEIR is inconclusive, as it lacks in providing full and current transportation support data. The community use component of the Project or community-serving recreational facilities are exempt from vehicle mile traveled (VMT) analysis. It does not make sense why the VMT analysis only focuses on "the educational facility portion of the Project" or "on the Harvard-Westlake athletic activities use, as an educational facility." With the Applicant eager to supposedly increase public access to the Project site, it remains unclear why DEIR VMT analysis would not include visitors from the general public. Unfortunately, it appears that the DEIR is using miles driven by "community" participants as an "impact write off." The community truly believes this Project, and especially the transportation and traffic impacts, needs to be examined with a holistic lens.

## Response No. ORG 1C-17

The comment expresses that the Draft EIR is inconclusive regarding transportation support data. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding the methodology for calculating VMT, including VMT associated with community serving recreational facilities.

## Comment No. ORG 1C-18

The Project calls for a total of 532 parking spaces, 88 more than legally required. Alternatives must focus on decreasing the number of parking spaces at the Project site. According to the United States Department of Transportation 2017 National Household Travel Survey, the average number of miles driven by Americans peaked in the 1990s and as of 2017, dipped below 2001 mileage levels.<sup>3</sup> This phenomenon, coupled with a decreased individual car ownership preference among millennials (who are the nation's largest living adult generation),<sup>4</sup> indicates that future development planning should place less emphasis on accommodating visitors' individual cars with designated parking spaces. With the construction of a 532-space parking structure, which represents a roughly 600% increase over the number of spaces currently on site, the proposed Harvard-Westlake project substantially increases visitors' reliance on cars, a concept steeped in the past, not the future.

<sup>3</sup> Available at: [https://nhts.ornl.gov/assets/2017\\_nhts\\_summary\\_travel\\_trends.pdf](https://nhts.ornl.gov/assets/2017_nhts_summary_travel_trends.pdf)

<sup>4</sup> Available at: <https://uspirtg.org/sites/pirtg/files/reports/Millennials%20in%20Motion%20USPIRG.pdf>

## Response No. ORG 1C-18

The comment contends that the Project should include an Alternative that would reduce the number of parking spaces. The issue of traffic and parking is discussed in Topical Response No. 9 - Transportation and Parking During Construction and Operations, in this Final EIR. As evaluated therein, impacts with respect to transportation and traffic would be less than significant and no mitigation measures are required. Please refer to Chapter II, *Project Description*, page II-48 indicating that there are historically fewer than 400 spectators for 90 percent of interscholastic games. Though these instances are relatively infrequent, LAMC nonetheless requires the provision of school parking spaces in proportion to the number of fixed seats (including bleachers), regardless of how often such capacities are actually utilized.

Note that current updates to the Project would reduce the overall number of seats provided by the Project from 2,217 seats to 1,989 seats, which is a reduction of 228 seats. The changes to seating include: 1) pool area bleacher seats reduced from 348 to 216; 2) Field B bleacher seats reduced from 255 to 106; 3) Field A bleacher seats increased from 488 to 541; 5) gymnasium seats increased from 1,026 to 1,056; and 6) tennis bleacher seats reduced from 100 to 70. Also, the overall parking capacity has been reduced from 532 spaces to 403 spaces, which is only 2 more spaces than required by the LAMC parking requirements. The number of parking spaces is based on the number of seats.

Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

Because parking is not a CEQA impact and no significant impacts occur as a result of operational parking, the Draft EIR is not required to analyze an alternative with reduced parking spaces. For additional discussion of the Project’s adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-105, ORG 1B-106 and ORG 7A-146 to ORG 7A-176.

## **Comment No. ORG 1C-19**

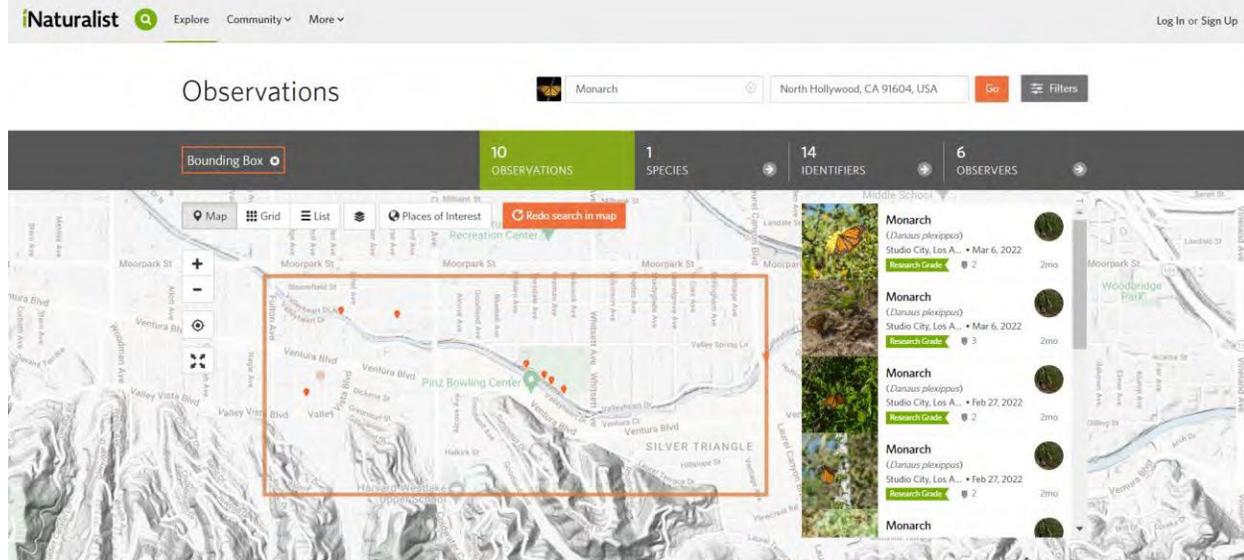
### **5. Biological Resources and Destruction of “Desirable Open Space”**

#### ***Specific Animal Species***

The DEIR is incomplete, as there remains an underestimation of the value the parcel of green open space at Weddington Golf & Tennis provides to various species. For example, the DEIR flora and fauna inventory lists two bird species (Allen’s Hummingbird and Rufous Hummingbird) that appear on the watchlist of Partners in Flight, a network of organizations focused on landbird conservation. This watchlist identifies species that are of highest conservation concern at the continental scale.<sup>5</sup> In addition to the two listed in the RDEIR [sic] inventory, according to eBird, a citizen science database, two other bird species (Oak Titmouse and Band-Tailed Pigeon) have been cited at Weddington Golf & Tennis and/or along the Los Angeles River between Whitsett Avenue and Coldwater Canyon Avenue.<sup>6</sup> All four species mentioned above are listed on the Partners in Flight watchlist due to “population declines and moderate to high threats.”<sup>5</sup> According to eBird, Weddington Golf & Tennis is one of the most biologically diverse parcels of green open space on the Valley floor between the Sepulveda Basin and Universal Studios.<sup>6</sup> In addition, the DEIR lists the potential occurrence for monarch butterflies (one species listed on the California Department of Fish and Wildlife (CDFW) Special Animals List) to be “none.” However, according to an iNaturalist search, monarchs have been identified in the Zev Greenway, immediately adjacent to the Biological Study Area. There even seems to be a grouping of sightings along the Zev Greenway.

<sup>5</sup> Available at: <https://partnersinflight.org/wp-content/uploads/2017/03/SPECIES-OF-CONT-CONCERN-from-pif-continental-plan-final-spread-2.pdf>

<sup>6</sup> Available at: <https://ebird.org/hotspot/L6684917>



## Response No. ORG 1C-19

The comment is concerned that the Draft EIR's analysis of biological resources is inadequate. The Draft EIR evaluated impacts to biological resources in Section IV.C, *Biological Resources*, of the Draft EIR with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable. The analysis of impacts to biological resources is based on the thresholds of significance consistent with Appendix G of the CEQA Guidelines. With regard to animal species, Threshold (a) requires an assessment of impacts to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (see pages IV.C-28 and IV.C-29 of the Draft EIR). As part of the biological resources assessment, biologists conducted field surveys and records searches of all applicable databases, which are discussed on pages 15 and 16 (PDF pages 23 and 24 of 394 of Appendix D of the Draft EIR) of the Biological Resources Technical Report. Appendix D of the Biological Resources Technical Report evaluates the potential for special status species to occur on the Project site in consideration of the habitat on the Project site. Only rufous hummingbird is considered a special-status species, as this species is included on the CDFW Special Animals list. Although the oak titmouse is on the Los Angeles County Bird Watchlist (Los Angeles County Sensitive Bird Species Working Group 2009), the other three species are not considered to be special-status species, as none are included in the CDFW Special Animals list and eBird lists both oak titmouse and Allen's hummingbird bird as "Least Concern" in conservation status and band-tailed pigeon has no conservation status listing at all. Regardless, if these species occur on-site or have the potential to occur, they would utilize the ornamental landscaping habitat on-site and limited native habitat off-site, both of which will still occur and may be enhanced (i.e., with more native plant species) with the Project. Thus, impacts to these species would be less than significant and no mitigation would be required. Further, Project Design Feature BIO-

PDF-1 requires a pre-construction survey for any vegetation removal that may occur in nesting season that may have the potential to impact nesting birds. Based on the field surveys and records search results, only one special-status bat species, the western yellow bat (species of special concern), was considered to have moderate potential to roost and forage in the Biological Study Area. With regard to monarch butterflies, the report indicates that although the Project Site supports eucalyptus trees, the trees are too widely spaced to provide sufficient shelter. The Biological Study Area is approximately 10.5 miles to the northeast of the coast. The majority of monarch butterfly winter roosts recorded on California Natural Diversity Database (CNDDDB) are within 5 miles of the coastline. Thus, the Project Site does not include sufficient habitat for wintering monarch butterfly roost sites. Further, the field survey of the Project Site by biologists did not identify the presence of any monarch butterflies.

### **Comment No. ORG 1C-20**

Also, importantly, monarchs typically follow the same migration route of their ancestors, so a presence of some may indicate more are around or there are more who use the general area in their migration patterns.<sup>7,8</sup> Additional analysis and inventories must be performed in a recirculated DEIR (RDEIR).

<sup>7</sup> Available at: [https://www.fs.fed.us/wildflowers/pollinators/Monarch\\_Butterfly/documents/Conservation\\_Management\\_MonarchButterflies.pdf](https://www.fs.fed.us/wildflowers/pollinators/Monarch_Butterfly/documents/Conservation_Management_MonarchButterflies.pdf)

<sup>8</sup> Available at: [https://www.fs.fed.us/wildflowers/pollinators/Monarch\\_Butterfly/migration/](https://www.fs.fed.us/wildflowers/pollinators/Monarch_Butterfly/migration/)

### **Response No. ORG 1C-20**

The comment expresses concern regarding the effects of the Project on monarch butterflies. Refer to Response No. ORG 1C-19 for a discussion of monarch butterflies. Based on the referenced response, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

### **Comment No. ORG 1C-21**

The types of trees that are used by species like birds and bats matter and this information is absent from the DEIR. Although the DEIR emphasizes the non-native nature of the existing, mature tree canopy, it is critical that the habitat value of these trees is understood. The DEIR states that the “Biological Study Area supports some potential nesting and foraging habitat for migratory birds and raptors.” Additionally, the DEIR flora and fauna inventory lists several raptors that were “observed in the Biological Study Area” or “in the off-site portion of the Biological Study Area along Zev Greenway,” including Cooper’s Hawks, Red-Tailed Hawks, and Red-Shouldered Hawks. According to the Los Angeles Raptor Study 2021 Final Report,<sup>9</sup> for a variety of reasons, raptors prefer and utilize pine and eucalyptus trees for nesting, even though they are non-native species.

The report reads, “Looking at nest tree and substrate type (Tables 3c – 3d), as in prior years, (non- native) pines (*Pinus* spp.) were the most common nest tree used in 2021 (99

of 266 observed nests; 37%), followed by gums (*Eucalyptus* spp.) and related species (n = 54), Shamel ash (*Fraxinus uhdei*) with 30 nests, sycamores with 22 nests, and figs (*Ficus* spp.) with 19 nests ... As noted in 2020, the low usage rate of native trees must correlate strongly with availability, as native trees are almost non-existent as street trees (except for sycamores), and large specimens of most native trees (e.g., coast live oak) are largely restricted to patches of open space like the eastern Santa Monica Mountains, and sparingly elsewhere ... As we wrote in 2019, by virtue of their abundance across the urban and suburban landscape of the study area, pines and eucalyptus “accounted for a relatively large proportion of our local nests, highlighting the importance of the very large, non- native trees in and around the park, many of which have matured – and are now the tallest trees around – since they were planted decades ago. While non-native, they clearly provide excellent nesting opportunities to the local raptor community, and have essentially outpaced native substrates locally, perhaps enabling native raptors to continue using the habitats.”<sup>9</sup>

The DEIR claim that “a significant number of native replacement trees (a 36-percent increase as compared to existing conditions)” would enable “species adapted to urban areas ... to persist on- site” underestimates the importance of the existing, mature urban tree canopy. For instance, the Western Yellow Bat (*Lasiurus Xanthinus*) prefers the Mexican Fan Palm, as evidenced by the United States Department of Interior, Bureau of Reclamation, Lower Colorado River Multi- Species Conservation Program Report on the Western Yellow Bat (WYBA).<sup>10</sup> The 2015 report states, “In a study of bat roost site habitat conducted at the LCR, WYBA were documented to use Mexican fan palms (*Washingtonia robusta*) almost exclusively and did not exhibit roost switching behavior.”<sup>10</sup> Therefore, while non-native, the Mexican fan palms serve an important function for this California Department of Fish and Wildlife (CDFW) species of special concern. Additionally, the DEIR states that the Project would remove the majority of Mexican fan palms, and therefore, potential habitat, leaving only 53 from the original count of 174. The DEIR is incomplete, since it greatly underestimates the impact of the removal of this many trees of the same species, which is suitable potential habitat for the Western Yellow Bat.

<sup>9</sup> Available at: <https://friendsofgriffithpark.org/wp-content/uploads/2021/09/FoGP-Raptors-2021F.pdf>

<sup>10</sup> Available at: [https://www.lcrmscp.gov/reports/2015/g06\\_wyba\\_cem\\_2015.pdf](https://www.lcrmscp.gov/reports/2015/g06_wyba_cem_2015.pdf)

## Response No. ORG 1C-21

The comment expresses concern regarding the impact of tree removal and replacement on nesting birds and bats. Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds, including raptors. In addition, refer to Response Nos. ORG 1B-45 and 1B-48, which addresses impacts specific to the western yellow bat, including impacts due to the proposed removal of the Mexican fan palms.

## Comment No. ORG 1C-22

### *Urban Tree Canopy*

The DEIR is defective, as it fails to describe the importance of preserving existing, mature urban tree canopy and the time lag in benefits provided by proposed plantlings versus existing trees. The 2016 Los Angeles County Tree Canopy Assessment (conducted by TreePeople, SavATree, The Center for Urban Resilience at Loyola Marymount University, The Spatial Analysis Laboratory at the University of Vermont's Rubenstein School of the Environment and Natural Resources, Dr. Dexter Locke, United States Forest Service, and CalFire) mentions this goal explicitly when the report says, "keeping the trees you have is more efficient than removing and replacing them."<sup>11</sup> [sic]

The report goes on to state, "Preserving existing tree canopy is critical. The ecosystem services provided by trees are directly related to the amount of canopy they provide. When trees are removed and replaced, there is not only a size difference in the canopy provided by the new tree compared with the mature tree; there is also a time lag of reduced benefits until the new tree can grow to the size of the mature tree. Keeping the trees you have is more efficient than removing and replacing them."<sup>11</sup>

A recirculated DEIR (RDEIR) must include calculations that determine exactly how long it will take for the Applicant's proposed plans (tree removal and tree planting) to equal the benefits provided by the existing, mature urban tree canopy. The community cannot afford to wait for a definitive answer on how long it will take for the proposed urban tree canopy to match the benefits of the existing canopy.

<sup>11</sup> Available at: [https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1005&context=cures\\_reports](https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1005&context=cures_reports)

## Response No. ORG 1C-22

The comment expresses concern over the reduction in the existing tree canopy. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, for a discussion of the removal and replacement of trees and anticipated restoration of the tree canopy. For additional discussion of impacts related to carbon sequestration and tree canopy, refer to Response No. ORG 6A-1 and ORG 1B-60. A Carbon Sequestration and Canopy Study (November 2022) by ESA has been included in Appendix C of this Final EIR. As discussed in Topical Response No. 5, the Project's tree replacement program would result in a greater canopy cover by Year 10 compared to existing conditions. The existing Project Site has a canopy cover of 20 percent. Existing trees are primarily mature and would not increase in canopy size. Under the Project's tree removal and replacement program, the canopy cover would be 15 percent by Year 5 and would increase to 28 percent by Year 10.

Based on the referenced responses and Carbon Sequestration and Tree Canopy Study, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

## Comment No. ORG 1C-23

It is widely understood that Los Angeles' urban tree canopy is not equitably distributed. According to the TreePeople Los Angeles County Tree Canopy Map Viewer, tree canopy occupies 42.4% of land in Studio City (ZIP code 91604), which is 24.4% higher than the LA County average (18.0%).<sup>12</sup> The Studio City neighborhood is extremely fortunate to have a sizeable urban tree canopy. However, as a result, the local community is at risk of losing significant portions of its existing tree canopy due to irresponsible development projects, like the one currently proposed by the Applicant. Community members are opposed to the removal of such a large chunk of mature tree canopy - regardless of the species.

An Environmental Cost-Benefit Analysis for the existing, mature urban tree canopy at Weddington Golf & Tennis was performed by Angelenos For Trees, a community group uniting Los Angeles neighborhoods to preserve and regenerate its rapidly shrinking tree canopy (Attachment 4). The Angelenos For Trees report describes various economic appraisals of tree canopy at Weddington Golf & Tennis, as well as calculates several critical measures that help quantify the benefits of the existing tree canopy. Notable findings include:

- Yearly estimate of carbon dioxide (CO<sub>2</sub>) sequestration is \$1,584.14.
- Yearly estimate of carbon dioxide (CO<sub>2</sub>) sequestration is 67,439.56 lbs.
- Yearly estimate of storm water mitigation is \$413.32.
- Yearly estimate of storm water runoff avoided is 46,330.26 gals.
- Yearly estimate of storm water rainfall intercepted is 312,555.20 gals.
- Yearly estimate of air pollution removal is \$2,412.25.
- Yearly estimate of air pollution carbon monoxide removal is 237.83 oz.
- Yearly estimate of air pollution ozone removal is 6,027.37 oz.
- Yearly estimate of air pollution nitrogen dioxide is 1,469.45 oz.
- Yearly estimate of air pollution sulfur dioxide is 104.49 oz.
- Yearly estimate of air pollution (fine particles or particulate matter) is 63.00 oz.
- Estimate of carbon dioxide (CO<sub>2</sub>) stored to date is \$35,281.18.
- Estimate of carbon dioxide (CO<sub>2</sub>) stored to date is 1,520,466.02 lbs.

According to the performed Environmental Cost-Benefit Analysis, the 240 trees slated to be removed as part of the Project sequester a total of 898,772.54 lbs of carbon dioxide (CO<sub>2</sub>) (Attachment 4). This figure is immense, but not surprising, as mature trees serve as excellent storers of carbon. However, the DEIR fails to perform such an analysis or describe how the removal of these trees and the release of nearly one million pounds of carbon dioxide (CO<sub>2</sub>) will impact the local community. The DEIR is also inadequate

because it fails to examine relocating existing tree canopy, which has been done in other development projects, including The Village at Westfield Topanga.

<sup>12</sup> Available at: <https://www.treepeople.org/los-angeles-county-tree-canopy-map-viewer/>

### **Response No. ORG 1C-23**

The comment expresses concern over the reduction in the existing tree canopy and cites an analysis of the existing tree canopy at Weddington Golf & Tennis, as well as the canopy on the adjacent right-of-way and the Zev Greenway, performed by Angelenos For Trees. Refer to Response Nos. ORG 6B-1 through 6B-8 which provide responses to the comments in the Angelenos For Trees comment letter.

### **Comment No. ORG 1C-24**

The Project also calls for the installation of a pedestrian ramp leading to the Zev Greenway at Coldwater Canyon Avenue. Although the DEIR states that “the Project Site (Property and County Leased Property) and the off-site improvement areas comprise the Biological Study Area,” Appendix D. Biological Resources Technical Report fails to include a cluster of what appears to be three significant pine trees. A recirculated DEIR (RDEIR) must include these resources if they are designated in the Project’s Biological Study Area.

### **Response No. ORG 1C-24**

The commenter correctly indicates that the three pines near the Coldwater Canyon Avenue Riverwalk Path Ramp were not included in the Biological Resources Technical Report. The area which includes these trees is identified as an “ornamental” plant community. The final design of the ramp structure would avoid these trees, thus, retaining the trees in their current location. This clarification has also been made in Mitigation Measure BIO-MM-3 in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. Because these trees would be retained, the tree removal, replacement requirements, and analysis in the Draft EIR remain correct. Based on the above, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

### **Comment No. ORG 1C-25**

The DEIR proposes that non-protected “significant” trees would be replaced at a 1:1 ratio with RIO District-compliant trees and public street trees from the right-of-way would be replaced at a 2:1 ratio. The DEIR claims that these ratios would result in the 240 removed trees being replaced by 393 trees (which would exceed the minimum required) for a total of 574 in the Biological Study Area. However, in its current configuration, the Project cannot accommodate the proposed tree planting program. As it stands now, much of the Project site’s natural, green open space is slated to be paved over to erect a gymnasium, two artificial turf fields, an Olympic-size swimming pool, and eight new tennis courts. The

remaining area is inadequate to plant 393 trees, except, perhaps, in ways that would be ecologically and arboriculturally inappropriate.

Developers often use these planting ratios as a means to an unjustified end, not recognizing that we cannot add more trees to less space to plant our way out of the emergency our City faces and specific sites must be designed properly to support these plantings. For example, according to Environmental Protection Agency reports, “Big trees require large volumes of soil and aboveground and belowground space to grow... A large-sized tree (16 inches DBH) needs at least 1,000 cubic feet of uncompacted soil. A tree’s ability to establish, grow to its full potential, and remain healthy is largely dependent upon soil volume.”<sup>13,14</sup> Plans for compacting soil in various locations across the Project site also adds to the unrealistic and nonviable proposal of planting 393 trees and ensuring they reach maturity. A recirculated DEIR (RDEIR) must calculate the carrying capacity of what remaining open space land is available (factoring planning for tree height, spread, and root growth) and determine what the exact number of trees at maturity will be, so community members can have a better understanding of what they could expect long-term before the removal of any significant portion of our existing mature, urban tree canopy is allowed to commence.

<sup>13</sup> Available at: <https://www.epa.gov/sites/default/files/2015-11/documents/stormwater2streettrees.pdf>

<sup>14</sup> Available at: [https://www.epa.gov/sites/default/files/2016-11/documents/final\\_stormwater\\_trees\\_technical\\_memo\\_508.pdf](https://www.epa.gov/sites/default/files/2016-11/documents/final_stormwater_trees_technical_memo_508.pdf)

## Response No. ORG 1C-25

The comment expresses concern over the long-term ability of the Project Site to support the Project’s proposed tree replacement and planting program. The comment cites general design parameters for street trees from various EPA documents. The commenter’s assertion that the Project Site cannot accommodate the proposed tree planting program is merely speculation without substantial evidence to support the contention. Further, EPA’s recommendations are general parameters, as stated on page 6 of EPA’s “Stormwater to Street Trees” document referenced in the comment, “And although no universal standard for soil volume requirements for expected mature tree size exists in arboriculture, it is generally accepted that a large-sized tree (16 inches diameter at breast height) needs at least 1,000 cubic feet of uncompacted soil (Figure 2).” While the EPA’s recommendations are acknowledged, the Project’s tree planting program was appropriately designed by qualified professional landscape architects who provided the necessary Project-specific spacing based on the specific types and quantities of trees proposed in consideration of their root and canopy growth.

As shown on Figure IV.C-4, Tree Removal Plan, of the Draft EIR, the Project Site currently supports clusters of trees of varying sizes throughout the Project Site, along the right-of way of Valley Spring Lane, and along the Zev Greenway. Figure IV.C-5, Tree Planting Plan, of the Draft EIR illustrates the Project’s tree planting program, with tree canopies shown, proposed at the Project Site. The trees would be dispersed throughout the Project Site to allow adequate spacing for the trees to mature and thrive. Per Mitigation Measure

BIO-MM-3, the replacement tree locations and species shall be to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. For all the reasons summarized above, the Project's tree planting program is sufficient to meet the necessary tree replacement requirements by the City. No further studies referenced in the comment are necessary. Thus, a recirculated Draft EIR to calculate the carrying capacity of what remaining open space land is available (factoring planning for tree height, spread, and root growth) and determine the exact number of trees at maturity is not needed.

## **Comment No. ORG 1C-26**

### **6. Geotechnical, Grading, and Soil Excavation Impacts**

The DEIR is flawed, as it fails to disclose the specific proximity of the proposed Project development to the northern wall of the Los Angeles River channel. A 2004 geotechnical report states that "proposed structures within 125 feet of the northern wall of the river channel, corresponding to approximately 40 feet north of the northern right of way of Valleyheart Drive, will be susceptible to distress as the result of lateral movement that could occur as the result of seismic shaking" (Attachment 5). Based on anticipated liquefaction-induced settlement, analyses of the Project site from 2004 (Attachment 5) and 2019 (DEIR Appendix G. Geotechnical and Paleontological Resources Documentation) also recommend that proposed structures be supported on piles or a mat foundation system. Therefore, more detailed information on what type of development is planned in this sensitive zone of potential lateral spreading (within 125 feet of the northern wall of the Los Angeles River channel) is required in a recirculated DEIR (RDEIR).

## **Response No. ORG 1C-26**

This comment raises the same environmental concerns included in Comment No. ORG 1B-195. Please refer to Response No. ORG 1B-195, which provides a detailed analysis of the Project's seismic risk and the use of appropriate foundation measures. As further discussed therein, the Draft EIR appropriately concluded that the Project would not exacerbate conditions related to seismic-related ground failure, including lateral spreading in proximity the river. As concluded therein and in Draft EIR Section, IV.F, *Geology and Soils*, the hat the risk of loss, injury or death including seismic-related ground failure, including lateral spreading, would be less than significant. The recirculation of the Draft EIR to address concerns raised in this comment is not necessary.

## **Comment No. ORG 1C-27**

According to the Aperture report (Attachment 6), the DEIR does not include any swell calculation of the export soils. As a result of soil swell, "the proposed excavation of 250,000 cubic yards of compacted earth materials will increase in size by 20%-25%," resulting in a more accurate haulage amount estimate of 310,000 cubic yards. While the initial figure of 250,000 cubic yards could be considered large, the 310,000 cubic yards

estimate is even more astounding. For reference, 250,000 cubic yards is about five times as big as the United States Capitol Rotunda and about seven-and-a-half times as big as the Lincoln Memorial Reflecting Pool. The larger, more accurate estimate of 310,000 cubic yards is about six-and-a-half times as big as the United States Capitol Rotunda and about nine-and-a-half times as big as the Lincoln Memorial Reflecting Pool. This more accurate estimate affects other DEIR subjects, including haul truck trips. While the DEIR indicates a total of 35,714 haul truck trips are required for export of 250,000 cubic yards of excavated materials, how many more truck trips would be required for 310,000 cubic yards of soil?

Additionally, the DEIR defers analysis of mitigation for haul routes, as the haul routes are not clearly delineated. The community needs to know the identified receptor site for the excavated materials, as haul trucks don't simply appear or disappear at the US-101 Freeway off-ramp/on-ramp at Coldwater Canyon Avenue. Since the community will be put at risk by the emissions caused by the enormous excavation and hauling associated with this Project, the public deserves to know what the true amount of soil excavation and true number of haul truck trips will be. Clearly, soil excavation and truck trips have been underestimated and a recirculated DEIR (RDEIR) should include more accurate information by incorporating the swell effect into grading export and truck trip calculations, as well as provide complete haul routes.

### **Response No. ORG 1C-27**

This comment raises concerns regarding the amount of soil excavation and associated haul trips from the Project's construction activities. The comment also states that information regarding the haul routes and disposal locations for excavated materials should be provided to the public. The commenter is referred to Response Nos. ORG 1B-19 and ORG 1B-185 which address these concerns. As discussed therein, the Draft EIR appropriately analyzed impacts associated with excavation activities and soil hauling.

Also, as discussed in Response No. 1C-18, updates to the Project would reduce the parking capacity of the underground structure from 503 spaces to 386 spaces. With this reduction, the amount of grading would be reduced from 250,000 cubic yards to 197,000 cubic yards, a reduction of approximately 53,000 cubic yards. This reduction in grading would reduce the duration of grading from approximately 7 months to 5.5 months, and reduce the number of grading haul truck trips from 35,714 trips to 28,142 trips. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

Based on the above, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

## Comment No. ORG 1C-28

### 7. Hazards and Hazardous Materials

Although the DEIR describes potential inhalation, ingestion, or contact hazards related to artificial turf, there is limited discussion regarding Per- and polyfluorinated alkyl substances (PFAS) or “forever chemicals.” Artificial turf compliance to the California Department of Public Health’s lead content is listed as 50 parts per million (ppm) or less. However, there is no mention of allowable content of PFAS. The California Office of Environmental Health Hazard Assessment recently proposed new limits to regulate PFAS because they do not break down in the environment. The State’s goal would limit two of the most notorious PFAS compounds: 1) Perfluorooctanoic acid (PFOA) to 7 parts per quadrillion and 2) Perfluorooctanesulfonic acid (PFOS) to 1 part per trillion.<sup>15</sup> The State’s current response level is 10 and 40 parts per trillion for PFOA and PFOS, respectively.<sup>16</sup> The DEIR fails to disclose mitigation or adherence strategies once these fields are no longer in compliance with the State’s crackdown on these “forever chemicals.”

Artificial turf fields also leach microplastics into the soil and groundwater. Since the artificial turf field is permeable and the planned rainwater capture cistern is located nearby Field A, PFAS may contaminate the planned 1-million gallon stormwater capture and reuse system that is expected to provide a minimum of one-third of the Project’s total annual irrigation demand. Also, considering the potential for runoff from both of the Project’s proposed artificial turf fields into the Los Angeles River, which flows to the Pacific Ocean, filtration systems that are equipped to and aimed at removing PFAS are necessary. Various options exist and technologies recommended by the Environmental Protection Agency (EPA) include granular activated carbon absorption, ion exchange resins, and high-pressure membranes.<sup>17</sup>

Some of the most well-known artificial turf manufacturers are AstroTurf, FieldTurf, MatrixTurf, and SporTurf. These manufacturers often claim that their various turf products do not contain PFAS. But, these claims are often based on industry laboratory testing and independent testing is always required to verify such claims. For example, AstroTurf claims its Rhino Blend 46 does not contain PFAS<sup>18</sup> and FieldTurf pledged that its Revolution 360 product does not contain PFAS.<sup>19</sup> However, citizens had samples of FieldTurf’s Revolution 360 independently tested and the results did show that several types of PFAS were found in surface water adjacent to a newly-constructed artificial turf field at a local high school and other cases have produced similar findings.<sup>19</sup> As a result, despite claims from industry representatives that no PFAS are present in its products, use of artificial turf must be prohibited, for the safety of all in our community, including the Applicant’s own students.

Finally, a recirculated DEIR (RDEIR) must contain a contingency management plan for the filtration and storage of these “forever chemicals,” as they cannot ever truly be disposed of or destroyed and must be properly contained and stored.

<sup>15</sup> Available at: <https://oehha.ca.gov/sites/default/files/media/downloads/crnrr/pfoapfosphgdraft061021.pdf>

<sup>16</sup> Available at: [https://www.waterboards.ca.gov/press\\_room/press\\_releases/2020/pr02062020\\_pfoa\\_pfos\\_response\\_levels.pdf](https://www.waterboards.ca.gov/press_room/press_releases/2020/pr02062020_pfoa_pfos_response_levels.pdf)

<sup>17</sup> Available at: <https://www.epa.gov/sciencematters/reducing-pfas-drinking-water-treatment-technologies>

<sup>18</sup> Available at: [https://www.boston.gov/sites/default/files/file/2021/05/Showa%20Boston%20-%20SMRT%20Supplemental%20Information%20Submission\\_210526.pdf](https://www.boston.gov/sites/default/files/file/2021/05/Showa%20Boston%20-%20SMRT%20Supplemental%20Information%20Submission_210526.pdf)

<sup>19</sup> Available at: <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821cp.pdf>

## **Response No. ORG 1C-28**

The comment expresses concern regarding the presence of PFAS in the proposed artificial turf. The commenter is referred to Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, and Response No. ORG 1B-75 which address potential hazards associated with artificial turf and PFAS. As discussed therein, the presence of PFAS in artificial turf would not create substantial adverse effects to users of the turf fields, the public, or the environment. Based on the above, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

## **Comment No. ORG 1C-29**

Other hazards of artificial turf include greenhouse gases emitted in its production, transportation, and processing. Artificial turf hazards also include crumb rubber, which, according to the DEIR, “may also emit trace to low levels of volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) (including PAHs and phthalates) into the air, depending on outdoor air temperatures. PAHs and phthalates refers groups of compounds, some of which have been identified by OEHHA as compounds known to have a risk of causing cancer or reproductive toxicity, such as chrysene, naphthalene, and di(2-ethylhexyl)phthalate (DEHP).”

## **Response No. ORG 1C-29**

The comment expresses concern over hazards related greenhouse gases emitted in the production, transportation, and processing of artificial turf. Any GHG emissions associated with the production of artificial turf are not part of the Project. Artificial turf manufacturers are required obtain necessary permits and comply with applicable regulations, as applicable to the production location. In addition, the comment refers to concerns regarding the presence of VOCs and other organic compounds in the proposed artificial turf. These concerns are addressed in Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health and Response Nos. ORG 1B-68, ORG 1B-69, ORG 1B-71, and ORG 1B-72. As discussed therein, the Draft EIR adequately discloses the potential for health and environmental impacts from exposure to artificial turf materials and use/productions of such materials.

### **Comment No. ORG 1C-30**

The DEIR also only includes limited discussion regarding the contribution of artificial turf on the urban heat island effect. On warm, sunny days, artificial turf fields become dangerously hot, often forcing the postponement of athletic practice or contests due to the possibility of heat-related injuries. Surface temperatures can be significantly higher on artificial turf than natural turf. Finally, although the Applicant has informed the community that its newer technology turf will minimize the significance of these issues, according to a study in *The Journal of Sports Engineering and Technology* titled “Comparison of Surface Temperatures of Different Synthetic Turf Systems and Natural Grass: Have Advances in Synthetic Turf Technology Made a Difference,”<sup>20</sup> any kind of artificial turf (newer technologies or not) will cause higher temperatures for the local climate.

<sup>20</sup> Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.848.8800&rep=rep1&type=pdf>

### **Response No. ORG 1C-30**

The comment expresses concern regarding the urban heat island effect of the proposed artificial turf. This concern is addressed in Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health.

### **Comment No. ORG 1C-31**

The DEIR also fails to discuss or analyze the fact that although artificial turf may reduce irrigated water, water will be required to cool the turf for use at certain times of the year. In fact, a recent study in the *Journal of Irrigation and Drainage Engineering* titled “Water Requirements for Cooling Artificial Turf”<sup>21</sup> describes a mathematical model that was developed based on the heat balance equation to determine heat dissipation from artificial turf-based fields with comparison of the predicted values to experimental data. The report reads, “This model indicates that the amount of water required to maintain Artificial Turf (AT) temperatures at levels comparable to irrigated Natural Turf (NT) over a 24-hr period exceeds the water requirements of bermudagrass NT in the same environment.”<sup>21</sup> While the study was conducted in New Mexico, which has been classified as having an arid climate zone, according to the Thornthwaite climate classification system, Los Angeles is semiarid and mesothermal. Moreover, subject experts have considered Los Angeles's climate to be semi-arid Mediterranean.<sup>22</sup> Additional research also reveals that the cooling effect of water being applied to artificial turf only lasts for less than one hour and “in order to provide a cool, playable surface, irrigation amounts for artificial turf are greater than for natural warmseason turf.”<sup>23</sup> In conclusion, if the use of water to irrigate natural turf is comparable to the amount of water required to cool artificial turf, DEIR claims touting artificial turf as a water-saving measure to reduce irrigation water demand must be re-considered. This information must be examined further in a recirculated DEIR (RDEIR) and re-calculated in the Water Supply section of the RDEIR.

<sup>21</sup> Available at: <https://ascelibrary.org/doi/epdf/10.1061/%28ASCE%29IR.1943-4774.0001506>

<sup>22</sup> Available at: <https://laist.com/news/is-los-angeles-a-desert>

<sup>23</sup> Available at: [https://www.researchgate.net/profile/Ahmed-Kanaan/publication/327540438\\_Quantifying\\_Water\\_Required\\_to\\_Cool\\_Artificial\\_Turf/links/5b947486299bf147392bafcf/Quantifying-Water-Required-to-Cool-Artificial-Turf.pdf](https://www.researchgate.net/profile/Ahmed-Kanaan/publication/327540438_Quantifying_Water_Required_to_Cool_Artificial_Turf/links/5b947486299bf147392bafcf/Quantifying-Water-Required-to-Cool-Artificial-Turf.pdf)

## Response No. ORG 1C-31

The comment states that water demand needed to cool artificial turf was not accounted for in the Draft EIR's water supply analysis. No irrigation lines will be run to the turf fields. Thus, irrigation water will not be used to lower the temperature of the fields. Accordingly, the water demand calculations included in Section IV.O.1 – *Utilities and Service Systems – Water Supply*, of the Draft EIR are correct. Also, refer to Response No. ORG 8-7 regarding use of water to irrigate turf. The experiment in the use of water to cool artificial turf in New Mexico was an experiment to measure the amount of water that would be needed to maintain surface temperatures of these infill fields at levels similar to natural turf grass areas. As stated in the article referenced by the commenter, in many cases irrigating synthetic fields is not necessary. Additionally, the article states that newer in-fill materials have lessened the issue of heat gain on fields. As such, irrigating to cool the surface is not particularly effective. Because additional impacts related to water demand are not anticipated, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

## Comment No. ORG 1C-32

Although there is one peer-review article cited in the DEIR Hazards and Hazardous Materials section, the study was conducted by scientists at the Gradient corporation, an industry consulting firm.<sup>24</sup> Additionally, no author hailed from a neutral academic institution. In fact, towards the end of the article, under the funding disclosure section, the study says that the lead corresponding author, Michael K. Peterson, “was retained as a scientific advisor by the Recycled Rubber Council from 2015 to May 2017. Gradient has been involved in many projects related to recycled rubber for a variety of entities, including school districts, health districts, synthetic turf manufacturers, rubber recyclers, and trade associations.” If peer-reviewed studies are going to be referenced, they should be truly non-partisan and include authors from a range of institutions, including universities, health systems, or academic medical centers. Although many researchers often interact with industry in some fashion, the inclusion of authors from academic institutions helps provide rigor that may be lacking when academicians are not included in studies.

<sup>24</sup> Available at: <https://www.sciencedirect.com/science/article/abs/pii/S0013935117303936>

## Response No. ORG 1C-32

The comment expresses concern that a neutral study from an academic institution was not consulted in the preparation of the hazards report regarding artificial turf. This comment does not raise any issues with respect to the adequacy of the Draft EIR.

Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

However, contrary to the assertion in the comment, Section IV.H, *Hazards and Hazardous Materials* of the Draft EIR was based on a wide variety of scientific studies. A summary of scientific studies on artificial turf regarding potential effects on human health, prepared by ESA in October 2021, is included in Appendix H-2 of the Draft EIR. As shown in Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, Table 1, background studies include those authored by the State of California Office of Environmental Health Assessment (OEHHA), CalRecycle, New York State Study, and Connecticut Department of Public Health. These governmental studies, for example, are deemed to be neutral studies on artificial turf.

### **Comment No. ORG 1C-33**

The DEIR completely omits analysis of artificial turf-related athlete injuries. Findings from the following peer-reviewed studies are intended to provide the Lead Agency with helpful information on this topic that is absent from the DEIR. According to a study of National Football League (NFL) athletes published in *The American Journal of Sports Medicine* titled “Higher Rates of Lower Extremity Injury on Synthetic Turf Compared With Natural Turf Among National Football League Athletes,”<sup>25</sup> “play on synthetic turf resulted in a 16% increase in lower extremity injuries per play than that on natural turf” and “synthetic turf surfaces have a causal impact on lower extremity injury.” According to a study of National Collegiate Athletic Association American (NCAA) football players published in *The American Journal of Sports Medicine* titled “Incidence of Knee Injuries on Artificial Turf Versus Natural Grass in National Collegiate Athletic Association American Football: 2004-2005 Through 2013-2014 Seasons,”<sup>26</sup> “athletes participating in competitions on artificial turf experienced posterior cruciate ligament (PCL) injuries at 2.94 times the rate as those playing on grass,” “injury rates for PCL tears were significantly increased during competitions played on artificial turf as compared with natural grass,” and “lower NCAA divisions (II and III) also showed higher rates of ACL injuries during competitions on artificial turf versus natural grass.” According to a study of NCAA football players published in *The American Journal of Sports Medicine* titled “Incidence and Risk Factors for Injuries to the Anterior Cruciate Ligament in National Collegiate Athletic Association Football: Data From the 2004-2005 Through 2008-2009 National Collegiate Athletic Association Injury Surveillance System,”<sup>27</sup> “the rate of anterior cruciate ligament (ACL) injury on artificial surfaces is 1.39 times higher than the injury rate on grass surfaces.” According to a study of NCAA football players published in *The Knee* titled “The Effect of Playing Surface on the Incidence of ACL Injuries in National Collegiate Athletic Association American Football,”<sup>28</sup> “the rate of ACL injury on artificial surfaces is 1.39 times higher than the injury rate on grass surfaces” and “non-contact injuries occurred more frequently on artificial turf surfaces (44.29%) than on natural grass (36.12%).” According to a study of major league soccer players published in *The American Journal of Sports Medicine* titled “Injury Surveillance in Major League Soccer: A 4-Year Comparison of Injury on Natural Grass Versus Artificial Turf Field,”<sup>29</sup> “within injury subgroups, overall

ankle injury, Achilles injury, and ankle fracture were found to have a statistically higher incidence on artificial turf” and “within individual injury categories, a higher rate of ankle injury was found on artificial turf.” According to a retrospective cohort study of high school athletes published in *Current Orthopaedic Practice* titled “Injury Incidence is Higher on Artificial Turf Compared with Natural Grass in High School Athletes: A Retrospective Cohort Study,”<sup>30</sup> “athletes were 58% more likely to sustain injuries on artificial turf than natural grass,” “lower extremity, torso, and upper extremity injuries were significantly more likely to occur on artificial turf,” and “football, girls soccer, boys soccer, and rugby had higher injury incidences on artificial turf.” The DEIR underestimates the significance of this hazard. In light of studies showing extensive athlete injury risks while playing sports that are proposed to be played on the Project site, a recirculated DEIR (RDEIR) must address how the safety of student athletes and the general public will be assured when using artificial turf.

The DEIR also completely omits analysis of athlete perceptions of artificial turf safety. The following peer-reviewed studies and letters from players unions provide clarification and additional context. According to a study of professional soccer players published in the *Journal of Applied Statistics* titled “Elite Players’ Perceptions of Football Playing Surfaces: A Mixed Effects Ordinal Logistic Regression Model of Players’ Perceptions,”<sup>31</sup> “the majority of players expressed a strong preference for the use of Natural Turf pitches over alternatives such as Artificial Turf.” According to a study of professional soccer players published in *BMC Sports Science, Medicine and Rehabilitation* titled “The Perceptions of Professional Soccer Players on the Risk of Injury From Competition and Training on Natural Grass and 3rd Generation Artificial Turf,”<sup>32</sup> “players believed that playing and training on artificial turf (FT) increased the risk of sustaining a non- contact injury,” “the players identified three surface related risk factors on FT, which they related to injuries and greater recovery times: 1) Greater surface stiffness 2) Greater surface friction 3) Larger metabolic cost to playing on artificial grounds,” and “overall, 94% of the players chose FT as the surface most likely to increase the risk of sustaining an injury.”

The President of the National Football League Players Association (NFLPA), the union representing the players of the National Football League, cited years of higher rates of injury on artificial turf versus natural turf when advocating that “NFL clubs should proactively change all field surfaces to natural,” “our occupation is dangerous enough, and the increased rate of lower extremity injuries linked to the field surface we are forced to play on is unacceptable,” and “the NFLPA is advocating for teams to convert artificial practice and game fields to natural grass fields.”<sup>33</sup> Furthermore, the United States National Soccer Team Players Association (USNSTPA), the players union for members of the United States men’s national soccer team, “is opposed to playing any game on sod placed atop artificial surfaces.”<sup>34</sup>

<sup>25</sup> Available at: [https://journals.sagepub.com/doi/pdf/10.1177/0363546518808499?fbclid=IwAR1TQEjsCTwhz5C2imYhSq9sEtrYVP7lvGpED-cy4\\_Q5HgHqHhvD\\_7Zwplo](https://journals.sagepub.com/doi/pdf/10.1177/0363546518808499?fbclid=IwAR1TQEjsCTwhz5C2imYhSq9sEtrYVP7lvGpED-cy4_Q5HgHqHhvD_7Zwplo)

<sup>26</sup> Available at: <https://journals.sagepub.com/doi/pdf/10.1177/0363546519833925>

<sup>27</sup> Available at: <https://journals.sagepub.com/doi/pdf/10.1177/0363546512442336>

- <sup>28</sup> Available at: <https://www.sciencedirect.com/science/article/abs/pii/S0968016012001305>
- <sup>29</sup> Available at: <https://journals.sagepub.com/doi/pdf/10.1177/0363546519860522>
- <sup>30</sup> Available at: [https://journals.lww.com/c-orthopaedicpractice/Abstract/2021/07000/Injury\\_incidence\\_is\\_higher\\_on\\_artificial\\_turf.6.aspx](https://journals.lww.com/c-orthopaedicpractice/Abstract/2021/07000/Injury_incidence_is_higher_on_artificial_turf.6.aspx)
- <sup>31</sup> Available at: <https://www.tandfonline.com/doi/pdf/10.1080/02664763.2016.1177500>
- <sup>32</sup> Available at: <https://link.springer.com/content/pdf/10.1186/2052-1847-6-11.pdf>
- <sup>33</sup> Available at: <https://nflpa.com/posts/only-natural-grass-can-level-the-nfls-playing-field>
- <sup>34</sup> Available at: <https://ussoccerplayers.com/2019/04/usnstpa-statement-for-playing-on-sod-at-nippert-stadium-on-june-9.html>

## Response No. ORG 1C-33

The comment expresses the concern that the use of artificial turf would increase the incidence of athletic injuries. The references to this effect are acknowledged. Athletic injuries, however, are not treated as significant effects on the environment under CEQA and, therefore, are not evaluated in the Draft EIR. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. ORG 1C-34

The DEIR is inaccurate when it states that, “in addition to compliance with applicable disposal regulations, artificial turf consists of material that can be recycled at the end of its useful life” misrepresents the truth and requires additional context. In fact, a consultant report for CalRecycle (Attachment 7) and investigative journalism<sup>35</sup> have proven that the recycling options are extremely limited or virtually non-existent. The consultant’s report was commissioned by (under contract to) CalRecycle, part of the State of California Environmental Protection Agency (EPA), for its consideration. The report indicates that most of the State’s crumb-rubber fields are going to the dump. The report states “it appears that in practice landfill disposal is by far the most common method for managing field components after removal, and no complete examples of an actual recycling project for the components of a removed field in California were identified.” The report also found that “markets for recycled crumb rubber infill are extremely limited” (Attachment 7). Therefore, a life-cycle assessment for artificial turf and a contingency management plan for the disposal of artificial turf must be presented in a recirculated DEIR (RDEIR).

<sup>35</sup> Available at: <https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>

## Response No. ORG 1C-34

The comment expresses the concern that recycling options for artificial turf material/crumb rubber are extremely limited and states that a life-cycle assessment for artificial turf and a contingency management plan for the disposal of artificial turf must be presented in a recirculated DEIR. The commenter is referred to Response No. 7A-36 for a discussion of recycling related to artificial turf. Since artificial turf has potential recyclable uses and because a market, although limited, exists, the evaluation in the Draft

EIR appropriately discloses the fact that the material is recyclable. It is also noted that a large percentage of all types of recyclable materials are deposited in landfills due to varying market conditions. However, such materials are deemed to be recyclable.

Based on the above, a life-cycle assessment for artificial turf and a contingency management plan for the disposal of artificial turf is not required in a recirculated DEIR.

## **Comment No. ORG 1C-35**

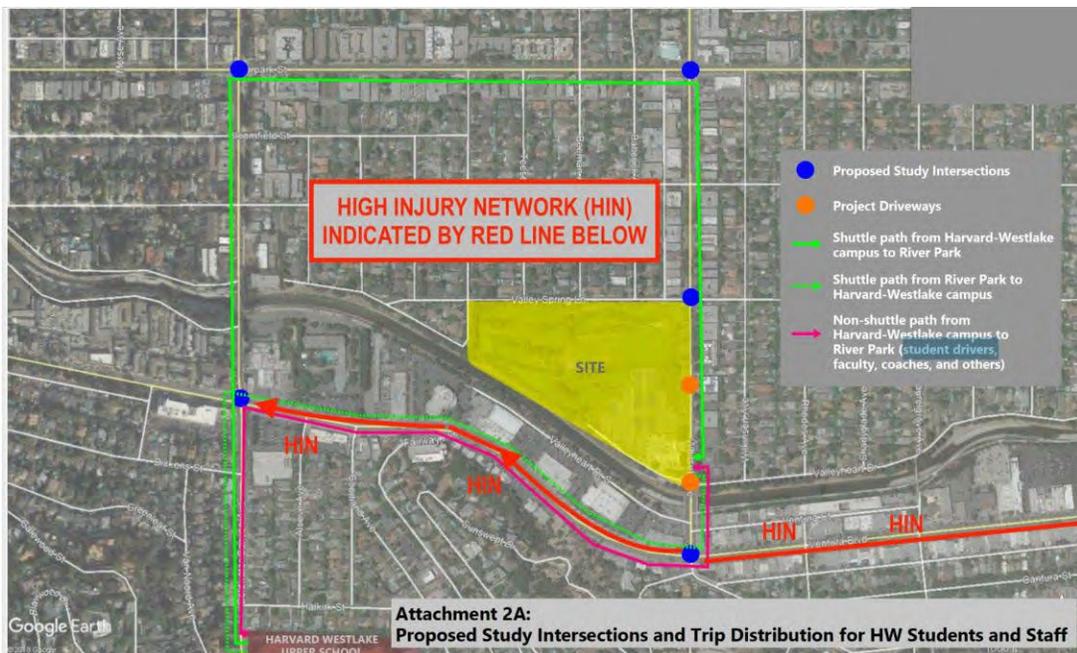
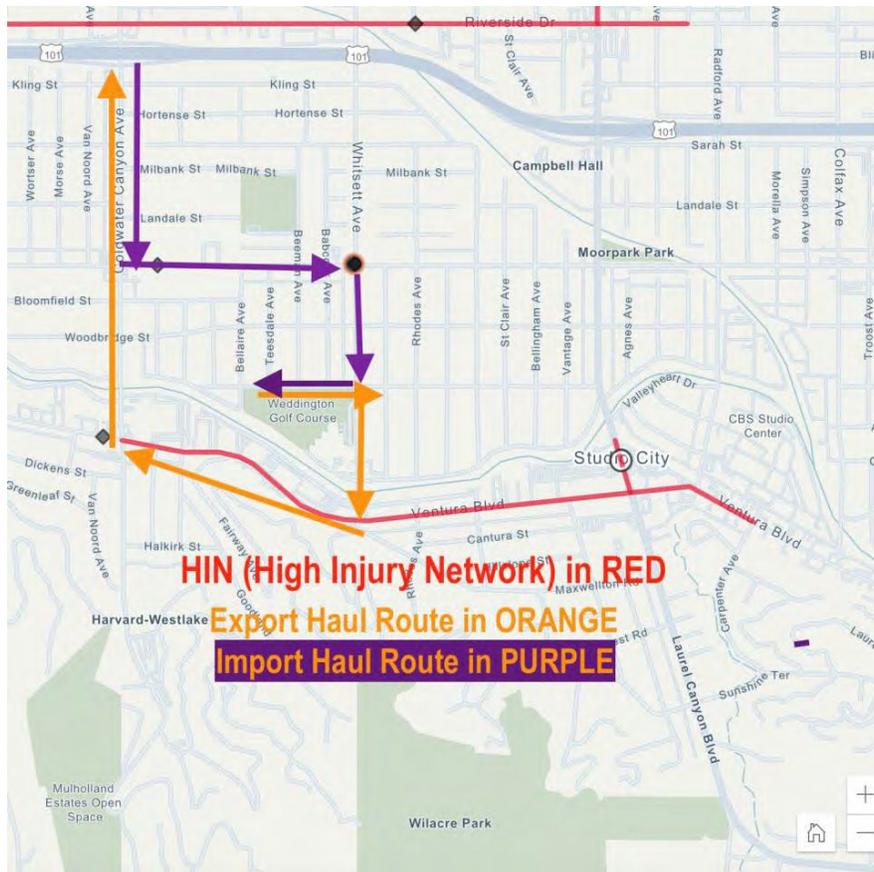
### **8. Safety Impacts**

A report (Attachment 6) performed by Aperture (formerly WEXCO) regarding the Project's safety impacts is included. The Aperture report raises a number of concerning topics, many of which relate to ensuring the safe ingress and egress for emergency services personnel and vehicles at the Los Angeles Fire Department (LAFD) Station 78. First off, the report states that eliminating the Fire Station's relatively exclusive use of Valleyheart Drive and allowing vehicle and pedestrian traffic on Valleyheart Drive to access the Project site and the south driveway is unsafe. It is crucial to note that residents living south of Ventura Boulevard are located in a Very High Fire Hazard Severity Zone (VHFHSZ). Any impacts to emergency services personnel and vehicle response times stemming from the proposed Project may pose a significant threat to the entire Santa Monica Mountains, as any fire in this VHFHSZ can quickly become uncontrolled and spread rapidly.

The report also states that for Project Design Feature TRAF-PDF-2, "the proposed red flashing light solution is not nearly enough" and "manual systems such as those proposed are subject to human error." In light of the fact that the DEIR raises the possibility that increased staffing for existing facilities, additional fire protection facilities, or that relocation of the existing LAFD Station 78 may be needed, "more and other options are needed to address the impacts to the Public Safety relative to the impacts of the construction and proposed project to the LAFD Station 78" (Attachment 6).

In addition, the Aperture report (Attachment 6) asks the Lead Agency if a controlled intersection with a traffic signal is being planned for the north driveway, as this is the only exit point for all 503 underground parking spaces. The report also clarifies that although parking in the neighborhood would not be permitted, the Applicant's security guards do not have the authority to enforce the Vehicle Code or Parking Enforcement, so the proposed enforcement is not truly enforceable. Additionally, the report suggests that all aspects of the Project (construction haul routes, planned student and visitor trip routes, and daily, cumulative traffic impacts) should be examined in light of the Los Angeles Department of Transportation (LADOT)'s High Injury Network (HIN), which designates Ventura Boulevard between Coldwater Canyon Avenue and Carpenter Avenue as a street with one of the City's highest incidences of severe and fatal injury collisions.

Please refer to the two maps below, the first of which illustrates the construction haul routes in the context of the HIN and the second of which illustrates planned student and visitor trip routes in the context of the HIN.



## **Response No. ORG 1C-35**

The comment summarizes the concerns raised by the Aperture report which was also attached to Letter ORG 1B, as well as 1C. The responses to the comments by Aperture are addressed in Response Nos. ORG 1B-171 through 1B-195. In addition, the commenter is referred to Response Nos. ORG 1B-81 through ORG 1B-84, which address emergency access to LAFD Fire Station 78. Note that current revisions to the Project would reduce the capacity of the underground structure from 503 spaces to 386 spaces and the capacity of the above grade parking lot from 29 spaces to 17 spaces for a total of 403 spaces. See Topical Response No. 2 – Modifications to the Project Design and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

## **Comment No. ORG 1C-36**

The Aperture report also raises the possibility of errant sports-related equipment entering roads, like Valley Spring Lane (from the proposed tennis courts) and Whitsett Avenue (from the proposed Field A). Golf balls are found on Valley Spring Lane and Whitsett Avenue now, so it is likely sports-related objects will enter these streets, which could be dangerous (Attachment 7).

## **Response No. ORG 1C-36**

This comment raises the same concerns included in Comment No. ORG 1B-194. As discussed in Response No. ORG 1B-194, the Project Site currently has 16 courts along Whitsett Avenue that are open until 10:00 P.M. daily, compared to the Project which would have 8 courts closing at 9:00 P.M. daily. The potential for errant tennis balls has not been described as an environmental hazard under existing conditions, even though existing tennis courts are proximate to Whitsett Avenue which, according to Mobility Plan 2035, is considered a Major Highway Class II. In addition, fencing along the Project Site's Valley Spring Lane and Whitsett Avenue frontages would reduce the potential for sports equipment to be lost in these streets.

## **Comment No. ORG 1C-37**

Speaking of dangerous roads, the Aperture report suggests that when there are special events, "it is likely that people will park on the east side of Whitsett Avenue and either walk around the block to the nearest cross-street (with currently no crosswalk) or dart

across Whitsett (east to west).” In addition, the street lighting on Whitsett Avenue is not particularly suitable for the increased pedestrian traffic that would be generated by the proposed project (Attachment 7). Potential mitigations proposed would be to eliminate events and allow day-time only usage of the Project site.

### **Response No. ORG 1C-37**

This comment raises the same concerns included in Comment Nos. ORG 1B-186 and 1B-193. As discussed in Response Nos. ORG 1B-186 and ORG 1B-193, these concerns do not raise any issues with respect to the content or adequacy of the Draft EIR and the Project would comply with applicable City lighting regulations. Please also refer to Topical Response No. 4 – Aesthetics, for a discussion of Project lighting and Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the enforcement of on- and off-site parking restrictions.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

### **Comment No. ORG 1C-38**

The DEIR is inadequate because by not including a comprehensive Health Risk Assessment, it has alarmingly failed to consider the health risks to nearby residents (many of which are seniors and children) from construction-related toxics and the cumulative toxic air contaminant (TAC) emissions that include operational emissions. Again, as the Project site is uniquely situated within a residential neighborhood, with some homes as close as 45 feet away, the DEIR must comprehensively analyze all risks to ensure the community’s health and safety. We encourage the Lead Agency to insist on the use of AERMOD to characterize increased health risks of exposures to TACs. A recirculated DEIR (RDEIR) must demonstrate that the Lead Agency considers it a priority to protect public health by including a comprehensive Health Risk Assessment to definitely determine which of the Project’s many impacts are truly significant.

### **Response No. ORG 1C-38**

The comment states that a health risk assessment is required for Project construction and operation. Refer to Response Nos. ORG 1B-77 to 1B-79 and ORG 1B-126, which address this concern.

## Comment No. ORG 1C-39

### 9. Recreation Impacts

The DEIR is inadequate because it fails to explain how different sports offer different opportunities and challenges for different athletes or users. Replacing the current multi-generational sports of golf and tennis with team sports (basketball, football, lacrosse, etc.) that require schedules, practices, and uniforms will dramatically reduce public access for people of all ages and instead, cater to a much smaller demographic of school-aged participants. The DEIR is also defective, since in many instances, it uses “as the crow flies” as a measure, instead of actual measurements.

The assumption in the DEIR that people using the par 3 golf course at Weddington Golf & Tennis will "migrate" to larger, 18-hole courses fails to take into account that seniors and younger children will be excluded by either age or stamina to utilize much larger courses. Also, the increased cost and travel involved will also deprive many of opportunity and access.

## Response No. ORG 1C-39

The comment states that the Draft EIR fails to explain how different sports offer different opportunities and challenges compared to existing conditions. This comment is not related to a CEQA impact. Recreational impacts are analyzed based on the thresholds of significance in Appendix G of the CEQA Guidelines as shown on page IV.L.3-19 of the Draft EIR, and are generally determined in consideration of adverse physical impacts to the environment. The commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a detailed discussion of the Project’s impacts related to recreational facilities, including golf, as applicable to the Appendix G thresholds.

In addition, refer to Topical Response No. 3 - Enforcement of Public Access, in this Final EIR for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

The term “as the crow flies” is used with specific dimensions and is an accepted term to indicate that the measure is a straight line between the origin and destination locations.

Lastly, the analysis of golf course and driving range availability in the Draft EIR does not presume any use at all of full length, 18-hole golf courses, contrary to the commenter’s assertion. Stated conversely, the ability of golfers to reserve tee times at other courses was based exclusively on nine-hole, par-27 courses under the assumption that “golfers would seek out similar nine-hole playing opportunities.” (pages IV.L.3-21 and IV.L.3-22 in Section IV L.3, *Public Services – Parks and Recreation*, of the Draft EIR)

## Comment No. ORG 1C-40

The proposed reduction of publicly-available tennis courts (from 16 to 8) will restrict the ability of Southern California community members to learn and play tennis. Since the early 1970s, Weddington's courts have served as a teaching hub, with pros offering instruction to beginners and experienced players, alike. Approximately 100,000 Angelenos of all backgrounds and from across the San Fernando Valley and City of Los Angeles (according to a survey in the DEIR, tennis players at Weddington are widely distributed and originate from 74 regional ZIP codes) use Weddington Golf & Tennis each year. If the proposed development is approved (for the primary benefit of approximately 800 Harvard-Westlake School students), tens of thousands of community members will be forced to relocate to continue playing tennis or may simply stop playing tennis altogether. We urge City Planning to consider this question: Is privatizing spaces that have been open to the public for nearly 70 years, for the limited use of a select few, really in the best interest of the City and its residents?

Although the DEIR lists alternate "tennis courts in the East San Fernando Valley available to the public," the average number of courts at those facilities is less than five, which fails to account for the fact that associations and leagues cannot utilize so few courts at these facilities. A greater number of courts for tournaments, like the 16 at Weddington, is needed for association and league use (Attachment 8, Attachment 9). More importantly, City facilities do not permit the block reservations utilized by pros, associations, and leagues as are currently allowed at Weddington.

The DEIR claims the proposed Project would be able to continue to host league matches "as under existing conditions"; however, this is false. Associations and leagues need, on average, greater than 4 courts per facility at a time for tournaments. And, they are already starved for courts (Attachment 9). How could the proposed Project continue to host associations when only eight courts are being proposed and historical precedent reveals a single organization cannot book all the courts at once? (Some courts need to remain available for non-association/league public use).

In addition, there is only a tepid acknowledgement in the DEIR that "the reduction in tennis courts from 16 to 8 available to the public and hours of use during weekdays and Saturdays when the courts would be used by the School, indicates that some tennis players would either need to conduct their tennis activities at other times of the day or other days when there is ample court availability, than under existing conditions, or relocate to other tennis facilities in the area." The Project will result in the displacement of thousands of tennis players, much to the detriment of the community.

The DEIR Table IV.L.3-6's comparison between existing average use versus future project capacity is extremely misleading and requires clarification in a recirculated DEIR (RDEIR). The table is not comparing apples to apples. If it was, it would be comparing existing capacity to future capacity. Instead, it is comparing existing average use to future

capacity. Of course, it is obvious that capacity and opportunity for play would be greater with the existing 16 courts versus the proposed 8 courts.

### **Response No. ORG 1C-40**

The comment states that the Project's proposed reduction of publicly-available tennis courts (from 16 to 8) will restrict the ability of Southern California community members to learn and play tennis. Please refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public, including tournament play, as under existing conditions. For additional discussion of the availability of the tennis courts to meet public and organizational needs, including tournaments, refer to Response Nos. ORG 15-6 to ORG 15-8. As discussed within these responses, the Project's eight (8) tennis courts could accommodate the existing average number of weekly tennis sessions. However, it is acknowledged that, as discussed on pages IV.L.3-20 and IV.L.3-25 in Section IV.L.3 of the Draft EIR, available capacity of the future onsite tennis courts could depend on the willingness of existing players to shift their preferred hours of use. Although this could cause inconvenience to some players, those who have preferred hours not available at the Project Site have other tennis court choices throughout the local area. The choice of some existing players to relocate to off-site courts would not increase demand at off-site tennis facilities that would cause significant deterioration nor require the construction of new facilities.

### **Comment No. ORG 1C-41**

Finally, in the DEIR, there are multiple disclaimers and pre-conditions for use of the proposed project's facilities, including access to facilities "when not in use by School," "for pre-approved Studio City-based organizations," and "for pre-approved swim program members." These limitations are in stark contrast to the publicly available amenities at Weddington Golf & Tennis, which have always been open to all community members without restrictions of any kind at any time.

### **Response No. ORG 1C-41**

The comment speculates that the requirements for use of the tennis courts would make it difficult for the commenter's organization to use the facilities and states that there are currently no restrictions on their use of the tennis courts. This assertion does not present any facts to support a contention that the Draft EIR's analysis of Project impacts to recreational facilities is inadequate; therefore, no further response is necessary. Nonetheless, see Response No. ORG 15-8 which indicates that the Project would have adequate capacity to accommodate the current weekly number of tennis court sessions as the existing Weddington Golf & Tennis facility. In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access, the rationale and mechanism by which public groups may be pre-approved, and use of the Project Site, including tennis facility use, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

## Comment No. ORG 1C-42

### 10. Cultural Resources

The DEIR is defective because it fails to address the impacts of the Project on a character-defining feature of the Project site (the golf course) and fails to identify significant Project-related historic resource impacts.

First, the DEIR Historic Resources Technical Report Figure 3 fails to identify the Weddington Golf & Tennis facility or Project site as a Designated Historic-Cultural Monument or SurveyLA Identified Historic Resource. The figure needs to clearly identify if the Project site is a Designated Historic-Cultural Monument or SurveyLA Identified Historic Resources.

The DEIR also fails to reference the existing lawsuit filed against the City of Los Angeles (Superior Court of California, County of Los Angeles Case Number: 21STCP04158) regarding the suspicious, last-minute removal (without evidence, as required by law) of historically and culturally significant terms from the final Historic-Cultural Monument (HCM) designation determination. The essential defining terms “golf club” and “golf course” were improperly removed at the last minute during the final vote for the designation. The revised findings inappropriately limit the scope of the HCM designation and do not honor the full history, heritage, culture, and experience of Weddington Golf & Tennis. We are also gravely concerned about any precedent this may set for Los Angeles preservation moving forward.

The DEIR asserts that “the Project would not result in a substantial adverse change in the significance of a historical resource” because “the Project site would remain a private recreational facility open for public use in Studio City, and the character defining features of the HCM, specifically the clubhouse, putting green, golf ball-shaped light standards, and brick wall with weeping mortar, would all be retained such that the Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility.” However, this rationale would need to be revised if the City is instructed to correct its oversight and amend its HCM designation for Weddington Golf & Tennis.

The DEIR underestimates the historic quality of the entire Weddington Golf & Tennis subject property, relegating the value of historic resources to only the putting green, clubhouse, and golf ball light standards. It is likely that numerous mitigation measures will be required to protect the golf course and driving range from significant, irreparable damage to their historic nature. As a result, the DEIR cannot accurately assess the Project site’s historic and cultural landscape until the scope of character-defining features is revised. Future City Planning analyses need to be delayed until more definitive mitigation measures for historic preservation are identified.

## Response No. ORG 1C-42

The comment contends that the Draft EIR is defective because it fails to address the impacts of the Project on what the commenter perceives as a character-defining feature of the Project site (the golf course and driving range) and fails to identify significant Project-related historical resource impacts. The comment raises concerns related to the Project Site's HCM designation, a lawsuit filed against the City regarding the HCM designation, and potential for mitigation measures from a future lawsuit. The commenter is referred to Response Nos. ORG 1B-165 to ORG 1B-168 which address concerns related to cultural resources impacts raised in this comment.

## Comment No. ORG 1C-43

### 11. Land Use Compatibility/Impacts to Open Space Land

Only after receiving numerous zone variances and a Conditional Use Permit (CUP), would the Project be compatible with the current A1-1XL-RIO zone. Although there is brief mention that the Biological Study Area “may facilitate wildlife movement between these two areas that support higher quality resources for wildlife” (referring to Griffith Park/Bette Davis Picnic Area and Sepulveda Dam) and “could serve as patch habitat along the river and provide some habitat value to urban-adapted wildlife species and may support live-in and movement habitat for species on a local scale,” more information is needed in a recirculated DEIR (RDEIR) to describe the importance of so-called “habitat patches.” This is needed, especially in light of research that has shown that preserving smaller isolated patches is more beneficial than contiguous tracts.<sup>36</sup>

Also, please refer to the two renderings below, both of which illustrate just how intrusive the Project components would be in a largely residential neighborhood.

<sup>36</sup> Available at: <https://www.pnas.org/doi/epdf/10.1073/pnas.1813051115>



## Response No. ORG 1C-43

This comment expresses concerns about the approvals being requested for the Project. The Project Site is zoned A1-1XL-RIO. The “A1” zone, which allows one-family dwellings, parks, golf courses, and farming among other uses, and also permits a school use with a

conditional use permit.<sup>76</sup> LAMC Section 12.24.T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a conditional use permit (CUP). Most private schools in the City operate under a CUP (public schools are not subject to the City's zoning code). Therefore, the Project's application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site's existing zoning or the City's Zoning Code.

The comment also expresses concerns regarding wildlife movement and provides renderings to illustrate "how intrusive the Project components would be in a largely residential neighborhood." These renderings are provided as a reflection of the commenter's opinion on the compatibility of the Project with the neighboring residential uses, as well as support for the commenter's concern regarding habitat connectivity and wildlife corridors.

As stated on page IV.C-45 under the heading of *Wildlife Movement and Corridors* of the DEIR, it is acknowledged that the Biological Study Area supports limited potential live-in and marginal movement habitat for species on a local scale (i.e., some reptile, bird, and small mammal species, such as squirrels) but does not facilitate wildlife movement for species on a regional scale and is not identified as a regionally important dispersal or seasonal migration corridor. Thus, although not a regional wildlife movement corridor, the Draft EIR recognizes that local movement and live-in habitat occurs on-site, albeit limited. For a more in-depth discussion of the *Wildlife Movement and Corridors* analysis, see Appendix D of the Draft EIR, Biological Resources Documentation, which includes the Biological Resources Technical Report prepared by ESA that describes the rationale for characterizing the Biological Study Area as having limited potential live-in and marginal movement habitat for species on a local scale (e.g., surrounding existing development, lack of native food sources, non-native ornamental trees, area subjected to frequent human disturbance due to operation of the golf course and tennis center; pages 27 to 28 [PDF pages 35 to 36 of 394]).

## **Comment No. ORG 1C-44**

### ***Story Poles and Transparency of Project's Scale***

In an effort to make the Project known to the community-at-large, including all motorists who travel along Whitsett Avenue, and all residents included in our Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan, Save Weddington requests the erection of story poles. These markers are regularly used in other municipalities to make the public aware of the scale and scope of a proposed development project. There is also precedent for the use of story poles in Harvard-Westlake's previously proposed failed development plan (ENV-2013-0150- EIR), which was also supported by the local Studio City Neighborhood Council (SCNC) and the Studio City Residents Association

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<sup>76</sup> Los Angeles Municipal Code (LAMC) Section 12.05.A (A1 Zone defined uses).

(SCRA). The Lead Agency, along with Councilmember Raman, should require the Applicant to erect story poles that visually demonstrate all components of the Project. The story pole demonstration must be erected as soon as possible to alert citizens of what might happen to this irreplaceable green open space if the Project is permitted to move forward.

### **Response No. ORG 1C-44**

The comment requests that the School hire a professional company to install “story poles.” The proposed “story poles” could be requested at the discretion of the Project’s decision makers but are not a part of the Project evaluated in the Draft EIR, nor are they required by or related to any impacts evaluated in the Draft EIR. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. ORG 1C-45**

#### **12. Study Area and Alternative Sites**

In a re-circulated DEIR (RDEIR), the Study Area radius for including sensitive receptors and identifying potential alternative sites must be expanded. Although it remains unclear from which exact point of the 16-acre Weddington Golf & Tennis site the 0.5 mile radius emanates from, regardless, the Study Area Radius must be expanded due to the many concerns this Project raises for the immediate neighborhood around the Weddington Golf & Tennis site, as well as the greater Studio City community. The DEIR uses differing Study Area radii, with a 0.5 mile radius being used in some instances and a 1 mile radius being used in others, as evidenced in Figure 3 of the Historic Resources Technical Report. [See Figure 3 in the original comment letter included Appendix A of this Draft EIR].

As the Study Area radius for many projects is arbitrarily decided, we propose utilizing an established, relevant distance. For example, this may include the distance between the two existing Harvard-Westlake School campuses (since the Project is being considered a third campus) or, at the very least, the distance between the upper school campus and the Project site or between the Project site and the US-101 Highway at the Coldwater Canyon Avenue on-ramp/off-ramp (which is the origination point in the preliminary projected haul route in the DEIR). The shortest route (which utilizes Coldwater Canyon) between the Applicant’s two existing campuses [(700 North Faring Road, Los Angeles, CA 90077) and (3700 Coldwater Canyon Avenue, Studio City, CA 91604)] has a distance of 6.5 miles. The distance between the upper school campus and Weddington Golf & Tennis utilizing the Applicant’s prescribed transportation route is 1.3 miles. The distance between the Project site and the US-101 Highway at the Coldwater Canyon on- ramp/off-ramp is 1.2 miles.

## Response No. ORG 1C-45

The comment requests an increase in the size of the Project Study Area. The comment does not support the request for an expanded study area with pertinent information or facts. It is unclear what study area the comment is referring to as the Draft EIR's analysis of environmental impact category is determined by the potential impact, consistent with CEQA and the Department of City Planning's practice. For example, while the Cultural Resources Technical Study, Appendix C, of the Draft EIR, researched resources within one mile of the Project Site, the Air Quality analysis covers the South Coast Air Quality basin, and the Noise analysis includes a discussion of off-site construction traffic noise, which includes the truck haul route. If this comment is related to the list of related projects in Chapter 3, *Environmental Setting*, of the Draft EIR, a consideration of the list of related projects is included as part of the cumulative analyses provided for each environmental impact category analyzed in the Draft EIR. As discussed on page III-4 of the Draft EIR, CEQA Guidelines Section 15130(b) provides that the discussion of cumulative impacts reflect "the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great of detail as is provided for the effects attributable to the project alone." Rather, the discussion is to "be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute." Cumulative study areas are defined based on an analysis of the geographical scope relevant to each particular environmental issue. Therefore, the cumulative study area for each individual environmental impact issue may vary. For example, a cumulative land use impact generally may only affect the compatibility of uses within the vicinity of the project site, while a cumulative air quality impact may affect the entire South Coast Air Basin. The specific boundaries and the projected growth within those boundaries for the cumulative study area of each environmental issue are identified in the applicable environmental impact category section in Chapter IV, *Environmental Impact Analysis*, of this Draft EIR.

The Project's related project's list is determined by the LADOT according to procedures set forth in the LADOT's TAG. According to the TAG, the Draft EIR Study Area for major projects in the City of Los Angeles is based on a one-half mile radius of the Project Site plus one-quarter mile from the farthest outlying intersection.

Further, the concern in the comment that an increase in the Study Area would increase environmental impacts to sensitive receptors does not reasonably reflect CEQA analysis procedures. Under CEQA analysis procedures, impacts to the nearest sensitive receptors typically result in the worst-case or conservative scenario with respect to CEQA impact thresholds. The worst-case scenarios are more likely to reveal a project's most severe and most likely environmental impacts. As evaluated in detail in the Draft EIR, the Project would result in significant and unavoidable impacts related to construction noise and vibration. More distant receptors beyond those evaluated in the Draft EIR would experience decreased or no impacts compared to those evaluated and disclosed in the Draft EIR. All other potential impacts identified for evaluation in the Draft EIR were either determined to be less than significant or were mitigated to less-than-significant levels.

Under CEQA, adverse impacts to one receptor or exceedance of one threshold identifies a significant impact that must be mitigated as feasible. The Draft EIR complies with all CEQA procedural requirements in this regard. An increase in the study area (or list of related projects) would not substantially increase or result in new Project-level or cumulative environmental impacts, nor change the findings of the Draft EIR.

### **Comment No. ORG 1C-46**

The DEIR is woefully inadequate in its production of alternatives to the Project. There is no evidence of true effort made to identify viable alternatives. Additionally, none of the four alternatives to the Project listed in the DEIR are good-faith attempts to incorporate the community's true concerns. The alternatives listed are extremes and do not represent the Applicant's ability to truly value the community's concerns and compromise with a Project plan that would be supported by both the Applicant and the greater Studio City, San Fernando Valley, and Los Angeles community.

Although the DEIR claims that "in order for the Project to satisfy the Project Objectives, a property would need to be of sufficient size to accommodate two playing fields, tennis courts, a pool, all with respective bleachers, and a gymnasium that would provide for recreational practice and instruction, as well as allow for competitive meets with available spectator seating and adequate onsite parking to preclude off-site parking." If the athletics-related Project Objective that is being referenced is to "develop a state-of-the-art indoor and outdoor athletic and recreational facility to support the School's existing athletic programs and co-curricular activities, including basketball, soccer, football, track and field, tennis, swim, water polo, volleyball, fencing, weight training, dance, yoga, physical fitness, and wrestling programs," wouldn't the Applicant's existing facilities suffice and allow for this Project Objective to be met?

The DEIR inadequately explains the need for the Applicant's Project Objectives and inadequately describes why an additional campus is required, considering the fact that the Applicant's current campuses already meet stated Project Objectives. The Applicant can also refer to and consult with three other similar, nearby schools (Campbell Hall, Notre Dame High School, and The Buckley School) that all operate fewer athletic facilities for roughly the same number of students.

As described above, considering the fact that, excluding the Project site, the Applicant already has two athletic fields, two swimming pools, two gymnasiums, two sports performance centers, two baseball/softball fields, and eight tennis courts, it seems like the Applicant has enough facilities to satisfy the Project Objective in question.

### **Response No. ORG 1C-46**

This comment expresses concerns regarding the adequacy of the alternatives analyzed in the Draft EIR and questions the need for the Project in consideration of the School's existing Upper Campus school facilities. For detailed discussions of the Project's adequacy of alternatives and Project objectives in the Draft EIR, refer to Response Nos.

ORG 1B-104, 1B-105, ORG 1B-106 and ORG 7A-146 to ORG 7A-176. Please also refer to Topical Response No. 13 - Need for Project (Non-CEQA), for a discussion of the existing, space-constrained athletic and recreational facilities on the School's Upper School campus.

### **Comment No. ORG 1C-47**

An alternative that was rejected from further analysis was the use of natural turf fields instead of the Project's artificial turf fields. The DEIR claims that "this alternative was considered to result in a much higher water demand than the Project"; however, mathematical modeling has shown that the use of water to irrigate natural turf is comparable to the amount of water required to cool artificial turf."<sup>21</sup>[sic] Therefore, a recirculated DEIR (RDEIR) must examine this alternative.

<sup>37</sup> Available at: <https://auduboninternational.org/acsp-for-golf/>

### **Response No. ORG 1C-47**

The comment states that the use of natural turf fields instead of the Project's artificial turf fields was rejected from further analysis as an alternative. The fact is that no irrigation lines will be run to the artificial turf fields and, furthermore, the School's existing artificial turf field on its Upper School campus is not irrigated. Thus, irrigation water will not be used on the artificial turf fields. Moreover, pursuant to CEQA Guidelines Section, 15126.6, an EIR need not consider all possible alternatives, only a range of reasonable alternatives that seek to lessen the Project's significant impacts. As fully discussed in the Draft EIR, the Project's significant impacts would only occur during construction activities. Accordingly, the suggested alternative is not warranted. Thus, a recirculated Draft EIR to address concerns raised in this comment is not necessary.

### **Comment No. ORG 1C-48**

While all of the alternatives in the DEIR are insufficient, Alternative 3 is particularly shocking because of the proposed placement of a 239 parking space parking lot in the northwest corner of the Project site - less than 45 feet away from a residential neighborhood with single family homes. This alternative is also in direct contradiction with the Applicant's stated commitment to preserving the "the community's desires by maintaining the tranquility of the property," which was stated in Councilmember Krekorian's 2017 letter to the community (Attachment 2). Of note, the "No Project/No Build" alternative is considered the overall environmentally superior alternative.

### **Response No. ORG 1C-48**

The comment asserts that all the Project Alternatives are insufficient and that, in particular, Alternative 3 would not preserve the community's desire to maintain the tranquility of the Project Site. The comment does not contain facts which support the assertion that the alternatives analysis in the Draft EIR is inadequate. Moreover, the

selection of Alternative 3 is based on CEQA Section 15126.6, which is to feasibly attain most of the objectives of the Project while avoiding or reducing any of the significant effects of the Project. Alternative 3 was selected to reduce the Project's significant and unavoidable excavation and grading noise impacts. The community's desire that the privately-owned Project Site maintain the tranquility of the property is not an impact on the environment which must be analyzed in an EIR nor is the term well-defined in the comment. For the purpose of the Draft EIR, the standard for evaluating project impacts is the goal of reducing or maintaining environmental impacts at less than significant levels. The evaluation of alternatives is to compare the alternatives to the Project and to determine if the alternative would reduce significant impacts or potentially result in secondary effects.

### **Comment No. ORG 1C-49**

Several recommendations for alternatives are described below, each of which City Planning must seriously consider in lieu of the Project.

- The Applicant could partake in a land swap with Los Angeles Valley College (LAVC). The Applicant could build everything that is currently included in the current Project plans and Weddington Golf & Tennis would become part of the City of Los Angeles Department of Recreation and Parks and be open to the public in perpetuity. Also, there is already precedent for Harvard-Westlake School sharing facilities with LAVC, as the School refurbished the eight Tribull Tennis Courts at LAVC and has previously used these facilities for its tennis operations. If the land swap is pursued and completed, the Applicant would not take a beloved asset away from the community, but rather, provide for the community by improving the facilities at LAVC.
  - Improvements to the current golf course could be pursued, such as using recycled water, changing turf types, reducing the amount of fertilizer and pesticides used, pursuing regenerative practices, and receiving designation in the Audubon Cooperative Sanctuary Program for Golf Courses.<sup>37</sup> Due to its existing, mature urban tree canopy, Weddington Golf & Tennis is home to many species, but with Audubon's guidelines and assistance, could become a leader in the movement to balance biological needs with recreational desires by enhancing wildlife and habitat management, enhancing water conservation and water quality management, and reducing chemical use.
  - Although the Applicant has claimed that the Project site, in its current use, is no longer financially viable, the Applicant's 990 Tax Returns (which are available to the public, as the School has non-profit status) refute this claim. The Weddington Golf & Tennis facility has been extremely busy over the last few years and the facility generates sufficient income to cover the operation of the facility, which again, is described in the Applicant's 990 Tax Returns.

## Response No. ORG 1C-49

The comment suggests an alternative be considered which involves a land swap with LAVC, while providing improvements to the existing Weddington Golf and Tennis facility. The comment also makes unsubstantiated reference to the financial viability of the existing Weddington Golf and Tennis facility. The commenter is referred to Response No. ORG 1B-106 which addresses LAVC as an alternative site.

Regarding alternatives that would require the School to remodel or otherwise upgrade or improve the existing facilities on the Project Site, not only are such alternatives not required by CEQA but the City cannot compel the School to continue operation of the current uses. Specifically, the Property was purchased by the School in 2017 and the School is under no obligation to continue current operation. The School has indicated a willingness to do so, however, while the Project undergoes environmental review by the City. Also, please refer to Topical Response No. 13 - Need for Project (Non-CEQA), which discusses why the continuation of Weddington Golf & Tennis facility would not be feasible.

## Comment No. ORG 1C-50

- The Applicant could partake in a land swap next to its current baseball and softball facilities (O'Malley Family Field and Encino-Sherman Oaks Softball Facility at Encino Franklin Fields) on City-owned land at Balboa Park. The Applicant could maintain its baseball and softball fields and build some or all of its proposed Project on directly-adjacent land. However, as proponents of true green open space, we would advocate for the new Project site to preserve as much permeable parkland as possible. Then, Weddington Golf & Tennis would become part of the City of Los Angeles Department of Recreation and Parks and be open to the public in perpetuity.

## Response No. ORG 1C-50

The comment suggests a land swap next to its current baseball and softball facilities (O'Malley Family Field and Encino-Sherman Oaks Softball Facility at Encino Franklin Fields) on City-owned land at Balboa Park as an Alternative to the Project. The alternative site included in this comment would not satisfy the Project Objectives. The reasons that alternative sites were considered and rejected is provided in Section V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Section V, no other location with adequate acreage and topography exists within proximity to the Upper School campus.

Balboa Park is also located within an urban area surrounded by residential land uses and would not reduce the significant and unavoidable impacts of the Project. While the School's golf team may use this site, this site is located approximately 7.0 miles from the Upper School campus and additional shuttles for additional student use would result in greater VMT impacts than the Project Site, located approximately 1.5 miles from the Upper School campus.

### **Comment No. ORG 1C-51**

- The Applicant could scale down the Project to focus on the southern part of the property, thus reducing many of the most egregious impacts to the community and preserving a significant portion of the property for its historic use (golf and tennis) for a wide demographic. The Applicant could use their current surface level parking lots to build another gymnasium and utilize underground parking. Then, the Applicant could reduce the number of proposed Project fields to one (the smaller field) on the Project site, since the Applicant already has a field and track stadium on its upper school campus. Any way a potential Project is configured, it would cause significant impacts to community members (either to the immediate north, immediate west, east of Whitsett Avenue, or south of Ventura Boulevard). Therefore, the Project must be rejected for the benefit of all community members.

### **Response No. ORG 1C-51**

The comment suggests that the Project would result in egregious impacts in the northern part of the Project Site. This statement and further statements that the Project would result in significant operational impacts are inconsistent with the findings of the Draft EIR and are not supported by facts. Because the statement does not provide any evidence to refute the findings of the Draft EIR, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 1C-52**

- No additional parking at the Project site (retaining the existing lot), with students and visitors utilizing shuttle bus services or parking at the Studio City public parking lot (12225 Ventura Boulevard Studio City, CA 91604) and walking a short distance to the Project site.

### **Response No. ORG 1C-52**

The comment suggests an alternative that would retain the existing parking lot and eliminate the Project's parking program. It is assumed that the commenter is suggesting this as an alternative to eliminate impacts to the single-family residential neighborhood immediately north of the Project Site. See Topical Response No. 9 - Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic impacts and parking. As discussed therein, all parking for the Project would be provided on-site. No off-site parking would be permitted. As such, the evaluation or implementation of this

recommended alternative is not necessary. Because the statement does not provide any evidence to refute the findings of the Draft EIR, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 1C-53**

- Reduction in Project's proposed 532 parking spaces, 88 more than legally required. Alternatives should focus on decreasing the number of parking spaces at the Project site, as the concept of reliance on cars is steeped in the past, not the future.

### **Response No. ORG 1C-53**

The comment suggests that alternatives should focus on reducing the number of parking spaces. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The commenter is also referred to Response No. ORG 1C-46 which discusses the adequacy of the Draft EIR's alternatives analysis.

In addition, in consideration of public comments inquiring about the Project's parking features, modifications to the Project design would reduce the capacity of the underground parking structure from 503 spaces to 386 spaces and the capacity of the above grade parking lot from 29 spaces to 17 spaces for a total of 403 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which discuss and reflect these changes to the Project design.

### **Comment No. ORG 1C-54**

- Re-location of tennis courts and/or pool on top of the gymnasium, thus enabling the retention of more green open space that the community is requesting. The preservation of more open space would inherently serve as a mitigation measure, reducing aesthetic, noise, and excavation disturbances, etc. One specific recommendation that community members have proposed is preserving the strip of land on the northern edge of the Project site along Valley Spring Lane from Bellaire Avenue to Whitsett Ave (golf course 9th hole, 2nd hole, and 3rd hole tee), which would provide a buffer between the residential neighborhood and the Project. The retention of more open space acreage to form a truly contiguous green space park might then finally justify the Applicant's Project site name of "River Park."

### **Response No. ORG 1C-54**

The comment suggests relocating athletic facilities to the roof of the gymnasium building. Since the Project would not result in any significant operational impacts, the evaluation of

an alternative that provides additional open space is not necessary from a CEQA perspective. The site plan does include a trail and landscaping along the northern Project Site edge between Valley Spring Avenue and the Project's recreational facilities, with setbacks of up to 100 feet as compared to the City-required 25 feet along Valley Spring Lane.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 1C-55**

Any way a potential Project is configured, it would cause significant impacts to community members (either to the immediate north, immediate west, east of Whitsett Avenue, or south of Ventura Boulevard). Therefore, the Project must be rejected for the benefit of all community members.

### **Response No. ORG 1C-55**

The comment states that any way the Project could be configured, other than status quo preservation of golf and tennis, would cause significant impacts to community members and must be rejected. This comment, however, does not provide evidence of significant impacts consistent with the analyses in the Draft EIR. As discussed therein, the Project would potentially result in significant noise and vibration impacts associated with the Project's construction activities. However, operational impacts would all be less than significant with mitigation (as applicable).

This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 1C-56**

## **13. Discretionary Actions/Entitlements That Negatively Affect Local Community**

The DEIR is inadequate since the requested entitlements will not mitigate significant environmental impacts. Since said entitlements fail to address the negative impacts, they must not be granted. Save Weddington is extremely concerned about the numerous, far-reaching entitlements that the Applicant seeks as part of its proposed development project, including:

- Pursuant to LAMC Section 12.24, a Vesting Conditional Use Permit (CUP) to allow the operation of a private school athletic and recreational campus in the A1 zone.
- Two (2) 50-foot light poles on the east and west side of the pool facility (in lieu of the LAMC Section 12.21.A-1 required 30-foot maximum height limitation for buildings or structures in the A1-1XL-RIO zone, with "XL" signifying an "Extra Limited Height District").

- Three (3) 60-foot light poles on the north side of Field B (in lieu of the LAMC Section 12.21.A-1 required 30-foot maximum height limitation for buildings or structures in the A1-1XL-RIO zone, with “XL” signifying an “Extra Limited Height District”).
- One (1) 50-foot light pole on the west side, and one (1) 50-foot light pole on the east side, of Field B ((in lieu of the LAMC Section 12.21.A-1 required 30-foot maximum height limitation for buildings or structures in the A1-1XL-RIO zone, with “XL” signifying an “Extra Limited Height District”).
- Three (3) 80-foot light poles on the south side of Field B (in lieu of the LAMC Section 12.21.A-1 required 30-foot maximum height limitation for buildings or structures in the A1-1XL-RIO zone, with “XL” signifying an “Extra Limited Height District”).
- Three (3) 60-foot light poles on the west side, and three (3) 60-foot light poles on the east side, of Field A (in lieu of the LAMC Section 12.21.A-1 required 30-foot maximum height limitation for buildings or structures in the A1-1XL-RIO zone, with “XL” signifying an “Extra Limited Height District”).
- Twelve (12) 50-foot light poles located on all four sides of the proposed tennis courts (in lieu of the LAMC Section 12.21.A-1 required 30-foot maximum height limitation for buildings or structures in the A1-1XL-RIO zone, with “XL” signifying an “Extra Limited Height District”).
- 10-foot privacy walls along Whitsett Ave (in lieu of the 8-foot maximum height limitation for fences and walls in side yards and the 6-foot maximum height limitation for fences and walls in front yards in the A1-1XL-RIO zone).
- 11-foot privacy walls along Valley Spring Lane and Bellaire Ave (in lieu of the 8-foot maximum height limitation for fences and walls in side yards and the 6-foot maximum height limitation for fences and walls in front yards in the A1-1XL-RIO zone).

### **Response No. ORG 1C-56**

The comment states that the Draft EIR is inadequate because the Project’s requested permits and approvals would not mitigate impacts. The purpose of the permits and approvals is to establish key construction and operational requirements for the Project under a CUP. These are not intended as mitigation measures. The approvals being sought in themselves would not result in significant environmental impacts.

### **Comment No. ORG 1C-57**

The Conditional Use Permit (CUP) required for Project operations should not be granted, since, per LAMC Section 12.24, the following conditions are not satisfied:

- that the Project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;

- that the Project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
- that the Project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

### **Response No. ORG 1C-57**

The comment states the CUP for the Project should not be granted and cites conditions which are not satisfied. Similar issues are raised in Comment No. ORG 9-22. As discussed in detail in Response No. ORG 9-22, the Draft EIR concluded after detailed analysis that the Project would not result in significant operational impacts; degrade the community with respect to location, size, height, operations and other significant features that would impact public health, welfare, and safety; and that it would not conflict with the objectives of the General Plan or Community Plan. As such, the Project would meet the requirements (findings) required for the granting of a CUP for school-related uses.

### **Comment No. ORG 1C-58**

The DEIR is inadequate because it fails to address the continued expansion efforts by the Applicant. Based on past precedent of the Applicant's proposed expansion initiatives, Save Weddington requests (a) presentation, circulation, and certification of a long-term Harvard- Westlake School master strategic plan; (b) that the Project may only operate using a comprehensive Conditional Use Permit (CUP) that covers all three Harvard-Westlake School campuses; and (c) a 25-year building moratorium. During the Applicant's previous proposed failed development plan (ENV-2013-0150-EIR), it was explained that "Despite receiving permits based on enrollment at much lower numbers than the Applicant currently has, the Applicant has continued to increase enrollment since 1992, and alleges that they are not subject to an enrollment cap. Obviously, should the Project go forward, the Applicant must be held to an enforceable and clear enrollment cap at the current level of enrollment" (Attachment 3). Save Weddington agrees with the sentiment outlined by Save Coldwater Canyon!. Thus far, the Applicant has not linked the proposed Project to other plans for construction at either of its two other campuses. If the Applicant is discovered to be developing in a piecemeal manner, this would amount to unlawful segmentation: without a plan, segmentation is not permissible. In fact, it is illegal to divide a project with potentially significant impacts into smaller components so that when reviewed separately, the smaller components are not likely to represent significant impacts (Court Street Development Project, LLC v Utica Urban Renewal Agency; Sandora v City of New York). In various instances through the DEIR, the Project is referred to as the "Harvard-Westlake River Park Campus." The DEIR proposes the construction of Project facilities not only for athletics, but for educational opportunities, as well - even going so far to explain that, for example, inside the proposed gymnasium, there would be "flex-meeting spaces for ... students to do homework." Clearly, the proposed athletic and educational operational uses are connected and intertwined. If the

Project is approved and the site does indeed serve as a third campus, a comprehensive CUP would be needed to prevent continual shifting of operations and the Applicant must operate its three campuses under that single CUP.

### **Response No. ORG 1C-58**

The comment states that the Draft EIR is inadequate because it does not evaluate any future, potential expansion by the School. The comment further requests preparation of a Master Plan, a CUP covering all three of the Schools' campuses, and a 25-year building moratorium. This comment does not address the adequacy of the Draft EIR and, as such, no further response is necessary.

Nonetheless, LAMC Sec.12.24.T.3(b) permits schools and school-related facilities within an agricultural (A) zone under a Vesting Conditional Use Permit (CUP). A CUP is attached to a specific property and not to off-site facilities using the property. No changes are anticipated at the Harvard Westlake Middle or Upper Campuses as a result of the Project and, further, the CUP can limit the use of the Project Site as specifically described in the Draft EIR. The Project is intended in part for Harvard-Westlake students to meet and join in a range of simultaneous athletic and recreational activities and intramural sports during a prescribed time-frame primarily after school hours. The Project is also intended as a facility that can be used by the public in accordance with the objectives of the Project cited in Chapter II, *Project Description*, of the Draft EIR. The CUP, if approved, would allow the Project as described in the Draft EIR, along with any corrections/additions, included in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. With conditions of approval that establish the specific use of the Project, the Project would not lead to additional activities at the existing campuses that would result in the expansion or change in operations or growth that would result in potential environmental impacts not identified in the Draft EIR. As such, there is no purpose, or legal justification, for the Department of City Planning to require a Master Plan, agreement to any moratoriums, or preparation of detailed transportation demand management (TDM) plans for the Project Site and both campuses. It is also noted that TDM applies to reductions in commuting vehicle trips through various measures, such as carpooling, shuttling, and use of transit. The comment does not demonstrate that the proposed CUP would not adequately limit or define the range of activities and use of the Project Site. In addition, the range of activities at the Project Site does not indicate any necessary or implied changes in existing activities at the Upper School and Middle School campuses that would require a moratorium on growth or need to be addressed in the Draft EIR. Under existing conditions, students from the Middle School already commute after school to the Upper School campus for sports activities. This activity would not change, except that these students would likely carpool with older students or take School-provided shuttles to the Project Site from the Upper School campus. Large events also currently take place at the Upper School campus that require on-site parking (see Chapter II, *Project Description*, Table II-48, Harvard-Westlake School Athletic Program, which, outlines the School's 2018-19 school year). The comment does not provide any substantiated evidence to show how the Project would cause changes in the operation

and activity at the Middle or Upper campuses, or “shifting” of operations that would require the severe measures set forth in the recommendation.

## **Comment No. ORG 1C-59**

### **14. Community Views of Harvard-Westlake School and its Proposed Project**

In light of the numerous concerns the proposed Project raises, community members do not understand why the Applicant is pursuing this Project. In short, many in the community believe that this Project is excessive. As has been brought to our knowledge, if the proposed Project is permitted to proceed, Harvard-Westlake School (across both existing campuses with a student body of roughly 1,600 students) would be the only private school within the Los Angeles Unified School District (LAUSD) to have or utilize four athletic fields, three swimming pools, three gymnasiums, three sports performance centers, two baseball/softball fields, and eight tennis courts spread across five sites (including the middle school, upper school, and proposed “River Park” campuses).

According to the Applicant’s website, Harvard-Westlake School athletics facilities (with locations and descriptions) include:<sup>38</sup>

- Sprague Athletic Field (Middle school campus; Sprague Field is used to host middle school football, field hockey, lacrosse, soccer, and softball games.)
- The Marshall Center Gymnasium (Middle school campus; The gym hosts basketball and volleyball games as well as wrestling meets.)
- The Marshall Center Sports Performance Facility (Middle school campus; The sports performance facility is used for middle school PE and ninth grade sports performance training.)
- Marshall Center Swimming Pool (Middle school campus; The pool hosts PE classes and middle school swim practices and meets.)
- Taper Gymnasium (Upper school campus; The Taper Gymnasium is located on Harvard- Westlake’s upper school campus. Festooned with league, CIF-Southern Section, State and National Championship banners, its walls tell of the storied Wolverine athletic program. Taper Gym is home of the Wolverine basketball and volleyball programs.)
- Ted Slavin Field (Upper school campus; Ted Slavin Field is located on the upper school campus. Built in 2003, it features an NFL-caliber Field Turf surface and a synthetic track. It is the proud home of Wolverine football, soccer, track and field, lacrosse, and field hockey. Many of our student athletes who have graced the Ted Slavin field have gone on to professional, Olympic, and collegiate success in their chosen sports.)
- Copses Family Pool (Upper school campus; Located on Harvard-Westlake's upper school campus, the Copses Family Pool is a 50-meter pool manufactured by Myrtha Pools of Mantua, Italy. The stainless-steel pool features a surge tank underneath the pool deck to keep the water level, which reduces water resistance

for swimmers. The facility also includes a pool house and bleachers. The Copses Pool is home to the Wolverine swimming and water polo teams.)

- Upper School Sports Performance Center (Upper school campus; The Sports Performance Center provides our student athletes with the movement and mental tools to realize their highest skill potential. Multidisciplinary training methods and physically prepare our student athletes for the rigors of competition and increase their resilience. Our positive- coaching atmosphere is designed to instill a championship attitude and educate our student athletes so they can navigate their lifelong journey toward health and fitness.)
- O'Malley Family Field (Off-campus; 17301 Oxnard St., Encino 91316. The recently renovated O'Malley Family Field is Harvard-Westlake's state-of-the-art baseball complex, featuring professional grade turf, drainage and irrigation systems, dugouts, bullpens, clubhouse, and a covered hitting facility behind the right-field fence. O'Malley Family Field is located in Encino, off of Louise Avenue and Oxnard Streets, next to Balboa Park. Please park only in the O'Malley Family Field parking lot located on the left just after you turn onto Oxnard Street. No parking is allowed on Oxnard Street or on any street in the adjacent neighborhood.)
- Encino-Sherman Oaks Softball Facility at Encino Franklin Fields (Off-campus; Softball is played on Field 6 at 17301 Oxnard Street, Encino, CA 91316.)
- Tribull Tennis Courts at Los Angeles Valley College (Off-campus; The Tribull Tennis Courts are located at 6290 Fulton Avenue, Valley Glen, CA 91401. Take the 101 freeway, exit Coldwater Canyon. North on Coldwater, left on Burbank. Courts are at Ethel and Burbank.)
- Weddington Golf & Tennis (Off-campus; 4141 Whitsett Ave, Studio City, CA 91604. Weddington Golf Course is a 9 hole, par 27 course that plays 1088 yards from the back tees. Weddington Golf also has a 25 stall driving range, a putting green and a chipping practice area. The Weddington Tennis Court facility features 16 lighted tennis courts. The facility is on Whitsett Ave. between Ventura Blvd. and the 101 Freeway.)

At a time when our City and Country is attempting to rectify decades and centuries-long patterns of spatial inequality, including the unequal distribution of resources and opportunities, it's shocking that the Applicant would look to build a \$100 million sports complex for a select few of its own when hundreds of thousands of students across Los Angeles are lacking the most basic tools needed to succeed. Harvard-Westlake School may be able to afford anything it wants, but the rest of us cannot afford its reckless decisions.

Based on our community outreach, not only do we hear that the overwhelming majority of community members are in opposition to this Project, but a majority of Harvard-Westlake School students do not support the Project either. In a poll conducted by Harvard-Westlake School's newspaper, The Chronicle, just 41% of survey respondents said they were in favor of the School's plan to build the "River Park" project.<sup>39</sup> So, if both the community and Harvard-Westlake students are against the Project, who is the Project

for and why is it needed at all? A question many community members have been asking for years now is: "What is Harvard-Westlake School - an educator or developer?"

<sup>38</sup> Available at: <https://www.hw.com/athletics/Facilities-Locations>

<sup>39</sup> Available at: <https://hwchronicle.com/57585/uncategorized/weapons-of-mass-construction/>

## **Response No. ORG 1C-59**

The comment questions the purpose of the Project given the School's access to existing recreational facilities. The need for the Project is described in detail in Topical Response No. 13 - Need for Project (Non-CEQA). Please refer to Topical Response No. 13. In addition, refer to Response Nos. ORG 7A-18 through ORG 7A-22, which further discuss the Project in relation to the School's existing facilities.

## **Comment No. ORG 1C-60**

Another question from the community that remains unanswered is whether or not this Project site will be (a) utilized for any kind of 2028 Olympic Games activities, (b) utilized by colleges, or (c) rented out by professional sports teams or leagues. In accordance with the requirements of the Conditional Use Permit (CUP), the Project site must not host activities beyond high-school athletic levels or non-professional athletic use.

## **Response No. ORG 1C-60**

The comment requests information regarding the users of the Project Site. Refer to Response No. IND 143-1 which addresses these questions. The comment also states that in accordance with the requirements of the Conditional Use Permit (CUP), the Project site must not host activities beyond high-school athletic levels or non-professional athletic use. However, a CUP has not been issued for the Project as the Project has not yet gone before the City Planning Commission, as the initial decision-making body for the Project. The commenter is referred to Chapter II, Project Description, which described the public use of the Project Site (see pages II-33 to II-35) and School operations at the Project Site (see pages II-47 to II-51).

## **Comment No. ORG 1C-61**

The community also recognizes the proposed Project for what it is - an appropriation of green open space available for public use. Community members also recognize that the so-called "River Park" is not a continuous acreage "park," but rather cobbled-together bits and pieces on the perimeter of the Project.

The DEIR is insufficient in its explanation of its proposed reservation and payment system for public access to the Project site and security protocols that will be followed to permit members of the public to utilize facilities on-site. More specifications are needed in a recirculated DEIR (RDEIR). The DEIR is also inadequate in its explanation of phrases pertaining to public use and access. For example, the Applicant has made vague

commitments to public access with pre- condition phrases like “when not in use by School,” “for pre-approved Studio City-based organizations,” and “for pre-approved swim program members” appearing in the DEIR. These unclearly defined terms need to be clarified and the community must receive this information, especially since the Applicant continually mentions it will offer public use of the Project site. However, with nearly 100,000 Angelenos utilizing the Weddington Golf & Tennis facility each year, the community stands to lose access to the Project site, due to the regulations and conditions described above. Although the DEIR briefly mentions non-athletic special events, a recirculated DEIR (RDEIR) must clarify intentions for any other special event use (e.g., Olympic Games or third-party athletic events), as well as terms, commitments, and conditions for public use.

### **Response No. ORG 1C-61**

The comment expresses that the Project is the appropriation of green open space available for public use. The comment further expresses that the open space pedestrian pathway through the property is “cobbled together” and that the Draft EIR does not adequately describe the reservation system for continued public access. The Project Site is a private property owned by the School and currently used by the public at the discretion of the owner. The open space would be heavily landscaped and offer a continuous path through the site connecting to the Zev Greenway. The reservation system for public use of the Project’s recreational facilities is discussed in Chapter II, *Project Description*, of the Draft EIR (see pages II-34 and II-53). The purpose of the reservation system is to ensure availability of facilities (as with the existing tennis courts) and a safe and enjoyable experience for families and other users. The Draft EIR is clear that the use of the pathways across approximately 5.4 acres of the Project Site, café, putting green, and clubhouse will be open and available all day without reservations. The tennis courts will be open to the public all day via a reservation system (in much the same fashion as operation of the existing tennis courts, or the City’s own municipal courts). Reservations will also be made on a website. The Draft EIR is clear that the School will use the athletic facilities primarily during after School hours and, when any courts are not in use by the School during this time period, they would be available to the public. The use of other recreational facilities, including the gymnasium, pool, and fields will be available to approved community groups to ensure use by families, school clubs, and other public groups for which they are intended. The commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for additional clarification of the use of recreational facilities by the public. Also, refer to Topical Response No. 3 - Enforcement of Public Access, in this Final EIR for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

## **Comment No. ORG 1C-62**

### **Dismissal of Community Needs and Desires**

The Project design package prepared by Gensler Architects dated March 5, 2019 (Attachment 10) was completed in March 2019, before any meetings were held for community feedback. The March 2019 Project design is identical to the version that was eventually submitted to the Department of City Planning in March 2020. The Applicant consistently states that it made changes to the Project design based on input from the community. However, this is false. In fact, there were zero changes made to the Project from its March 2019 design to the March 2020 iteration that was submitted. In essence, no changes were made to address any of the community's many concerns that were voiced during outreach meetings.

### **Response No. ORG 1C-62**

The comment states that the Project plans were not changed to reflect community concerns. The site plan presented in Chapter II, *Project Description*, Figure II-6, of the Draft EIR is the subject of the Draft EIR evaluation. The Draft EIR figures are what Harvard-Westlake School has provided to the City as their proposal to be analyzed in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. ORG 1C-63**

Similar to the Applicant's dismissal of concerns regarding the Project site, petitioners in the community have also raised their opposed [sic] the installation of a ramp off of Coldwater Canyon Avenue onto the Zev Greenway to the City and the Applicant (Attachment 11). However, proposed Project plans do not incorporate community members' concerns. Petitioners claim that the proposed ramp is not needed, since the City's goal of promoting Los Angeles River connectivity has already been satisfied with a connecting path between Coldwater Canyon Avenue and Whitsett Avenue (ramps at both ends) on the south side of the Los Angeles River. Anyone wanting to access the River from Coldwater Canyon Avenue can easily utilize the ramp on the south side. Furthermore, petitioners claim that the proposed ramp is not an added benefit, since, on the north side, there are already existing entrance ramps on either side of the Project site.

### **Response No. ORG 1C-63**

The comment states that petitioners in the community have expressed opposition to the installation of an ADA-compliant ramp from Coldwater to the Zev Greenway. This comment does not raise any issues with respect to the content or adequacy of the Draft

EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 1C-64**

In a July 15, 2019 Los Angeles Times article titled “Harvard-Westlake Releases First Draft for New Athletic Facilities on 16-Acre Site in Studio City,” a spokesperson for the Applicant said, “This is entirely about increasing the capacity of our athletic facilities so we can get kids home earlier.”<sup>1</sup> This demonstrates what the community has known all along: the Project has never been designed for the benefit of the community and if approved, will not be constructed or operated for the benefit of the community.

### **Response No. ORG 1C-64**

The comment states that the Project was designed for the purpose of serving the School and not the public. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. However, the commenter is referred to Topical Response No. 3 - Enforcement of Public Access, in this Final EIR for details regarding public access and use of the Project Site and any potential conditions of approval that would ensure the School maintains its commitments to public access and shared use of recreational facilities as set forth in the Draft EIR. The quotation offered by the commenter is entirely consistent with the Project Objectives described in Chapter II, *Project Description*, of the Draft EIR as “The underlying purpose of the Project is to supplement the School’s athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future.”

### **Comment No. ORG 1C-65**

In conclusion, we believe that the DEIR is defective, the proposed Project is terribly flawed, and the Lead Agency should deny approval of the required Conditional Use Permit and certification of the DEIR. We urge the Lead Agency to recirculate the DEIR to properly address the critical errors and omissions that were raised in this letter. We appreciate your careful review of our comments on this Project as our community collectively works to preserve and protect this precious, publicly accessible true green open space for future generations.

### **Response No. ORG 1C-65**

The conclusory comment expresses the concern that the Draft EIR is defective and that the Lead Agency should deny approval of the Project. As discussed in Response Nos. ORG 1C-1 through ORG 1C-64, no evidence in comments indicate the need for a recirculated Draft EIR.

This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. ORG 1C-66**

ATTACHMENTS:

1. SWAPE Report

**Response No. ORG 1C-66**

Attachment 1 is identical to Attachment 1 in Comment Letter No. ORG 1B and addressed therein. The SWAPE comments have been responded to in Response Nos. ORG 1B-115 through ORG 1B-137.

**Comment No. ORG 1C-67**

2. Councilmember Krekorian 2017 Letter Announcing Applicant's Purchase of Project Site

**Response No. ORG 1C-67**

Attachment 2 is a letter from the Council Office. The letter, however, does not include comments on the Draft EIR. Refer to Appendix A for a copy of this letter.

**Comment No. ORG 1C-68**

3. Save Coldwater Canyon! DEIR Comment Letter

**Response No. ORG 1C-68**

Attachment 3 contains Save Coldwater Canyon! comments on a recirculated Draft EIR for different project proposed in 2016. Because these comments are not related to the current Project's Draft EIR, no further response is necessary.

**Comment No. ORG 1C-69**

4. Angelenos For Trees Environmental Cost-Benefit Analysis

**Response No. ORG 1C-69**

Attachment 4 provides an environmental cost-benefit analysis by Angelenos for Trees. This analysis is included as Comment Letter No. ORG 6B. Refer to Response Nos. 6B-1 to ORG 6B-8, which address comments in this letter.

**Comment No. ORG 1C-70**

5. URS 2004 Geotechnical Report

### **Response No. ORG 1C-71**

Attachment 5 contains the URS Geotechnical Report. The URS report does not comment on the Draft EIR but is cited in Comment No. ORG 1C-26. Please refer to Response ORG 1C-26 regarding the pertinent geotechnical issues raised in the URS report.

### **Comment No. ORG 1C-71**

6. Aperture Report

### **Response No. ORG 1C-72**

Attachment 6 contains the Aperture Report (formerly WEXCO) and respective comments on the Draft EIR. The Aperture Report is Attachment 5 in Comment Letter No. ORG 1B and addressed therein as Response Nos. ORG 1B-170 through ORG 1B-195.

### **Comment No. ORG 1C-73**

7. CalRecycle Consultant Report

### **Response No. ORG 1C-73**

Attachment 7 includes an evaluation of recycling inefficiencies as evaluated by CalRecycle. The report does not include comments on the Draft EIR, but it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 1C-74**

8. LATA 2001 Comment Letter

### **Response No. ORG 1C-74**

Attachment 8 contains a letter to the Department of City Planning by the Los Angeles Tennis Association (LATA) expressing opposition to development at the Project Site. The letter does not include any comments on the Draft EIR.

### **Comment No. ORG 1C-75**

9. LATA 2002 Comment Letter

### **Response No. ORG 1C-75**

Attachment 9 contains a letter to the Department of City Planning by the Los Angeles Tennis Association (LATA) expressing opposition to development at the Project Site. The letter does not include any comments on the Draft EIR, but is noted for the record and will be forwarded to the decision-makers for their review and consideration

**Comment No. ORG 1C-76**

10. Gensler Architects Project Design Package

**Response No. ORG 1C-76**

Attachment 10 includes only a screenshot of a plan set cover showing a March 2019 date and a photo of a site plan that was shown at a public meeting. The plans do not include comments on the Draft EIR, but are noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. ORG 1C-77**

11. Community Petition re: River Ramp

**Response No. ORG 1C-77**

Attachment 11 includes a petition showing public opposition to the Coldwater Canyon ADA-compliant ramp to the Zev Greenway. The petition does not include comments on the Draft EIR, but it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. ORG 2

Beth Dymond, President

Studio City Residents Association

Letter A received March 14

Letter B received April 15

Letter C received March 17 from Barry Johnson, Vice-President, Studio City Residents Association

*Also see Comment Letter No. ORG 7 prepared by Chatten-Brown, Carstsens & Minter on behalf of the Studio City Residents Organization and Save the River Open Space*

### Letter A, March 14, 2022

#### Comment No. ORG 2A-1

The Studio City Residents Association (SCRA) is in receipt of the Draft Environmental Impact Report and request the Planning Department agree to extend the comment period. Unusual circumstances exist for making this request. It is of great importance to our members and to other concerned stakeholders in Studio City that enough time be permitted for a meaningful response to be made.

#### Response No. ORG 2A-1

The comment states that additional time for review of the Draft EIR is required due to unusual circumstances. CEQA Guidelines Section 15105(a) states: “The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances.” The City extended the review period to 62 days from March 10, 2022 to May 10, 2022. The City determined that public review conditions did not rise to an “unusual circumstance” in providing for access to the Draft EIR. The length of the Project’s EIR does not constitute an unusual circumstance. For additional details regarding the City’s determination to extend the Draft EIR comment period to 62 days, the commenter is referred to Topical Response No. 1 – Public Participation and Review, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

#### Comment No. ORG 2A-2

This DEIR came after 17 months of preparation by the applicant. The EIR consists in part of, #IV Environmental Impact Analysis consists of 19 elements that must be reviewed and commented on by the appropriate experts in their field: #V Alternatives consists of Seven elements: #VI Other CEQA Considerations: List of Figures: 38 elements and many others which amount to 6,500 pages.

## Response No. ORG 2A-2

This comment implies that the length of the Draft EIR warrants the extension of the comment period. The length of the Project's EIR does not constitute an unusual circumstance. The City determined that there were no unusual circumstances with respect to the scale or content of the Harvard-Westlake River Park Project Draft EIR that would warrant a comment period beyond the upper limit of 60 days set forth in the CEQA Guidelines. Refer to Response No. 2A-1 and Topical Response No. 1 – Public Participation and Review, which discusses the CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

## Comment No. ORG 2A-3

CEQA Guidelines section 15105 states the comment period for a project such as this should be a minimum of 45 days, but should only be more than 60 days in unusual circumstances. The SCRA argues that this development presents unusual circumstances based on the foregoing and the impact on the Stakeholders over broad areas of the San Fernando Valley.

## Response No. ORG 2A-3

The comment states that additional time for review of the Draft EIR is required due to unusual circumstances and the impact on the stakeholders over broad areas of the San Fernando Valley. Refer to Response No. 2A-1 and Topical Response No. 1 – Public Participation and Review, which discusses the CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

## Comment No. ORG 2A-4

A 90 day comment period is not unusual. On the DEIR for the NBCUniversal Evolution Plan, a 90 days response was granted given scope and the impact on the surrounding community. Such is the case here. SCRA therefore requests that the comment period be extended to 90 days.

## Response No. ORG 2A-4

The comment states that a 90-day comment period is not unusual. While the commenter refers to the NBC Universal Evolution Plan, 90 day public review periods are not common, except to address unusual circumstances. The NBC Universal Evolution Plan EIR is not comparable to the Harvard-Westlake River Park EIR. The NBC Universal Evolution Plan involved the development of 391 acres in the City of Los Angeles plus a 76-acre annexation from the County of Los Angeles. In addition to the massive size of the project, the NBC Universal Evolution Plan project contained a multi-jurisdictional component. The City deemed the scale of the Evolution Plan and the involvement of two jurisdictions to

be an unusual circumstance at the time of the release of the NBC Universal Evolution Plan Draft EIR in 2010. The scale of the Harvard-Westlake River Park Project, at 17.2 acres, does not rise to the same level of complexity. Refer to Topical Response No. 1 – Public Participation and Review, for additional details of the CEQA public participation requirements in association with the Draft EIR.

## **Letter B, April 15, 2022**

### **Comment No. ORG 2B-1**

Has Harvard Westlake filed form CP7768 listing the special events that will take place at the Harvard Westlake River Park. This information was omitted on their application however special events was checked. Please let me know as soon as possible and if CP7768 has been filed please attach a copy.

### **Response No. ORG 2A-2**

The comment questions whether form CP-7768 was filed with the Project and states that Form CP-7768 Form was omitted from the Harvard-Westlake application. The comment does not address the adequacy or contents of the Draft EIR and, as such, no further response is warranted. However, form CP-7768 was filed by Harvard-Westlake at the time the Project case(s) were originally filed with the Department of City Planning.

*Note: A copy of the completed form was e-mailed to the commenter by the City on April 21, 2022.*

## **Letter C, March 17, 2022**

### **Comment No. ORG 2C-1**

In regards to the request for a total of 90 days for the public review of the Harvard-Westlake DEIR, please see the last paragraph of Councilmember Krekorian's letter to you in the attachment below from October 30, 2020.

Also, this link [https://planning.lacity.org/eir/NBC\\_UnivPlan/FEIR/files/0.%20TOC.pdf](https://planning.lacity.org/eir/NBC_UnivPlan/FEIR/files/0.%20TOC.pdf) shows the front page of the NBC Universal Evolution Plan (ENV-2007-0254-EIR) which was actually prepared by the Los Angeles City Planning Department even though the land was a combination of City and County. Councilmember LaBonge and Councilmember Krekorian asked for and got an extension for a total of 90 days for public comment on what was another huge document. Councilmember Krekorian said in his letter, "... I will be requesting an extended public comment period to ensure that my constituents have ample time to review and respond to the report."

In my view, adding only 15 days to your 45 days does not meet the definition of "extended" as Councilmember Krekorian requested for his constituents... plus the "constituents" that were promised are still here, even though we have a different Councilmember due to Redistricting.

Between the link and attachment, there is precedence for a 90 day review period for public response to the Harvard-Westlake DEIR..

### **Response No. ORG 2C-1**

The comment requests a 90 day review period for the Draft EIR. The comment also includes a copy of Councilmember Krekorian's letter to the City as an attachment dated October 30, 2020. The attachment is not a comment letter on the Draft EIR, but rather a comment on the NOP. The commenter is referred to Topical Response No. 1 – Public Participation and Review, which addresses the Project's Draft EIR circulation period.

## **Comment Letter No. ORG 3**

Peter Warda, Senior Legislative Affairs Manager  
Victor Berrellez, VICA Chair  
Stuart Waldman, VICA President  
Valley Industry & Commerce Association  
Received March 15, 2022

### **Comment No. ORG 3-1**

Please find attached VICA's letter of support for ENV-2020-1512-EIR.

### **Response No. ORG 3-1**

The comment instructs that a letter of support is attached. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is needed.

### **Comment No. ORG 3-2**

The Valley Industry and Commerce Association (VICA) supports the Harvard-Westlake River Park project, which will offer athletic and recreational opportunities to Harvard-Westlake students and the Studio City community.

### **Response No. ORG 3-2**

The comment describes VICA's support of the Project for offering athletic and recreational opportunities to Harvard-Westlake students and the Studio City community. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. ORG 3-3**

Harvard-Westlake understands the Weddington Golf & Tennis property has a long history in Studio City. Therefore, the development of the Harvard-Westlake River Park campus will be guided by key design principles and commitments, which will ensure that the Weddington Golf & Tennis site remains open and green.

### **Response No. ORG 3-3**

The comment acknowledges the Project's design principles and commitments. In this regard, the Project would include the design features, including open space, landscaping, tree replacement consistent with the River Improvement Overlay (RIO) District Ordinance, and sustainability features discussed in Chapter II, *Project Description*, of the Draft EIR. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

**Comment No. ORG 3-4**

The draft site plan for the Harvard-Westlake River Park calls for the development of two athletic fields, a fifty-meter swimming pool, eight tennis courts, and a gymnasium. Above ground, the plan also features a walking/jogging track around the entire perimeter of the site and a network of public plazas, water features, wooded areas, and other natural spaces that together comprise a publicly accessible six-acre River Park. The plan also includes one of the largest privately funded stormwater capture and treatment systems in Los Angeles, a testament to Harvard-Westlake's commitment to developing an environmentally responsible project.

**Response No. ORG 3-4**

The comment correctly describes components of the Project as discussed in Chapter II, *Project Description*, of the Draft EIR. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

**Comment No. ORG 3-5**

Harvard-Westlake has conducted and will continue to conduct outreach to the broader Studio City community. Feedback from home and business owners, as well as from community stakeholder groups will be used to guide the plans submitted to the City of Los Angeles.

**Response No. ORG 3-5**

The comment discusses the School's past and continued outreach to the Community, and use of feedback from the community and other stakeholders to guide its plans. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

**Comment No. ORG 3-6**

For these reasons, VICA supports the Harvard-Westlake River Park project and urge you to support this forward-thinking project as well.

**Response No. ORG 3-6**

The comment describes VICA's support of the Project and urging of support. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

## **Comment Letter No. ORG 4**

Tammy Scher, board Chair  
Sherman Oaks Chamber of Commerce  
Letter A received March 16, 2022  
Letter B received April 30, 2022

### **Letter A, March 16, 2022**

#### **Comment No. ORG 4A-1**

Due to the size of the DEIR which is over 6000 pages and its importance and impact on the community. Can you please request planning to allow for a 90-day extension of time so that we all have a chance to review and comment on the environmental impact of this project?

#### **Response No. ORG 4A-1**

The comment states that additional time for review of the Draft EIR is required due to the size of the Draft EIR and impact on the community. CEQA Guidelines Section 15105(a) states: "The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances." The City extended the review period to 62 days from March 10, 2022 to May 10, 2022. The length of the Project's EIR does not constitute an unusual circumstance. The City determined that public review conditions did not rise to an "unusual circumstance" in providing for access to the Draft EIR. For additional details regarding the City's determination to extend the Draft EIR comment period to 62 days, the commenter is referred to Topical Response No. 1 – Public Participation and Review, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

### **Letter B, April 30, 2022**

#### **Comment No. ORG 4B-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

#### **Response No. ORG 4B-1**

The comment stating opposition is noted. However, the comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

**Comment No. ORG 4B-2**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

**Response No. ORG 4B-2**

This comment expresses the commenter's opinion that the Project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space. Refer to Response No. Form 3-3 which addresses this comment.

**Comment No. ORG 4B-3**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

**Response No. ORG 4B-3**

This comment expresses the opinion that the Project's technical studies do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. Also, the comment states that the Project's mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans. This is assumed to refer to the alternatives presented in Chapter 5, *Alternatives*, of the Draft EIR. While the comment contains no facts to support the contention that the Draft EIR's analysis is inadequate, refer to Response No. Form 3-4 which addresses this comment.

**Comment No. ORG 4B-4**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

**Response No. ORG 4B-4**

This comment states that the property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit." The comment requests the local councilmember to deny permission to build this project. While the comment contains no facts to support its contention that the Draft EIR is inadequate, refer to Response No. Form 3-5 which addresses this comment.

## **Comment Letter No. ORG 5**

Todd Pimentel, HOA President  
Whitsett Green Homeowners Association  
Received March 31, 2022

### **Comment No. ORG 5-1**

We are in receipt and our HOA of 40+ residents located directly across the street of the project have reviewed the mail communication about the EIR.

### **Response No. ORG 5-1**

The comment describes the location of the Whitsett Green HOA and states that Draft EIR Materials were received. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 5-2**

I've carefully reviewed the report and we cannot locate our comments we supplied to the City of LA earlier in Fall of 2020.

### **Response No. ORG 5-2**

The comment states that the commenter cannot locate responses to earlier comments made regarding the Project. Comments sent to the City in Fall of 2020 would have been in response to the Initial Study and would not be incorporated into the Draft EIR. However, the comments received on the Initial Study and Scoping Meeting, if applicable to CEQA concerns, are taken into account in the preparation of the Draft EIR and are summarized in the *Executive Summary, Subsection 2, Issues Raised During Notice of Preparation Process*, pages ES-3 through ES-6 of the Draft EIR. However, the comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 5-3**

We are still very concerned about the location of the underground parking entrance, that now includes a turn-lane directly across from our property. After careful review of the traffic studies, these were all done during COVID and do not reflect actual traffic, speed or other traffic patterns as of today.

### **Response No. ORG 5-3**

The comment expresses concern about the location of the underground parking entrance, which includes a turn-lane directly across from the commenter's or the Association members' property and also contends that the traffic studies are inadequate because they are not reflective of non-COVID traffic conditions. The north driveway into the parking garage would include a median island configured to restrict turns into and out of the

driveway to right-turns only, which would enhance safety by minimizing conflicts with pedestrians and vehicles at this location. The final design of the driveway would be subject to review and approval by the Los Angeles Department of Transportation (LADOT) to ensure it complies with all applicable City regulations.

See Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Refer also to Topical Response No. 9 for a discussion of the Project's proposed parking program.

Note that modifications to the Project design would reduce the capacity of the underground parking structure from 503 spaces to 386 spaces and the capacity of the above grade parking lot from 29 spaces to 17 spaces for a total of 403 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. The provided parking would be consistent with LAMC Section 12.21 A.4(e), which requires one parking space per five fixed seats for stadiums, high schools, colleges, general assembly, and auditoriums. The Project with design modifications would provide a total of 2,005 seats. Divided by five, the required parking spaces would be 401 parking spaces. The requirement would be exceeded by the Project with design modifications by two spaces.

.As stated on PDF page 60 of 217 of the Transportation Assessment for the Harvard-Westlake River Park Project <sup>77</sup> provided as Appendix M to the Draft EIR, intersection turning movement counts were obtained for the traffic study area and LOS was calculated to determine Year 2020 baseline conditions. Appendix F of the TA includes count sheets. New weekday PM peak period turning movement counts were collected in April 2019 at the three study intersections along Whitsett Avenue (Study Intersections 3, 4, and 5). Turning movement counts were not collected at the two study intersections along Coldwater Canyon Avenue (Study Intersections 1 and 2) at this time. Due to the COVID-19 pandemic and the shelter in-place orders from the Governor and County, along with a memo released by LADOT in April 2020, turning movements counts could not be collected at these intersections in 2020 since they would not reflect typical conditions. Therefore, historical LADOT counts from 2017 were used for the two intersections along Coldwater Canyon Avenue, and an ambient growth factor of 0.6 percent per year was applied to adjust the traffic volumes to reflect baseline year 2020. Accordingly, traffic counts did reflect non-COVID-19 traffic conditions, contrary to the comment's assertion.

In addition, refer to Topical Response No. 12 - Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses. As discussed therein, the cumulative LOS

<sup>77</sup> Fehr & Peers, Transportation Assessment – Harvard-Westlake River Park Project for Assessor Parcel Numbers 2375-018-020 and portion of APN 2375-018-903 Los Angeles River Parcel 276,4141 Whitsett Avenue, Studio City, CA 91604, April 2021.

analysis (a non-CEQA component) appropriately analyzed and included traffic generated by the related projects.

### **Comment No. ORG 5-4**

We would like this addressed and re-evaluated to a different location in the public review/comment period. Example - the underground entrance is done more south on Whitsett with less residential impact or usage of the Valleyheart entrance on the West Side area.

### **Response No. ORG 5-4**

The comment expresses an interest in the relocation of the Project's Whitsett Avenue driveway. The comment, however, does not provide factual evidence to support the need to relocate the driveway or that refutes the information provided in the Draft EIR. As discussed in Response No. ORG 5-3, the Project's transportation-related impacts would be less than significant. As such, the alternative entrance along Whitsett Avenue is not necessary.

### **Comment No. ORG 5-5**

Please advise any next steps we need to take to have this go on record during the public hearing period -- now extended to mid-May.

### **Response No. ORG 5-5**

The comment requests information on how to ensure that the comments are included in the public record. All of the comments received on the Draft EIR, during the Draft EIR comment period of March 10, 2022 through May 10, 2022, are incorporated into this Final EIR and will be provided to decision-makers for review and consideration. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

## Comment Letter No. ORG 6A

Jacky Surber, Co-Founder  
 Angelenos for Trees  
 Received April 25, 2022

### Comment No. ORG 6A-1

For the Draft EIR: <https://youtu.be/5dxmr-zsfhE>

*This is video from the Angelenos for Trees organization. The video expresses opposition to the Project's removal of trees, especially, large, mature trees which they claim would result in a 57 percent canopy decline. The organization states a tree canopy cover in the San Fernando Valley of at least 40 percent is needed to combat impacts of climate change and the urban heat island effect. The video states the 1:1 or 2:1 replacement ratio is not a metric that increases urban tree canopies and the removal of existing mature trees would result in a net loss of for over 30 years.*

### Response No. ORG 6A-1

This comment, in the form of a video, expresses that the Project's tree removal would result in loss of tree canopy that is needed to combat impacts of climate change and the urban heat island effect. Further, the comment states the 1:1 or 2:1 replacement ratio is not a metric that increases urban tree canopies and the removal of existing mature trees would result in a net loss for over 30 years. The comment does not provide factual evidence to show that the Project's tree replacement ratio (particularly with the replacement of existing, invasive Mexican fan palms with native trees) would result in net loss of tree canopy over 30 years or any deficiency in the analysis of biological resources in the Draft EIR. Nonetheless, a discussion of impacts with respect to trees is provided below.

A supplemental analysis of the Project's tree canopy is provided within Appendix C, Carbon Sequestration and Tree Canopy Study, of this Final EIR. All existing trees were included in the calculation of canopy coverage in order to appropriately characterize current conditions on the Project Site. Similarly, existing trees that would be preserved by the Project were included in the calculation of the Project's canopy coverage. As discussed in detail in Appendix C, PDF pages 4 through 6 of 39, approximately 20 percent of the Project Site is currently covered by tree canopy. Absent development of the Project, that level will not significantly increase further given the relative maturity of existing trees.

The Project's canopy coverage will reach a similar level between Years 5 and 10 of operation (Year 5 the canopy coverage would be approximately 15 percent, Year 10 the canopy cover would be approximately 28 percent) (see Figure 10, Year 5 Canopy Coverage of Project Trees, and Figure 11, Year 10 Canopy Coverage of Project Trees, in the Carbon Sequestration and Tree Canopy Study).

As described in Section IV, *Biological Resources*, of the Draft EIR, the Project's replacement trees will be sourced in box sizes ranging from 36 to 48 inches. Given the diverse range of species in the Project's tree replacement program and their respective growth rates, tree maturation points vary from 10 to 50 years, with a weighted average of 25 years. At Year 25 of Project operation (following construction), 53 percent of the Project Site would be under canopy coverage, or approximately 2.5 times more coverage than existing conditions (see Figure 12, Year 25 Canopy Coverage of Project Trees, of the Carbon Sequestration and Tree Canopy Study). The Project's favorable points of comparison are largely the result of the relatively poor biological characteristics of the existing tree mix. Notably, the prevalence of Mexican fan palms on the Project Site, which are comprised of fibrous strands, lack branches and extensive leaf systems, and provide nominal canopy coverage. Refer to the Carbon Sequestration and Tree Canopy Study in Appendix C of this Final EIR for additional details on the methodologies and modeling conducted to determine the Project's projected future tree canopy coverage on the Project Site.

See Topical Response No. 5 – Biological Resources/Trees, for additional discussion of impacts to on-site trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*, of the Draft EIR. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site in surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR). The Project's landscaping program is consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes and consists entirely of native trees that would require significantly less water as compared to the ornamental, and in many cases invasive, species that currently exist on the Project Site.

Existing RIO-compliant trees along the Zev Greenway would remain, non-RIO-compliant trees (such as fan palms) would be removed from the Property, and a RIO-compliant planting program would be implemented along the Project and Zev Greenway interface (see Figures IV.C-4 and IV.C-5 of the Draft EIR), thereby adding to the visual landscape and providing increased habitat and foraging opportunities for wildlife.<sup>78</sup>

As discussed in Section IV.C, *Biological Resources*, of the Draft EIR, and Topical Response No. 5 – Biological Resources/Trees, the Project with mitigation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant.

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<sup>78</sup> The "RIO" designation indicates a River Improvement Overlay (RIO) District<sup>78</sup> related to the Project's location in proximity to the Los Angeles River.

As discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, storm water capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. However, none of the design modifications directly or indirectly affect the Project's tree removal and replanting program, or the Project's tree canopy. As such, the biological resources impact analysis and conclusions as applicable to trees removal and replacement included in the Draft EIR is not affected by the Project design modifications.

In addition, with regard to urban heat island effects, please see Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields.

Also, refer to Responses Nos. ORG 7A-57 and 7A-67 for additional discussion of the Draft EIR's evaluation of heat island effects .

In addition, the Draft EIR addressed greenhouse gas emissions (GHG) impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. For additional discussion of the Project's impacts with respect to climate change, refer to Response No. 7A-47.

See also Response Nos. ORG 6B-2 to ORG 6B-8 which addresses written comments provided by the Angelenos for Trees organization, including comments related to carbon sequestration.

## **Comment Letter No. ORG 6B**

Jeanne McConnell, Co-Founder  
Angelenos For Trees  
Community Forest Advisory Committee  
Received May 10, 2022

### **Comment No. ORG 6B-1**

Attached is Angelenos for Trees comments to the DEIR for Studio City Golf and Tennis. Please let me know if you have any questions or comments.

### **Response No. ORG 6B-1**

The comment provides information that the Angelenos for Trees comments are attached. The comment does not discuss the content or adequacy of the Draft EIR and no further response is necessary.

### **Comment No. ORG 6B-2**

Angelenos for Trees is submitting this response in conjunction with the DEIR prepared for the Harvard Westlake River Park Project ("HW Project").

Currently, at the proposed HW Project - Harvard Westlake is proposing to remove 240 trees which is over a 50% loss in the property tree canopy cover. Most of these trees are mature and according to the Davey Services iTree environmental services calculator have provided over 898,773 pounds of carbon sequestration services to date.<sup>1</sup> A copy of the full report of the data obtained from the environmental services calculator is attached to this letter. The city is using iTree to conduct its street tree inventory.

Taking out significant 70-year-old mature trees and replacing them with saplings (even if they are natives) that will need an additional 20-30 years of growth to provide these types of environmental benefits is a failure to recognize the value of mature trees and the ecosystems they support now.

We determined over a span of 10 years 390,794 pounds of carbon sequestration services will be lost. It will take at least 10 years until a sapling in a 46" inch box will start sequestering carbon at all.

<sup>1</sup> Angeleno for Trees input each tree into the tree environmental services calculator to obtain these numbers.

### **Response No. ORG 6B-2**

The comment states that the removal of existing mature trees would adversely affect carbon sequestration rates at the Project Site. A supplemental analysis of the Project's carbon sequestration from trees is provided within Appendix C, Carbon Sequestration

and Tree Canopy Study, of this Final EIR. Rates of carbon sequestration (measured as pounds of carbon dioxide [CO<sub>2</sub>]) were calculated by comparing the existing trees on the Project Site that are to be removed with the replacement trees that would be planted as part of the Project. Existing trees to remain under the Project were not included in the carbon sequestration analysis, as the carbon sequestration benefits from such trees would be equal under existing and Project conditions. As summarized on PDF pages 4 through 6 of 39 in the Carbon Sequestration and Tree Canopy Study, during Year 2 of Project operation, the annual CO<sub>2</sub> sequestration rate of the Project's replacement trees would be approximately equivalent to existing sequestration rates. Existing carbon sequestration for the trees to be removed by the Project is 44,633 pounds as shown in Figure 1, Annual Sequestration of Existing Trees and Palms, of the Carbon Sequestration and Tree Canopy Study (see PDF page 7 of 39 of Appendix C).

Year 2 carbon sequestration rates for the Project's replacement trees would be 43,160 pounds, as shown in Figure 4, Year 2 Sequestration of Project Trees, of the Carbon Sequestration and Tree Canopy Study (PDF page 9 of 39 of Appendix C). After Year 2 of Project operation, the replacement trees would sequester CO<sub>2</sub> at increasingly greater rates than existing trees (existing trees to be removed sequester 44,633 pounds). Specifically, during Year 5 of Project operation, the replacement trees would sequester more than 73,000 pounds of CO<sub>2</sub> as shown in Figure 5, Year 5 Sequestration of Project Trees (see PDF page 10 of 39 of Appendix C). Sequestration would increase to 131,000 pounds in Year 10, as shown in Figure 6, Year 10 Sequestration of Project Trees, (see PDF page 10 of 39 of Appendix C). Over the lifetime of the Project's replacement trees, approximately 8.7 million pounds of CO<sub>2</sub> would be sequestered. In comparison, the existing trees to be removed would sequester 2.6 million pounds over their lifetime, if left in place. Final EIR Appendix C, Figures 1 and 2 provide lists of existing individual tree species and the sequestration capacities of the individual species. Final EIR Appendix C, Figures 3 through 7 provide lists of the replacement and retained trees and the sequestration capacities of the individual species, which show Year 1, Year 2, Year 5, Year 10, and Lifetime sequestration of Project trees respectively.

As with the tree canopy, the Project's higher amount of carbon sequestration is the result of the relatively poor biological characteristics of the existing tree mix, particularly the prevalence of Mexican fan palms. Mexican fan palms are comprised of fibrous strands and lack branches and extensive leaf systems that would, otherwise, support carbon sequestration. For example, a single mature Mexican fan palm (60-80' in height) is estimated to sequester 34 pounds of CO<sub>2</sub> per year. By contrast, a single Engelmann Oak or Valley Oak in a 48" box size would sequester 100 pounds of CO<sub>2</sub> in the first year alone following planting, more than three times that of a mature Mexican fan palm. Refer to the Carbon Sequestration and Tree Canopy Study in Appendix C of this Final EIR for additional details on the methodologies, data sources, and modeling conducted to determine the Project's projected future carbon sequestration of the Project's replacement trees on the Project Site.

Refer to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR, for additional details regarding the Project’s tree removal and replacement program.

Also, as discussed in Topical Response No. 2 – Modifications to the Project Design, design modifications relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, storm water capture and reuse system, and water features were made to the Project in response to public and agency comments received on the Draft EIR. However, none of the design modifications directly or indirectly affect the Project’s tree removal and replanting program or the Project’s carbon sequestration from the tree replacement program. As such, the biological resources impact analysis and conclusions as applicable to trees removal and replacement included in the Draft EIR is not affected by the Project design modifications.

In addition, refer to Response Nos. 6A-1 which discusses the Project’s tree canopy. As discussed therein, the Project’s canopy coverage will reach a similar level as existing conditions between Years 5 and 10 of operation, with subsequent years having a greater canopy coverage than under existing conditions.

### **Comment No. ORG 6B-3**

The effects of human - caused global warming are happening now. The latest IPCC (Intergovernmental Panel on Climate Change) report shows greenhouse gas emissions continue to rise, and current plans to address climate change are not ambitious enough and will worsen in the decades to come. It is common in large development projects in Los Angeles for the developer to remove the majority of the trees at a location. In this case on the site property (not the right of way or other adjacent locations), Harvard Westlake is removing over 80% of the trees. Harvard Westlake is essentially clear cutting the property for its development project.

### **Response No. ORG 6B-3**

The comment states that GHG emissions continue to rise and that current plans are not ambitious enough to address climate change impacts. The comment also expresses concern regarding the Project’s tree removal. Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project’s tree replacement program.

In addition, the Draft EIR addressed greenhouse gas emissions (GHG) impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, the Project’s GHG impacts would be less than significant. For additional discussion of the Project’s impacts with respect to climate change, refer to Response No. 7A-47.

### **Comment No. ORG 6B-4**

New trees require a lot of support (water and otherwise) and have been shown in a field study conducted by the US Forest Service in a Mediterranean climate, like Los Angeles, to experience a 15% failure rate within 1 year that rose to 40% just 5 years later.

Planting replacement trees 1:1 will result in a net loss of carbon sequestration, a loss of storm water mitigation and will result in a net loss of existing canopy coverage at that one particular location and fails to take into account the loss of canopy coverage over the last 10 years by adjacent properties (including Sportsman Lodge, Sunkist development, and Grant High School).

### **Response No. ORG 6B-4**

The comment indicates that the Project's tree planting program would result in a net loss of carbon sequestration and tree canopy, as well as a loss of stormwater mitigation. Regarding carbon sequestration, please refer to Response No. ORG 6B-2, which indicates the Project would result in a long-term net increase in carbon sequestration. In addition, refer to Response No. 6A-1 which discusses the Project's tree canopy. As discussed therein, the Project's canopy coverage will reach a similar level as existing conditions between Years 5 and 10 of operation, with subsequent years having a greater canopy coverage than under existing conditions. As such, because the Project would result in long-term increases in tree canopy coverage and carbon sequestration, it would not contribute to a cumulative loss of tree canopy coverage with the adjacent properties and/or projects referenced in this comment.

It is further noted that the replacement species would be compliant with the RIO District Ordinance and would be either drought-resistant native trees or species sourced from the Los Angeles River Master Plan Plant Landscaping Guidelines and Plant Palettes. The RIO District Ordinance and the Los Angeles River Master Plan Plant Landscaping Guidelines and Plant Palettes which are specifically committed to planting drought resistant species in proximity to the Los Angeles River. With the Project's increase in drought-resistant tree species and reduction in existing invasive (non-native) tree species, the Project would result in a per species reduction in water demand. In addition, the Project's stormwater capture and reuse system would comply with all applicable regulations pertaining to stormwater treatment.

Furthermore, Mitigation Measure BIO-MM-3 has been supplemented to include monitoring requirements of replacement trees over a period of three years to ensure their survival. If any of the on-site, off-site, or public street trees die within three years, as a consequence of construction, they will be replaced. See Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, for the update Mitigation Measure BIO-MM-3.

## Comment No. ORG 6B-5

In 2019, Cy Carlberg, Harvard Westlake's consulting arborist, who was also paid to consult at the Grant High School project, pointed out in her report for LAUSD the proposed removal of healthy mature Redwoods, which are not native to Southern California could be subject to drought and die off in future years, therefore justifying the removal of these beloved trees from the high school. Removing a tree because it could be subject to drought and replacing it with a tree that requires more water than an existing mature tree makes no sense. Although what she said is not necessarily wrong as to its location the fact is these trees were healthy and showed no sign of stress. This argument is separated from reality and failed to recognize that we don't live in laboratory with only one species. It is similar to the current argument for the HW Project that the replacement of the slated mature trees with native saplings is a more "ecological beneficial project". This is also not necessarily wrong (without understanding the context) - however, the fact is that these trees slated for removal are over 70 years old, are healthy and are providing valuable environmental services now. Those replacement saplings will take at least 20 years to provide similar benefits. The idea that is okay to remove all mature trees in Los Angeles that are providing environmental benefits now and replacing them with native trees is ridiculous and self-defeating. Yes, as trees die, we should replace them with native species but to remove them prematurely is an environmental and ecological disaster.

## Response No. ORG 6B-5

The comment states that the Project's tree removal program would take 20 years to result in benefits (presuming benefits are carbon sequestration and the tree canopy coverage). Regarding carbon sequestration, please refer to Response No. ORG 6B-2, which indicates the Project would result in a long-term net increase in carbon sequestration. In addition, refer to Response Nos. 6A-1 which discusses the Project's tree canopy. As discussed therein, the Project's canopy coverage will reach a similar level as existing conditions between Years 5 and 10 of operation, with subsequent years having a greater canopy coverage than under existing conditions.

The comment also states the "premature" removal of mature trees would result in an ecological disaster. However, this statement is not supported by specific evidence and is based on the opinion of the commenter. As discussed above, the Project would result in increases to the tree canopy and carbon sequestration over the long-term. Moreover, as discussed in Section IV.C, *Biological Resources*, of the Draft EIR and Topical Response No. 5 – Biological Resources/Trees, of this Final EIR, the removal of non-native species such as the Mexican fan palms (*Washingtonia robusta*) would be ecologically beneficial since they are considered invasive species by the California Invasive Plant Council and are listed in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes as "plants that should never be planted along the river."

## **Comment No. ORG 6B-6**

This may be an isolated development project, but the impacts are far reaching to the entire San Fernando Valley and Los Angeles. We all breathe the same air and experience the increased heat. Air and temperature are not limited to a parcel - on a tax map. The mature trees are part of an urban ecosystem that helps reduce temperatures, sequester carbon, promote biodiversity, reduce storm water runoff, and clean the air. UCLA, USC, and Tree People have identified the San Fernando Valley to be uniquely susceptible to climate change. Los Angeles has the worst air quality in the nation, and City is already experiencing a spike in heat related deaths due to the increased heat of climate change and the urban heat island effect.

Ironically, instead of using the existing natural resources of permeable turf and trees already in place at the proposed HW Project, Harvard Westlake is looking to replicate the Army Corp of Engineers project of paving the LA River in the 1930s. The paving of the LA River, which was once the location of verdant wetlands, is now universally recognized as an over-engineered error due to the misunderstanding of the ecological impacts of isolating one part of the ecosystem rather than looking at the whole ecosystem.

Impermeable artificial turf is replacing existing permeable grass. The turf emits carbon dioxide and methane, provides no ecological benefit, and will negatively impact the ecosystem of birds, insects, and other endemic species native to Southern California. Removing 240 trees results in a loss of carbon sequestration benefits and Harvard Westlake's proposed installation of a built storm water management system is an over engineered solution to problem that doesn't exist because the mature trees at the location are already providing 312,555 gallons of rainfall interception and 46,330 gallons of run off avoidance per year. Removing the 240 trees will result in a more than a 50% net decrease of runoff avoidance equal to 26,267 gallons and more than a 50% decrease of 176,336 gallons.

## **Response No. ORG 6B-6**

The comment states that the Project's artificial turf would be impermeable and replace permeable grass. This statement is incorrect, as the artificial turf would be pervious to rainfall and other surface water. Also, the artificial turf would reduce water demand compared to the requirements of the golf course sod or natural turf sod. The comment states the artificial turf would emit carbon dioxide and methane, provide no ecological benefit, and will negatively impact the ecosystem of birds, insects, and other endemic species native to Southern California. See Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. Regarding carbon sequestration, please refer to Response No. ORG 6B-2, which indicates the Project would result in a long-term net increase in carbon sequestration.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. The commenter is also

referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

With regard to the Project's capture and reuse system as analyzed in the Draft EIR, the 1-million gallon system as evaluated would capture and treat water from the Project Site as well as from a 39-acre off-site area to the north of the Project Site. As discussed in Topical Response No. 2 – Modifications to the Project Design, the Project's 1-million-gallon stormwater capture and reuse system was reduced in size (down to approximately 350,000 gallons pending final design) and scale so as to capture and treat stormwater only from the Project Site, and not from the 39-acre residential neighborhood to the north. The Project would still similarly comply with all applicable water quality regulations as analyzed in the Draft EIR (see section IV.I, *Hydrology and Water Quality*, of the Draft EIR). All hydrology and water quality from the Project would continue to be less than significant without the need for mitigation. Refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which includes updates to the Draft EIR to reflect the removal of the off-site water collection from the Project's capture and reuse system with the Project design modifications.

### **Comment No. ORG 6B-7**

Los Angeles in its many policies, including the green new deal, and the city's respected academic institutions all recognize the need for open green space, a healthy ecosystem, shade, and clean air. Although the proposed built environment of the HW Project could be considered "open" it is not open green permeable space and fails to take advantage of existing ecological science that will benefit the growth of our natural environment, provide shade, and clean our air. Angelenos for Trees, recommends that Harvard Westlake, maintain the space in its current configuration, introduce native species, including trees, over time, consistent with the current science relative to habitats and ecosystems and increase the tree canopy to support a healthy ecosystem. Such a project could operate as a lab for field biology projects while still providing tennis and golf as activities for its students and the community.

### **Response No. ORG 6B-7**

The comment recommends that Harvard-Westlake maintain the space in its current configuration, introduce native species, including trees, over time, consistent with the current science relative to habitats and ecosystems and increase the tree canopy to support a healthy ecosystem. The comment does not provide any evidence that the Project would not support or contribute to a healthy ecosystem. As discussed in Response Nos. 6A-1 and 6B-2, the Project would result in long-term net increases in tree canopy and carbon sequestration, respectively.

Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement

program. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable. It is noted that the Project would replace existing exotic plant/tree species with native and drought tolerant species, which would be beneficial to the ecosystem.

While the comment does not provide any evidence that the Project would not support or contribute to a healthy ecosystem, the commenter's recommendation that Harvard-Westlake maintain the space in its current configuration, introduce native species, including trees, over time, is noted for the record and similar to all comments received will be forwarded to the decision-makers for their review and consideration.

## **Comment No. ORG 6B-8**

### **Environmental Cost-Benefit Analysis for Existing, Mature Urban Tree Canopy at Weddington Golf & Tennis**

#### **Methodology and Additional Information**

This report utilizes the i-Tree National Tree Benefits Calculator software, which was developed in partnership with the United States Department of Agriculture (USDA) Forest Service. Tree health ratings differed between the Biological Resources Technical Report and i-Tree, so for calculation purposes, the following describes the labeling methods employed. Ratings from the Biological Resources Technical Report of "A," "B," "C," "D," and "F" were assigned in i-Tree as "Excellent," "Good," "Fair," "Poor," and "Dead," respectively.

In instances where the species were not inventoried in i-Tree, experts were consulted and similar inventoried species were substituted and utilized. These cases can be found on the calculation spreadsheet. Average DBH measurements utilized for the Mexican fan palm (*Washingtonia robusta*) and Windmill palm (*Trachycarpus fortunei*) species relied on USDA data and were 14.1 DBH and 9 DBH, respectively. 4 Spanish daggers (*Yucca gloriosa*) were excluded from analysis due to inconclusive DBH measurements.

#### **Results**

- Yearly estimate of carbon dioxide (CO<sub>2</sub>) sequestration is \$1,584.14.
- Yearly estimate of carbon dioxide (CO<sub>2</sub>) sequestration is 67,439.56 lbs.
- Yearly estimate of storm water mitigation is \$413.32.
- Yearly estimate of storm water runoff avoided is 46,330.26 gals.
- Yearly estimate of storm water rainfall intercepted is 312,555.20 gals.
- Yearly estimate of air pollution removal is \$2,412.25.

- Yearly estimate of air pollution carbon monoxide removal is 237.83 oz.
- Yearly estimate of air pollution ozone removal is 6,027.37 oz.
- Yearly estimate of air pollution nitrogen dioxide is 1,469.45 oz.
- Yearly estimate of air pollution sulfur dioxide is 104.49 oz.
- Yearly estimate of air pollution (fine particles or particulate matter) is 63.00 oz.
- Estimate of carbon dioxide (CO<sub>2</sub>) stored to date is \$35,281.18.
- Estimate of carbon dioxide (CO<sub>2</sub>) stored to date is 1,520,466.02 lbs.

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Tag No.	Tree Common Name	Tree Botanical Name	08H (In)	Overall Health Grade	Preserve	Remove	Carbon Dioxide Sequestration (\$)	Carbon Dioxide Sequestration - CO2 equivalent of carbon (lbs)	Storm Water Mitigation (\$)	Storm Water Mitigation-Runoff Avoided (gals)	Storm Water Mitigation-Rainfall Intercepted (gals)	Air Pollution Removal (\$)	Air Pollution Removal - Carbon Monoxide (oz)	Air Pollution Removal - Ozone (oz)	Air Pollution Removal - Nitrogen Dioxide (oz)	Air Pollution Removal - Sulfur Dioxide (oz)	Air Pollution Removal - PM2.5 (oz)	CO2 Stored to Date (\$)	CO2 Stored to Date - CO2 equivalent of carbon (lbs)	Note
1	Deodar cedar	Cedrus deodara	31.2	B	X		15.55	668.48	1.76	196.61	1334.91	7.91	0.96	21.75	5.13	0.39	0.16	166.19	11445.67	
2	Incense cedar	Calocedrus decurrens	17.5	B	X		3.86	165.78	0.72	80.14	544.80	5.13	0.39	12.03	3.07	0.11	0.16	70.99	3013.89	
3	Deodar cedar	Cedrus deodar,1	19.5	B	X		14.61	68.81	1.68	187.67	1174.20	7.79	0.91	21.19	5.02	0.38	0.16	137.81	10125.30	
4	Incense cedar	Calocedrus decurrens	13.1	B	X		2.93	125.77	0.46	52.01	353.11	3.10	0.25	7.48	1.89	0.13	0.10	38.60	1659.91	
5	Olive	Olea europaea	38.2	C	X		0.95	40.65	2.14	239.79	1628.08	9.44	1.36	17.18	6.21	0.49	0.16	927.72	39889.83	AKA "Olea europaea ssp. Europea"
6	Spanish Dagger	Yucca gloriosa	10.3	C	X		3.06	131.49	0.64	71.69	486.76	2.68	0.41	7.82	1.77	0.14	0.00	24.19	1040.31	AKA "Yucca Torrey,"
7	Deodar cedar	Cedrus deodara	33.5	A	X		17.71	761.36	1.97	110.04	1494.01	8.26	1.01	21.83	5.36	0.41	0.16	307.85	13236.88	
8	Brush cherry	Syzygium paniculatum	11.5	B	X		4.16	178.77	1.35	1.51.60	1029.29	10.80	0.74	24.25	6.30	0.41	0.35	55.67	2393.81	Utilized "Syzygium spp"
9	Deodar cedar	Cedrus deodara	34	B		X	17.09	734.99	1.89	111.79	1438.00	8.10	1.03	22.59	5.18	0.41	0.15	316.81	13611.04	
10	Deodar cedar	Cedrus deodara	32.5	C		X	14.02	602.79	1.57	175.73	1193.14	7.50	0.99	21.13	4.90	0.38	0.14	287.94	12380.54	
11	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
12	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
13	Victorian box	Pittosporum undulatum	25	A	X		0.50	11.69	1.48	165.83	1125.94	7.65	0.77	19.81	4.83	0.35	0.18	325.43	13991.57	
14	Aleppo pine	Pinus halepensis	40	C	X		10.18	437.62	1.90	212.54	1443.03	9.23	1.20	25.88	6.02	0.47	0.17	386.69	16616.65	
15	Blue gum	Eubalyptus globulus	44.7	B	X		5.50	236.53	3.89	434.91	1952.86	39.90	1.17	81.16	11.81	1.39	1.51	222.46	9565.07	
16	Blue gum	Eubalyptus globulus	30.5	C	X		5.06	217.50	2.12	237.56	1612.92	21.30	1.34	46.22	11.15	0.80	0.74	91.66	3984.16	
17	Blue gum	Eubalyptus globulus	13	B	X		2.15	91.62	0.88	98.07	665.84	5.11	0.48	13.10	3.14	0.13	0.14	13.11	563.74	
18	Blue gum	Eubalyptus globulus	45	B	X		5.43	233.27	3.91	437.52	2970.58	40.22	2.19	81.80	21.99	1.40	1.54	224.97	9673.33	
19	Blue gum	Eubalyptus globulus	34	C	X		5.80	249.44	2.42	270.81	1838.70	24.81	1.53	53.35	14.07	0.91	0.88	117.48	SOS1.42	
20	Blue gum	Eubalyptus globulus	20.2	F		X	0.39	16.87	0.10	12.83	154.98	4.63	0.81	13.99	3.07	0.26	0.01	27.11	1169.75	
21	Blue gum	Eubalyptus globulus	54.5	O	X		0.38	16.49	1.90	212.31	1441.52	30.80	1.66	75.68	18.94	1.33	0.85	301.61	12968.67	
22	Blue gum	Eubalyptus globulus	15.5	O	X		0.88	37.76	0.42	47.15	310.13	4.58	0.59	11.81	2.99	0.23	0.10	16.06	69069	
23	Blue gum	Eubalyptus globulus	19	C	X		3.06	131.40	1.19	133.66	907.51	9.75	0.76	22.99	5.85	0.40	0.29	31.31	1.346.38	
24	Blue gum	Eubalyptus globulus	21	C	X		3.47	149.17	1.35	150.94	1024.85	11.69	0.85	26.91	6.92	0.47	0.37	39.72	1707.91	
25	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	1.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
26	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
27	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
28	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
29	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	194.53	
30	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	194.53	
31	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
31	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	1.11	0.34	6.25	1.40	0.11	0.10	6.85	194.53	
33	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
34	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.15	1.40	0.11	0.10	6.85	194.53	
35	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	194.53	
36	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	1.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
37	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	1.11	0.34	6.25	1.40	0.11	0.10	6.85	194.53	
38	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
39	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.15	1.40	0.11	0.10	6.85	294.53	
40	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
41	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
42	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
43	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
44	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	1.11	0.34	6.25	1.40	0.11	0.10	6.85	194.53	
45	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
46	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	1.11	0.34	6.15	1.40	0.11	0.10	6.85	194.53	
47	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.15	1.40	0.11	0.10	6.85	194.53	
48	Olive	Olc,1europaea	13.8	C	X		0.51	21.13	1.55	172.98	1174.45	8.43	0.98	22.85	5.43	0.41	0.18	317.40	13647.45	AKA "Olea europ.1ea ssp. Europea"
49	Olive	Olea europaea	17.9	O	X		1.54	66.05	0.90	100.80	684.37	6.08	0.75	16.83	3.95	0.30	0.12	165.83	7130.43	AKA "Olea europaea ssp. Europea"
50	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	194.53	
51	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	71.33	491.08	2.11	0.34	6.15	1.40	0.11	0.10	6.85	194.53	
51	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	

53	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
54	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
55	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
56	Olive	Olea europaea	19	F		X	0.06	2.63	0.20	22.37	151.87	2.70	0.57	8.48	1.79	0.16	0.10	188.09	8087.25	AKA "Olea europaea ssp. Europea"
57	Olive	Olea europaea	23.8	B	X		0.60	25.77	1.79	200.40	1360.64	9.02	0.98	23.96	5.77	0.43	0.20	317.90	13669.11	AKA "Olea europaea ssp. Europea"
58	Blue3um	Eucalyptus globulus	44.7	B	X		5.50	236.53	3.89	434.91	2952.86	39.90	2.17	81.16	21.81	1.39	1.52	222.46	9565.07	
59	Olive	Olea europaea	11.8	F		X	1.50	64.51	0.12	13.90	94.39	1.98	0.42	6.23	1.31	0.12	0.10	63.49	2729.79	AKA "Olea europaea ssp. Europea"
60	Blue3um	Eucalyptus globulus	37	B	X		7.29	313.52	3.10	347.19	2357.31	30.37	1.70	62.50	16.73	1.07	1.14	146.63	6304.65	
61	Blue3um	Eucalyptus globulus	22	C	X		3.68	158.30	1.43	159.73	1084.52	12.69	0.90	28.94	7.47	0.50	0.41	44.34	1906.42	
62	Blue3um	Eucalyptus globulus	21	C	X		3.47	149.17	1.35	150.94	1024.85	11.69	0.85	26.91	6.92	0.47	0.37	39.72	1707.91	
63	Blue3um	Eucalyptus globulus	46	C	X		4.29	184.53	3.46	387.44	2630.57	37.70	2.19	78.99	21.02	1.35	1.38	228.87	9840.92	
64	Blue gum	Eucalyptus globulus	39	C	X		5.87	252.41	2.85	319.07	2166.37	30.04	1.80	63.84	16.91	1.10	1.08	158.83	6829.42	
65	Blue gum	Eucalyptus globulus	29	C	X		4.75	204.15	2.00	223.49	1517.37	19.85	1.26	43.24	11.35	0.75	0.69	83.04	3570.31	
66	Blue gum	Eucalyptus globulus	11.5	F		X	0.18	7.68	0.10	11.60	78.79	1.65	0.35	5.15	1.08	0.10	0.10	7.07	303.87	
67	Blue gum	Eucalyptus globulus	39.5	C	X		5.79	249.03	2.89	323.93	2199.37	30.59	1.83	64.91	17.20	1.11	1.10	163.36	7024.03	
68	Blue gum	Eucalyptus globulus	42.5	C	X		5.21	224.07	3.16	353.19	2398.01	33.84	2.00	71.36	18.95	1.22	1.23	192.04	8257.37	
69	Blue gum	Eucalyptus globulus	12.5	C	X		1.63	69.95	0.72	80.79	548.53	4.58	0.46	11.82	2.19	0.21	0.11	11.47	493.32	
70	Blue3um	Eucalyptus globulus	30	C	X		4.95	213.02	2.08	232.85	1580.98	20.82	1.32	45.22	11.88	0.78	0.72	89.39	3843.42	
71	Blue3um	Eucalyptus globulus	16.5	C	X		2.56	110.13	1.01	112.68	765.03	7.53	0.64	18.34	4.60	0.32	0.21	22.30	959.04	
72	Blue3um	Eucalyptus globulus	40.3	C	X		5.66	243.16	2.96	331.72	2252.25	31.44	1.88	66.62	17.66	1.14	1.13	170.75	7341.89	
73	Blue3um	Eucalyptus globulus	26.5	C	X		4.24	182.37	1.79	200.32	1360.08	17.48	1.13	38.36	10.04	0.66	0.60	68.30	2936.87	
74	Flooded gum	Eucalyptus rudis	12.8	C	X		1.59	68.48	0.73	81.38	552.54	4.64	0.46	11.97	2.93	0.21	0.11	11.53	495.66	
75	Blue gum	Eucalyptus globulus	34	C	X		5.80	249.44	2.42	270.81	1838.70	24.82	1.53	53.35	14.07	0.92	0.88	117.48	5051.42	
76	Blue gum	Eucalyptus globulus	30	C	X		4.95	213.02	2.08	232.85	1580.98	20.82	1.32	45.22	11.88	0.78	0.72	89.39	3843.42	
77	Aleppo pine	Pinus halepensis	17.5	B	X		5.60	240.90	1.17	130.46	885.80	6.79	0.64	17.19	4.24	0.30	0.17	62.13	2671.44	
78	Aleppo pine	Pinus halepensis	35.5	B	X		12.73	547.41	1.97	220.16	1494.80	9.67	1.07	25.87	6.20	0.46	0.21	297.75	12802.71	
79	Aleppo pine	Pinus halepensis	8.18	B	X		2.15	92.50	0.59	66.10	448.82	2.97	0.32	7.90	1.90	0.14	0.10	10.84	466.09	
BO	canary Island pine	Pinus canariensis	31.3	B	X		10.06	432.46	1.76	197.14	1338.53	9.21	0.96	24.15	5.85	0.43	0.21	297.77	12803.38	
81	canary Island pine	Pinus canariensis	26	B	X		8.14	350.04	1.52	169.91	1153.64	8.48	0.83	21.76	5.33	0.38	0.21	197.94	8510.83	
82	canary Island pine	Pinus canariensis	27.3	B	X		8.51	365.80	1.58	176.41	1197.72	8.80	0.86	22.57	5.53	0.40	0.22	220.50	9481.11	
83	Aleppo pine	Pinus halepensis	30.5	C	X		9.12	392.01	1.49	166.51	1130.51	8.65	0.94	22.99	5.53	0.41	0.19	212.78	9149.14	
84	Aleppo pine	Pinus halepensis	16.3	C	X		4.41	189.55	0.97	108.17	734.41	6.05	0.61	15.69	3.82	0.28	0.14	52.39	2252.62	
85	canary Island pine	Pinus canariensis	26.2	C	X		7.06	303.69	1.32	147.52	1001.58	7.95	0.83	20.88	5.05	0.37	0.18	200.68	8628.63	
86	canary Island pine	Pinus canariensis	27.5	C	X		7.14	307.20	1.33	148.80	1010.32	8.03	0.84	21.08	5.10	0.37	0.19	205.83	8850.30	
87	canary Island pine	Pinus canariensis	28.2	B	X		8.85	380.60	1.62	180.97	1228.72	8.89	0.88	22.94	5.60	0.41	0.22	236.76	10179.98	
88	Aleppo pine	Pinus halepensis	13.6	B	X		4.11	176.76	1.02	114.11	774.74	5.75	0.56	14.71	3.61	0.26	0.14	35.13	1510.83	
89	Aleppo pine	Pinus halepensis	31.7	B	X		11.09	476.74	1.78	199.28	1353.04	9.39	0.97	24.56	5.96	0.44	0.22	232.27	9897.07	
90	Aleppo pine	Pinus halepensis	21.2	B	X		7.01	301.50	1.31	147.00	998.05	7.62	0.72	19.28	4.75	0.34	0.19	95.64	4112.39	
91	Aleppo pine	Pinus halepensis	8.3	B	X		2.19	94.29	0.60	67.67	459.46	3.05	0.33	8.11	1.95	0.14	0.10	11.23	482.68	
92	Olive	Olea europaea	17.5	C	X		2.91	125.23	1.17	130.44	885.66	6.84	0.74	18.12	4.36	0.32	0.15	158.26	6804.75	AKA "Olea europaea ssp. Europea"
93	Olive	Olea europaea	18.3	C	X		1.11	47.56	1.22	136.16	924.48	7.01	0.77	18.70	4.49	0.33	0.16	175.02	7525.30	AKA "Olea europaea ssp. Europea"
94	Aleppo pine	Pinus halepensis	19	B	X		6.18	265.63	1.22	137.05	930.50	7.16	0.67	18.08	4.46	0.32	0.18	74.79	3215.87	
95	Aleppo pine	Pinus halepensis	9	B	X		2.44	104.85	0.69	77.01	522.85	3.57	0.38	9.38	2.27	0.17	0.10	13.62	585.73	
96	Aleppo pine	Pinus halepensis	29.7	B	X		10.24	440.36	1.69	188.71	1281.27	9.20	0.92	23.80	5.81	0.42	0.22	201.44	8661.30	
97	Aleppo pine	Pinus halepensis	27.3	B	X		9.24	397.50	1.58	176.41	1197.72	8.94	0.86	22.81	5.60	0.40	0.22	167.67	7209.43	
98	Aleppo pine	Pinus halepensis	36	B	X		12.95	566.85	1.99	222.98	1513.97	9.70	1.09	26.03	6.22	0.46	0.21	307.05	13202.59	
99	Chinese elm	Ulmus parvifolia	25.5	C	X		22.21	955.09	1.73	193.92	1316.65	7.88	1.09	23.05	5.01	0.38	0.14	301.32	12956.82	
100	Aleppo pine	Pinus halepensis	29.3	C		X	8.68	373.27	1.44	161.09	1093.75	8.54	0.91	22.54	5.44	0.40	0.19	194.87	8378.91	
101	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
102	Aleppo pine	Pinus halepensis	25.5	C		X	7.49	321.86	1.29	144.53	981.33	7.90	0.82	20.64	5.01	0.37	0.18	143.58	6173.79	
103	Aleppo pine	Pinus halepensis	18.4	C		X	5.11	219.63	1.04	116.00	787.62	6.53	0.66	16.91	4.12	0.30	0.16	69.01	2967.09	
104	Beefwood	Casuarina cunninghamiana	22	C		X	16.89	726.38	1.55	173.17	1175.72	5.97	0.98	17.76	3.95	0.33	0.00	199.59	8582.00	AKA "Australian Beefwood" or "River She-Oak"
105	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
106	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	

107	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
108	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
109	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
110	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
111	Canary Island pine	Pinus canariensis	28.7	B	X		9.04	388.88	1.64	183.53	1246.11	8.95	0.90	23.14	5.65	0.41	0.22	246.07	10580.36	
112	Aleppo pine	Pinus halepensis	15	C	X		3.98	170.99	0.92	103.45	702.40	5.72	0.59	14.90	3.62	0.26	0.14	43.35	1864.00	
113	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
114	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
115	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
116	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
117	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
118	Aleppo pine	Pinus halepensis	26.8	B		X	9.08	390.24	1.55	173.89	1180.67	8.84	0.85	22.55	5.54	0.40	0.22	161.04	6924.23	
119	Aleppo pine	Pinus halepensis	28.3	C		X	8.32	357.79	1.40	156.65	1063.57	8.42	0.89	22.15	5.36	0.39	0.19	180.62	666.02	
120	Aleppo pine	Pinus halepensis	26.4	C		X	7.75	333.26	1.33	148.38	1007.40	8.14	0.84	21.24	5.16	0.38	0.19	155.09	6668.67	
121	Aleppo pine	Pinus halepensis	25	C		X	7.33	315.37	1.27	142.42	966.99	7.74	0.81	20.29	4.92	0.36	0.18	137.37	5906.54	
122	Aleppo pine	Pinus halepensis	42.5	C		X	9.27	398.43	2.02	225.58	1531.60	9.28	1.28	26.42	6.08	0.48	0.16	442.21	19013.73	
123	Aleppo pine	Pinus halepensis	26	C		X	7.63	328.24	1.31	146.66	995.77	8.03	0.83	20.97	5.09	0.37	0.19	149.93	6446.55	
124	Aleppo pine	Pinus halepensis	39.4	C		X	10.36	445.56	1.87	209.46	1422.16	9.20	1.18	25.74	6.00	0.46	0.17	373.98	16080.20	
125	Aleppo pine	Pinus halepensis	12	B		X	3.51	151.04	0.96	107.71	731.32	5.28	0.53	13.62	3.33	0.24	0.13	26.49	1138.99	
126	camphor	Cinnamomum camphora	17.4	B		X	16.31	701.44	1.25	139.56	947.52	6.83	0.68	17.64	4.31	0.31	0.17	130.02	5590.48	
127	Jacaranda	Jacaranda mimosifolia	14.3	C		X	4.81	206.81	0.72	81.03	550.17	4.14	0.46	11.38	2.58	0.18	0.00	38.40	1650.93	
128	Aleppo pine	Pinus halepensis	44	B		X	9.97	428.87	2.42	270.63	1837.45	9.92	1.32	27.98	6.48	0.51	0.18	478.05	20555.07	
129	Aleppo pine	Pinus halepensis	35	B		X	12.51	538.00	1.94	217.35	1475.74	9.64	1.06	25.71	6.17	0.46	0.21	288.61	12409.72	
130	Aleppo pine	Pinus halepensis	22	B		X	7.31	314.34	1.35	150.70	1023.20	7.75	0.74	19.69	4.85	0.35	0.20	103.89	4467.00	
131	Aleppo pine	Pinus halepensis	37.9	C		X	10.77	463.00	1.80	201.88	1370.66	9.15	1.14	25.35	5.95	0.46	0.18	343.24	14758.52	
132	Italian cypress	Cupressus sempervirens	8.2	A		X	3.95	169.85	0.28	31.65	214.89	1.37	0.15	3.62	0.87	0.00	0.00	22.31	959.16	
133	camphor	Cinnamomum camphora	11	B		X	8.86	380.90	0.77	86.12	584.71	4.08	0.42	10.66	2.59	0.19	0.00	43.71	1879.55	
134	Aleppo pine	Pinus halepensis	13.9	B		X	4.22	181.64	1.03	115.33	783.02	5.82	0.56	14.91	3.66	0.26	0.15	36.90	1586.73	
135	Olive	Olea europaea	9.8	O		X	5.88	252.68	0.49	54.53	370.27	3.38	0.41	9.26	2.18	0.17	0.00	42.54	1829.26	AKA "Olea europaea ssp. Europea"
136	Norfolk Island pine	Araucaria heterophylla	13	B		X	12.33	530.24	0.69	76.72	520.87	4.14	0.37	10.34	2.57	0.18	0.11	76.97	3309.52	
137	Olive	Olea europaea	20.7	O		X	0.33	14.06	1.03	115.52	784.35	6.68	0.86	18.69	4.36	0.34	0.13	230.50	9911.04	AKA "Olea europaea ssp. Europea"
138	Aleppo pine	Pinus halepensis	21.4	B		X	7.09	304.72	1.32	147.92	1004.31	7.65	0.72	19.39	4.78	0.34	0.19	97.67	4199.62	
139	Aleppo pine	Pinus halepensis	29.1	B		X	9.99	429.56	1.66	185.60	1260.11	9.14	0.91	23.56	5.76	0.42	0.22	192.67	8284.22	
140	Mexican fan palm	Washingtonia robusta	14.1	B		X	0.91	39.30	0.61	68.71	466.52	2.06	0.34	6.14	1.37	0.11	0.00	6.80	292.22	
141	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
142	Brush cherry	Syzygium paniculatum	10.5	A	X		1.70	72.91	0.70	78.04	529.83	3.62	0.36	9.36	2.28	0.17	0.00	10.63	456.93	Utilized "Syzygium spp"
143	Brush cherry	Syzygium paniculatum	9.8	A	X		1.54	66.29	0.65	72.42	491.73	3.22	0.34	8.46	2.05	0.15	0.00	8.94	384.49	Utilized "Syzygium spp"
144	Brush cherry	Syzygium paniculatum	10	A	X		1.59	68.50	0.66	74.29	504.42	3.35	0.34	8.75	2.13	0.16	0.00	9.49	407.89	Utilized "Syzygium spp"
145	Brush cherry	Syzygium paniculatum	11	A	X		1.80	77.30	0.73	81.78	555.25	3.89	0.38	9.97	2.44	0.18	0.00	11.84	508.94	Utilized "Syzygium spp"
146	Brush cherry	Syzygium paniculatum	11	A	X		1.80	77.30	0.73	81.78	555.25	3.89	0.38	9.97	2.44	0.18	0.00	11.84	508.94	Utilized "Syzygium spp"
147	Italian cypress	Cupressus sempervirens	9.4	A	X		4.52	194.16	0.33	37.48	254.50	1.69	0.17	4.39	1.06	0.00	0.00	29.19	1255.08	
148	Italian cypress	Cupressus sempervirens	8	A	X		3.86	165.79	0.27	30.71	208.53	1.33	0.14	3.50	0.84	0.00	0.00	21.25	913.82	
149	Italian cypress	Cupressus sempervirens	8.3	A	X		4.00	171.87	0.29	32.12	218.10	1.40	0.15	3.69	0.89	0.00	0.00	22.84	982.26	
150	Blue gum	Eucalyptus globulus	18.4	B	X		3.57	153.43	1.33	148.94	1011.25	9.93	0.73	22.91	5.89	0.40	0.31	30.37	1305.64	
151	Canary Island pine	Pinus canariensis	24.8	B		X	7.75	333.34	1.47	164.03	1113.69	8.13	0.80	20.91	5.12	0.37	0.20	178.08	7656.80	
152	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
153	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
154	Hollywood juniper	Juniperus chinensis 'Torulosa'	15.7	B		X	10.17	437.24	0.71	79.79	541.75	5.44	0.39	12.43	3.21	0.22	0.17	0.22	3600.39	AKA "Juniperus chinensis" or "Chinese juniper"
155	canary Island pine	Pinus canariensis	32	B		X	10.33	444.34	1.80	200.89	1363.97	9.27	0.98	24.41	5.90	0.43	0.21	312.64	13442.73	
156	canary Island pine	Pinus canariensis	37	B		X	11.74	504.59	2.04	228.69	1552.70	9.60	1.12	26.05	6.19	0.47	0.20	430.82	18524.23	
157	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
158	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
159	Aleppo pine	Pinus halepensis	20	B		X	6.56	282.02	1.26	141.53	960.91	7.37	0.69	18.64	4.60	0.33	0.19	83.93	3608.99	
160	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
161	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
162	Aleppo pine	Pinus halepensis	38.5	B	X		12.31	529.16	2.12	237.38	1611.70	9.81	1.16	26.75	6.34	0.48	0.20	355.98	15306.11	

163	Aleppo pine	Pinus halepensis	24.5	B	X		8.36	3S9.31	1.45	162.57	1103.81	8.16	0.79	20.91	5.13	0.37	0.20	131.92	5672.27	
164	Deodar cedar	Cedrus deodar	19.2	0	X		6.12	262.99	0.58	65.36	443.77	4.32	0.49	11.65	2.78	0.21	0.00	98.31	4227.22	
165	Deodar cedar	Cedrus deodar	20.3	0	X		6.47	278.20	0.63	70.96	481.79	4.64	0.53	12.56	2.99	0.22	0.00	110.12	4734.73	
166	Deodar cedar	Cedrus deodar	42.1	B		X	15.47	665.1S	2.31	258.89	1757.79	9.29	1.26	26.37	6.09	0.48	0.17	493.13	21203.16	
167	Arizona cypress	Cupressus arizonica	24.5	B		X	23.07	991.92	1.16	129.29	877.84	6.68	0.63	16.94	4.17	0.30	0.17	42B.17	18410.21	
168	Arizona cypress	Cupressus arizonica	17.6	8		X	17.44	749.71	0.72	80.37	S45.70	4.19	0.39	10.61	2.62	0.19	0.11	221.59	9S27.89	
169	Flooded sum	Eucalyptus rudis	24.3	8		X	3.7S	161.13	1.56	174.36	1183.84	14.00	0.85	29.89	7.90	O.S1	0.50	47.16	2027.84	
170	Chinese sweetgum	Liquidambar formosana	16.5	B		X	5.17	222.23	1.13	126.17	856.65	6.65	0.61	17.28	4.05	0.27	0.18	49.0S	2108.86	
171	Sliver leaf maple	Acer saccharinum	16.8			X	9.49	408.11	0.57	63.36	430.21	4.28	0.31	10.18	2.49	0.16	0.14	83.52	3S91.03	
172	Chinese sweetgum	Liquidambar formosana	11.3	F		X	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19.26	828.27	
173	Camphor	Cinnamomum camphora	18.8	B		X	18.12	779.31	1.34	150.39	1021.07	7.22	0.73	18.76	4.56	0.33	0.17	156.22	6717.20	
174	Afghan pine	Pinus brutia var. 'eldarica'	24.3	B		X	12.64	543.56	1.53	171.51	1164.51	7.93	0.84	20.87	5.05	0.37	0.18	1S0.76	6482.3S	
17S	Evergreen pear	Pyrus kawakamii	22.4	B		X	15.19	6S3.06	1.47	164.93	1119.82	7.20	0.80	19.89	4.51	0.32	0.16	199.02	8557.36	AKA "Pyrus calleryana"
176	Windmill palm	Trachycarpus fortune!	9	A		X	0.71	30.40	0.35	38.82	263.60	0.90	0.18	2.79	0.59	0.00	0.00	6.91	297.15	
177	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
178	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
179	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
180	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
181	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
182	Indian laurel fig	Ficus microcarpa	20.7	B		X	0.30	12.98	1.07	119.41	810.73	6.65	0.58	16.42	4.10	0.29	0.18	173.14	7444.46	AKA "Ficus Microcarpa v. Nitida" or "Green Indian laurel Fig"
183	Indian laurel fig	Ficus microcarpa	16.3	B		X	3.58	153.85	0.83	93.30	633.45	5.23	0.46	12.88	3.22	0.23	0.14	97.97	4212.62	AKA "Ficus Microcarpa v. Nitida" or "Green Indian laurel Fig"
184	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
185	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
186	Olive	Olea europaea	35.5	C		X	0.86	36.91	2.05	229.73	15S9.79	9.36	1.30	26.71	6.14	0.48	0.16	784.98	33752.36	AKA "Olea europaea ssp. Europea"
187	Windmill palm	Trachycarpus fortunei	9A	A		X	0.71	30.40	0.35	38.82	263.60	0.90	0.18	2.79	0.59	0.00	0.00	6.91	297.15	
188	Windmill Palm	Trachycarpus fortunei	9A	A		X	0.71	30.40	0.35	38.82	263.60	0.90	0.18	2.79	0.59	0.00	0.00	6.91	297.15	
189	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
190	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
191	Aleppo pine	Pinus halepensis	28.6	C		X	8.43	362.42	1.41	157.97	1072.58	8.47	0.89	22.27	5.38	0.40	0.19	184.83	7947.14	
192	Aleppo pine	Pinus halepensis	18.6	F		X	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67.10	2885.31	
193	Coast redwood	sequoia sempervirens	51.7	C		X	3.94	169.22	2.76	309.07	2098.44	9.42	1.75	28.78	6.24	0.53	0.12	572.00	24594.41	
194	Coast redwood	Sequoia sempervirens	39.5	C		X	11.54	496.31	2.02	225.90	1533.73	9.57	1.28	27.01	6.25	0.49	0.17	327.44	14079.17	
195	Coast redwood	Sequoia sempervirens	27.5	C		X	9.10	391.49	1.40	156.96	1065.68	8.52	0.89	22.32	5.41	0.40	0.20	150.03	6450.92	
196	Coast redwood	Sequoia sempervirens	36.8	C		X	12.33	530.06	1.87	209.26	1420.81	9.43	1.18	26.18	6.13	0.47	0.18	280.83	12075.12	
197	Coast Redwood	Sequoia sempervirens	33.5	F		X	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	226.73	9748.71	
198	Coast redwood	5equoia sempervirens	65.8	F		X	0.05	2.22	0.60	66.73	453.07	0.77	0.16	2.42	0.51	0.00	0.00	889.82	38260.25	
199	Beefwood	Casuarina cunninghamiana	18.4	B		X	9.65	415.05	4.62	517.35	1505.48	17.84	0.45	15.06	3.00	0.78	0.74	130.82	5625.03	AKA "Australian Beefwood" or "River She-Oak"
200	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
201	81uegum	Eucalyptus globulus	39.4	B		X	6.89	296.46	3.34	374.16	2540.40	33.16	1.83	67.84	18.20	1.16	1.26	168.16	7230.44	
202	American sweetgum	Liquidambar styraciflua	11.6	B		X	6.34	272.78	0.74	82.75	561.86	4.31	0.40	11.26	2.63	0.18	0.12	41.93	1803.04	
203	Silk tree	Albizia julibrissin	19	B		X	0.17	7.41	1.40	157.04	1066.24	6.60	0.76	18.43	4.15	0.30	0.14	67.30	2893.68	
204	Canary Island Pine	Pinus canariensis	31	B		X	9.94	427.38	1.75	195.50	1327.70	9.18	0.95	24.04	5.83	0.43	0.21	291.52	12534.71	
205	Canary Island Pine	Pinus canariensis	29	B		X	9.16	393.86	1.65	185.08	1256.61	8.99	0.90	23.26	5.67	0.41	0.22	251.75	10824.76	
206	Canary Island Pine	Pinus canariensis	22.S	B		X	6.88	259.99	1.37	153.04	1039.08	7.71	0.75	19.73	4.84	0.35	0.19	143.20	6157.27	
207	Canary Island Pine	Pinus canariensis	28.2	B		X	8.85	280.60	1.62	180.97	1228.72	8.89	0.88	22.94	5.60	0.41	0.22	236.76	10179.98	
208	Canary Island Pine	Pinus canariensis	30.2	B		X	9.63	413.91	1.71	191.33	1299.02	9.11	0.93	23.74	5.77	0.42	0.22	275.22	11833.82	
209	Aleppo pine	Pinus halepensis	43.2	C		X	8.97	385.67	2.05	229.30	15S6.87	9.28	1.30	26.55	6.10	0.48	0.16	458.50	19714.16	
210	Camphor	Cinnamomum camphora	13.3	C		X	9.76	419.82	0.82	91.77	623.05	4.85	0.52	12.82	3.09	0.23	0.11	68.40	2941.00	
211	Aleppo pine	Pinus halepensis	34.8	C		X	10.71	460.64	1.67	186.65	1267.25	8.99	1.06	24.46	5.80	0.44	0.19	284.35	12226.15	
212	lemon scented gum	Corymbia citriodora	28	B		X	3.74	160.78	1.63	182.84	1241.43	16.23	0.89	33.18	8.90	0.57	0.62	103.70	4458.72	
213	Aleppo pine	Pinus halepensis	31.8	C		X	9.59	412.52	1.54	172.47	1171.03	8.77	0.98	23.46	5.62	0.42	0.19	233.19	10026.79	
214	Aleppo pine	Pinus halepensis	35.8	C		X	11.09	476.90	1.71	191.49	1300.16	9.05	1.08	24.76	5.85	0.44	0.18	302.67	13013.94	
215	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
216	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	

217	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
218	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
219	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
220	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
221	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
222	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
223	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
224	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
225	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
226	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
227	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
228	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
229	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
230	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
231	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
232	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
233	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
234	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
235	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
236	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
237	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
238	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
239	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
240	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
241	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
242	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
243	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
244	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
245	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
246	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
247	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
248	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
249	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65"	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
250	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.10	6.85	294.53	
251	Blue gum	Eucalyptus globulus	46.8	C		X	4.04	173.87	3.53	395.28	2683.78	38.61	2.24	80.75	21.50	1.38	1.42	237.81	10225.13	
252	Blue gum	Eucalyptus globulus	38	C		X	6.01	258.52	2.76	309.37	2100.47	28.99	1.75	61.72	16.33	1.06	1.04	150.00	6449.46	
253	Blue gum	Eucalyptus globulus	33.2	C		X	5.63	242.04	2.35	263.17	1786.78	23.98	1.49	51.70	13.63	0.89	0.84	111.51	4794.83	
254	Blue gum	Eucalyptus globulus	38	C		X	6.01	258.52	2.76	309.37	2100.47	28.99	1.75	61.72	16.33	1.06	1.04	150.00	6449.46	
255	Windmill palm	Trachycarpus fortune!	9	A		X	0.71	30.40	0.35	38.82	263.60	0.90	0.18	2.79	0.59	0.00	0.00	6.91	297.15	
256	Indian laurel fig	Ficus microcarpa	11.5	A		X	6.61	284.08	0.61	67.91	461.08	3.40	0.32	8.57	2.12	0.15	0.00	42.67	1834.86	AKA "Ficus Microcarpa v. Nitida" or "Green Indian Laurel Fig"
257	Windmill palm	Trachycarpus fortune!	9	A		X	0.71	30.40	0.35	38.82	263.60	0.90	0.18	2.79	0.59	0.00	0.00	6.91	297.15	
258	Windmill palm	Trachycarpus fortune!	9	A		X	0.71	30.40	0.35	38.82	263.60	0.90	0.18	2.79	0.59	0.00	0.00	6.91	297.15	
259	Aleppo pine	Pinus halepensis	25	C		X	7.33	315.37	1.27	142.42	966.99	7.74	0.81	20.29	4.92	0.36	0.18	137.37	5906.54	
260	Aleppo pine	Pinus halepensis	28.7	C		X	8.46	363.96	1.42	158.42	1075.59	8.48	0.90	22.31	5.39	0.40	0.19	186.24	8008.03	
261	Aleppo pine	Pinus halepensis	15.5	C		X	4.14	178.11	0.94	105.25	714.62	5.84	0.60	15.21	3.70	0.27	0.14	46.71	2008.63	
262	Aleppo pine	Pinus halepensis	34.2	C		X	10.49	450.93	1.64	183.n	1247.70	8.94	1.04	24.27	5.77	0.43	0.19	273.66	11766.67	
263	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
264	Windmill palm	Trachycarpus fortune!	9	A		X	0.71	30.40	0.35	38.82	263.60	0.90	0.18	2.79	0.59	0.00	0.00	6.91	297.15	
265	Aleppo pine	Pinus halepensis	33.3	C		X	10.13	435.65	1.60	179.25	1217.06	8.88	1.01	23.96	5.71	0.43	0.19	257.21	11059.28	
266	American sweetgum	Liquidambar styraciflua	9.5	B		X	2.90	124.72	0.37	41.49	281.71	2.20	0.20	5.70	1.34	0.00	0.00	11.81	507.59	
267	American sweetgum	Liquidambar styraciflua	11.8	B		X	3.95	169.70	0.50	56.43	383.13	3.24	0.27	8.19	1.95	0.13	0.00	20.12	865.08	
268	American sweetgum	Liquidambar styraciflua	9.6	B		X	2.94	126.58	0.38	42.10	285.84	2.24	0.20	5.80	1.36	0.00	0.00	12.11	520.80	
269	American sweetgum	Liquidambar styraciflua	9	B		X	2.69	115.56	0.34	38.51	261.44	1.99	0.19	5.20	1.21	0.00	0.00	10.34	444.58	
270	American sweetgum	liquidamb.ir styraciflua	11	B		X	3.57	153.54	0.46	51.01	346.36	2.86	0.25	7.29	1.73	0.12	0.00	16.92	727.72	
271	Coastal redwood	Sequoia sempervirens	15	B		X	5.42	233.15	0.87	97.81	664.09	5.27	0.48	13.18	3.27	0.23	0.14	39.75	1709.18	
272	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
273	American sweetgum	Liquidambar styraciflua	11	C		X	3.06	131.48	0.39	44.03	298.96	2.67	0.25	6.95	1.63	0.11	0.00	16.92	727.72	
274	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	

275	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
276	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
277	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
278	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
279	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
280	Tangerine	Citrus reticulata	16.5	A		X	6.17	265.11	0.50	56.50	383.58	2.56	0.26	6.69	1.63	0.12	0.00	167.46	7200.27	
281	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
282	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
283	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
284	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
285	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
286	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
287	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
288	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
289	Aleppo pine	Pinus halepensis	22	C		X	6.29	270.48	1.16	130.08	883.18	7.22	0.74	18.78	4.57	0.33	0.17	103.27	4440.34	
290	Aleppo pine	Pinus halepensis	19.7	C		X	5.54	238.16	1.08	120.99	821.50	6.79	0.68	17.62	4.29	0.31	0.16	80.54	3463.08	
291	Aleppo pine	Pinus halepensis	15	B		X	4.64	199.65	1.07	119.85	813.75	6.14	0.59	15.63	3.85	0.28	0.16	43.84	1885.06	
292	Bluegum	Eucalyptus globulus	50.6	C		X	2.67	114.74	3.86	432.48	2936.36	42.94	2.45	89.14	23.79	1.53	1.59	282.93	12165.16	
293	Blue gum	Eucalyptus globulus	19.6	C		X	3.12	134.03	1.22	136.23	924.93	10.03	0.77	23.57	6.01	0.41	0.30	32.51	1397.64	
294	Blue gum	Eucalyptus globulus	39.7	C		X	5.76	247.62	2.91	325.88	2212.59	30.80	1.84	65.34	17.31	1.12	1.11	165.19	7102.75	
295	Indian laurel fig	Ficus microcarpa	10.5	A		X	5.84	251.23	0.55	61.63	418.44	2.98	0.29	7.61	1.87	0.13	0.00	34.33	1476.01	AKA "Ficus Microcarpa v. Nitida" or "Green Indian Laurel Fig"
296	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
297	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
298	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
299	Aleppo pine	Pinus halepensis	40.3	B		X	12.30	528.93	2.33	261.07	1n2.ss	10.10	1.21	27.66	6.54	0.50	0.21	393.95	16939.00	
300	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
301	Navel orange	Citrus sinensis	11.5	A	X		8.64	371.40	0.36	39.75	269.89	1.63	0.18	4.38	1.05	0.00	0.00	54.80	2356.45	
302	Shamel ash	Fraxinus uhdei	43	C		X	0.57	24.52	2.27	253.87	1723.70	8.36	1.43	25.66	5.36	0.43	0.11	626.17	26923.69	
303	Aleppo pine	Pinus halepensis	42	C		X	9.47	407.06	1.99	222.94	1513.67	9.26	1.26	26.32	6.07	0.48	0.16	430.77	18522.04	
304	Aleppo pine	Pinus halepensis	12.8	C		X	3.26	139.99	0.86	95.71	649.85	5.12	0.54	13.51	3.27	0.24	0.12	30.21	1298.89	
305	Olive	Olea europaea	16	C		X	5.76	247.65	1.07	119.51	811.43	6.43	0.68	16.90	4.09	0.30	0.15	129.36	5562.36	AICA "Olea europaea ssp. Europea"
306	Deodar cedar	Cedrus deodara	21.8	B	X		10.78	463.67	1.08	120.43	817.65	6.19	0.59	15.72	3.87	0.28	0.16	129.71	5577.41	
307	Weeping fig, variegated	Ficus benjamina, Variegata	20.5	A	X		8.79	377.14	1.11	U4.46	845.01	6.51	0.58	16.17	4.03	0.28	0.18	79.59	3422.06	
308	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
309	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
310	Weeping fig	Ficus benjamina	12.8	B		X	4.46	191.92	0.65	72.30	490.89	3.72	0.35	9.45	2.33	0.17	0.00	26.20	1126.69	
311	Mallet flower	Schefflera pueckleri	19.5	B		X	0.40	17.35	1.36	151.75	1030.34	6.85	0.74	18.16	4.37	0.32	0.15	213.68	9187.87	
312	Blue gum	Eucalyptus globulus	27.2	D		X	3.15	135.55	1.40	156.34	1061.45	15.58	1.17	36.29	9.29	0.63	0.48	67.33	2894.97	
313	Blue gum	Eucalyptus globulus	32	C		X	5.37	231.05	2.25	251.74	1709.24	22.79	1.42	49.25	12.97	0.85	0.80	102.89	4424.09	
314	Blue gum	Eucalyptus globulus	15	D		X	1.58	68.00	0.68	75.95	515.70	5.47	0.57	14.34	3.48	0.25	0.13	16.41	705.70	
315	Blue gum	Eucalyptus globulus	27.7	C		X	4.48	192.75	1.89	211.39	1435.25	18.60	1.20	40.68	10.67	0.70	0.64	75.17	3232.19	
316	Blue gum	Eucalyptus globulus	13.2	D		X	1.27	54.56	0.58	65.18	442.52	4.34	0.49	11.66	2.79	0.21	0.00	12.05	517.97	
317	Blue gum	Eucalyptus globulus	36.5	D		X	4.49	193.07	1.99	222.94	1513.65	23.48	1.67	53.51	13.82	0.93	0.75	129.47	5566.76	
318	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
319	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
320	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
321	Chinese elm	Ulmus parvifolia	17	B	X		14.82	637.22	1.27	142.49	967.44	5.89	0.69	16.52	3.71	0.27	0.12	113.94	4899.09	
322	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
323	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
324	Aleppo pine	Pinus halepensis	20.7	B	X		6.82	293.41	1.29	144.71	982.49	7.52	0.71	19.02	4.69	0.34	0.19	90.67	3898.46	
325	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
326	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
327	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
328	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
329	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
330	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	

331	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
332	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
333	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
334	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
335	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
336	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
337	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
338	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
339	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
340	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
341	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
342	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
343	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
344	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
345	Chinese elm	Ulmus parvifolia	14.5	B	X		11.94	513.26	1.06	118.76	806.31	5.12	0.58	14.17	3.21	0.23	0.11	77.80	3345.13	
346	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
347	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
348	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
349	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
350	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
351	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
352	canary Island pine	Pinus canariensis	19.7	C	X		5.08	218.35	1.08	120.99	821.50	6.68	0.68	17.43	4.24	0.31	0.16	105.46	4534.73	
353	Aleppo pine	Pinus halepensis	39.5	C	X		10.33	444.28	1.88	209.97	1425.63	9.21	1.19	25.76	6.01	0.46	0.17	376.08	16170.57	
354	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
355	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
356	Mexican fan palm	Washingtonia robusta	14.1	A		X	0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
357	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
358	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
359	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
360	Mexican fan palm	Washingtonia robusta	14.1		X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
361	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
362	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
363	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
364	Tree of heaven	Atlanthus altissima	32.5	B	X		12.15	522.46	2.40	268.18	1820.85	9.58	1.30	27.91	6.09	0.46	0.17	484.78	20844.47	
365	Spanish dagger	Yucca gloriosa		B	X															AKA "Yucca Torreyi"
366	Spanish dagger	Yucca gloriosa		B	X															AKA "Yucca Torreyi"
367	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
368	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
369	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
370	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
371	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
372	Spanish dagger	Yucca gloriosa		B	X															AKA "Yucca Torreyi!"
373	Spanish dagger	Yucca gloriosa		B	X															AKA "Yucca Torreyi!"
374	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
375	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
376	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
377	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
378	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
379	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
380	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
381	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
382	Mexican fan palm	Washingtonia robusta	14.1	A	X		0.97	41.76	0.65	72.33	491.08	2.11	0.34	6.25	1.40	0.11	0.00	6.85	294.53	
383	Coast live oak	Quercus agrifolia	23.8	A	X		14.22	611.52	2.01	225.27	1529.50	12.86	1.04	30.87	7.80	0.54	0.37	271.47	11672.37	
ST384	Southern magnolia	Magnolia grandiflora	11.5	C	X		4.29	184.43	0.55	61.32	416.33	3.80	0.35	9.53	2.36	0.17	0.10	35.06	1507.41	
ST385	Southern magnolia	Magnolia grandiflora	24.7	B	X		14.22	611.21	1.33	149.36	1014.10	9.87	0.73	22.84	5.86	0.40	0.31	213.33	9172.51	
ST386	American sweetgum	liquidambar styraciflua	28.2	B	X		13.70	589.21	1.88	209.93	1425.32	10.56	1.02	27.85	6.47	0.44	0.27	172.88	7433.30	
ST387	American sweetgum	liquidambar styraciflua	28.6	B	X		13.98	600.99	1.92	214.68	1457.57	10.67	1.04	28.25	6.55	0.45	0.27	178.97	7695.16	
ST388	Olive	Olea europaea	15.2	B	X		8.14	349.87	1.18	131.58	893.39	6.62	0.64	16.96	4.16	0.30	0.17	115.69	4974.47	AKA "Olea europaea ssp. Europea"
5T389	American sweetgum	liquidambar styraciflua	32	8	X		16.34	702.77	2.30	257.21	1746.34	11.43	1.25	31.36	7.13	0.50	0.26	235.74	10136.37	

ST390	American sweetgum	liquidambar styraciflua	26	B		X	12.22	52S.37	1.65	184.7S	1254.35	9.90	0.90	25.SS	6.00	0.41	0.27	141.56	6086.S3	
ST391	American sweetgum	liquidambar styraciflua	21	B	X		9.01	387.56	1.19	133.29	905.00	7.85	0.65	19.62	4.68	0.31	0.23	83.57	3593.47	
R-A	Valley oak	Quercus lobata	1.5	A	X		1.07	46.01	0.00	10.84	73.61	0.27	0.00	0.84	0.17	0.00	0.00	0.98	41.93	AKA "California White Oak"
R-8	Valley oak	Quercus lobata	1.5	A	X		1.07	46.01	0.00	10.84	73.61	0.27	0.00	0.84	0.17	0.00	0.00	0.98	41.93	AKA "California White Oak"
R-C	Coast live oak	Quercus agrifolia	1	A	X		0.20	8.53	0.00	7.96	54.04	0.21	0.00	0.63	0.14	0.00	0.00	0.17	7.32	
R-0	Coast live oak	Quercus agrifolia	1	A	X		0.20	8.53	0.00	7.96	54.04	0.21	0.00	0.63	0.14	0.00	0.00	0.17	7.32	
R-E	California sycamore	Platanus racemosa	1	A	X		0.09	3.86	0.00	6.99	47.45	0.17	0.00	0.55	0.11	0.00	0.00	0.06	2.4S	
R-F	California sycamore	Platanus racemosa	1.5	A	X		0.14	6.18	0.00	9.98	67.7S	0.26	0.00	0.81	0.17	0.00	0.00	0.1S	6.30	
R-G	California sycamore	Platanus racemosa	1.5	A	X		0.14	6.18	0.00	9.98	67.75	0.26	0.00	0.81	0.17	0.00	0.00	0.15	6.30	
R-H	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-1	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-J	California sycamore	Platanus racemosa	1	A	X		0.09	3.86	0.00	6.99	47.45	0.17	0.00	0.5S	0.11	0.00	0.00	0.06	2.45	
R-K	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-l	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-M	California sycamore	Platanus racemosa	1.5	A	X		0.14	6.18	0.00	9.98	67.75	0.26	0.00	0.81	0.17	0.00	0.00	0.15	6.30	
R-N	California sycamore	Platanus racemosa	1.5	A	X		0.14	6.18	0.00	9.98	67.75	0.26	0.00	0.81	0.17	0.00	0.00	0.1S	6.30	
R-0	California sycamore	Platanus racemosa	1.5	A	X		0.14	6.18	0.00	9.98	67.75	0.26	0.00	0.81	0.17	0.00	0.00	0.15	6.30	
R-P	California sycamore	Platanus racemosa	1	F	X		0.01	0.38	0.10	0.91	6.17	0.00	0.00	0.10	0.00	0.00	0.00	0.06	2.45	
R-Q	California sycamore	Platanus racemosa	1	F	X		0.01	0.38	0.10	0.91	6.17	0.00	0.00	0.10	0.00	0.00	0.00	0.06	2.45	
R-R	California sycamore	Platanus racemosa	1	A	X		0.09	3.86	0.00	6.99	47.45	0.17	0.00	0.55	0.11	0.00	0.00	0.06	2.45	
R-S	California sycamore	Platanus racemosa	1	A	X		0.09	3.86	0.00	6.99	47.45	0.17	0.00	0.55	0.11	0.00	0.00	0.06	2.45	
R-T	Coast live oak	Quercus agrifolia	1	A	X		0.20	8.53	0.00	7.96	54.04	0.21	0.00	0.63	0.14	0.00	0.00	0.17	7.32	
R-U	Coast live oak	Quercus agrifolia	1	A	X		0.20	8.53	0.00	7.96	54.04	0.21	0.00	0.63	0.14	0.00	0.00	0.17	7.32	
R-V	Coast live oak	Quercus agrifolia	1	A	X		0.20	8.53	0.00	7.96	54.04	0.21	0.00	0.63	0.14	0.00	0.00	0.17	7.32	
R-W	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-X	Coast live oak	Quercus agrifolia	1	A	X		0.20	8.53	0.00	7.96	54.04	0.21	0.00	0.63	0.14	0.00	0.00	0.17	7.32	
R-Y	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-Z	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-M	California sycamore	Platanus racemosa	1	A	X		0.09	3.86	0.00	6.99	47.45	0.17	0.00	0.55	0.11	0.00	0.00	0.06	2.45	
R-BB	California sycamore	Platanus racemosa	2	A	X		0.20	8.75	0.12	13.04	88.53	0.36	0.00	1.10	0.23	0.00	0.00	0.29	12.48	
R-CC	California sycamore	Platanus racemosa	1	A	X		0.09	3.86	0.00	6.99	47.45	0.17	0.00	0.55	0.11	0.00	0.00	0.06	2.45	
R-DD	Coast live oak	Quercus agrifolia	1	B	X		0.18	7.91	0.00	7.56	51.34	0.21	0.00	0.62	0.13	0.00	0.00	0.17	7.14	

<b>Total</b>							<b>1584.14</b>	<b>67439.56</b>	<b>413.32</b>	<b>46630.26</b>	<b>312555.20</b>	<b>2412.25</b>	<b>237.83</b>	<b>6027.37</b>	<b>1469.45</b>	<b>104.49</b>	<b>63.00</b>	<b>35281.18</b>	<b>1520466.02</b>	
							<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>Annual</b>	<b>To Date</b>	<b>To Date</b>	

Legend	A	B	C	D	F
	Excellent	Good	Fair	Poor	Dead

## Response No. ORG 6B-8

The comment shows the results of an i-Tree National Tree Benefits Calculator software carbon sequestration analysis of existing conditions. As shown in the comment, the commenter estimated total existing carbon sequestration as 67,439.56 lbs. The commenter erroneously calculated and cited carbon sequestration for the entire Project Site, even though the Project would preserve approximately half of the existing trees.

Appendix C, Carbon Sequestration and Tree Canopy Study, also used i-Tree software consisting of the web-based CO<sub>2</sub> sequestration calculator known as “i-Tree Design” and the software interface “i-Tree Eco” in the evaluation of existing trees and palms to be removed. Appendix C, Figure 1, Annual Sequestration of Trees and Palms to be Removed, tabulates only the trees to be removed by the Project according to species. The Project’s removal of 240 of 421 existing trees represents 57 percent of removal of total trees. Forty-three percent of existing trees would remain. Figure 1 shows annual sequestration of the trees to be removed by the Project as 44,633 lbs. (or the 57 percent to be removed). The annual sequestration of the trees to be removed represents 33.8 percent of the existing carbon sequestration of 67,439.56 lbs cited in the comment. Since 57 percent of trees would be removed, the existing sequestration for trees to be removed in Appendix C represents a higher existing sequestration and more conservative analysis (a greater potential loss) compared to that calculated in the comment. That is, as explained above, that the comment overstates any potential impact since its calculations are based on removal of a significant number of trees which will remain onsite under the Project.

Respective tables showing carbon sequestration per species for the Project are provided in Figures 3 through 7 in Appendix C. Per the Carbon Sequestration and Tree Canopy Study, data comparisons with i-Tree software conservatively assumed that existing trees would continue to annually sequester the same level of carbon dioxide in the future as they do today. Existing trees to be removed, no matter their state of health were rated as “excellent” to provide a conservative data base for existing conditions. The “excellent” health condition for existing trees in the analysis was also used for the Project’s replacement trees. This would be appropriate in the analysis since the proposed native trees would all be supplied by reputable tree nurseries that comply with the nursery industry standard. Further assumptions applied to the carbon sequestration model include the tree inventory from the Carlberg Associates’ October 2020 Tree Report.

Although existing trees to be removed by the Project were all assumed to be in “excellent” health condition for the purpose of the study, the Carlberg Associates Tree Report identified a wide range of health grades (including several trees that were deemed dead, and more than half of all trees to be removed were assigned health grades of C or lower,

excluding Mexican fan palms). Notably, the Mexican fan palms on the Project Site are the only group of trees that were consistently assessed with health grades of “A.” Please refer to Final EIR Appendix C for a more detailed discussion of carbon sequestration and the full Carlsberg Associates Tree Report. Note also that by year 2, the annual carbon dioxide sequestration rate of the Project’s replacement trees would be 43,160 pounds (almost enough to make up for the sequestration from the removed trees) and that by year 5 replacement trees would sequester more than 73,000 pounds of carbon dioxide, which would surpass the sequestration rate from existing conditions.

## **Comment Letter No. ORG 7**

Amy Minter

Sunjana Supekar

Chatten-Brown, Carstens & Minter

On behalf of Save LA River Open Space and the Studio City Residents Association

Letter A received May 10, 2022

Letter B received May 11, 2022

Letter C received April 22, 2022

### **Letter A – May 10, 2022**

#### **Comment No. ORG 7A-1**

On behalf of the Studio City Residents Association (SCRA) and Save LA River Open Space (SLAROS), we provide the following comments on the draft environmental impact report (DEIR) for the proposed Harvard-Westlake River Park Project. SCRA is an all-volunteer membership organization that advocates for and enhances the quality of life in Studio City. The SCRA's volunteers educate our members and create a platform for the interests, concerns and passions regarding the Studio City community. SCRA consists of more than 2,100 members in the community surrounding the proposed Harvard-Westlake River Park Project (the "Project") on what is now the site of Weddington Golf & Tennis. SLAROS is a non-profit volunteer organization working with SCRA in their commitment to protect the last remaining 16 acres of unprotected open space along the Los Angeles River in the San Fernando Valley.

#### **Response No. ORG 7A-1**

The comment introduces Chatten-Brown, Carstens & Minter as representing the SCRA and SLAROS in responding to the Draft EIR. The comment discusses the purpose and membership of the SCRA and describes the role of SLAROS. This introductory comment does not address the adequacy of the Draft EIR and no further response is necessary.

#### **Comment No. ORG 7A-2**

SCRA and SLAROS have serious concerns regarding the density and intensity of development proposed as part of Harvard-Westlake's Project, as well as the limited public access to the recreational facilities on the Project site. The Harvard-Westlake School ("School") has proposed to cram two large sports fields with artificial turf and a 50-meter swimming pool, with hundreds of bleacher seats and 70- to 80-foot-tall lighting and LED scoreboards, a two-story, 80,249-square-foot multi-purpose gymnasium and a 500-space subterranean parking garage on the site after eliminating the existing popular golf course and driving range and the hundreds of mature trees located on the Project site. This Project would have significant adverse impacts that are not fully disclosed in the DEIR due to the elimination of the scenic trees that provide important biological resources, the increase in intensity of use increasing traffic, air quality and greenhouse gas impacts, the

change in hydrologic conditions on the site, the failure to comply with requirements the California Environmental Quality Act (CEQA) imposes on the treatment of Tribal Cultural Resources, lack of consistency with land use plan policies and programs, loss of public recreational access, and potential public health impacts. The DEIR fails to include fully enforceable mitigation measures for many of these impacts, in clear violation of CEQA's requirements.

### **Response No. ORG 7A-2**

The comment asserts that that the Project would result in potentially significant impacts that are not disclosed in the Draft EIR but does not provide any factual support for this claim. The comment is primarily an introduction for the commenter's further discussion below. According to the comment, the Project would have significant adverse impacts that are not fully disclosed in the Draft EIR due to the elimination of scenic trees that provide important biological resources; increase in intensity of use increasing traffic, air quality and greenhouse gas impacts; change in hydrologic conditions on the site; failure to comply with requirements of CEQA regarding the treatment of Tribal Cultural Resources; inconsistency with land use plan policies and programs; loss of public recreational access; potential public health impacts; and failure to provide enforceable mitigation measures. No specific examples are provided in this paragraph to support the claims and no further response to this comment is necessary. However, it is noted that the Project's prior 503-space subterranean garage has been reduced to 386 subterranean spaces and the lighting program has been revised to reduce the number of field and tennis court lights. These changes are incorporated into Chapter 3 of this Final EIR. The issues brought up in the letter are addressed under the Responses below.

### **Comment No. ORG 7A-3**

The DEIR fails to provide an adequate project description, particularly with regard to the Project's public accessibility, intensity of School use of the site and special uses of the site. The DEIR also fails to disclose the reasonably foreseeable activities that will be spurred on Harvard-Westlake's Coldwater Canyon Campus by making the extensive athletic facilities located there obsolete.

### **Response No. ORG 7A-3**

This comment asserts that the Project description is inadequate with regard to public accessibility, intensity of School use of the Project Site, special uses and impacts on the existing School athletic facilities. CEQA Guidelines Section 15124 specifically states that the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact". Section 15124(c) states that the project description shall contain "[a] general description of the project's technical, economic, and environmental characteristics".

The Project's public accessibility and intensity of School and special event use of the Project Site are adequately discussed in the Draft EIR. Chapter II, *Project Description*,

Subsection 4(a)(2), *Public Use of the Project Site*, pages II-33 through II-35, of the Draft EIR provides a schedule of hours when the Project Site would be available for public use as well as the types of uses available on site to the public. Subsection 4(b)(1), pages II-47 through II-51, *Athletic and Recreational Activity and Special Events*, of the Draft EIR discusses the athletic and sports program anticipated by the School, the maximum scenario for the hours of the day throughout the year in which the School would be using athletic facilities, and the frequency and attendance anticipated for special events. As described therein, most of the School's outdoor events, including those at the athletic fields, would occur in the late afternoons and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. Public access and use of facilities would be available prior to late afternoons during school days when not in use by the School. The details contained in Chapter II are more than sufficient to satisfy the requirements of CEQA Guidelines Section 15124 and to allow the commenter to evaluate and review any potential environmental impacts of the Project. However, for further clarification of public access and use of the Project Site, please refer to the cited subsections of the Draft EIR and Topical Response No. 3 – Enforcement of Public Access.

The comment asserts that the Draft EIR fails to include Project impacts at the School's Upper School campus "spurred" by the Project. The comment contains no facts to support the allegation that the facilities on the Coldwater Canyon campus (Upper School) would be rendered obsolete or any facts to support an allegation that there would be any change to the Upper School campus as a result of the Project. The School's objective, which is unrelated to the Project, is to maintain physical education and athletic facilities at the Upper School campus for academic purposes as under existing conditions. As related to unknown future changes, CEQA does not require an EIR to engage in speculation. As was reiterated in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 373, citing previous authority, an EIR is "not required to engage in speculation in order to analyze a 'worse-case scenario'".

Additionally, the assumption in the comment is incorrect. The Upper School campus recreational facilities are still needed for School use given significant student interest in recreation and interscholastic sports; the myriad of physical, emotional, and psychological benefits that are associated with recreation and sports; and limitations experienced by the School and its students on a daily basis from inadequate and overscheduled existing athletics facilities on the Upper School campus. The underlying objectives of the Project are expressed in Chapter II, *Project Description*, pages II-13 and II-14, of the Draft EIR, and framed by the primary purpose of the Project to "supplement the School's athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future", which contrasts with the comment's implication that the Project is a pretext to new programs and activities being developed at the Upper School campus. Also, please see Topical Response No. 13 – Need for Project (Non-CEQA). As discussed in Topical Response No. 13, the Weddington Golf & Tennis parcel was purchased by Harvard-Westlake School in December 2017, and the School has continued its operation primarily for public golf and

tennis uses. However, the current Weddington Golf & Tennis is not consistent with the School's educational mission or financially sustainable.

### **Comment No. ORG 7A-4**

Further, the DEIR's analysis of less impactful alternatives is based on improperly narrow project objectives and fails to include a reasonable range of alternatives that would reduce the Project's many significant impacts.

### **Response No. ORG 7A-4**

The comment asserts that the alternatives analysis is inadequate because the Project Objectives are too narrow and the range of alternatives is insufficient. The comment contains no facts to support this contention. Chapter II, *Project Description*, pages II-13 through II-14 of the Draft EIR contain a list of nine Project Objectives in addition to the underlying purpose of supplementing the School's existing recreational facilities. The scope of the Objectives range from fulfilling school needs to providing for public recreational opportunity to incorporating environmentally sustainable features. As such, the Project Objectives are reasonable, provide the public with access and recreational opportunities to private property, and do not limit the range of alternatives for the decisionmakers to consider. CEQA Guidelines 15126.6(a) only requires an EIR to evaluate a reasonable range alternatives. There is no requirement that all possible alternatives be considered. In determining which alternatives to evaluate, the lead agency is governed by a "rule of reason"; needing "only those alternatives necessary to permit a reasoned choice" (CEQA Guidelines Section 15126.6(f)). Please refer to Response Nos. ORG 1B-104 through 1B-106 above, regarding the selection of alternatives. As explained therein, the selection of alternatives is consistent with CEQA Guidelines because the alternatives evaluated in the Draft EIR would reduce the Project's construction noise and vibration impacts (albeit impacts would remain significant and unavoidable), reduce many of the Project's less than significant impacts (acknowledging a few impacts may be greater than the Project's) while largely achieving most of the Project's basic objectives either fully, substantially or partially.

### **Comment No. ORG 7A-5**

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## Response No. ORG 7A-5

The table of contents provided in the comment outlines the specific environmental concerns described in Comment Nos. ORG 7A-6 through ORG 7A-200, below. These specific concerns are addressed by the City in Response Nos. ORG 7A-6 through 7A-200. Note also that Comment No. ORG 7A-5 does not include any supporting evidence for the claims of the listed headings and subheadings and as such no further response is necessary.

## Comment No. ORG 7A-6

### I. History of the Project Site

In the early 1970's, the Project site was down-zoned from residential to its current agricultural (A-1) zoning pursuant to an agreement among Weddington, Studio City Golf Course, Inc., and the City of Los Angeles and County of Los Angeles to permanently maintain the Project site as recreational open space. Consistent with that agreement, the Project site is designated as open space, with a specific golf course designation, on the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan—the applicable land use element of the City's General Plan.

For more than 60 years, the Project site has been open to the public as the Studio City<sup>1</sup> Golf & Tennis, a recreational facility consisting of a 9-hole golf course, driving range, putting green, 16 tennis courts,<sup>2</sup> and club house. The site includes numerous mature trees, providing rare green and open space in the otherwise heavily developed San Fernando Valley, is extraordinarily well-operated and maintained, and is used by tens of thousands of residents from throughout both the City and the Greater Los Angeles region. The tennis facilities are home to the teams from several high schools and tennis leagues, including the Los Angeles Tennis Association.

<sup>1</sup> The facility has also been identified as the Weddington Golf & Tennis Center.

<sup>2</sup> Four tennis courts were previously removed to allow for construction of Los Angeles Fire Department Station 78.

## Response No. ORG 7A-6

The comment summarizes the history of the Project Site but inaccurately depicts the character of any agreement between the former owners and the City. In discussion with Matt Becker (descendent of Guy Weddington, the original operator of the property), the Property was downzoned from the original residential zone to reduce tax liability prior to Proposition 13 and to be consistent with the zoning of similar golf course properties in the region. According to Mr. Becker, prior to the downzoning, the Property was not financially sustainable given the tax liability and was intended to revert to the original residential zone after a certain number of years in order to allow for more profitable residential

development opportunities.<sup>79</sup> In addition, the original Weddington Golf & Tennis facility operators attempted to entitle and/or sell the site for the development of multi-family homes and, when that proposal did not succeed, the operator sold the site with the understanding that the School intended to develop it for the School's purposes. There was no documentation on the part of the City or the original operator that supported maintaining open space at the Project Site. The School has continued the operation of golf and tennis operations in the interim since its purchase of the Project Site in 2017 as a commitment to the public with the understanding that the Project Site would be reused for the School's athletic and recreational program. It is also the intent of the School to provide public access to these facilities (see Topical Response No. 3 - Enforcement of Public Access). As also discussed in Section IV.L.3, *Parks and Recreation*, of the Draft EIR, the east San Fernando Valley has tennis resources to absorb relocated current tennis uses of the Project Site to the extent that the temporary relocation would not exceed the CEQA Parks and Recreation threshold in which relocation would require the expansion or construction of new public facilities. The comment, however, does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 7A-7**

In September 2021, the Los Angeles City Council designated the Studio City Golf & Tennis Center as an Historic Cultural Monument. This designation was based on the fact that the site “exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community” as an excellent example of a 1950s private recreational facility and golf club in Studio City. The facility also “embodies the distinctive characteristics of a style, type, period, or method of construction” as an excellent example of a 1950s community golf course. (See [https://planning.lacity.org/odocument/5ae20992-41fd-4739-a6b0-66003878f981/CHC-2020-7764-HCM\\_\(4-15-21\).pdf](https://planning.lacity.org/odocument/5ae20992-41fd-4739-a6b0-66003878f981/CHC-2020-7764-HCM_(4-15-21).pdf), incorporated by reference.) There was overwhelming community support for this designation, with commentors identifying the importance of the publicly available recreational facility, the facility's long-standing inclusivity and the importance of the open space the site provides.

### **Response No. ORG 7A-7**

The statement that the site “exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community” is based on the Cultural Heritage Commission's language in its recommendation to the City Council that the Project Site be designated as a Historic Cultural Monument. The comment, however, does not address the adequacy of the Draft EIR, but rather appears to conflate the Cultural Heritage Commission's recommendation and the City Council's designation of the Project Site as a Historic Cultural Monument since it mischaracterizes the final

<sup>79</sup> Conversation between Harvard-Westlake School and Matt Becker on June 6, 2022. In the conversation, Matt Becker expressed that he would be willing to testify to his understanding that the Property would revert to its original residential zone. Mr. Becker also stated that the price paid for the Fire Station site by the City through an imminent domain action demonstrated the City's acknowledgement of the value of the property as a potential residential use.

findings of the City Council. Nonetheless, as explained in Topical Response No. 6 – Historical Resources, the Project would comply with the City Council’s designation of the Project Site as a Historic Cultural Monument (HCM). The HCM designation is evaluated in Section IV.D, *Cultural Resources*, of the Draft EIR. As described therein, the Project Site was designated a Historic-Cultural Monument in 2021 under the name “Studio City Golf and Tennis Club.” According to the designation as adopted by the City Council, identified character-defining features include:

- Private recreational facility open for public use
- Clubhouse
- Golf ball [-shaped] light standards
- Putting green
- Brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property

The City of Los Angeles Cultural Heritage Ordinance requires compliance with the Secretary of the Interior’s Standards for Rehabilitation (the Standards) for properties that are designated HCMs (Los Angeles Administrative Code, Section 22.171.14).

As discussed in Chapter II, *Project Description*, of the Draft EIR, and in Project Design Feature CUL-PDF-1: Rehabilitation Plan, the distinctive character-defining features of the Project Site as identified in the HCM designation would be retained. Specifically, the Project Site would remain a private recreational facility open for public use in Studio City, and the character defining features of the HCM, specifically the clubhouse, putting green, golf ball-shaped light standards, and brick wall with weeping mortar, would all be retained such that the Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility. The putting green and brick wall would be retained in place in their original configuration. The golf ball-shaped light standards would be retained and relocated to the northeastern portion of the Project Site, in proximity to the clubhouse and putting green. Following their relocation on the Project Site, the golf ball-shaped light standards would remain visible from the public right-of-way and would continue to collectively convey their programmatic association with the history of the Project Site.

The clubhouse would be retained, adaptively re-used as a visitors’ center, and rehabilitated according to the Standards, as required by the City of Los Angeles Cultural Heritage Ordinance for properties that are designated HCMs. The Project would maintain the significant characteristics of the clubhouse’s original Ranch-style architecture, and the historic relationship of the building with the overall Project Site and the surrounding neighborhood. This includes retaining the clubhouse in its historic location and maintaining the significant features of the clubhouse that have collectively served as the public face of the Project Site since the 1950s, including: the clubhouse’s angled position facing Whitsett Avenue and Valley Spring Lane; the existing setback; the relationship of the clubhouse, the putting green, and the low brick wall; and the mature trees in this

portion of the Project Site. The clubhouse, golf ball-shaped light standards, putting green, and brick wall comprise the primary features of the Project Site that have historically been visible from the public right-of-way. The Project Site would, therefore, retain much of its historic outward appearance. The Project Site would maintain the same relationship with the surrounding neighborhood as it did historically when it was established as a recreational facility to serve the growing population in the San Fernando Valley after World War II.

### **Comment No. ORG 7A-8**

Not only is the Project site an important historic resource that includes public recreational facilities and one of the few remaining open space areas in the San Fernando Valley, it is also unique due to its strategic location adjacent to the Los Angeles River. The Project site is a critical location as a key connection in the regional network of parks, trails and natural lands that comprise the 51-mile Los Angeles River Greenway. The site has significant value as the last remaining unprotected undeveloped open space along the Los Angeles River. Large financial investments have been made at all levels of government and years of planning have gone into efforts to revitalize the Los Angeles River and lands adjacent to it. The Zev Yaroslavsky Los Angeles River Greenway Trail (“Zev Greenway”) was completed on County property adjacent to the Project site in 2017. The Zev Greenway is a half-mile walking path that brings back native habitat to the River’s edge and reincorporates the River into this urban San Fernando Valley neighborhood. The trail is popular with walkers and joggers, and those needing natural respite. Beautifully designed artistic gates and interpretive panels tell the story of the natural function of the River and the native people who once centered their lives around it.

### **Response No. ORG 7A-8**

The comment does not challenge the adequacy of the Draft EIR, and as such no further response is necessary. Nonetheless, the Project recognizes the importance of the adjacent Zev Greenway, a link in the Los Angeles River Greenway. Even though the Zev Greenway is immediately adjacent to the entire southern border of the privately-owned Project Site property, visitors to Weddington Golf & Tennis are not currently able to access the Zev Greenway or Los Angeles River environs from the Project Site, despite the proximity. As a primary objective of the Project, the School is committed to ensuring that members of the public would have access to and through the Project Site, as well as to the Zev Greenway and to a broad array of recreational facilities, including substantial areas that are maintained and available without charge in the same fashion as a City-owned park. The Project offers a three-quarter mile, publicly accessible walking path through the Project Site and would provide a ramp from the walking path to the Zev Greenway. The Project would also install an ADA-compliant accessible pedestrian ramp leading to the Zev Greenway at Coldwater Canyon Avenue (Coldwater Canyon Avenue Riverwalk Path Ramp) to allow for greater public access to the Greenway, open public access within the Project Site to the Greenway, replace less desirable tree species along the Greenway with RIO-approved trees, and restore habitat along the Greenway adjacent

to the Project Site to native species. One of the primary Project Objectives is to support the goals of the Los Angeles River Improvement Overlay District Ordinance, the Los Angeles River Revitalization Master Plan, and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes (see Chapter II, Project Description, page II-30). As discussed in Section IV.C, *Biological Resources*, page IV.C-20, of the Draft EIR, disturbed areas consist of dirt areas that lack vegetation or previously disturbed by human activity include areas within the Zev Greenway and Coldwater Canyon Avenue Riverwalk Path Ramp area that are generally devoid of vegetation. The Project would provide for restoration of these areas, and under Mitigation Measure BIO-MM-2, discussed on page IV.C-44 of the Draft EIR, would replace sensitive natural community habitat adjacent to and contiguous with the Zev Greenway. As such, the Project would not conflict with the presumed objectives of the comment.

### **Comment No. ORG 7A-9**

A senior housing project was previously proposed for the Project site between approximately 2007 and 2014. The surrounding community opposed the privatization and development of this site. The previous development project did not move forward. However, before any individuals interested in preserving the Project site as public recreational facilities could make an offer on the Project site, the public was informed that Harvard-Westlake had purchased the site for private school use. The community similarly opposes the privatization of the Studio City Golf & Tennis Center site to be paved over with buildings, structures, and artificial turf to allow it to be converted to mainly private use as the athletic campus for an exclusive private school.

### **Response No. ORG 7A-9**

The comment does not address the adequacy of the Draft EIR and instead seems to be challenging the private property ownership rights of the School since it mischaracterizes the existing uses as being public uses and the School's uses as privatization of the existing uses; as such, no further response is necessary. Nonetheless, to clarify the existing property rights and on-site uses, it is noted that the Project Site under the former Weddington Golf & Tennis facility was privately owned and that no public access was allowed to the site without payment for tennis or golf services. In fact, the Property has been privately owned since the late 1800s, having remained under the ownership of the Weddington/Becker families until Harvard-Westlake purchased it in late 2017. The comment also mischaracterizes the future public use of the Project. Please refer to Chapter II, *Project Description*, page II-13, Objective 4, of the Draft EIR, which states a primary objective of the Project is to "create new publicly-accessible open space with a broad array of recreational facilities in a safe and secure environment for the surrounding community and the public to use similar to a City-owned park, while also providing a community room, café, and indoor and outdoor areas for public gatherings, performances, and occasional special events." As further discussed in Section IV.L.3, *Parks and Recreation*, of the Draft EIR, the surrounding community has a shortage of public parks

within walking distance. A purpose of the Project is to supplement recreational facilities and provide park-type services to this community.

Regarding the statement that the site would be “paved over”, please refer to the discussion of the Project’s open space and trees in Chapter II on pages II-28 through II-31, of the Draft EIR and landscape program in Chapter II, pages II-51 and II-52, of the Draft EIR, for discussions of new planting programs and tree replacement programs. Topical Response No. 5 – Biological Resources/Trees, further describes the replacement of trees. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy after nearly 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. As discussed therein, there would be an increase in greater carbon sequestration and Project Site shading from the Project’s landscaping program. The Project would implement an extensive tree planting and landscaping program that would remove 240 (the majority of which are invasive species, more than half of which are not taxonomically trees, and that the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes lists under the heading “Plants That Should Never Be Planted Along The River”) of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 RIO-compliant trees, resulting in a net increase of 153 trees (or 36 percent increase). The Project’s tree planting and landscaping program with native species does not support the characterization of the Project as “paving over” of the Project Site but rather shows that the Project would enhance the Project Site with more trees and native plantings than currently exist.

## **Comment No. ORG 7A-10**

### **II. The DEIR Contains an Inadequate Project Description.**

Every EIR must set forth a project description that is sufficient to allow an adequate evaluation and review of the project’s environmental impacts. (CEQA Guidelines § 15124.) “An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192 93; accord *San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) “[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.).

## **Response No. ORG 7A-10**

This comment sets forth the law on the adequacy of project descriptions. It contains no facts to support the contention that the Project description is inadequate. Nonetheless, see Response No. ORG 7A-3 regarding the adequacy of the Project description.

## **Comment No. ORG 7A-11**

Here, there are several aspects of the Project for which the DEIR fails to provide adequate information to fully assess the Project's impacts. Of overarching concern for SCRA and SLAROS, as well as the community as a whole, is the public accessibility of the Project site. The Project site is currently publicly accessible at all times the site is open, prior to sunset for the golf course and prior to 10 p.m. for the driving range and tennis courts. The Project applicant has claimed to the community that the Project site will remain publicly accessible for recreational uses in response to concerns that the site will now become mainly a private school recreational facility instead of a public recreational facility.

## **Response No. ORG 7A-11**

This comment, which asserts that the Project description is inadequate because it does not address the current permissible, for a fee, uses of the Project Site. These same concerns are raised in Comment No. 7A-2. Refer to Response No. 7A-2 for a response to these concerns.

## **Comment No. ORG 7A-12**

The DEIR claims the site will have 5.4 acres of publicly available open space from 7 a.m. to 9 p.m. (DEIR p. II-2.) However, a review of the Project site plan shows the publicly accessible area is mainly just the landscaping around the new Harvard-Westlake school athletic facilities and the walking paths between those facilities. The Project site is so crowded with school facilities, very little space is left for the public. It is also unclear whether they are including County property in this calculation. The overstatement of the public open space is misleading.

## **Response No. ORG 7A-12**

The comment asserts that the Draft EIR includes a misleading analysis of the public open space that the Project would provide. However, the comment itself mischaracterizes the public path and does not demonstrate that the Draft EIR misrepresents the proposed open space. The Project Description as presented in the Draft EIR would be enforced through the Conditional Use Permit (CUP) Standard Conditions and is not merely a "claim." As discussed in Chapter II, *Project Description*, of the Draft EIR and shown in Figure II-6, *Harvard-Westlake Athletic and Recreational Facilities Conceptual Site Plan*, of the Draft EIR, the Project would provide for public use consisting of approximately 5.4 acres of permanent open space that incorporates a 0.75-mile landscaped walking path. The walking path connects to the adjacent Zev Greenway by a ramp at the property line. The publicly accessible walking paths would be separated from the athletic facilities and would be accessed through four outer pedestrian gates from Valley Spring Lane. The separation would allow all-day public access, even when athletic facilities are in use by the School. The 0.75-mile landscaped walking pathway is not intended as merely a link between athletic facilities but, as discussed on page II-33 of the Draft EIR, would be created to circumnavigate the perimeter of the Project Site, provide opportunities for

cardiovascular exercise, and include shaded areas and bench seating for the public for relaxation, bird watching, dog walking, and general enjoyment of the natural environment as well as meet the objectives of RAP's Citywide Community Needs Assessment for the South San Fernando Valley geographic area (which lists walking paths as the highest priority recreational use in the area). The publicly accessible pathway and landscaped areas would connect with the Zev Greenway via a new ADA-compliant pedestrian ramp alongside the multipurpose gymnasium and would allow visitors to stroll throughout and around the Project Site, whereas under current conditions the Project Site is entirely closed to such uses with fencing that in some cases extends to the curblin. The public would also be provided all day access to the putting green, the café, and the clubhouse (see Table II-3, *Public Use Days and Hours*). Also, in addition to the 5.4 acres, with the tennis courts, the public would have access to 7 acres (304,920 sf) within the Project Site.

### **Comment No. ORG 7A-13**

The DEIR also includes a table of anticipated public use for the athletic facilities on the Project site. The tennis courts, gym (with the exception of a token community room), the swimming pool and athletic fields are claimed to be available whenever “not in use by the school” and only for pre-approved organizations and programs. (DEIR p. II-34.) This eliminates individual use and use by any groups that are not pre-approved. No qualification for pre-approval have been disclosed. The DEIR project description fails to provide adequate information regarding public availability of the facilities and what portions of the public Harvard-Westlake would approve for access. Moreover, there is heavy weekend usage of the Project site anticipated by Harvard-Westlake, which is the time of heaviest recreational use of the current site. The significant reduction in public recreational uses must be disclosed.

### **Response No. ORG 7A-13**

The comment asserts that the Draft EIR is inadequate due to lack of specificity of the conditions of public use and also seems to assert that the public would have reduced access to recreational facilities compared to the current uses of the private facilities. However, the comment does not provide substantial evidence to support the contention that the Project would result in a significant reduction in recreational opportunities for the public nor the contention that the Draft EIR lacks required specificity. (See Response No. ORG 7A-3 above regarding the adequacy of project descriptions.) Public use of the Project Site is thoroughly discussed in the Draft EIR. Additionally, three of the nine Project Objectives relate to the provision of open space accessible to the public and a broad array of recreational facilities in a safe and secure environment for the surrounding community and the public to use similar to a City-owned park (see Chapter II, *Project Description*, Objectives 2, 4, and 5, page II-13 of the Draft EIR). The Draft EIR also states that public access is a “primary objective” of the Project and that “the School is committed to ensuring that members of the public would have access to the Project Site, as well as to the Zev Greenway, to the Los Angeles River environs, and to a broad array of recreational facilities, including substantial areas that are maintained and available without charge in

the same fashion as a City-owned park “ (Chapter II, page II-33). As discussed in Section IV.L.3, *Parks and Recreation*, pages IV.L.3-5, IV.L.3-10, and Table IV.L.3-2, *Distances of Recreational Facilities from the Project Site*, of the Draft EIR, the surrounding neighborhood has minimal access to public park facilities within walking distance. The use of a “pre-approved” status and “reservations” for public use of recreational facilities is to accommodate smoothly those who wish to use the School’s facilities (including the gymnasium), to ensure that the Project serves the community and to enhance safety for individuals and families. Specifically, the requirement that groups or organizations be pre-approved ensures that the group or organization is able to provide appropriate supervision of its intended activities and participants and that the group or organization is familiar with and abides by the conditions of Project Site usage (including, but not limited to, preferred driving routes and the prohibition on parking in the neighborhood), and that the use of facilities can be managed in a way that best supports the aggregate, desired activity schedule of public groups and organizations across the Project Site (such as might be the case if a group or organization requires a certain number of continuing opportunities per week in order for the program to thrive). For these same reasons, individual use of some facilities (i.e., gymnasium community room and courts, pool, athletic fields) would not be permitted, with use limited to pre-approved organizations. For further clarification of public access and use of the Project Site, please refer to Topical Response No. 3 – Enforcement of Public Access.

The School’s use of the Project Site’s athletic facilities would typically not begin until approximately 3:00 p.m. on school days (given that students would be in class prior to then), allowing the Project Site to be used by the public from 7:00 a.m. to 2:30 p.m., providing 30 minutes for return of equipment and egress. Once School uses begin at approximately 3:00 p.m. on school days, the Draft EIR assumed the most conservative scenario that all athletics activities would take place simultaneously at the Project Site, except for football games. Based on 2018-19 school year activities, the last full year prior to COVID-19 when athletic activities were temporarily truncated, approximately 50 percent of school days would contain no outdoor activities after 5:30 p.m. (Chapter II – *Project Description*, page II-47). On those days, out of the 7:00 a.m. to 8:00 p.m. maximum outdoor operating hours, public uses of the two fields could comprise up to ten hours as compared to School uses of three hours. Hours of public access to the pool are more limited, consisting of weekday access between 7:00 a.m. and 9:00 a.m., given the need to provide certified lifeguard supervision. In addition, the Project would offer a greater range of recreational uses than the existing golf and tennis uses, in conformance with the Department of Recreation and Parks’ (RAP’s) Citywide Community Needs Assessment for the South San Fernando Valley geographic area, which lists walking paths as the highest priority recreational use and gymnasium and swimming pool as high priority uses. The Project, with a three-quarter mile landscaped walking path, gymnasium, and swimming pool (though with access limits for lifeguarding), would more closely meet the RAP’s identified recreation needs for the community compared to a tennis and golf club. The use of the School’s facilities following implementation of the Project, unlike the existing golf and tennis uses, would not be established with the intended result of

generating a financial profit. Also please refer to Topical Response No. 3 - Enforcement of Public Access, for further clarification of public use.

### **Comment No. ORG 7A-14**

Further, any approval for this Project must be conditioned upon clear requirements regarding availability of public use for the facilities. As set forth, the project description contains nothing more than estimates of the frequency of use based on previous use of existing facilities. But, the DEIR fails to address whether the frequency of athletic uses would increase with the development of these expansive facilities. Would more athletic games, including tournaments, be scheduled at Harvard-Westlake with the new facilities? Would new athletic teams be formed? It seems clear there would be an expansion beyond existing uses if the school will be significantly expanding its athletic facilities.

### **Response No. ORG 7A-14**

The comment requests that limitations be placed on the use of the Project Site facilities. The request is based on speculative questions that are not supported by facts. An EIR is not required to engage in speculation. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 373.) Moreover, the Project description is detailed and sufficient to allow evaluation and review of the Project's potential environmental impacts. The discussion of the types of School athletic, recreational and special events and non-school use of the Project Site is clearly set forth in Chapter II, *Project Description*, of the Draft EIR, including as part of the first listed Project Objective "to support the School's existing athletic programs and co-curricular activities" (refer to page II-13). The Project Description need only contain a general description and should not supply extensive detail beyond that needed for evaluation and review of the environmental impacts. (CEQA Guidelines Section 15124.) See also Response No. ORG 7A-3 regarding use of the Project facilities.

Please also refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. ORG 7A-15**

The DEIR discloses for the first time that the Project site will be used not only as a sports facility for Harvard-Westlake School, but also for academic uses, including science labs, meetings and classes. The DEIR fails to provide adequate information regarding these uses such as the frequency and where they would be located on the Project site. Since public use is halted when facilities are in use by the School, to adequately assess public accessibility, this information must be provided. The DEIR implies that prior to 3 p.m., more of the site would be publicly accessible. But, with the inclusion of academic classes on the Project site, Harvard-Westlake's use of the facilities could stretch throughout the entire day. The frequency of such use must also be disclosed because it could

significantly increase the intensity of use of the site. The vague reference to using the Project site for classes fails to provide a complete project description. Harvard-Westlake must also disclose any further anticipated expansion of use of the site. It appears it may anticipate turning the site into a full-time school campus and not just an after school athletic facility.

### **Response No. ORG 7A-15**

The comment contends that the Draft EIR should contain more information about the uses of the Project Site by the School. The Draft EIR specifies that athletic and recreational activities relating to Harvard-Westlake students would generally not begin until 3:00 p.m. after the academic day (Chapter II, *Project Description*, page II-47). Incidental, non-athletic School activities, such as those described by the commenter, would not begin before 9:00 a.m. and would involve fewer than 100 participants at a time (except for School special events, which are described on page II-50 of the Draft EIR). Academic uses include science labs, bird watching, meetings, and classes and would not occupy any of the athletic facilities. As there would not be any use of the athletic facilities by the incidental, non-athletic School activities, public use of those facilities would be unimpacted. Regarding the potential for increased intensity of site usage, which would only result if School academic and athletic uses were to overlap, academic classes are not generally held after 3:00 p.m. when athletic activities begin. A primary reason for the separation between the academic day and post-school, extracurricular activities (including athletics) is that over two-thirds of Harvard-Westlake students on the Upper School campus participate in sports, as described in Topical Response No. 13 – Need for Project (Non-CEQA). This participation makes it infeasible to conduct classes later in the afternoon hours. Nonetheless, any such afternoon academic uses, if they were to occur, would be subject to the same potential conditions of approval including, but not limited to, restrictions on hours of operation, provision of shuttles between the Upper School campus and Project Site, prohibition on parking in the neighborhood, and prohibition for student parking on the Project Site when cumulative attendance for activities across the Project Site is anticipated to be in excess of 300 participants.

There is no intention by the School to turn the Project Site into an academic campus. In addition, any change in use compared to the Project Description would be precluded by the terms of the CUP. The CUP, which is based on the Project as an athletic and recreational facility with guaranteed public access, would not allow expansion in the use of the Project as approved. Students' primary academic programs would take place at the Upper School campus.

### **Comment No. ORG 7A-16**

The DEIR also claims there may be up to 30 "special events" at the Project site per year. As with the level of Harvard-Westlake athletic activities at the Project site, the DEIR is not proposing any conditions of approval to limit the use to levels described in the Project description. Without such conditions, the use could be significantly higher than disclosed. Further, Harvard-Westlake has failed to provide the City with adequate information

regarding the special events. The Project application failed to include any description of these events or their frequency, despite this information being required in the application.

### **Response No. ORG 7A-16**

The comment asserts that conditions must be imposed to ensure the limit of use of the Project Site as described in the Project description. The proposed CUP for the Project is based on the description of the Project and the number of activities and events set forth in Chapter II, *Project Description*, of the Draft EIR. It is noted that the events listed in the Draft EIR are based on a conservative scenario (see page II-48). The potential conditions of approval under the CUP establish the maximum use of the Project, which is enforced by the City of Los Angeles. Specific special events, as well as the specific number of special events, is not known since the parameters for such activities would only be understood after the establishment of any potential conditions of approval. However, the School would comply with decision-makers' approvals regarding the maximum number and scale of events discussed in Chapter II of the Draft EIR. See also, Response No. ORG 1B-13 above regarding the addition of a Project Design Feature (NOI-PDF-4), in addition to the conditions of the CUP, to ensure the parameters of activities and events on the Project Site.

### **Comment No. ORG 7A-17**

Finally, when previously proposing construction of a new athletic field on the Harvard-Westlake Coldwater Canyon Campus, the School repeatedly cited the need for additional parking for students. This Project would provide over 500 parking spaces. The DEIR fails to disclose whether these parking spaces could be used by students attending school at the Harvard-Westlake campus, with shuttles to the campus, to make up for what the school has previously considered a significant deficit in student parking.

### **Response No. ORG 7A-17**

The comment refers to a prior project at the Upper School campus that was voluntarily withdrawn from City consideration by the School and contends that the Draft EIR does not contain sufficient information on student use of the Project Site parking. While the Draft EIR does not specifically state that students would not be permitted to park on the Project Site at the start of the academic day and be shuttled to the Upper School campus for classes, it is clear that such use would not be applicable given repeated reference to shuttles being provided between the Upper School campus and the Project Site between 2:30 p.m. and lasting until the day's final activity on the Project Site (refer to pages II-55 and II-56), with no reference to the provision of regularly-operating shuttles prior to 2:30 p.m. to shuttle the students from the Project Site to their classes on the Upper School campus. As the use of the Project Site for general, daytime student parking is not part of the Project, it would be prohibited as a potential condition of approval under any approved CUP. As further explained in Response No. ORG 7A-15 above, the CUP would prohibit student parking on the Project Site when the cumulative number of spectators across the

Project Site, including parents and other spectators, is anticipated to be in excess of 300 participants.

Note that modifications to the Project design would reduce the capacity of the underground parking structure from 503 spaces to 386 spaces and the capacity of the above grade parking lot from 29 spaces to 17 spaces for a total of 403 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

## **Comment No. ORG 7A-18**

### **III. The DEIR Improperly Segments the Relocation of Athletic Facilities from Expansion of Uses on Harvard-Westlake Campus.**

CEQA requires analysis of “the whole of an action,” including activities that are a reasonably foreseeable consequence of a project, and prohibits evading comprehensive CEQA analysis by splitting projects into separate pieces. (CEQA Guidelines § 15378; *Bozung v. LAFCO*. (1975) 13 Cal.3d 263, 283-84; *Orinda Assn v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.) The City must “construe the project broadly to capture the whole of the action and its environmental impacts.” (*Save Berkeley’s Neighborhoods v. Regents of University of California* (2020) 51 Cal.App.5th 226, 239.) All phases must be considered together for environmental review. (*Natural Resources Defense Council, Inc. v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 284.).

## **Response No. ORG 7A-18**

The comment cites CEQA provisions and case law but does not provide any facts to support the contention that the Draft EIR improperly segments the Project. The Draft EIR evaluates the combined activities of all facilities, including public use, as a single project. Since the comment does not specify, or demonstrate with statements of fact, the manner in which the commenter deems the whole of the Project to be segmented or evaluation in the Draft EIR to be incomplete, no further response is necessary.

## **Comment No. ORG 7A-19**

The Harvard-Westlake Coldwater Canyon Campus already contains a number of athletic facilities, including:

- Tapper Gymnasium
- Ted Slavin Field, with sports field and synthetic track
- “50-meter pool manufactured by Myrtha Pools of Mantua, Italy”
- Large Sports Performance Center with weight room and full-size dry cleaning and laundry facility

(Attachment A, H-W Map; <https://www.hw.com/athletics/Facilities-Locations>, incorporated by reference.).

### **Response No. ORG 7A-19**

The comment lists some of the facilities available at the Upper School campus, but does not address the adequacy of the Draft EIR or provide any facts to support any contention that the Project facilities will replace existing facilities. See Topical Response No. 13 - Need for the Project (Non-CEQA).

### **Comment No. ORG 7A-20**

When Harvard-Westlake previously proposed an expansion of athletic facilities adjacent to its existing campus, only one new sports field was identified as necessary. No additional gyms, pools or other athletic uses were identified as being required. Harvard-Westlake has failed to provide information regarding the necessity of all components that have been included as overly narrow project Objectives. (See Section VI.A, below.) Instead of providing only required additional facilities, Harvard-Westlake's goal appears to be creating an entirely new large campus where all School athletics, and some School academics, will be located.

### **Response No. ORG 7A-20**

The comment refers to a prior project contemplated by the School and appears to disagree with the School's current needs assessment and proposed uses for the Project Site. As such, the comment does not address the adequacy of the Draft EIR for the Project. As to the commenter's assertion that a prior EIR on a different project site did not include the same range of recreational facilities of this Project, the prior EIR analysis for the previously-proposed project did not reflect the full needs of the Harvard-Westlake School because that project was constrained by the available space at the property located across Coldwater Canyon Avenue from the Upper School campus (located on a hillside and less than half the size of the Project Site). As such, the prior EIR did not, and could not, have anticipated and articulated the range of potential possibilities and facilities solutions that a different property location might have enabled. Please refer to Topical Response No. 13 – Need for Project (Non-CEQA), for additional detail regarding the manner in which the Project has been designed to meet the School's current needs.

### **Comment No. ORG 7A-21**

The School has failed to identify a need for three large athletic fields, three gyms and two large pools, which is what would result from a combination of proposed new facilities and the currently existing facilities on the Harvard-Westlake campus. It is reasonably foreseeable that the athletic facilities currently existing on the campus will no longer be used if Harvard-Westlake creates an entirely new athletic facilities campus. Harvard-Westlake must disclose any potential plans to replace existing on campus athletic facilities with new or expanded uses.

## Response No. ORG 7A-21

The comment asserts that the Draft EIR fails to identify the need for the combination of the existing facilities currently on the campus and the new facilities proposed by the Project, and fails to disclose any replacement or expansion plans for the Upper School campus. The comment also suggests that uses on the Upper School campus may be expanded by the development of this Project. An EIR is not required to identify the need for a project, it is only required to provide sufficient information to allow the public and decision makers to determine if the project would cause any environmental impacts and identify project objectives for analysis of potential project alternatives. Nonetheless, the Draft EIR for the Project does include some discussion of the need for the Project. As stated on pages VI-9 through VI-10 in Chapter VI, *Other CEQA Considerations*, of the Draft EIR, the Project would serve the School's existing need for recreational facilities for which space is not available at the Upper School campus. The Project's primary objective, as stated on page II-13 in Chapter II, *Project Description*, of the Draft EIR, is to "supplement the School's athletic and recreational facilities." It is not a project intended to increase the use of the facilities at the Upper School campus. The commenter's assertion that the Project would allow Harvard-Westlake to increase the use of its existing recreational facilities is merely speculation without substantial evidence to support the contention. As was reiterated in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 373, citing previous authority, an EIR is not required to engage in speculation. See also Topical Response No. 13 – Need for the Project (Non-CEQA), which discusses the current constrained conditions at the School demonstrating that the Project would not be growth-inducing at the Upper School campus, and provides additional detail regarding the manner in which the Project has been designed to meet the School's current needs.

## Comment No. ORG 7A-22

The California Supreme Court rejected a similar attempt at project segmentation in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393–395.) There, the agency claimed future uses at a university building did not need to be assessed in environmental review because it had "not yet formally approved any particular use" for the future phase. (*Id.* at 394.) The Court found that even though the specifics of the future phase had not yet been determined, there was adequate information to include that phase in the environmental review, either as a phase of the current project or as a cumulatively considerable future project. (*Id.* at 395.) The same requirement applies here. Harvard-Westlake must disclose its plans for future use of the on-campus athletic facilities that would become obsolete or unnecessary if the Project is developed as proposed. Failure to do so violates CEQA's important public disclosure principle. (*Laurel Heights I, supra*, 47 Cal.3d 376, 394.).

## Response No. ORG 7A-22

The comment asserts that the Draft EIR is required to disclose its plans for the future use of the Upper School campus' athletic facilities, basing this contention on the unsupported statement that the Project would make the existing School athletic facilities obsolete or unnecessary. As is clear from the Draft EIR, the Project is intended to supplement, not replace, the existing athletic facilities at the School. As stated on page II-13 in Chapter II, *Project Description*, of the Draft EIR, “[t]he underlying purpose of the Project is to *supplement* the School’s athletic and recreational facilities” (emphasis added). See Topical Response No. 13 - Need for the Project (Non-CEQA). Topical Response No. 13 explains why the School needs recreational facilities in addition to those that already exist at the Upper School campus. Also, unlike the case cited in the comment, there is no evidence presented in the comment that demonstrates that new facilities are planned for the Upper School campus or that the existing athletic facilities are contemplated to be used for a non-recreational purpose. Furthermore, the evidence presented in the Draft EIR and this Final EIR indicates that the athletic facilities on the Upper School campus would continue to be used for recreational purposes. See Response No. ORG 7A-21 regarding the EIR not being required to engage in speculation.

Since no new development is anticipated at the Upper School campus, this facility is not included as part of the Project. Thus, the Project Description and the Draft EIR evaluations are not “segmented” because the Project would not affect the existing or future use of the Upper School campus and because there are no plans to change the athletic facilities, or anything else, located on the Upper School campus.

## Comment No. ORG 7A-23

### IV. The DEIR Improperly Relies on Project Design Features and Proposed Conditions to Mitigate Impacts Without Analysis or Enforceability.

Throughout, the DEIR improperly relies upon so-called Project Design Features (PDFs) and claims that conditions will be placed on the Project in an attempt to reduce many of the Project’s impact without the required analysis of the impacts or the measures relied upon to mitigate them.

## Response No. ORG 7A-23

The comment asserts that PDFs were improperly used to reduce Project impacts. The assertions made in the comment are not supported by substantiated facts and, thus, no further response is necessary. Nonetheless, see Response Nos. ORG IB-8, 1B-22, and IB-23 above, regarding use of PDFs, which explain how the Draft EIR does not attempt to reduce any of Project’s impacts but rather fully analyzes them as part of the Project and includes the PDFs in the Mitigation Monitoring Program (MMP) to ensure compliance. As explained in Response No. ORG 1B-8, the Draft EIR analyzed the impacts of the Project with the PDFs as Project components incorporated into the Project. Pursuant to CEQA, mitigation measures are not part of the original project design, but instead are

actions taken by the lead agency to reduce impacts to the environment resulting from the original project design (CEQA Guidelines Sections 15126.4(a) and 15370). Mitigation measures are identified by the lead agency while a project is undergoing environmental review, and not finalized until the end of the environmental review process, and are above-and-beyond existing laws, regulations, and requirements that would reduce environmental impacts. Moreover, CEQA encourages the incorporation of project elements that would reduce or avoid any potential significant impacts. The Project's PDFs are clearly integral to the Project even when they are incorporated in order to ensure that the Project is environmentally sensitive or to show the manner in which a regulatory requirement would be carried out. The Draft EIR adequately discusses the PDFs and potential impacts and at no time utilizes PDFs to avoid discussion of the Project's potential impacts or appropriate mitigation measures. Rather than hiding potential impacts, or avoiding discussion of mitigation measures through the use of PDFs, these issues are clearly analyzed in the Draft EIR which sets out the PDFs and mitigation measures in several places including Table ES-1, Summary of Project Impacts, Project Design Features, and Mitigation Measures, on pages ES-15 through ES-25. These entries are followed by a full analysis of the Project's impacts and the incorporated PDFs and mitigation measures in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR.

Similarly, conditions of a CUP do not hide any Project impacts but are used to ensure compliance with the Project characteristics that are set forth and fully analyzed in the Draft EIR. For example, see Response No. ORG 1B-15 above regarding the maximum use and operation of the Project which would be limited by the School's CUP potential conditions of approval which will reflect the EIR's Project Description and cannot be exceeded.

### **Comment No. ORG 7A-24**

The majority of these PDFs and conditions appear to be mitigation measures that the Project applicant and City have failed to incorporate into the Project's Mitigation Monitoring and Reporting Program (MMRP). When a Project incorporates mitigation measures, CEQA requires that those mitigation measures be "fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code § 21081.6(b).) As mere PDFs that will not necessarily be incorporated into Project approvals, conditions, and the MMRP, the PDFs are not properly enforceable by the City or third parties and cannot be relied upon for any reductions in Project impacts. CEQA's mitigation requirements exist for a reason. "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (*Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261; *Katzeff v. California Dept. of Forestry and Fire Protection* (2010) 181 Cal.App.4th 601, 612; *Lincoln Place Tenants Assn v. City of Los Angeles* (2005) 130 Cal.App.4th 1491.).

## Response No. ORG 7A-24

This comment asserts that the Project's PDFs should be mitigation measures so that they can be incorporated into the MMP. The Project's PDFs are all incorporated into the MMP (See, Chapter 4, *Mitigation Monitoring Program*, of this Final EIR). With incorporation into the MMP, all PDFs are fully enforceable. The comment does not provide evidence to demonstrate that mitigation measures would have greater enforceability than PDF's and, therefore, no further response is necessary.

## Comment No. ORG 7A-25

The heavy reliance on Project PDFs and the future imposition of conditions also improperly compresses the DEIR's disclosure and analysis functions. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) A "mitigation measure cannot be used as a device to avoid disclosing project impacts." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663-664.) Here, the DEIR claims that the PDFs are part of the Project itself and fail to assess the impacts of the Project without these PDFs. Recent Court of Appeal decisions disapprove of this practice:

A 'mitigation measure' is a suggestion or change that would reduce or minimize significant adverse impacts on the environment caused by the project as proposed." (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 445, 66 Cal.Rptr.3d 120.) *A mitigation measure is not part of the project.* (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656 & fn. 8, 167 Cal.Rptr.3d 382.) Thus, it is questionable whether these measures even qualify as mitigation measures.

(*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 433, emphasis added.) An EIR cannot incorporate "the proposed mitigation measures into its description of the project and then conclude [] that any potential impacts from the project will be less than significant." (*Lotus, supra*, 223 Cal.App.4th 645, 655-657.) The DEIR's shortcut is "not merely a harmless procedural failing...[it] subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation." (*Id.* at 658.)

## Response No. ORG 7A-25

The comment reasserts that the Project's PDFs and conditions should have been discussed as mitigation measures and that failure to do so resulted in the Draft EIR improperly compressing the analysis of Project impacts. The comment does not state what PDFs were improperly applied to the Project nor what conditions the commenter is contending should have been analyzed as mitigation measures. As such, the assertions made in the comment are not supported by substantiated facts and, thus, further response is not necessary. Nonetheless, see Response No. ORG 1B-8, which explains that the Project's PDFs are all appropriate components of the Project and not mitigation

measures; Response No. ORG 1B-22, which explains why the analysis did not understate impacts or fail to discuss Project impacts; Response No. ORG 1B-23, which explains why the Project's Draft EIR does not suffer from the same deficiencies discussed in the Lotus case; and Response No. ORG 7A-23, which explains the use of potential conditions of approval to ensure compliance with Project characteristics and not for the purpose of mitigating a potentially significant impact.

## **Comment No. ORG 7A-26**

### **V. The DEIR Fails to Adequately Analyze the Project's Impacts.**

#### **A. The DEIR Fails to Adequately Disclose and Mitigate Aesthetic Impacts.**

##### **1. The DEIR Fails to Analyze Impacts to Scenic Quality of the Site.**

As a matter of law, the EIR must comprehensively address the significant aesthetic effect of the Project. (See *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597.*) Existing public views of the open and expansive Project site, with numerous trees and greenspace forming a scenic vista, would be adversely altered by the Project. The Project would remove approximately 240 trees, many of which are located in the publicly visible public right-of-way. During the lengthy construction period, the site would be almost entirely denuded. The Project would also install walls and fencing around the site that block the existing views of greenspace and trees. The DEIR fails to include any analysis of these aesthetic impacts, claiming the Project is located in an urbanized area but failing to recognize that this site provides an important respite from the urbanization.

## **Response No. ORG 7A-26**

The comment asserts that the Draft EIR did not analyze all the Project's impacts related to aesthetics. The Initial Study for the Draft EIR, attached to the Draft EIR as Appendix A, provided a detailed evaluation of effects of the Project relative to (a) scenic vistas, (b) scenic resources, (c) scenic character, and (d) light and glare. Under the Initial Study, any issue that has the potential to exceed CEQA threshold standards is deferred for further evaluation in the Draft EIR. Based on CEQA threshold standards, the evaluation of the Project's impacts on scenic vistas, scenic resources, and scenic character were determined in the Initial Study to be less than significant. Few panoramic views are available across the Project Site and, as such, further analysis was not deferred to the Draft EIR. The Project Site is not located within the view field of a State Scenic Highway and would not impact scenic resources within a State Scenic Highway. Regarding Aesthetics Threshold (c), scenic quality, CEQA requires that a project located in an urbanized area should not conflict with applicable zoning and other regulations governing scenic quality. Under CEQA, for projects within an urban area, the visual character of a temporary construction site or the compatibility or conflict of a development with the existing setting is not evaluated in an EIR. The Project, which is located within an urban area, would be designed to comply with the requirements of the City's Department of

Public Works, Urban Forestry Division, which requires the replacement of street trees (trees within the street right-of-way) on a 2:1 basis and approval by the Board of Public Works. In addition, the Project would be designed to comply with RIO landscaping regulations, including the implementation of the Los Angeles River Master Plan Design Guidelines and Plant Palettes (Guidelines). The Guidelines establish setbacks, plant density, and the use of indigenous species. In addition, the Project would not conflict with the individual design and community design and landscaping policies of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Community Plan (Community Plan). In accordance with Community Plan design policies, the parking structure would be located below grade to blend with the character of the Project Site. Surface parking would be located at the rear of the Project Site. Decorative walls and landscaping would be used to screen the Project's uses from residential uses. No building within the Project Site would exceed 30 feet in height, as permitted at the Project Site, and trash would be located in enclosed areas. The Project's light poles would be visible; however, as narrow stationary features, these would not block scenic vistas across the Project Site and would be lower than many of the wooden poles that support the existing golf driving range netting that reaches a height of approximately 90 feet. In accordance with the Community Plan Community Design and Landscaping policies, open space available to the public would maximize pedestrian accessibility and circulation; open walkways, benches and trees would maximize solar exposure or protection; and the Project would feature appropriate plant and hardscape materials. As such, because the Project would not conflict with plans and policies adopted to regulate scenic quality, scenic quality impacts were deemed less than significant and excluded from further evaluation in the Draft EIR. The Initial Study, however, determined that impacts associated with light and glare were potentially significant and, as such, this issue was evaluated in detail in Section IV.A, *Aesthetics*, of the Draft EIR.

### **Comment No. ORG 7A-27**

Additionally, the DEIR fails to disclose that the Project would conflict with applicable zoning regulations intended to protect scenic quality. As discussed in Section V.G, addressing land use impacts, the Project includes numerous light poles that are 70 to 80 feet tall, making them at least 40 feet taller the allowable height on the Project site, and significantly taller than any other existing or planned structures. This height limit is intended to protect the scenic quality of this Los Angeles River-adjacent site that is currently in open space. The Project's lack of compliance with this regulation could result in adverse aesthetic impacts not evaluated in the DEIR.

### **Response No. ORG 7A-27**

The comment asserts that the Project's sports lighting system would conflict with applicable zoning regulations intended to protect scenic quality. Zoning regulations, such as building heights, are adopted to provide consistency in neighborhood development or to restrict development intensity. Height regulations, whether for buildings, fences, or poles, could be related to scenic quality but are not adopted for that exclusive purpose.

Although the zoning regulation would apply to light poles, it is not determined that the zoning regulations were adopted to regulate scenic quality in relation to these features. The Initial Study determined that the light poles would not block views and that the Project would be substantially consistent with City policies specifically related to protecting scenic quality, such as tree replacement, provision of open space, provision of landscaping, and River Improvement Overlay (RIO) District regulations. It is noted, however, that the RIO does have specific lighting level standards that have been and are currently exceeded by the existing tennis court use. The Project's sports lighting poles are described in Chapter II, *Project Description*, Table IV-1, Summary of Major Project Components, Figure II-27, Light and Signage Plan, and on pages II-57 through II-59 and page II-62 of the Draft EIR. As further discussed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR the number of field lights and other outdoor lighting fixtures has been reduced compared to the lighting program outlined in the Draft EIR. Although light and glare impacts would be less than significant under the Project as defined in the Draft EIR, the lighting radius would be further reduced under the lighting program described in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, and Topical Response No. 4, Aesthetics. As discussed in the Draft EIR, the Project would request a permit and approval for the proposed lighting poles pursuant to LAMC Section 12.24 F, in lieu of the 30-foot height limit otherwise required by LAMC Section 12.21.1. The height limit exception would bring the Project into compliance with a residential zoning designation. Furthermore, the lights associated with the poles would reduce existing on-site aesthetic conditions related to light and glare as evaluated in Section IV.A, *Aesthetics*, of the Draft EIR and in Topical Response No. 4 – Aesthetics, and would be lower in height than many of the wooden poles that support the existing golf driving range netting. The latter, existing poles reach a height of approximately 90 feet. The Project's light and glare impacts from the light poles would not exceed RIO District standards. As discussed in the Initial Study, because of shielding by trees along Valley Spring Lane, Bellaire Avenue, and Whitsett Avenue, the Project's light poles would not result in significant impacts associated with scenic vistas, scenic resources, or scenic quality. The former Weddington Golf & Tennis facility is not an open space but a private property that has been operating for decades in non-compliance with RIO District standards and which can only be used by the public for a fee. The comment does not demonstrate with facts that the Project would result in significant aesthetic impacts not disclosed in the Draft EIR.

### **Comment No. ORG 7A-28**

The Project is also inconsistent with the designation of the site as open space with a golf course. (Attachment B, Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Land Use Map.) The Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan includes Policy 5-1.1 "Encourage the retention of passive and visual open space which provides a balance to the urban development of the Plan Area" and requires open space areas be protected from the encroachment of more intense uses. The DEIR fails to disclose that the Project would conflict with the Community Plan's designation of the site as visual open space to balance the surrounding urban

development. Instead, the Project includes significant development on the site and an encroachment of more intense uses by Harvard-Westlake.

## **Response No. ORG 7A-28**

The comment asserts that the Project would not be consistent with the “Golf Course/Open Space” designation of the Community Plan. It is noted that under CEQA, the Draft EIR does not need to demonstrate consistency with a plan but to provide a comparison of a project to plan policies to determine if a project would result in a conflict with a plan policy that would result in a significant environmental impact. The Project is compared to policies of the Community Plan in Table LU-5, *Consistency of the Project with Applicable Policies of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan*, in Appendix J of the Draft EIR; a summary of the comparison is provided in Section IV.J, *Land Use and Planning*, of the Draft EIR. The City does not consider the Project’s land use designation in itself to be pertinent to CEQA land use thresholds. CEQA land use thresholds apply only to policies that are adopted to avoid or mitigate an environmental effect. As such, the land use designation of the Community Plan is not evaluated in the Draft EIR. However, as discussed in Table LU-5, the Project would not conflict with the Community Plan’s policies to avoid or mitigate an environmental effect. For example, in relation to Policy 5-1.1, the Project would increase existing open space resources available for free public use and access compared to existing conditions, in which all facilities are part of a private golf and tennis facility and only available for a fee. In relation to Policy 5-1.2, the Project would promote active parkland by accommodating public use of the athletic fields, tennis courts, pool, and gymnasium facilities and by integrating landscaped public open space on the Project Site with accessibility to the adjacent Zev Greenway. Usability by the public and breadth of athletic, recreational, outdoor, and environmental uses would be expanded. Please refer to the evaluation of Policies 4.1, 4.1.1, 4-1.2, 5.1, 5-1.1, 5-1.2, 5.1-3, and Actions 3 through 9 regarding the provision of park and recreational facilities within the Community Plan area as provided in Appendix J of the Draft EIR.

The Project would provide substantial open space in the form of walking paths, playing fields and other recreational facilities that would characterize a public park. Within the Project Site, approximately 5.4 acres would be landscaped and separate from athletic facilities so it would be accessible to the public at all times during the day and direct access to the Zev Greenway and Los Angeles River overview would be provided. The existing site to which the Community Plan’s designation applies is a private site, which is only accessible to the public with payment of a fee. In that respect, the Project would increase public access and open space use of the Project Site compared to existing conditions. The comment does not demonstrate with fact that the Project would conflict with applicable plan policies or that the Draft EIR would exceed CEQA land use thresholds.

## Comment No. ORG 7A-29

The DEIR fails to provide comparative visual renderings and simulations for the site and surrounding area with and without the Project. This prevents the public and decisionmakers from assessing the visual impacts of the Project. Additionally, the renderings of the Project contained in the DEIR's project description section rely on misleading angles, mainly within the site or from middle of the River, not surrounding residences or the Zev Greenway, and not with the small replacement trees that would need years to grow to the size of existing mature trees.

## Response No. ORG 7A-29

The comment asserts that the Draft EIR does not provide adequate visual renderings. Existing conditions and renderings of future conditions are provided in Chapter II, *Project Description*, Figures II-15 through II-25, of the Draft EIR. Figures II-15 to II-18, II-23 and II-25 have been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which include updates to light pole heights and numbers, and gymnasium building design (Figure II-25). These figures are accurate depictions of existing and future conditions since the view field of the Project Site from the adjacent public streets would be dominated by existing (to remain) mature trees along Bellaire Avenue, Valley Spring Lane, and Whitsett Avenue. Contrary to the assertion that the renderings are not from the surrounding residences or Zev Greenway, Figure II-20, *Rendering – View of Project Site Entrance at Whitsett Avenue*, depicts the Project from the sidewalk at residences across Whitsett Avenue, Figure II-21, *Rendering – View of Project Site from Whitsett Avenue at Valley Spring Lane*, depicts the Project from the sidewalk across the street at that corner, and Figure II-22, *Rendering – View of Project Site from Valley Spring Lane*, depicts the Project from the sidewalk in front of residences along Valley Spring Lane. The views of the Project Site and Zev Yaroslavsky Greenway from the south (Figure IV-24, *Rendering – View of the Project Site and Zev Greenway from the Southwest*), depicts the Project Site as it would appear from the south side of the River and not from within the River. As further shown in Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan*, and Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR and discussed in Topical Response No. 4, *Biological Resources/Trees*, trees would primarily be removed from the central portion of the Project Site. The existing mature trees along Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane frontage would remain, except for groups of trees generally located northerly of the swimming pool and the eastern end of Field B. A number of the existing mature trees south of the removed trees on Valley Spring Lane would remain and screen on-site facilities from views from the public street. The replacement trees on Valley Spring Lane would be planted with fast growing Velvet Ash in 48-inch boxes (between the street and mature trees to be retained within the Project Site) to contribute to the screening of the Project Site. Because the majority of street trees would remain and those that would be removed would be replaced at a 2:1 ratio, the removal of trees would not cause the visual character of the Project Site to adversely change as viewed from off-site locations. The great majority of replacement

trees would be in 48-inch boxes with 3 to 7 years of growth prior to installation, with an average height of 12 to 15 feet, and would be located primarily at the interior and south edge of the Project Site. Although the replacement trees would reach maturity quickly, these trees would not be as visible from the surrounding residential neighborhood as the retained mature trees along the street edges. Since the renderings and tree replacement program are shown in the Draft EIR, the comment does not demonstrate that the Draft EIR fails to adequately depict the visual character of the future Project Site.

## **Comment No. ORG 7A-30**

### **2. The DEIR Fails to Adequately Disclose Night Lighting Impacts.**

The Project includes significantly more night lighting sources than currently exist on the Project site. Existing lighting on the Project site is limited to the eastern portion of the site. This lighting is buffered by the many mature trees on the site. Additionally, the lighting from the tennis courts is shielded from the Greenway in part by the Fire Station building. The new lighting would include 70- and 80-foot-tall polls [sic] for both fields and the pool area, plus LED screens. This significantly expands the height and number of lighting sources on the Project site. It also expands night lighting to the western portion of the site and even includes the installation of field lighting directly adjacent to the Greenway. (Compare DEIR App. B p. 15 (existing lighting locations) with p. 8 (proposed lighting locations for Project)).

## **Response No. ORG 7A-30**

The comment asserts that the Draft EIR does not adequately disclose night lighting impacts. Light levels for the existing Project Site are based on the evaluation of the types and locations of lighting and glare levels. As discussed on PDF page 39 of 46 of the Lighting Technical Report contained in Appendix B of the Draft EIR, the Project's lighting model does not take into account any shielding of lighting by trees or objects, and concludes that not only would the Project's sports lighting design meet or exceed applicable lighting standards but also that it would generally improve offsite spillover and glare as compared to existing conditions. Please see Topical Response No. 4 – Aesthetics, and Response to Comment No. ORG 7A-31, below, for a discussion regarding the effects of the Project's lighting program compared to existing conditions. In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, and Topical Response No. 2 - Modifications to the Project Design, which provides updates to the Project's light poles. The Project's lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 – Aesthetics, the reduction in lighting would further reduce the Project's light and glare levels.

## Comment No. ORG 7A-31

The DEIR claims no PDFs or mitigation measures are required for night lighting impacts, relying on the Project applicant's claim that they will install and maintain a certain type of lighting and shielding. This claim is unenforceable mitigation and as such is improper under CEQA. Moreover, to the extent the DEIR relies on the future installation of trees as a source of night lighting mitigation, that shielding will not be provided for many years. The Project is removing hundreds of mature trees and will replace them with much smaller trees. It will take years for the replacement trees to provide any shielding and they may never reach a height that would be able to shield lighting from the extremely tall athletic field lighting.

## Response No. ORG 7A-31

The comment asserts that the Draft EIR provides no enforcement of lighting types or levels through PDFs or mitigation measures to ensure that the light and shielding system described in the Draft EIR would be installed. The lighting facilities, as described and evaluated in the Lighting Technical Report by StudioK1 in Appendix B of the Draft EIR, are part of the Project Description, and would be incorporated into the potential conditions of approval for the CUP. Also, please see Section IV.A, *Aesthetics*, of the Draft EIR regarding light and glare as well as Topical Response No. 4 – Aesthetics. As discussed on page IV.A-12 of the Draft EIR: “The Project’s modeled sports lighting levels included in the Lighting Report did not account for the landscape conditions occurring between the Project Site and the Zev Greenway changes in elevation, the preservation of most of the existing trees along the Project Site’s property lines, or the addition of significant new landscaping to be undertaken as part of the Project. The numerous trees and dense landscaping along the property line in proximity to the Zev Greenway would likely block the line-of-sight between the light source and the Zev Greenway trail, with a similar effect at the residential neighborhoods immediately to the west, north, and east of the Project Site. As such, these conditions would work to shield the Project lighting and lower the foot candle levels at the property line beyond those included in the Lighting Report. As such, the Lighting Technical Report represents a conservative analysis of Project impacts.” Therefore, since the existing conditions were not factored into the Project’s prospective lighting analysis, the level of reduction from shielding features such as existing or future trees is not described in the Draft EIR. As further discussed in Topical Response No. 4, the types of fixtures to be implemented by the Project would reduce light and glare impacts on off-site areas, including residential neighborhoods and the Zev Greenway where levels are currently in excess of RIO District threshold standards. At no off-site locations would ambient light or glare levels exceed applicable RIO District, LAMC, or CEQA threshold standards. In addition, hours of operation for athletic facilities would cease no later than 8:00 or 9:00 p.m. compared to existing lighting of the tennis courts which currently occurs until 10:00 p.m. and existing lighting of the golf driving range which occurs until 11:00 p.m. In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, and Topical Response No. 2 - Modifications to the Project Design, which provides updates to the Project’s light poles.

The Project's lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 – Aesthetics, the reduction in lighting would further reduce the Project's light and glare levels. The comment does not demonstrate through substantiated fact that additional mitigation measures or PDFs would be required to further reduce the modeled future light levels.

## **Comment No. ORG 7A-32**

### **B. The DEIR Fails to Analyze and Disclose Air Quality and Hazards Impacts and Mitigation Measures.**

#### **1. The DEIR Must Acknowledge the Project's Location in an Area of Extreme Nonattainment.**

The South Coast Air Basin, where the Project is located, is in extreme nonattainment for the federal ozone National Ambient Air Quality Standards (NAAQS). While the DEIR states the attainment status on page IV.B-21, the reader is given no information as to why the Basin fails to meet the federal ozone standard. Nor does the DEIR explain what "extreme" nonattainment means (it is the very worst category, with the highest ozone concentrations in the air contemplated by the Clean Air Act; 42 U.S.C. § 7511(a)), or as to how severe the ozone pollution problem is in the Basin. U.S. EPA's Green Book states that only two areas in the nation are so heavily polluted as to be in "extreme" nonattainment for ozone, namely Los Angeles-South Coast Basin, and the San Joaquin Valley. (<https://www3.epa.gov/airquality/greenbook/jnc.html>, incorporated by reference.) The omission is so glaring as to make the document misleading on this point.

## **Response No. ORG 7A-32**

The comment claims that the Draft EIR does not describe the meaning of "extreme" nonattainment or why the South Coast Air Basin currently receives such designation. The Draft EIR presented the air basin's attainment status in Table IV.B-2, *South Coast Air Basin Attainment Standards (Los Angeles County)*, page IV.B-21. As shown in the table, the South Coast Air Basin is in non-attainment, extreme, for ozone. As designated in the USEPA Green Book, non-attainment is any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for a NAAQS. The 8-hour ozone classification of extreme means the area has a design value of 0.163 ppm and above. As presented in the South Coast 8-Hour Ozone Sip Update<sup>80</sup> ozone levels have declined by nearly a third since 1997 due primarily through state and district programs primarily aimed at reducing Nox emissions. Nox emissions in the South Coast have been reduced by almost 70 percent since the USEPA set the ozone standard in 1997. Table IV.B-7, *Estimated Maximum Regional Operational Emissions – Project (Pounds per Day)*, page IV.B-53,

<sup>80</sup> CARB, 2019. *Staff Report South Coast 8-Hour Ozone SIP Update*. Available: South Coast 8-Hour Ozone SIP Update (ca.gov). Accessed June 2022.

shows that Project operational emissions, including ozone precursors, do not exceed the significance threshold, resulting in a less than significant impact. As such, although the Draft EIR did not define extreme non-attainment, the pertinent information required by CEQA was presented, cited to, and available to decision-makers and the public. Therefore, the Draft EIR is not misleading in its analysis of the Project's air quality impacts.

### **Comment No. ORG 7A-33**

A true picture of the severity of ozone pollution in the South Coast Air Basin is presented in the prestigious State of the Air Report, which is issued annually by the American Lung Association. A copy of the excerpts of the Report for 2022 is attached to these comments for the record. It lists the Los Angeles-Long Beach metropolitan area as the most-polluted for ozone in the nation (Attachment C – State of the Air Report, p. 17). None of this information made it into the EIR, but the decision makers and the public are entitled to, and need to, know it.

### **Response No. ORG 7A-33**

The comment claims that the Draft EIR does not include a discussion of severe ozone pollution. The Draft EIR does, in fact, provide a discussion on the potential health effects of criteria air pollutants, including ozone on pages IV.B-3 – IV.B-7, as well as the air monitoring information reported by the SCAQMD for the region in Table IV.B-3 on pages IV.B-24 – IV.B-25. The SCAQMD provides this information, which includes the maximum concentrations of pollutants sampled and how many days that pollutant was over the standard, to inform the public on the state of the air quality in the region; thus, it provides a reasonable level of information to the public and the decision-makers. The comment highlights the American Lung Association *State of the Air Report* and suggests that the content of that report be included in the Final EIR. In response, page IV.B-26 of the Draft EIR has been revised. This *State of the Air Report* states that Los Angeles has the worst ozone pollution in the nation, as it has for all but one of the 23 years tracked by the *State of the Air* report. As discussed in Response No. ORG 7A-32, the region is designated as extreme non-attainment for ozone and, as such, that Los Angeles experiences ozone pollution is a known fact and not new information. However, information regarding this report will be included in the Final EIR. The information below from the American Lung Association *State of the Air Report* is included in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

“The American Lung Association publishes an annual State of the Air report. The State of the Air 2022<sup>81</sup> report ranked Los Angeles County the 16<sup>th</sup> most polluted County in the US for daily p.m. and annual p.m., driven in large part by the increasing number and size of wildfires. Los Angeles County ranked 3<sup>rd</sup> as most polluted County in the US from

<sup>81</sup> American Lung Association, 2022. *State of the Air 2022*. Available: <https://www.lung.org/getmedia/74b3d3d3-88d1-4335-95d8-c4e47d0282c1/sota-2022.pdf>. Accessed June 2022.

ozone. However, Los Angeles County experienced fewer bad air days on average from 2018 – 2020 versus 2017–2019.”

## **Comment No. ORG 7A-34**

### **2. Air Quality Analysis is Based on Faulty VMT Assumptions.**

This Project, as proposed, is a project that will have shuttles running continuous trips five days a week. (DEIR, p. II-55.) Harvard-Westlake has made no commitment to run 100% electric shuttles, so these shuttles will necessarily emit criteria pollutants. As we have explained in Section J.2, the Project’s VMT analysis is based on unsupported assumptions and omissions. (Attachment D, Expert Comments from Tom Brohard.) The Air Quality analysis utilizes these faulty assumptions. For instance, the estimated mobile source emissions are dependent on the VMT analysis (DEIR, Appendix C, p. 13; IV.B-38.). The DEIR must correct these assumptions and be recirculated with the corrected air quality analysis.

## **Response No. ORG 7A-34**

The comment claims that the emissions analysis is based on incorrect VMT projections and other unspecified assumptions and omissions. As shown on page 276 of the Air Quality/Greenhouse Gas Emissions Technical Documentation for the Project, which was provided as Appendix C-1 to the Draft EIR, the shuttle VMT was accounted for in the VMT generated by the Project. As presented (beginning) on page IV.B-38 of Section IV.B, *Air Quality*, of the Draft EIR, the CARB on-road vehicle emissions factor (EMFAC) model was run in the emissions mode (also referred to as the “Burden” mode) and used to generate Air District-specific vehicle fleet emission factors in units of grams or metric tons per mile which account for gas, diesel, compressed natural gas, and electric vehicles. These emission factors were then applied to the daily VMT to obtain daily mobile source emissions. Therefore, the criteria pollutant emissions from the shuttles was accounted for in the Project’s operational mobile emissions estimates and assumed no emissions reduction from the use of hybrid or electric shuttles. Thus, the air quality analysis is correct and fully analyzes Project impacts relating to air quality.

## **Comment No. ORG 7A-35**

### **3. The DEIR Understates the Project’s Air Quality and Hazards Impacts Relating to Artificial Turf.**

Given the Project’s location in an air basin already burdened with significant air pollution, the Project must take every available precaution to avoid contributing to air pollution and hazards. This goal cannot be achieved with the Project’s use of artificial turf.

A component of artificial turf is crumb rubber, which contains contaminants of potential concern, including criteria pollutants such as particulate matter and VOCs. (DEIR, p. IV.H-31 to -32.) The DEIR states that the turf will need to be replaced every eight years, at

which point the replaced turf will need to be disposed. (DEIR, p. IV.H- 45.) The DEIR states that “In addition to compliance with applicable disposal regulations, artificial turf consists of material that can be recycled at the end of its useful life. **Compliance with applicable regulatory requirements would ensure that Project impacts related to disposal of artificial turf would be less than significant.**” (DEIR, p. IV.H-45.).

### **Response No. ORG 7A-35**

This comment claims that the Draft EIR understates the Project’s Air Quality and Hazards impacts related to artificial turf. However, the comment is a summary of the contaminants in artificial turf and disposal of artificial turf as discussed in the Draft EIR and does not address the adequacy of the Draft EIR. Therefore, no further response is necessary.

### **Comment No. ORG 7A-36**

But the DEIR provides no evidence that such recycling and safe disposal is even possible, and in fact substantial evidence demonstrates it is not possible. On February 28, 2022, Public Employees for Environmental Responsibility (PEER) filed a complaint with the Federal Trade Commission against turf manufacturers for false advertising, because “[t]here are no turf recycling plants in the U.S.,” “[u]sed turf is not being exported to the two known recycling plants in Europe” and “[a]rtificial turf is extremely difficult and expensive to recycle since all the different plastics, rubber, and other materials used must be separated from each other.” (**Attachment E** – PEER, March 7, 2022, “False Artificial Turf Recycling Claims Ripped,” <https://peer.org/false-artificial-turf-recycling-claims-ripped/>.) In 2019, a CEO of a turf recycling company admitted that turf recycling is not possible, and even the Synthetic Turf Council has stated that it is not possible at the point of removal. (**Attachment F** – PEER, January 30, 2020, “Artificial Turf’s Big Lie: Old Fields Not Recycled,” <https://peer.org/artificial-turfs-big-lie-old-fields-not-recycled/>.)

### **Response No. ORG 7A-36**

The comment claims that the Draft EIR does not provide evidence that recycling or safe disposal is possible. In this regard it is noted that artificial turf is difficult to recycle because it is made up of mixed polymers, which make up the turf, grass, and infill components. The different polymers must be separated from one another before they can be recycled and it is difficult to separate the infill components from the turf.<sup>82</sup> Although there are no recycling plants for artificial turf in the United States, a Netherlands company, TenCate Grass, announced the launch of an initiative, in September 2022, for a first of its kind program in the U.S. to recycle end-of-life artificial turf. As discussed in greater detail in Topical Response No. 7 – Artificial Turf and its Effects on Localized Heat and Health, TenCate aims to send artificial turf fields to California where they will be shredded. The shredded material will then be shipped to Texas for pre-processing and finally it will be

<sup>82</sup> ArtificialGreens.org, 2018. Can Artificial Grass be Recycled? Available: Can Artificial Grass be Recycled? - ArtificialGreens.org. Accessed July 28, 2022.

used to create new turf and other products.<sup>83</sup> TenCate’s goal is to “keep turf out of landfills and put it back to use”.<sup>84</sup> Once the pilot program is complete, TenCate plans to expand the initiative across the U.S.

The Draft EIR analyzes the disposal of hazardous turf and not the recycling of it. As evidenced, Section IV.H, *Hazards and Hazardous Materials* of the Draft EIR, included a detailed evaluation of the disposal of artificial turf, and simply identified that recycling of certain components of artificial turf is possible. As stated on page IV.H-45 of the Draft EIR, used turf would be disposed of in accordance with hazardous waste standards in 22 CCR 66261.20 et seq., and would have to demonstrate that none of the CCR Title 22 metals concentrations exceed California Total Threshold Limit Concentrations (TTLIC), which are used to classify a hazardous waste, except for zinc. Compliance with applicable regulatory requirements would ensure that Project impacts related to disposal of artificial turf would be less than significant. The assertion that the Draft EIR does not provide adequate evidence is not substantiated by fact.

### **Comment No. ORG 7A-37**

The DEIR does not disclose the amount of artificial turf the Project will use as far as we have been able to ascertain, but generating artificial turf waste every eight years that cannot be recycled will likely have significant air quality and hazardous impacts.

### **Response No. ORG 7A-37**

The comment asserts that the Draft EIR does not provide the total amount of artificial turf needed for the two fields and that recycling of turf would result in significant air quality and hazards impacts. As shown in Chapter II, *Project Description*, Table II-1 of the Draft EIR, Field A would be 1.87 acres. The turf areas for Fields A and B would be the same. The additional acreage shown for Field B (a total of 3.34 acres) in Table II would also include the running track comprising 1.47 acres that would not be covered by turf. The information regarding the acreage of the running track and total acreage of Field B is incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. The combined fields would be 1.87 acres x 2, for a total of 3.74 acres. As such, the Project would require a total of 3.74 acres of artificial turf. Please see Response No. ORG 7A-36 above, which states that compliance with applicable regulatory requirements would ensure that Project impacts related to disposal of artificial turf would be less than significant.

<sup>83</sup> Carolina Recycling Association, 2022. TenCate Grass launches synthetic turf recycling program, September 20. TenCate Grass launches synthetic turf recycling program – Carolina Recycling Association (cra-recycle.org). Accessed December 2022.

<sup>84</sup> Sportsfield Management, 2022. TenCate Grass Launches Synthetic Turf Recycling Program in the U.S., September 29. TenCate Grass launches synthetic turf recycling program (sportsfieldmanagementonline.com), Accessed December 2022.

## Comment No. ORG 7A-38

### 4. The DEIR Fails to Analyze and Adopt All Feasible Mitigation Measures.

According to CalEnviroScreen, the Project Site ranks in the 70<sup>th</sup> percentile for pollution burden and 75<sup>th</sup> for ozone (Census Tract 6037143500). Nox emissions are a precursor to forming ozone. Thus, it is imperative that the Project reduce and avoid Nox emissions at any cost.

Despite this, the Project will have significant Nox emissions during its extended 2.5- year construction period. The DEIR must analyze and adopt all feasible mitigation measures to reduce Nox and other criteria pollutant emissions. These mitigation measures include:

- Prohibiting gas- or diesel-powered construction or maintenance equipment (e.g., leafblowers). Using electric equipment.
- Requiring all Project development to be all electric with no plumbing whatsoever for natural gas. Accordingly, no gas-powered water heaters, or any other gas-powered appliance shall be allowed.
- Including photovoltaic solar panels and batteries in the project design to provide the maximum amount of the Project’s commercial needs, but in no event, less than 90 percent.
- Actually constructing enough electric vehicle charging stations in the project design to provide charging capacity adequate to service all anticipated vehicles to the Project site, not solely providing some of the infrastructure for “future” stations.
- Including electric heat pumps in the project design to provide air and water heating and cooling.
- Requiring that the shuttles running from the Harvard-Westlake Upper School Campus to the Project site are 100% electric and mandating as an enforceable mitigation measure that use of such shuttles is required.
- Providing free transit passes to students, faculty, parents, and anyone who may utilize the Project.
- Providing a free shuttle to and from the nearest Metro Rail stations.
- Prohibiting vehicle idling.

These measures will also have co-benefits—all of them will reduce GHG emissions, and many of them will reduce the Project’s significant unmitigated noise impacts.

## Response No. ORG 7A-38

In crafting mitigation measures, the mandate of Public Resources Code section 21002 was considered, which provides, in part, that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available

which would substantially lessen the significant effects of such projects. The Project would incorporate a mitigation measure to substantially reduce Nox emissions to a less-than-significant level.

As detailed in Section IV.B, *Air Quality*, of the Draft EIR and prior to the incorporation of mitigation measures, the Project's construction Nox emissions would exceed the SCAQMD significance threshold for all the overlapping phases as shown in Table IV.B-6, *Estimated Maximum Regional Construction Emissions (Pounds per Day)*, on page IV.B-52 of the Draft EIR, resulting in potentially significant impacts. However, with implementation of Mitigation Measure AQ-MM-1: Construction Equipment Features, Nox emissions would be reduced to below the SCAQMD significance threshold as shown in Table IV.B-8, *Estimated Maximum Mitigated Regional Construction Emissions (Pounds per Day)*, on page IV.B-56 of the Draft EIR. Maximum Nox emissions would be reduced from 190.1 pounds per day to 85.9 pounds per day after mitigation. Since the mitigation measure would result in less-than-significant impacts, further mitigation is not required. I comment does not provide any facts to support the need for the additional mitigation measures, or facts that demonstrate the effectiveness of the proposed measures. Instead of reasoned analysis, the list merely represents the commenter's arbitrary selection of features which are not required by CEQA or regulatory mandates. Note that bullet point No. 3 in Mitigation Measure AQ-MM-1 was updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR to clarify the idling regulatory requirements that are applicable to the Project and assumed as part of the mitigated air quality emission analyzed in the Draft EIR.

## **Comment No. ORG 7A-39**

### **C. The DEIR Fails to Adequately Analyze and Mitigation the Project's Biological Impacts.**

#### **1. The DEIR's Assessment of Impacts Due to Tree Removal is Inadequate.**

The Project would have direct construction impacts on special-status birds and bats, raptors, and migratory birds that include the potential to disturb the lifecycle of avian species and migratory birds from damaging vegetation, affecting foraging, roosting, and nesting areas and disturbance of nesting, roosting, and foraging due to construction noise and vibration and night lighting. These temporary impacts must be addressed and mitigated, but were not.

The DEIR fails to acknowledge the long-term significant impacts to migratory birds and bat species that would result from the removal of approximately 250 mature trees currently at the Project site. The DEIR focuses on the replacement of these trees with native species, underestimating the habitat currently relied upon by birds and bats that will be lost for the years of construction and many years it will take for the replacement trees to reach a similar size.

Additionally, the DEIR does not address the cumulative loss of trees at both the Project site and for the Sportsmen's Lodge project located just over the River from the Project site. The Sportsmen's Lodge project has removed approximately 90 mature trees, adding to the cumulative loss of trees for species to rely upon in this area.

### **Response No. ORG 7A-39**

See Topical Response No. 5 – Biological Resource/Trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*, of the Draft EIR. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent), an increase in tree canopy on the Project Site, and a greater capacity for carbon sequestration. As discussed in Section IV.C, *Biological Resources*, of the Draft EIR, and Topical Response No. 5, with implementation of mitigation, the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant.

It should be noted that half of the tree removals are Mexican fan palms, and that the Project would preserve the vast majority of trees located toward the outer strata of the site (away from primary construction areas). As stated on pages IV.C-31 through IV.C-42, in Section IV.C, *Biological Resources*, under the heading Candidate, Sensitive, or Special-Status Wildlife, of the Draft EIR, there are no federally threatened and endangered wildlife species with potential to occur on-site. There is one special-status wildlife species, the western yellow bat (species of special concern), that has a moderate potential to occur, and mitigation is provided to reduce potentially significant direct impacts on this species as stated on page IV.C-42. Such mitigation was provided even though ESA's biologists previously surveyed the Project Site for wildlife, including bats, in November 2016 for a different project and the western yellow bat was not detected at that time.<sup>85</sup> That survey was conducted by an individual with bat expertise. Similarly, the western yellow bat was not observed during the more recent ESA wildlife surveys undertaken for the current Project, which is acknowledged to be general in nature (i.e., for the purpose of broadly examining and inventorying onsite plant and animal species, including bats) and not focused exclusively on the potential existence of bats. There is only one CNDDDB occurrence record of this bat species within the vicinity of the Project Site, which was recorded in 1984 approximately 8.5 miles to the east in a developed area of Glendale. Closer in proximity to the Glendale record, bat surveys were conducted between April and November 2008 in Griffith Park, and the results of the surveys found

<sup>85</sup> ESA, Biological Resources Technical Report, January 2022, provided in Appendix D of the Draft EIR.

no individual of western yellow bat to be present.<sup>86</sup> Also, please refer to Response No. AG 4-30 and Response Nos. ORG 1B-45 through ORG 1B-48 for additional information pertinent to impacts on bats.

As stated on pages IV.C-48 to IV.C-49, in Section IV.C, *Biological Resources*, under the heading Migratory Species and Native Wildlife Nursery Sites (beginning on page IV.C-47), of the Draft EIR, indirect impacts to nesting birds and roosting bats during construction and tree removal may result in behavioral changes and could cause unsuccessful breeding opportunities. However, construction activities would be temporary on an intermittent basis, and Project Design Feature PDF-BIO-1, which demonstrates compliance with regulatory requirements for nesting bird protection, and Mitigation Measure BIO-MM-1 would reduce any direct impacts to nesting birds and roosting bat species to a less-than-significant level.

The Project would result in a net increase of 153 trees (or 36 percent). As stated on pages IV.C-57 to IV.C-58, in Section IV.C, *Biological Resources*, under the heading Cumulative Impacts, of the Draft EIR, related projects would be required to comply with applicable regulatory requirements, such as the MBTA, and, to implement mitigation measures to address significant impacts under CEQA regarding migratory bird species, native wildlife nursery sites, and significant trees. The Project's contribution to cumulative impacts would not be cumulatively considerable when considered with the impacts of the related projects. As such, with incorporation of the Project's PDF and mitigation measures, cumulative impacts on biological resources would be less than significant.

## **Comment No. ORG 7A-40**

### **2. The DEIR's Analysis of Impacts to Bat Species from Tree Removal and Nighttime Lighting is Inadequate.**

The large number of mature trees on the Project site coupled with its adjacency to the Los Angeles River provide good bat roosting and foraging habitat in an area surrounded by dense urbanization. The DEIR admits that the Project site could provide habitat to the special status Western yellow bat, but fails to provide mitigation to address this impact. Moreover, the DEIR fails to include an adequate survey of bat species at the Project site. The day time site visit conducted in November (reconnaissance biological survey) was not adequate to provide evidence of bat occupancy of the Project site. (DEIR IV-C.13.) Nocturnal surveys with acoustic recordings for bats coupled with night vision observations should have been done between May and August to detect bats that may have maternity roosts in the trees. Additional bat species are likely to use the Project site and adjacent Zev Greenway, including those that are species of special concern. For example, the draft EIR prepared for the Los Angeles River Master Plan Update established that the Pallid

<sup>86</sup> Remington, S. and D.S. Cooper. 2009. Bat Survey of Griffith Park, Los Angeles, California, Draft Report. February 20, 2009.

bat, a species of special concern, was observed along the Los Angeles River in the vicinity of the Project site. (Attachment G, LARUMP pp. 3.3-11 and Fig 2-4.)

## Response No. ORG 7A-40

The comment contends that the Draft EIR's analysis of impacts to bat species due to tree removal is inadequate. As discussed in the Draft EIR, although at least some individuals or populations of western yellow bat may be migratory, some western yellow bats are year-round residents in southern California.<sup>87</sup> Therefore, if present, western yellow bat would be detected by a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special status bat species are roosting within trees that would be removed, as outlined in Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR. Western yellow bat is typically found in desert regions of southwestern United States and their roosting habitat is often within the "skirt" of dead fronds of native or non-native palm trees. It is noted that the majority of the Mexican fan palms occurring within the Project Site have had their skirt of dead fronds removed during routine annual maintenance, limiting the potential for roosting of western yellow bat on the Project Site.

In coordination with CDFW, Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR has been revised to include additional requirements if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed are suitable bat roosting habitat. This update has been incorporated into Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR.

**BIO-MM-1:** Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species during breeding season.
2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) and night vision goggles for an emergence survey (for at least

<sup>87</sup> Pierson ED, Rainey WE. 1998. Western yellow bat, *Lasiurus xanthinus*. In: Bolster BC, ed. Terrestrial Mammal Species of Special Concern in California. pp. 50 and 51.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84523&inline>.

one-hour after sunset) to determine whether special status bat species are roosting within trees that would be removed. A qualified biologist is a biologist with specialized bat experience including the familiarity with bat roost biology (i.e., a professional biologist with a minimum of two years of bat survey experience, inclusive of acoustic survey experience). The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions: prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats. If special-status bats are detected during the survey, a qualified bat specialist shall prepare species specific mitigation measures to reduce or avoid impacts to each special-status species detected. Mitigation may include avoidance through postponing or temporarily halting construction until maternal roost use is completed, use of construction buffers of no less than 100-feet, or the installation of bat boxes in proximity to detected maternal roosts. Avoidance measures shall be based on site-specific factors to prevent roost disturbances; including but not limited to numbers and locations of bats, proposed construction activities, height and distance of bat roosts from proposed construction activities, the presence of visual and/or acoustic barriers between the roost and proposed activities, and the pre-existing level of human activities (e.g., ambient noise, potential movement, etc.) to which the bats may already tolerate.

3. If special-status bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, tree removal activities will be initiated by pushing trees using heavy machinery prior to using a chainsaw to remove the tree. In order to provide the optimum warning to any roosting special-status bats that may be present, trees shall be pushed lightly two or three times, with an approximately 30-second pause between each nudge/push to allow bats to become active. A period of at least 24 hours shall elapse between such operations to allow special-status bats to escape the construction area.

As stated in Appendix D, Biological Resources Technical Report, Appendix D Special-Status Wildlife Species on PDF page 393 of 394, pallid bat is not expected to occur within the Biological Study Area since it does not support suitable roosting habitat due to the high level of human disturbance and development, and native habitats for foraging are absent. Pallid bat prefers rocky outcrops, cliffs, crevices, trees (e.g., deciduous trees in riparian areas) with access to open habitats for foraging. Although the Zev Greenway provides some scattered deciduous trees, they are not dense enough to comprise a

riparian community; therefore, this species is not expected to occur and would not be impacted by the Project.

### **Comment No. ORG 7A-41**

The DEIR does not assess best lighting practices for bat species, instead just claiming that the use of directed LED lighting will reduce impacts, failing to consider color temperature for lighting. “Best practices for lighting for bat species include avoiding green and red lights, as these interfere with migration patterns. White lighting tends to attract prey species and increase foraging. Lighting adjacent to wildlife areas should be limited to an upper limit of 3,000 on the Kelvin color temperature scale and shielded to prevent light from entering the wildlife area.” (Attachment H, LARUMP DPEIR p. 3.3-127.)

### **Response No. ORG 7A-41**

The comment asserts that the Draft EIR did not adequately address the best lighting practices for bat species. As stated on page IV.C-35 through IV.C-41, in Section IV.C, *Biological Resources*, of the Draft EIR, under the heading Indirect Impacts, lighting associated with construction would be limited to night lighting for security purposes if warranted, which would be similar to existing conditions. During the Project’s operation, lighting would allow the use of outdoor recreational facilities and other passive recreational spaces beyond sunset, extending the usable hours of the facility, especially during the winter months. Exterior lighting would be comprised of lighting for outdoor athletic events and activities during the evening hours and low-level lighting along pathways, around the gymnasium building, in the surface parking area, and in entrance areas for security and wayfinding purposes. In addition, lighting to accent signage and landscaping elements would be installed in limited areas of the Biological Study Area. Field lights, and those for the pool and tennis court areas, would utilize LED technology, timer controls, and shields directed only to the use intended to be illuminated to prevent spillover and glare and, as with all other exterior lighting, would be designed to comply with LAMC and RIO District Ordinance requirements.

Under existing conditions, lighting on-site includes six golf ball-shaped light standards and four additional canopy-mounted floodlights for the driving range and 128 tennis court lights that are turned on daily at sunset and remain on for up to 30 minutes following the closing of the driving range (at 11:00 p.m.) and tennis courts (at 10:00 p.m.) in order to allow for cleaning and maintenance at the end of the day. The tennis court lights generate the highest luminance values from the Project Site and are located in close proximity to the Zev Greenway and the Los Angeles River. The existing fixtures on the Project Site have no integral shielding and a more generic optical pattern common to floodlighting. In comparison, the Draft EIR described that the Project would include 45 total light poles that range between 21 feet and 80 feet in height. As part of the Project, the tennis courts would be placed further from the Zev Greenway to the northern portion of the Project Site. Some of the Field B lighting would be adjacent to the Zev Greenway in the southwestern portion of the Biological Study Area. Although the tennis and field light fixtures would

range in height from 40 to 80 feet, these fixtures would be internal to the Project Site and screened from most direct proximate views by intervening trees, landscaping, walls/fencing, and other features. The lighting fixtures are specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. The new lighting system is generally expected to produce one-quarter ( $\frac{1}{4}$ ) or less candela, or glare, than the existing lighting.<sup>88</sup>

Monday through Friday outdoor activities would cease by 8:00 p.m. during the school year and by 6:00 p.m. during the summer (except for the tennis courts which would remain open for public uses until 9:00 p.m.). Saturday outdoor activities would cease by 6:00 p.m. (as previously noted, except for public usage of the tennis courts), and except for up to 10 Saturdays per year when outdoor athletic activities may take place up until 8:00 p.m. Lighting for outdoor athletic activities would be shut off after those times, or earlier if there are no activities taking place, except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. Thus, the duration of lighting would be shorter than existing conditions every day of the year. The Zev Greenway does not have dedicated lighting for nighttime use. The Zev Greenway trail, which is immediately adjacent to the Los Angeles River, does have views to lighting on-site and receives filtered light through the trees between the trail and the existing golf and tennis facilities.<sup>89</sup>

Based on the lighting analysis, which calculated the spill light from the sports lighting on-site and beyond to neighboring properties, the results indicate that along the property line at the Los Angeles River, incremental lighting levels would be at or below 0.2 foot candle at the property line and at or below 0.01 foot candle fifteen feet past the property line, which is consistent with RIO District Ordinance lighting requirements. Additionally, the final aiming process of the lighting equipment is a controlled process by which the field engineers work to manually adjust the fixtures and reduce off-site light levels. This aiming process allows for miniscule changes to be made, which reduces off-site lighting while not affecting the target illumination. Finally, the Project would further reduce lighting effects by planting additional new trees which would create a natural barrier between the new lighting and the Zev Greenway.<sup>90</sup> In compliance with the RIO District Ordinance, the lighting designs would limit or eliminate the spill lighting that would cross the Project's property line into the Zev Greenway and cause unwanted nighttime illumination or glare on the Los Angeles River area. Although the Biological Study Area is currently not subject to the highest levels of nighttime illumination found within busy commercial areas nearby, there is already ample existing lighting. Street lighting and residential building lighting comprises most of the lighting sources on the immediate bounding streets, vehicle headlights and illuminated

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<sup>88</sup> StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA, October 2021. Provided in Appendix B of the Draft EIR.

<sup>89</sup> StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA, October 2021. The Lighting Technical Report is provided in Appendix B of the Draft EIR.

<sup>90</sup> StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA, October 2021. The Lighting Technical Report is provided in Appendix B of the Draft EIR.

signage also contribute to the nighttime environment.<sup>91</sup> So although portions of the Biological Study Area would have experience small amounts of light spill during hours of outdoor athletic activities, such lighting would be precisely controlled and result in substantially less off-site illumination and glare as compared to existing conditions. Outside of the field lighting, other areas of the Biological Study Area would have conditions similar to or less than the existing conditions. Furthermore, it is anticipated that School-related practices and game competition would occur in the afternoons and early evenings and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. Indoor activities in the gymnasium would end no later than 9:30 p.m., though indoor activities would generally cease by 7:30 p.m. Thus, field lights and building lights would be shut off each night and the duration of lighting would be shorter every day of the year than existing conditions except for low-level lighting, as described above, for security and wayfinding purposes or lighting to accent signage and landscaping elements. If present on-site, the special-status bat species are already adapted to living in an urbanized setting with the existing night lighting on-site, as well as from the adjacent residential and commercial areas and traffic along roads.<sup>92</sup> Portions of the Biological Study Area that would have an increase in lighting during hours of outdoor athletic activities would be focused on fields and tennis courts, which do not contain roosting habitat for special-status bats. Additional lighting, tightly focused on the fields and tennis courts, also has the potential to attract more insects on which bat species forage, which could be a benefit. All lighting would be white lighting, which as the comment states will likely attract prey species and increase foraging opportunities for wildlife that may exist in the Project area.

Sports lighting would be 5,700 Kelvin, and lighting for buildings and fixtures are specified at 3,500 Kelvin. However, all lighting fixtures would be outside of the RIO zone and controlled (shielded) such that spillover would not exceed 0.01 foot candle in the RIO area. By comparison, existing lighting consists of various lights, that include tennis courts lights (the area currently nearest the RIO area) and parking lot lights that are at least 5,000 Kelvin. The flood lights at the driving range and the golf ball-shaped light standards are also up to 4,000 Kelvin. Also, as mentioned above, the existing fixtures on the Project Site have no integral shielding. With shielding, the Project would not substantially increase existing lighting conditions relative to wildlife within the RIO zone.

In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, and Topical Response No. 2 - Modifications to the Project Design, which provides updates to the Project's light poles. As evaluated in Section IV.A, *Aesthetics*, of the Draft EIR, light and glare impacts would not exceed existing ambient light and glare levels in the off-site area or exceed RIO standards within the Project Site. The Project's lighting program has been revised to reduce the number of field and tennis

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<sup>91</sup> StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA. October 2021. The Lighting Technical Report is provided in Appendix B of the Draft EIR.

<sup>92</sup> ESA, Biological Resources Technical Report, January 2022, page 60 (PDF page 68 of 394) provided in Appendix D of the Draft EIR.

court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 – Aesthetics, the reduction in lighting would further reduce the Project’s light and glare levels. Consistent with the analysis in Section IV.A. light and glare impacts would be less than significant.

### **Comment No. ORG 7A-42**

The DEIR also fails to adequately address the night lighting impacts on species that currently use the Project site and adjacent Zev Greenway, particularly those that use the site nocturnally. The Project extends night lighting to the entire Project site, whereas it is currently limited to the eastern portion of the site. The new lighting is significantly taller than the existing lighting. The DEIR claims replacement trees would reduce impacts of these new lighting sources, but the athletic field light poles would greatly exceed the height of the replacement trees for many years.

### **Response No. ORG 7A-42**

The comment asserts that the Draft EIR did not adequately assess light impacts on species that currently use the Project Site and adjacent Zev Greenway. The Project would retain a majority of mature street trees, including all of the street trees along Bellaire Avenue and nearly all along Whitsett Avenue, and also retain mature trees along Valley Spring Lane. The taller field lights would exceed the heights of some, but not all, trees (see Figures II-15 to Figure II-19 showing the elevations along the Project perimeter). Figures II-15 to II-18 have been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which include updates to light pole heights and numbers. However, the existing and proposed trees would soften the views of the poles. In addition, the fixtures would be shielded and directed downward so that the light sources (luminance) are not directed at off-site locations. The appearance of lighting from adjacent streets would be less than under existing conditions in which existing tennis court flood lights, driving range flood lights, and parking lot lights are unshielded. Further, as stated on page IV.C-41, in Section IV.C, *Biological Resources*, of the Draft EIR, under Indirect Impacts (beginning on page IV.C-35), field lights and building lights would be shut off each night and the duration of lighting would be shorter every day of the year compared to existing conditions except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. Contrary to the assertion contained in the comment that the Project would extend lighting beyond existing conditions, Figures 5 and 8 of the Lighting Report (Appendix B of the Draft EIR) demonstrate that the extent and intensity of off-site illuminance would be reduced with Project implementation.

As stated in Appendix D, Biological Resources Technical Report, of the Draft EIR, on PDF page 61 of 394 under the heading 6.3.1.2 Special-Status Wildlife Species, common and non-indigenous wildlife species are likely adapted to human presence and are expected to persist in the area following Project completion. Thus, impacts would not be expected to reduce the general wildlife populations below self-sustaining levels within the region. Regardless, impacts to common and non-indigenous wildlife species do not meet the

CEQA significance threshold, as they do not constitute candidate, sensitive, or special-status wildlife species. Therefore, no mitigation measures are required for impacts to common and non-indigenous wildlife species.

Additionally, as stated on page IV.C-47, in Section IV.C, *Biological Resources*, under the heading Migratory Species and Native Wildlife Nursery Sites, of the Draft EIR, although portions of the Biological Study Area would have an increase in lighting during hours of outdoor athletic activities, the lighting would be focused on fields and tennis courts, which do not contain vegetation or have suitable habitat for nesting bird and roosting bat species. Such lighting would be precisely-controlled and result in substantially less off-site illumination and glare as compared to existing conditions. Additional lighting, particularly given the tightly controlled and focused nature of the Project's lighting, also has the potential to attract more insects on which bat species forage, which could be a benefit. Outside of the field lighting, other areas of the Biological Study Area would have lighting conditions similar to or less than the existing condition. Field lights and building lights would be shut off each night and the duration of lighting would be shorter every day of the year than existing conditions except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. If present onsite, the nesting bird and roosting bat species are already adapted to living in an urbanized setting with the existing night floodlighting on-site, as well as from the adjacent residential and commercial areas and traffic along roads. Thus, indirect impacts from lighting during Project operation would not diminish long-term survival of nesting birds or roosting bat species and, therefore, would not be significant.

### **Comment No. ORG 7A-43**

Further, currently, only the eastern portion of the Project site is used at nighttime and there are limited noise impacts from the use of the tennis courts and driving range. The Project would open the entire site up to night time use and would significantly expand the number of persons on the site in the evenings, as well as the noise associated with activities on the site. Night time athletic games and meets, with hundreds of spectators, would generate increased noise levels on areas of the site that previously enjoyed tranquility for bird, bat and other species on the site and on the Zev Greenway. This increased human intrusion, along with the increased use of lighting and removal of mature trees will have major impacts on the ability of the Project site to support wildlife. The spillover noise and light and increased human presence at night will also negatively impact species that rely on the adjacent Greenway in the evening and nighttime.

### **Response No. ORG 7A-43**

The comment expresses the concern that outdoor activities would increase nighttime noise and light levels, that the Project would permit human intrusion in portions of the Project Site not currently used in the nighttime, and that the Project's removal of mature trees would adversely impact native species. The Project would end activities earlier than under existing conditions, in which the existing tennis court is open and illuminated until

10:00 p.m. and the driving range is open and illuminated until 11:00 p.m. Under the Project outdoor activities at all facilities, except the tennis courts, would end by 8:00 p.m. and the tennis courts will close at 9:00 p.m. Also, as discussed in detail in Topical Response No. 8 - Noise: Construction and Operation Impacts, outdoor recreational activity and special events would not exceed noise threshold levels of 5 dBA.

As further discussed on pages VI.C-40 through IV.C-41 of the Draft EIR, increased noise and human activity would not have a significant impact on special-status bat species since, if any are present on the Project Site, they would be adapted to living in an urbanized setting and, therefore, the Project would not diminish their chances for long term survival. Moreover, while the same would be true of common and non-indigence wildlife species which may be utilizing the Project Site, such species do not meet the CEQA significance threshold and, therefore, are not required to be analyzed in an EIR.

As discussed in Section IV.A, *Aesthetics* (Light and Glare) of the Draft EIR, the Project's lighting program would reduce ambient light and glare, including effects on adjacent neighborhoods. As shown in the Draft EIR and in the Lighting Technical Report (Appendix B of the Draft EIR) and in Figures 5 and 8 of the Supplemental Lighting report Memorandum (provided in Appendix B of this Final EIR), both the lighting program evaluated in the Draft EIR and under the revised lighting program would decrease illuminance around the Project Site. As shown in a comparison of Figure 5 (existing illuminance radius) and Figure 8 (future illuminance radius), the Project would discernably decrease the extent and intensity of illuminance from the Project Site compared to existing conditions. As further discussed in Topical Response No. 4 – Aesthetics, the Project would turn off field lights no later than 8:00 p.m. and tennis court lights no later than 9:00 p.m. As such, not only will light impacts be less under the Project, the duration of lighting would be less than under existing conditions. See also Response Nos. ORG 7A-41 and ORG 7A-42, regarding lighting impacts on special-status wildlife species (bats), as well as the Zev Greenway.

As to the impact of removal of some mature trees from the Project Site on wildlife, Project impacts on biological species was fully discussed in Section IV.C, *Biological Resources*, of the Draft EIR. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). As further and discussed in Topical Response No. 5, *Biological Resources/Trees*, trees would primarily be removed from the central portion of the Project Site. The existing mature trees along Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane frontage would remain, except for groups of trees generally located northerly of the swimming pool and the eastern end of Field B. A number of the existing mature trees south of the removed trees on Valley Spring Lane would also remain. The great majority of replacement trees would be in 48-inch boxes with 3 to 7 years of growth prior to installation, with an average height of 12 to 15 feet. As such, the

Project would create additional foliage for use by all wildlife species. Also, as discussed on page IV.C-42 of the Draft EIR, with the implementation of Mitigation Measure BIO-MM-1 to avoid maternity roosting season and to avoid direct impacts to active roosts, impacts on special-status wildlife species would be less than significant. In addition, see Topical Response No. 2 - Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

## **Comment No. ORG 7A-44**

### **3. The DEIR Fails to Include Tree Removal Mitigation Recommended by CDFW and Relies on Mitigation That is Not Fully Enforceable.**

The DEIR fails to address mitigation set forth by the California Department of Fish and Wildlife (CDFW). CDFW provided scoping comments on the Project identifying the need to phase the tree removal during construction to reduce impacts. The DEIR fails to do so.

Mitigation measure BIO-MM-3 also fails to be fully enforceable. This measure provides for “replacement of each ‘non-protected’ significant tree removed at a minimum 1:1 ratio,” but that goes on to state that the “actual mitigation requirement may be modified by the Department of City Planning.” (DEIR IV.C-56.) This measure is not fully enforceable for several reasons. First, the DEIR does not define “significant tree.” Thus, there is not an objective standard set for determining which trees will need to be replaced. (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5<sup>th</sup> 467, 520 [mitigation is improperly deferred if it does not rely on objective standards].) The DEIR does not disclose how many replacement trees will actual [sic] be required for the Project.

## **Response No. ORG 7A-44**

The comment contends that the Draft EIR fails to address mitigation set forth by the CDFW and relies on information that is not fully enforceable. Refer to Response No. AG 4-29 which addresses CDFW’s comments on tree removal.

The comment asserts that Mitigation Measure BIO-MM-3 is not fully enforceable and that the Draft EIR does not disclose the number of replacement trees required for the Project. The comment also contends that the Draft EIR fails to define “significant tree”, which is incorrect. Page IV.C-28 of the Draft EIR describes both protected and significant trees and states that any trees that are not protected trees and have a diameter-at-breast height (DBH) of over eight inches are significant trees: “All the other trees over eight inches in DBH (on-site and off-site), 304 trees, were considered to be non-protected significant trees per direction of the Department of City Planning.” The contention that the mitigation measure is not enforceable because the Department of City Planning can change the ratio of replacement of unprotected trees is also incorrect. Under Mitigation Measure BIO-MM-3, the Department of City Planning cannot modify the replacement ratio but may only modify the total number of trees needing to be replaced based on the City’s determination of any dead specimens. Replacement is not required for trees determined to be dead. Total replacement in accordance with the required ratio would still be required. While

Mitigation Measure BIO-MM-3 requires the submission of a landscape plan prior to issuance of a building permit, which must be approved by the Department of City Planning, the mitigation measure contains parameters of what must be in the plan and the required replacement ratio as set forth in the measure and in the Los Angeles River Master Plan Landscaping Guidelines. Chapter II, *Project Description*, pages II-29 and II-30 of the Draft EIR, described the number of replacement trees. As discussed therein, “All invasive palms (i.e., the Mexican fan palm) removed would be replaced at a 1:1 minimum ratio with RIO-compliant trees and all other removed non-native trees would be replaced at a minimum 2:1 ratio with RIO-compliant trees. Street trees (trees within the public right-of-way) would also be replaced at a 2:1 ratio, as required by the City’s Department of Public Works, Urban Forestry Division.” In aggregate, the 240 removed trees would be replaced by 393 RIO-compliant trees, which exceeds the minimum number of trees required for replacement. The Draft EIR (page II-29) further states: “The majority of the trees to be removed, 75 percent (179 trees), are non-RIO compliant (including 121 Mexican fan palms).” The Project’s removal of 121 Mexican fan palms would require a replacement of 121 trees (at a 1:1 replacement ratio), while the remaining 119 removed trees would require a replacement of 238 trees (at a 2:1 replacement ratio), for a total replacement requirement of 359 trees. The Project would exceed this number by planting 393 replacement trees.

### **Comment No. ORG 7A-45**

Additionally, it is improper that this mitigation measure could be changed in the future outside of the environmental review process, in violation of the public participation goals of CEQA. (Pub. Resources Code § 21000.) Delegation of mitigation measure development to a post-approval process by lead agency staff has been found to be inadequate. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4<sup>th</sup> 777, 793-94.)

### **Response No. ORG 7A-45**

The comment asserts that Mitigation Measure BIO-MM-3 is not fully enforceable and appears to contend that it is an impermissible delegation of the measure to the future. Please refer to Response No. ORG 7A-44. The Draft EIR identifies the impact to be mitigated by Mitigation Measure BIO-MM-3. The Draft EIR also sets forth specific parameters for Mitigation Measure BIO-MM-3, including the provision of defined materials and a time limitation for implementation prior to the issuance of a building permit. The plan check by the Department of Building and Safety prior to issuing a building permit ensures that the landscaped plan and other Project materials comply with the requirements of the Mitigation Monitoring Program (Chapter 4 of this Final EIR), the Conditional Use Permit (CUP) as approved by the City, and other applicable regulations. The preliminary materials required to implement the mitigation measure are presented in Figure IV.C-5, *Tree Removal Plan*; Figure IV.C-6, *Tree Planting Plan*; and Figure IV.C-7, *Planting Zone Plan*, of the Draft EIR. These materials are part of the Project and would be part of the Certified Draft EIR and would, thus, provide the basis for any future

approved landscape plans. All mitigation measures are implemented subsequent to Project approval and implemented at a development phase defined in the Mitigation Monitoring Program (MMP). Because Mitigation Measure BIO-MM-3 must be implemented prior to the issuance of a building permit, and since the parameters of the landscape plans are clearly delineated in the Draft EIR, the mitigation is not a post approval measure. Thus, since the mitigation measure contains specific parameters, the comment fails to provide facts to substantiate that the measure is deferred, or improperly delegated, or that the public is denied the opportunity to comment on the measure.

### **Comment No. ORG 7A-46**

Further, the DEIR also again improperly relies on PDFs instead of mitigation measures to reduce the impacts to nesting raptors and songbirds. This fails to adequately disclose, evaluate efficacy and ensure enforceability of the measures. (Section IV.).

### **Response No. ORG 7A-46**

The comment asserts that using a PDF to protect nesting raptors and songbirds was improper. Project Design Feature PDF-BIO-1 simply reflects how the Project would comply with relevant regulations regarding protecting nesting raptors and songbirds. The comment provides no substantial evidence that the use of the PDF avoids any analysis of potential impacts to nesting birds. As stated on pages IV.C-2 through IV.C-3 of the Draft EIR, all bird species that are native to the United States or its territories are protected by the federal Migratory Bird Treaty Act (MBTA) from taking, capturing, killing, selling etc. (collectively “taking”). The MBTA does not prohibit the destruction of a bird nest but does prohibit the taking of the eggs or birds in the nest. Additionally, as stated on pages IV.C-4 through IV.C-5 of the Draft EIR, the California Department of Fish and Wildlife (CDFW) has developed measures to ensure avoidance of a taking. These measures were incorporated into the Project through the PDF. Moreover, this PDF is incorporated into the MMP and therefore fully enforceable (see Chapter 4, *Mitigation Monitoring Program*, of this Final EIR.) See Response No. ORG 1B-8 above regarding use of PDFs being standard and permissible in an EIR analysis.

### **Comment No. ORG 7A-47**

#### **D. The DEIR Fails to Analyze and Disclose the Project’s GHG Impacts and Mitigation**

##### **1. The DEIR’s Analysis of GHG Impacts Must Reflect the Reality of the Climate Crisis.**

Public agencies must “stay in step with evolving scientific knowledge and state regulatory schemes.” (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5<sup>th</sup> 497, 504; accord CEQA Guidelines § 15064.4.) The Intergovernmental Panel on Climate Change has recently identified that greenhouse gas (“GHG”) emissions **must peak** by 2025 in order to limit the global temperature increase to 1.5 degree Celsius.

(Attachment I, Excerpts Intergovernmental Panel on Climate Change Report.) In order to do so, all sectors must utilize deep emissions reductions. As the Project is expected to begin operation in 2025, all Project activities must align with a decrease in GHG emissions. Any increase in GHG emissions will subvert this goal. The Project will increase GHG emissions relative to baseline; thus, the DEIR must disclose this as a significant impact.

## Response No. ORG 7A-47

The comment contends that the Draft EIR's analysis of GHG conflicts with the Intergovernmental Panel on Climate Change's opinion that GHG emissions must peak by 2025 in order to limit the global temperature increase to 1.5 degree Celsius. The Intergovernmental Panel on Climate Change is the United Nations body for assessing the science related to climate change. Its findings are not part of the recognized regulatory framework that the City and/or CEQA require projects to comply with. As described in Section IV.G, *Greenhouse Gas Emissions*, in subsection d) (1), *Impact Analysis*, on page IV.G-50 of the Draft EIR, compliance with a GHG emissions reduction plan renders a project's impact less than significant. In support of the consistency analysis which describes the Project's compliance with or exceedance of performance-based standards included in the regulations and policies outlined in the applicable portions of the Climate Change Scoping Plan, the 2020-2045 RTP/SCS, the City's Green New Deal, and the Los Angeles Green Building Code, quantitative calculations are provided in Section IV.G. The Project would generate an incremental contribution to and a cumulative increase in GHG emissions. Further, when considering only the Project's emissions, Table IV.G-7, *Estimated Operational Greenhouse Gas Emissions – Project*, page IV.G-53 of the Draft EIR, shows that the Project's operational emissions of 2,719 MTCO<sub>2e</sub> would be generated primarily by mobile sources and secondarily by energy (electricity and natural gas) and in 2025 would be approximately 21 percent below the emissions that would be generated by the Project without implementation of GHG reduction characteristics, features, and measures (i.e., based on the quantitative reduction, including those associated with Project Design Feature GHG-PDF-1). On a net GHG emissions basis (i.e., subtracting the existing site GHG emissions), the Project's net operational emissions of 1,533 MTCO<sub>2e</sub> in 2025 would be approximately 32 percent below the net emissions that would be generated by the Project without implementation of GHG reduction characteristics, features, and measures (i.e., based on the quantitative reduction, including those associated with Project Design Feature GHG-PDF-1). Thus, the analysis provided in the Draft EIR quantitatively demonstrates the efficiency of the Project GHG reduction measures as set forth in the applicable GHG reduction plans and policies and that the Project would result in a GHG-efficient development resulting in lower GHG emissions in 2025 than would be achieved without implemented GHG reduction measures. Moreover, as discussed under Threshold (b), page IV.G-59 of the Draft EIR, the Project would not conflict with the Climate Change Scoping Plan, the 2020-2045 RTP/SCS, the City's Green New Deal, and the Los Angeles Green Building Code. The Project's consistency with these applicable regulatory plans and policies to reduce GHG emissions, along with implementation of PDFs, particularly Project Design Feature GHG-

PDF-1 in Subsection IV.G.3.c), *Project Design Features*, would reduce the Project's GHG emissions by 21 percent (or 32 percent on a net GHG emissions basis) compared to the Project without implementation of GHG reduction characteristics, features, and measures. Thus, the Project would not generate GHG emissions that would have a significant effect on the environment, nor would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

Note that modifications to the Project would reduce the total number of solar panels from 426 to 378, and reducing the electricity provided from 339,000 kWh to 281,000 kWh. The reduction in solar panels was a design correction that still allows the Project to meet LAMC requirements, which were previously exceeded under the Project analyzed in the Draft EIR. Bringing the Project into compliance with the Building Code would have no new or substantial increase in the severity of environmental effects under CEQA thresholds. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. The revisions in Chapter 3 of this Final EIR update Project Design Feature GHG-PDF-1 and include updated GHG and energy calculations based on the modified solar panels. Appendix K, Supplemental Greenhouse Gas and Energy Modeling Data, of this Final EIR includes the modeling results with the Project modifications. The updated calculations do not change the energy and GHG impact conclusions in the Draft EIR, nor would there be a substantial increase in the severity of impacts.

## Comment No. ORG 7A-48

### 2. The DEIR Fails to Evaluate its Adopted Threshold of Significance, and Fails to Support its Conclusion that the Project will Have No Significant GHG Impacts.

The DEIR states that:

In accordance with Appendix G of the CEQA Guidelines, a project would have a significant impact related to GHGs if it would:

Threshold (a): Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; **or**

Threshold (b): Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

(DEIR, p.IV.G-36, emphasis added.)

The DEIR thus adopts **two** thresholds of significance for GHG impacts. In evaluating Threshold (a), whether the Project generates GHG emissions directly or indirectly that may have a significant impact on the environment, the DEIR concedes that the Project would generate an increase of GHG emissions over baseline. (DEIR, p. IV.G- 58.) However, the DEIR declines to evaluate whether **this increase** would have a significant

impact on the environment, instead stating that due to the Project's purported consistency with applicable GHG reduction plans as evaluated in Threshold (b), the Project would not generate significant GHG emissions as defined in Threshold (a). (DEIR, pp. IV.G-58 to 59.).

## Response No. ORG 7A-48

The comment contends that the Draft EIR fails to address the adopted thresholds of significance for GHG impacts and fails to include facts to support the contention that the Project's GHG emission impacts would be less than significant. The Draft EIR addressed the Project's GHG emissions in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. CEQA Guidelines 15064.7(a) states that "[a] threshold of significance is an identifiable, quantitative, qualitative, or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." Although GHG emissions can be quantified, CARB, SCAQMD, and the City have not adopted quantitative project-level significance thresholds for GHG emissions that would be applicable to the Project.

The California Natural Resources Agency (CNRA) has also clarified that the Guidelines focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see CEQA Guidelines Section 15064(h)).<sup>93</sup> Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.<sup>94</sup> To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.<sup>95</sup> Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."<sup>96</sup> Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions. Therefore, in the absence of any adopted

<sup>93</sup> See generally California Natural Resources Agency, Final Statement of Reasons for Regulatory Action, December 2009, pages 11-13, 14, and 16; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, Secretary for Natural Resources, April 13, 2009.

<sup>94</sup> CCR, Title 14, Section 15064(h)(3).

<sup>95</sup> CCR, Title 14, Section 15064(h)(3).

<sup>96</sup> CCR, Title 14, Section 15064(h)(3).

quantitative threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Using that evaluative methodology, the Draft EIR included substantial evidence that supported the appropriate conclusion that the Project's impacts on GHGs would be less than significant.

### **Comment No. ORG 7A-49**

This is an impermissible omission. The DEIR must actually evaluate the significance of the Project's increase in GHG emissions with respect to Threshold (a). CEQA Guidelines section 15064.4, subdivision (a) requires lead agencies to "make a good-faith effort, **based to the extent possible** on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." The DEIR states that the Project's GHG emissions would exceed baseline (DEIR, p. IV.G-53), but makes no attempt to show whether such an increase would be significant. Instead, the DEIR states "even a very large individual project would not generate enough GHG emissions on its own to significantly influence global climate change." (DEIR, IV.G-58.) This is not only a severely retrograde position that fails to acknowledge the ongoing climate emergency and the urgency for immediate GHG reductions, but it also contrary to the CEQA Guidelines, which state "A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions." (CEQA Guidelines § 15064.4, subd. (b).)

### **Response No. ORG 7A-49**

The comment asserts that the Draft EIR impermissibly failed to discuss or calculate the estimate amount of GHG emissions. As discussed in Section IV.G, pages IV.G-39 and IV.G-76 of the Draft EIR, per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. Please also see Response No. ORG 7A-48, above, and Response No. ORG 7A-50, below.

### **Comment No. ORG 7A-50**

While compliance with GHG reduction plans is but one factor in determining the significance of GHG impacts (upon a showing of substantial evidence supporting such compliance), the CEQA Guidelines also specify that agencies should consider:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

(CEQA Guidelines § 15064.4, subd. (b)(1) & (b)(2).) Accordingly, as Threshold (a) would address both of these factors, the DEIR must actually consider whether the Project's increase in emissions is significant. The failure to do so is an omission of necessary analysis that renders the EIR deficient. (Friant Ranch, supra, 6 Cal.5th 502, 514-15.)

## Response No. ORG 7A-50

The comment asserts that the Draft EIR's GHG emissions analysis is inadequate for failure to address whether the Project's GHG emissions would exceed thresholds of significance. The Draft EIR addressed GHG emission impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. As indicated on page IV.G-38, in Section IV.G, *Greenhouse Gas Emissions*, under the heading Thresholds of Significance in the Draft EIR, CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. If a qualitative analysis is used, in addition to quantification, this section recommends certain qualitative factors that may be used in the determination of significance (i.e., extent to which the project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs). CEQA Guidelines Section 15064.4 does not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies, or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7I). Although GHG emissions were quantified for the Project, CARB, SCAQMD, and the City have not adopted quantitative project-level significance thresholds for GHG emissions that would be applicable to the Project.

Table IV.G-7, *Estimated Operational Greenhouse Gas Emissions – Project*, on page IV.G-53 of the Draft EIR, provides the Project's estimated GHG emissions with and without implementation of GHG reduction characteristics, features, and measures. This comparison is provided to evaluate the Project's efficiency with respect to GHG emissions but is not the threshold of significance used for impact analysis. The analysis assumes the Project without implementation of GHG reduction characteristics, features, and measures would incorporate the same land uses and building square footage as the Project. Furthermore, this analysis is consistent with the most current regulatory policies and GHG quantification methods; however, the scientific, regulatory environment regarding GHG reduction and CEQA approaches for GHG analysis are constantly evolving and will continue to do so into the future. Although the quantification of GHG

emissions was not measured against a significance threshold because none have been adopted that are applicable to the Project, it nevertheless provides the extent to which the Project would increase GHG emissions as compared to the existing environmental setting.

Furthermore, the CEQA Guidelines focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see CEQA Guidelines Section 15064(h)).<sup>97</sup> Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.<sup>98</sup> To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.<sup>99</sup> Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."<sup>100</sup> Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions.

Therefore, in the absence of any adopted quantitative threshold, the significance of the Project's GHG emissions were evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Since the Project was not in conflict with these applicable regulatory plans to reduce GHG emissions, Project impacts are less than significant.

Also, refer to Response No. ORG 7A-47, which discusses the Project design modifications and updated GHG and energy calculations in Chapter 3 of this Final EIR. As stated therein, the updated calculations do not change the energy and GHG impact conclusions in the Draft EIR, nor would there be a substantial increase in the severity of impacts.

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<sup>97</sup> See generally California Natural Resources Agency, Final Statement of Reasons for Regulatory Action, December 2009, pages 11-13, 14, and 16; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, Secretary for Natural Resources, April 13, 2009.

<sup>98</sup> CCR, Title 14, Section 15064(h)(3).

<sup>99</sup> CCR, Title 14, Section 15064(h)(3).

<sup>100</sup> CCR, Title 14, Section 15064(h)(3).

## Comment No. ORG 7A-51

Further, the CEQA Guidelines state that compliance with statewide GHG reduction goals may be considered “provided that substantial evidence supports the agency’s analysis of ***how those goals or strategies address the project’s incremental contribution to climate change and its conclusion that the project’s incremental contribution is not cumulatively considerable.***” (CEQA Guidelines § 15064.4, subd. (b)(3), emphasis added.) The DEIR has not provided such substantial evidence. In the DEIR and its Appendix C, the DEIR claims that the Project’s purported consistency with various state, regional, and local GHG reduction programs justify its increase in GHG emissions, but this so-called consistency is based on several unfounded conclusions.

For example, the DEIR claims consistency with numerous statewide and regional policies that do not govern individual developments like the Project. The DEIR claims credit for emissions reductions resulting from policies such as the Renewable Portfolio Standard applicable to energy sellers, LEV and ZEV regulations applicable to vehicle manufacturers (DEIR, Appendix C, p. 18), Low Carbon Fuel Standard reductions applicable to fuel suppliers (*Id.*, p. 22), Cap-and-Trade applicable to regulated entities (*Id.*, p. 23), numerous SCAG policies applying to local jurisdictions (*Id.*, pp. 25-29), among others. None of these policies apply to the Project, and all would be in place regardless of whether the Project were developed or not.

## Response No. ORG 7A-51

The comment asserts that the Draft EIR’s determination of consistency with applicable goals and policies related to GHG emissions is not supported adequately. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant because the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. In Appendix C-1 of the Draft EIR, Section 2, Air Quality and Greenhouse Gas Emissions Methodology, Table 1, Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies, PDF pages 38 through 45 of 437, and Table 2, Comparison of Project Characteristics with Applicable SCAG 2016-2040 RTP/SCS and 2020-2045 RTP/SCS Actions and Strategies, PDF pages 46 through 51 of 437, discuss why the Project would not conflict with these applicable plans, policies, regulations and requirements. Consistency with plans adopted to implement GHG reductions is the required threshold standard under CEQA Guidelines Appendix G in the evaluation of GHF emissions (see Response No. ORG 7A-50 for a more detailed discussion of the significance threshold that the City, as Lead Agency, has determined to use for this Project). Although many adopted policies do not apply directly to the Project, the Project must not conflict with these policies to result in less than significant impacts. Thus, the Draft EIR discusses compliance with these plans by determining whether the Project would not conflict with any of them.

In addition to the evaluation of the Project's consistency with plans, policies, and regulations adopted for the purpose of reducing and/or mitigating GHG emissions, for informational purposes, the analysis also calculates the amount of GHG emissions that would be attributable to the Project. The primary purpose of quantifying the Project's GHG emissions is to satisfy CEQA Guidelines Section 15064.4(a), which requires a good-faith effort by the lead agency to describe and calculate emissions. The Draft EIR modeled GHG emissions with and without the regulatory changes to determine if there would be a reduction in the Project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions.

Also, refer to Response No. ORG 7A-47, which discusses the Project design modifications and updated GHG and energy calculations in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. As stated therein, the updated calculations do not change the energy and GHG impact conclusions in the Draft EIR, nor would there be a substantial increase in the severity of impacts.

### **Comment No. ORG 7A-52**

Further, even if the DEIR could validly assess comparison of the Project with these policies, agencies are required to "substantiate" their assumptions that the reductions specified in these policies "can also serve as the criterion for an individual land use project." (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal4th 204, 228.) The DEIR has not done so here.

### **Response No. ORG 7A-52**

The comment asserts that the Draft EIR's GHG analysis does not adequately substantiate the project's compliance with Statewide GHG reduction goals. The comment is similar in content and expresses the same concerns as in Comment No. ORG 7A-51. Please refer to Response No. ORG 7A-51, which concludes that –the Draft EIR modeled GHG emissions with and without regulatory changes to determine if there would be a reduction in the Project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions and, therefore, substantiated the Draft EIR's analysis and conclusions.

Also, refer to Response No. ORG 7A-47, which discusses the Project design modifications and updated GHG and energy calculations in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. As stated therein, the updated calculations do not change the energy and GHG impact conclusions in the Draft EIR, nor would there be a substantial increase in the severity of impacts.

### **Comment No. ORG 7A-53**

The DEIR also inadequately supports its claims that other Project features demonstrate its consistency with GHG reduction plans. The DEIR Appendix C states in a conclusory

manner that the Project would comply with SB 350 by meeting the requirements of Title 24, Part 6 and the Green Building Code. (DEIR, Appendix C, p.18.) A bare assertion of compliance with these regulatory schemes is insufficient to demonstrate that the Project would have no significant impacts. (Cf. *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App<sup>4</sup>th 1, 16.)

### **Response No. ORG 7A-53**

The comment asserts that the Draft EIR cannot rely on compliance with regulatory requirements to conclude that the Project would not be in conflict with applicable GHG emission policies. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Appendix C-1, Section 2, Air Quality and Greenhouse Gas Emissions Methodology, Table 1, Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies, PDF pages 38 – 45 of 437, discusses the Project’s compliance with SB 350 and SB 100 because compliance with GHG reduction plans is the GHG significance threshold chosen for Project (see Response No. ORG 7A-50 for a more detailed discussion of the significance threshold that the City, as Lead Agency, has determined to use for this Project). Although these policies do not apply directly to the Project, the Project must not conflict with these policies to incur less than significant impacts. Thus, the Draft EIR discusses compliance with these plans through an analysis demonstrating that the Project would not be in conflict with these plans.

As discussed in Appendix C-1 and Section IV.G 3.d)Threshold (b)(1)(a)(i), page IV.G-60 of the Draft EIR, while this action does not directly apply to individual projects, the Project complies with the RPS program (SB 350 and SB 100) inasmuch as its electricity is provided by LADWP, which is in compliance with the RPS program. Thus, the Project would be supplied with electricity via renewable sources at increasing rates over time reducing the Project’s electricity-related GHG emissions as required by SB 350 and SB 100. As required under SB 350, doubling of the energy efficiency savings from final end uses of retail customers by 2030 would primarily rely on the existing suite of building energy efficiency standards under CCR Title 24, Part 6 and utility-sponsored programs such as rebates for high-efficiency appliances, heating, ventilation, and air conditioning (HVAC) systems, and insulation. Thus, since the Project would not conflict with Title 24 Standards as required by law, it would comply with SB 350 and would not conflict with and is consistent with these policies to reduce GHG emissions.

### **Comment No. ORG 7A-54**

The DEIR also claims consistency with regulations intended to reduce mobile source pollution and implement SB 375 by stating that the Project would introduce shuttles that will “reduce” VMT. (DEIR, Appendix C, pp. 20-21.) As we have stated elsewhere, the Project inaccurately estimates VMT, and so this assertion is unfounded. (Section V.J.2.)

Additionally, the DEIR fails to acknowledge that the almost daily running of shuttles continuously in the afternoon/evening is a GHG-intense activity.

### **Response No. ORG 7A-54**

The comment asserts that the Draft EIR inaccurately determined VMT for the Project and, therefore, could not state that the shuttle system would reduce VMT and thereby reduce GHG emissions. The evaluation of the Project's VMT is consistent with City of Los Angeles VMT Calculator User Guide. Regarding the Draft EIR's VMT evaluation, please refer to Response No. ORG 7A-125, which addresses the data source of the existing use credit, and to Response No. ORG 7A-126, which addresses the trips associated with the clubhouse and the putting green, as well as the use of February and September data from 2019. Note also that the shuttle emissions are taken into account in the Project's GHG emissions as evidenced in Appendix C-1, 1.b, Operational Modeling Outputs, of the Draft EIR, as discussed further in Response No. ORG 7A-34.

The Draft EIR addressed GIG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Draft EIR Appendix C-1, Section 2, Air Quality and Greenhouse Gas Emissions Methodology, Table 1, Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies, PDF pages 38 – 45 of 437, discusses the Project's compliance with SB 375. As discussed on PDF page 41 of 437 of Appendix C-1 of the Draft EIR, SB 375 requires SCAG to direct the development of the RTP/SCS for the region which calls for reducing vehicle trips and VMTs and encouraging alternative modes of transportation. The Project supports these initiatives by its location in an urban infill location with nearby access to public transportation within 0.25 miles of the Project Site. The Project also supports the reduction of VMTs by providing a shuttle between the Upper School campus and the Project Site whenever there are school activities at the site. Additionally, the Project without design modifications would designate a minimum of 8 percent of on-site parking for carpool and/or alternative-fueled vehicles (33 spaces), install the conduit and panel capacity to accommodate future electric vehicle charging stations into a minimum of 30 percent of the parking spaces (160 spaces), and provide 10 percent of the parking spaces with electric vehicle charging stations (54 spaces). The Project design modifications discussed in Topical Response No. 2 - Modifications to the Project Design, would reduce the number of parking spaces from 532 to 403 spaces. However, the same number of carpool/alternative fueled vehicle spaces, conduits/panels to accommodate future electric vehicle charging stations, parking spaces with electric vehicle charging station would remain. These measures would reduce vehicle trips and VMTs. Thus, the Project would comply and not conflict with applicable 2020-2045 RTP/SCS actions and strategies to reduce GHG emissions. As evidenced, the Project would contribute to a reduction in mobile source emissions beyond the sole provision of shuttles.

## Comment No. ORG 7A-55

The DEIR also claims that the Project's inclusion of "conduit and panel capacity" for "future electric vehicle charging stations" demonstrates its consistency with regulations relating to reducing mobile source pollution (DEIR, Appendix C, p. 20), SCAG RTP/SCS policies regarding encouragement of EV usage and fleet conversion (*Id.*, pp. 25, 29), and City Green New Deal policies to include EVs/ZEVs (*Id.*, p. 32.) This "future" Project feature is speculative, and not enforceable as a mitigation measure (see Section IV), and thus does not support the DEIR's conclusion of no significant GHG impacts.

## Response No. ORG 7A-55

The comment asserts that the Draft EIR impermissibly concluded that the provision of conduit for future vehicle charging stations, which would encourage EV usage, demonstrated compliance with the SCAG RTP/SCS and that such future charging stations are unenforceable mitigation measures. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Appendix C-1, Section 2, Air Quality and Greenhouse Gas Emissions Methodology, Table 1, Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies, pages 17 – 24 of the Draft EIR, discusses the Project's compliance with SB 375. Please refer to Response No. ORG 7A-54 for a discussion on the Project's inclusion of conduits and panels and electric vehicle charging stations and how they comply and do not conflict with SB 375. Also, with regard to the SCAG RTP/SCS policies referenced in the comment pertaining to EV usage and fleet conversion (Appendix C, PDF pages 46 and 50 of 437, of the Draft EIR), these actions/policies apply to local jurisdictions (e.g., the City) and/or SCAG, and not specifically to the Project. The Project would not interfere with the City's or SCAG's ability to encourage the use of alternative-fueled vehicles through various policies and programs. However, as discussed on page 29 of Appendix C-1 (Appendix C PDF page 50 of 437, of the Draft EIR), the Project would support SCAG "Clean Vehicle Technology Actions and Strategies" as it would encourage the use of alternative fueled vehicles, for the same reasons as discussed below under goals related to the City's Green New Deal.

Regarding the City of Los Angeles Green New Deal, Table 3, Comparison of Project Characteristics to Applicable City of Los Angeles Green New Deal GHG Emissions Goals and Actions, in Appendix C-1 of the Draft EIR, states that the Zero Emission Vehicles percentage applies to the City and not individual projects. However, the Project would designate a minimum of 43 spaces for carpool and/or alternatively fueled vehicles, install conduit and panels in approximately 160 spaces for future electric vehicle charging stations, and install 33 spaces with electric vehicle charging spaces. As discussed in Response No. 7A-54, the same number of carpool/alternative fueled vehicle spaces, conduits/panels to accommodate future electric vehicle charging stations, parking spaces with electric vehicle charging station would remain under the Project design modifications

discussed in Topical Response No. 2 - Modifications to the Project Design. This supports the ZEV initiative by encouraging carpools or the use of electric vehicles, providing electric vehicle charging stations to those that drive electric vehicles, and providing the ability to convert more parking spaces to electric vehicle charging stations in the future as more cars become electric if the initiative is successful. This “future” project feature is not speculative as the conduit and panels would be installed prior to the opening of the Project in compliance with the City’s New Green Deal requirements. The City’s New Green Deal anticipates that the required provision of conduits and panels in new construction projects would meet future electric vehicle demand and, as such, these features would accommodate but would not cause, themselves, the use of electric vehicles. Given that these features would comply with applicable regulatory framework as well as support the SM 375 strategies for ZEV use, the Draft EIR appropriately concluded that the Project would have less than significant impacts related to GHG emission, and, therefore, no mitigation measures are necessary. As such, these features are not appropriately described as a mitigation measure, but rather are part of the Project design. Thus, as part of the Project design, the City would ensure that this measure is complete prior to issuance of building permit.

### **Comment No. ORG 7A-56**

The DEIR states that it would designate a minimum of 33 parking spaces for carpools or alternative-fueled vehicles. (DEIR, Appendix C, p. 20.) While certainly a laudable and worthy feature to include, this feature does not support the EIR’s conclusion that the Project will have no significant GHG impacts because such designations are simply unenforceable.

### **Response No. ORG 7A-56**

The comment asserts that the Project’s parking design, which includes 44 parking spaces designated for carpools or alternative-fueled vehicles, is not enforceable and therefore cannot be relied upon for the conclusion that the Project would have no significant GHG impacts. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Please refer to Response Nos. ORG 7A-54 and ORG 7A-55 for a discussion on the Project’s inclusion of conduits and panels and electric vehicle charging stations and how they comply and do not conflict with SB 375. Additionally, the inclusion of a minimum of 33 parking spaces for carpools or alternative-fueled vehicles is supportive of SB 375 and the City’s Green New Deal. As discussed in Response NO. 7A-54, the same number of carpool/alternative fueled vehicle spaces, conduits/panels to accommodate future electric vehicle charging stations, parking spaces with electric vehicle charging station would remain under the Project design modifications discussed in Topical Response No. 2 - Modifications to the Project Design. This is not a mitigation measure; rather it is part of the Project design and would be enforceable by the City before a Permit to Operate is issued. As stated above, compliance with approved plans and

policies is the significance threshold. Since the Project would not conflict with such plans and policies, Project GHG impacts would be less than significant.

### **Comment No. ORG 7A-57**

Finally, the DEIR states that the Project's removal of 240 trees somehow supports the City Green New Deal's requirement to reduce the urban heat island effect, simply because the Project would replace a greater number of trees. (DEIR, Appendix C, p. 33.) This wrongfully assumes that the replacement trees, once planted, would immediately perform the same GHG-reducing and heat-reducing functions that the existing trees performed. The DEIR provides no evidence to justify this assumption.

For these reasons, the EIR's conclusion that the Project will have no significant GHG impacts is both unsupported and omits information necessary to informed decisionmaking.

### **Response No. ORG 7A-57**

The comment asserts that the Draft EIR does not provide evidence to justify its conclusion regarding reducing the urban heat island effect. The comment is incorrect in the assertion that the only benefit of the Project relied upon in the Draft EIR to reduce urban heat island effect would be the replacement of trees that would be removed. Furthermore, the comment asserts that the Draft EIR states or assumes that the replacement trees, once planted, would immediately perform the same GHG-reducing and heat-reducing functions of the existing trees. This assumption is not stated in any appendix or section of the Draft EIR. The Project would include solar voltaic panels on the gymnasium building roofs which would reduce heat adsorption for the buildings. Additionally, the open space areas and landscaping throughout the Project Site would also reduce the heat island effect from the impervious surfaces on site. As stated on page IV.G-74 of Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR, the Project would implement an extensive tree and landscaping program that would remove 240 of the existing 421 inventoried on- and off-site trees (four which are deemed dead and, therefore, excluded from mitigation requirements), and plant 393 trees resulting in a net increase of 153 trees beyond existing conditions (or a 36 percent increase). As described on page IV.G-74, according to the USEPA, trees help reduce urban heat island effects by shading building and ground surfaces, deflecting radiation from the sun, and releasing moisture into the atmosphere, which results in cooling through evapotranspiration.<sup>101</sup> The increase in trees would help offset some of the highly-localized surface temperature warming effects from the proposed outdoor athletic fields utilizing artificial grass through increased Project Site-wide tree shading, deflection of solar radiation, and evapotranspiration compared to existing conditions. Therefore, the net replacement trees in combination with other GHG reduction features would perform GHG-reducing and

<sup>101</sup> U.S. Environmental Protection Agency, Reduce Urban Heat Island Effect, November 2, 2020, <https://www.epa.gov/green-infrastructure/reduce-urban-heat-island-effect>, accessed December 1, 2020.

heat-reducing functions that the existing trees performed. Refer to Appendix C, Supplemental Carbon Sequestration and Canopy Study, of this Final EIR.

## **Comment No. ORG 7A-58**

### **3. The DEIR Improperly Compresses GHG Impacts and Mitigation.**

As we have pointed out in other sections, the DEIR improperly compresses analysis of GHG impacts and mitigation, in violation of CEQA. (*Lotus, supra*, 223 Cal.App.4<sup>th</sup> 645, 656.) This error is fatal to the DEIR, because it precludes meaningful analysis and mitigation of the Project's GHG impacts, precludes analysis of the potential impacts imposed by mitigation measures (CEQA Guidelines § 15126.4, subd. (a)(1)(D)), and prevents a Statement of Overriding Considerations to be adopted if necessary.

## **Response No. ORG 7A-58**

The comment asserts that the Draft EIR improperly compresses analysis of GHG impacts and mitigations for GHG emissions. Please refer to Response No. ORG 7A-59 for a discussion on the how the Draft EIR adequately addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Please refer to Response Nos. ORG 1B-8, ORG 1B-22 and ORG 7A-23 above for a discussion on how the Draft EIR properly analyzes the Project with PDFs as part of the Project; how the Draft EIR neither compresses, hides nor avoids discussion of potential impacts; and why the Draft EIR does not suffer from the deficiencies identified in the *Lotus* decision. As explained therein, the Draft EIR analyzed the impacts of the Project with the PDFs as Project components incorporated into the Project. Pursuant to CEQA, mitigation measures are not part of the original project design, but instead are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. (CEQA Guidelines Sections 15126.4(a) and 15370.) Chapter IV, *Environmental Impact Analysis*, of the Draft EIR fully describes and analyzes the Project's potential impacts and the use of PDFs and mitigation measures. The Project's Draft EIR contains no compression of analysis, failure to provide standards for evaluating impacts, or in any way ignores or obscures potential impacts and the comment provides no evidence that it does.

## **Comment No. ORG 7A-59**

The DEIR improperly compresses the analysis by declaring the Project's consistency with relevant GHG reduction plans through the implementation of "GHG reduction characteristics, features, and measures." (DEIR, p. IV.G-54.) The DEIR, however, does not properly analyze the significance of the Project's impacts without imposing such GHG reduction features. Instead, the DEIR makes a misleading comparison by comparing the Project's GHG impacts without any of these reduction features, to the Project with the GHG reduction features, and presenting the difference in GHG emissions to show the Project as proposed with the GHG reduction features is superior. (*Ibid.*) This is a

strawman comparison, however, as there is no evidence to suggest that a version of the Project without these features is being proposed. Thus, the comparison to a hypothetical version of the Project without these features is misleading.

## Response No. ORG 7A-59

The comment asserts that the Draft EIR does not properly analyze GHG impacts. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. As indicated on page IV.G-38, in Section IV.G, *Greenhouse Gas Emissions*, under the heading Thresholds of Significance in the Draft EIR, CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. Although GHG emissions were quantified for the Project, CARB, SCAQMD, and the City have not adopted quantitative project-level significance thresholds for GHG emissions that would be applicable to the Project. Therefore, in the absence of any adopted quantitative thresholds of general application, the City, as Lead Agency, has determined that the Project's GHG emissions would not be considerable and would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB's Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code consistent with CEQA Guidelines Sections 15064.4(b)(2). Since the Project was not in conflict with these applicable regulatory plans to reduce GHG emissions, Project impacts are less than significant. In addition, support for this threshold is found in California Supreme Court case law, such as *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife* and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.).

Table IV.G-7, *Estimated Operational Greenhouse Gas Emissions – Project*, on page IV.G-53 of the Draft EIR, provides the Project's estimated GHG emissions with and without implementation of GHG reduction characteristics, features, and measures. This comparison is provided to evaluate the Project's efficiency with respect to GHG emissions but is not the threshold of significance used for impact analysis. The analysis assumes the Project without implementation of GHG reduction characteristics, features, and measures would incorporate the same land uses and building square footage as the Project. Furthermore, this analysis is consistent with the most current regulatory policies and GHG quantification methods; however, the scientific, regulatory environment regarding GHG reduction and CEQA approaches for GHG analysis are constantly evolving and would continue to do so into the future. Although the quantification of GHG emissions was not measured against a significance threshold because none have been adopted that are applicable to the Project, it nevertheless provides the extent to which the Project would increase GHG emissions as compared to the existing environmental setting. In addition, as the Project does not result in a significant GHG impact based on the established qualitative threshold above, mitigation measures are not required and the

GHG reduction characteristics, features, and measures are more appropriately assigned as PDFs. The comment does not provide supporting evidence to show that the Draft EIR improperly evaluated GHG emissions. See also, Response No. ORG 7A-58 above.

### **Comment No. ORG 7A-60**

Further, the “GHG reduction” features do not even show that the Project would have less than significant GHG impacts. One of the features, a solar voltaic system on the gymnasium roof, is an unenforceable PDF that does not reflect a commitment by the Applicant. We have objected to the DEIR’s reliance on such PDFs above in Section IV. Further, the solar panels are expected to supply only 11.5% of the Project’s energy demand. (DEIR, p. IV.G-50.) The solar voltaic system thus is far from offsetting the Project’s GHG impacts.

### **Response No. ORG 7A-60**

The comment asserts that the GHG reduction features are not adequately analyzed and are unenforceable. As noted under Response No. ORG 7A-59, above, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Project Design Feature GHG-PDF-1: Solar Voltaic System can be found on page IV.G-50 of the Draft EIR, and states that the Project would be designed to include solar voltaic panels on the roof of the gymnasium. With the revised solar panel configuration described in Topical Response No. 2 - Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, the Project would meet LAMC requirements and would provide 281,000 kWh per year (which is approximately 10.2 percent of the Project’s energy demand) to reduce the electricity demand from City utilities. The reduction in the number of panels, made in order to provide serviceable pathways between banks of panels, would have no new or substantial increase in the severity of environmental effects under CEQA thresholds. PDFs which are part of the Project design are a commitment of the applicant and are enforceable through permits as well as the MMP contained in Chapter 4 of this Final EIR. The solar voltaic system was not designed with the sole intent to offset the Project’s GHG emissions, but rather to lessen reliance on City utilities. However, it will reduce GHG emissions as it is renewable energy and was accounted for in the quantification of the Project’s GHG emissions, which have been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR based on the design correction.

### **Comment No. ORG 7A-61**

The DEIR also claims, as a GHG reduction feature, GHG reductions as a result of state requirements to reduce the carbon intensity of the energy supplied by the LADWP. (DEIR, p. IV.G-54.) These reductions do not reflect on the Project’s impacts because they are dependent on whether LADWP meets its RPS requirements, and not within the control of

the Project developer. GHG mitigation measures must be additional; that is, reducing emissions beyond what would otherwise occur (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5<sup>th</sup> 467, 518) and GHG mitigation is illusory unless it provides additionality. CEQA prohibits illusory mitigation. (*Federation of Hillside & Canyon Assn. v. City of Los Angeles* (2000) 83 Cal.App.4<sup>th</sup> 1252, 1261; *Katzeff v. California Dept. of Forestry and Fire Protection* (2010) 181 Cal.App.4<sup>th</sup> 601, 612; *Lincoln Place Tenants Assn v. City of Los Angeles* (2005) 130 Cal.App.4<sup>th</sup> 1491, 1508.) As defined by California’s Cap-and-Trade program, a GHG offset must “exceed any [GHG] reductions or removals that would otherwise occur in a conservative business-as-usual scenario.” (17 Cal. Code Regs., § 95802, subd. (a).) Thus, a GHG mitigation measure must create GHG reductions beyond those that would occur without its implementation. It must also be “real, permanent, quantifiable, verifiable, and enforceable.” (Health & Safety Code § 38562, subd. (d)(1).) The DEIR has not shown that its GHG reduction features are additional to what would normally occur.

## Response No. ORG 7A-61

The comment claims that a GHG mitigation measure is required to further reduce GHG emissions and that the Project’s compliance with regulatory requirements was improperly attributed as a mitigation measure. The contention is incorrect and the cases cited in the comment are not applicable since the Project’s GHG reduction features are not mitigation measures. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant and, as such, no mitigation measures were required. As stated on page IV.G-51 of the Draft EIR, Project GHG emissions include reductions from the Los Angeles Green Building Code and the State’s CalGreen Code/Title 24 Building Energy Efficiency requirements applicable to the Project.

Furthermore, as stated on page IV.G-55 of the Draft EIR, the total net Project emissions in Table IV.G-7 do not reflect the fact that Project operational-related GHG emissions would likely be lower as the Project would provide additional sustainability features (see Section IV.O.1, *Utilities and Service Systems – Water Supply*, of the Draft EIR) that would help to reduce the Project’s outdoor water demand and reduce associated GHG emissions from water supply, conveyance, distribution and treatment. These water-saving features were conservatively not accounted for in the quantitative GHG emissions analysis. Additionally, total net Project GHG emissions do not account for declining GHG emissions in future years as emissions reduction plans, policies, and regulations at the state, local and regional levels (including the RTP/SCS and Climate Change Scoping Plan) are achieved and as the State’s Cap-and-Trade program continues to be implemented. Emissions related to electricity would decline as utility providers meet their RPS obligations to provide renewable electricity sources to meet the future RPS obligations of 60 percent by December 31, 2030, and 100 percent by December 31, 2045. Additionally, emissions related to mobile sources would also decline as older vehicles are replaced with newer vehicles meeting stricter emissions standards. The Project did not

take reductions from future regulations, past 2025, that would reduce GHG emissions, so actual Project GHG emissions would be lower than those presented in Table IV.G-7 of the Draft EIR. As discussed on pages IV.G-55 through IV.G-56 of the Draft EIR, the Project GHG emissions analysis did not take into account reductions in GHG emissions from the RPS regulations beyond 2025. Therefore, it is not a mitigation measure that is unenforced or out of control of the Project, since those emissions reductions are not included in the Project GHG emissions estimate. Additionally, please refer to Response Nos. ORG 1B-8, ORG 1B-22, and ORG 7A-23 above for a discussion on the Draft EIR's appropriate disclosure and analysis of PDFs rather than mitigation measures when the impact reduction strategy is part of the Project's design features.

### **Comment No. ORG 7A-62**

Finally, the DEIR assumes GHG reductions based on the Project's purported VMT reductions. As noted in Section V.J.2, the DEIR's analysis of VMT is flawed, and does not account for all VMT. Thus, the DEIR's assumed GHG reductions are flawed as well.

### **Response No. ORG 7A-62**

The comment asserts that both the Draft EIR's VMT analysis is flawed and that the Draft EIR does not account for all VMT. This statement is not substantiated by any facts. As stated on pages IV.G-43 and IV.G-44 of Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR, mobile emissions were estimated based on emission factors from EMFAC along with VMT values taken from the Transportation Assessment (TA), and used to estimate on-road mobile source GHG emissions.<sup>102</sup> As discussed in Section IV.M., *Transportation*, of the Draft EIR, the Project's daily VMT was estimated for the different users that would utilize the Project, which include Harvard-Westlake School students, visiting teams, spectators, and employees. In addition, while the community use component of the Project, which is classified as a community-serving recreational facility, is exempt from VMT analysis per the Los Angeles Department of Transportation's (LADOT) *Transportation Assessment Guidelines*,<sup>103</sup> the emissions associated with VMT from the community use component of the Project were accounted for in the Project's operational emissions for the purposes of the Project's GHG analysis. The Project's GHG analysis also accounted for annual VMT from community use events that could occur during the year, including five community Special Events with approximately 500 attendees per event. In addition to the VMT generated by the students, visiting teams, spectators, and employees, the GHG emissions from VMT generated by occasional Harvard-Westlake Special Events that would occur during the academic year at the Project Site were included in the annual VMT, including 27 smaller School Special Events with approximately 500 attendees per event, and three larger School Special Events with

<sup>102</sup> Fehr & Peers, Transportation Assessment – Harvard-Westlake River Park Project for Assessor Parcel Numbers 2375-018-020 and portion of APN 2375-018-903 Los Angeles River Parcel 276,4141 Whitsett Avenue, Studio City, CA 91604, April 2021. Provided in Appendix M of this Draft EIR.

<sup>103</sup> Los Angeles Department of Transportation, Transportation Assessment Guidelines, July 2020.

approximately 2,000 attendees per event.<sup>104</sup> Finally, the net total annual VMT takes credit for the existing annual VMT associated with the existing Weddington Golf & Tennis that would no longer occur with implementation of the Project. The Project would generate an estimated total of 3,958,345 annual VMT. When taking into account the existing uses which will be eliminated, the Project would generate an estimated net increase of 1,757,395 annual VMT (of which, more than two-thirds is attributable to community uses of the Project Site).<sup>105</sup> Refer to VMT data in Appendix C and Appendix M of the Draft EIR. The Project's emissions were calculated for Project buildout in 2025. Therefore, all possible VMT from the Project were accounted for in Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR.

### **Comment No. ORG 7A-63**

The DEIR improperly compressed the analysis of Project impacts and spurious design features meant to mitigate GHG emissions. In doing so, it failed CEQA's mandate as an informational document. To correct this fatal flaw, the DEIR should analyze the impacts of the proposed Project first separately to assess the significance of impacts. Then, the DEIR should apply all feasible mitigation measures to reduce Project impacts.

### **Response No. ORG 7A-63**

The comment makes several unsupported claims that the Draft EIR improperly compressed the analysis of Project impacts, provided "spurious" design features, and failed CEQA requirements to provide an informational document. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. Please also refer to Response Nos. ORG 7A-53 through ORG 7A-57 and Response Nos. ORG 7A-60 through 7A-62, above, for a discussion on how the Draft EIR adequately addressed GHG emission impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Please also refer to Response No. 1B-8 regarding the appropriate application of PDFs.

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<sup>104</sup> Fehr & Peers, Transportation Assessment – Harvard-Westlake River Park Project for Assessor Parcel Numbers 2375-018-020 and portion of APN 2375-018-903 Los Angeles River Parcel 276,4141 Whitsett Avenue, Studio City, CA 91604, April 2021. Provided in Appendix M of this Draft EIR.

<sup>105</sup> Fehr & Peers, Transportation Assessment – Harvard-Westlake River Park Project for Assessor Parcel Numbers 2375-018-020 and portion of APN 2375-018-903 Los Angeles River Parcel 276,4141 Whitsett Avenue, Studio City, CA 91604, April 2021. Provided in Appendix M of this Draft EIR.

## Comment No. ORG 7A-64

### 4. The DEIR Relies on an Unsupported 30-Year Amortization Timeline.

The DEIR fails to disclose the total amount of GHGs expected to be emitted over the life of the Project. Instead, the DEIR relies on the assumption that the Project will have a lifespan of 30 years, and amortizes the construction emissions of the Project over that assumed lifespan. (DEIR, p. IV.G-43.) This lifespan is unsupported by substantial evidence. The DEIR understates the Project's GHG emissions by understating the useful life of the Project. The DEIR cites to a draft guidance document prepared by the South Coast Air Quality Management District (SCAQMD) staff in 2008 for consideration by the SCAQMD Board ("Board"), discussing proposed Draft SCAQMD Guidance for setting significance thresholds under CEQA for GHG emissions. (Attachment J, December 2008 Board Summary.) This was the occasion when the SCAQMD adopted the 10,000 metric tons per year of GHG emissions significance threshold for industrial projects. (Attachment J, p. 2.) However, no significance threshold, and no useful lifespan were adopted for commercial uses such as the Project site. The Board declined to recommend a lifespan for commercial uses. Thus, insofar as the Project includes commercial activities, a lifespan of 30 years should not be used as an assumption in the EIR.<sup>3</sup>

<sup>3</sup> A recent Superior Court decision in San Diego County noting that SCAQMD has not adopted a 30-year lifespan for residential/commercial projects is attached to these comments. (Attachment K [Decision in EHL v. County of San Diego], p. 3.)

## Response No. ORG 7A-64

The comment asserts that the Draft EIR fails to disclose the total amount of GHGs expected to be emitted over the life of the Project. In this regard, please see Response No. ORG 7A-65 for a detailed discussion on why construction-related GHG emissions were amortized over 30 years of project operations in order to include these emissions as part of the project's total annualized operational emissions as recommended by the SCAQMD (page IV.G-51 of the Draft EIR) and why the Draft EIR evaluated the Project's GHG emission impacts on an annual basis for the buildout year 2025 in Table IV.G-7 on page IV.G-53 of the Draft EIR. The buildout year would have the highest GHG emissions of all operational years because as stated in the Draft EIR, Project operational emissions takes into account actions and mandates already approved and expected to be in force by Project buildout (page IV.G-44 of the Draft EIR). As stricter emission regulations take effect in subsequent years, especially for mobile and energy emissions, Project GHG emissions would be less than that of the buildout year. Because the Draft EIR does not purport to assume a 30-year lifetime for the Project, nor does it report 30 years' of GHG emissions, the claims in the comment are unsupported by fact.

## Comment No. ORG 7A-65

It is simply not the case, as a matter of law, that SCAQMD requires that the residential and commercial portions of the Project be presumed to have a lifespan of only 30 years.

Even if it wished to, the SCAQMD does not have approval authority over those portions of the Project, and could not impose or enforce a 30-year limit to the Project's life. Nor does the DEIR indicate that the Project will accept as a condition of approval that it will cease to operate after 30 years, even if the City proposed to impose one. No practical or legally binding 30-year limitation on the Project's life exists. Hence, the EIR should calculate insofar as possible what the GHG emissions of the Project will be after 30 years and for as long as the Project can reasonably be expected to remain in operation. These emissions must be publicly disclosed, and must be mitigated to the extent feasible. (Pub. Resources Code §§ 21002, 21081(a).)

## **Response No. ORG 7A-65**

The comment contends that it was improper to calculate the Project's GHG emissions assuming a 30-year lifespan. However, the comment reflects a misunderstanding of the evaluation of GHG emissions in the Draft EIR, which are addressed in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. The EIR did not use the term "lifespan" in the analysis in the Draft EIR, the analysis stated that "as recommended by the SCAQMD, construction-related GHG emissions were amortized over a 30-year project lifetime in order to include these emissions as part of a project's annualized lifetime total emissions" (page IV.G-51 of the Draft EIR). As stated on page IV.G-51, in accordance with SCAQMD guidance, GHG emissions from construction have been amortized (i.e., averaged annually) over the "lifetime" of the Project. The SCAQMD defines the lifetime of a project as 30 years for industrial projects for the sole purpose of amortizing one-time construction period emissions to be added to annual operational emissions and compared to the annual emissions threshold adopted by the SCAQMD. Stationary source operational permits issued by the SCAQMD do not impose or enforce a 30-year limit to the lifespan of industrial projects. Further, if the analyses were to assume a "lifespan" in excess of 30 years, as the comment suggests, the effect would actually be to lower the Project's annualized GHG emissions as the construction-related emissions are recognized over a longer time period.

In accordance with CEQA Guidelines section 15064.7, the City considered "...thresholds of significance previously adopted or recommended by other public agencies or recommended by experts...". The International Energy Agency (IEA), of which the United States is a member country, in its informational paper entitled *Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings* (March 2008), recommends calculating energy savings and the associated costs over a building's lifetime of 30 years (see pages 35, 36, 41, 67, 70, 76, and 80 of IEA's informational paper), including for residential projects (see page 70 of IEA's informational paper). The IEA's recommendation does not imply a building's useable lifespan is only 30 years. The paper further notes the following:

*Occurring at 30-40 year intervals during a building’s lifespan, major renovations or refurbishment aim to repair and replace parts of a building, such as windows and installed equipment following decades of use and in the context of new technology and demands for functionality.*

Since the major sources of GHGs from buildings is energy consumption, the IEA’s recommendation that calculations of energy efficiency and consumption be based on a 30-year building or project “lifespan” is consistent with the calculation methodology used in the Draft EIR.

The Draft EIR evaluated the Project’s GHG emission impacts on an annual basis for the buildout year 2025 in Table IV.G-7 on page IV.G-53 of the Draft EIR. The Draft EIR does not purport to assume a 30-year lifetime for the Project, nor does it report 30 years’ of GHG emissions. For the reasons stated above, the commenter’s assertion that the Draft EIR failed to accurately report all Project emissions of GHG and that it imposes a 30-year limit to the Project’s life is incorrect. The Draft EIR presents the maximum annual GHG emissions that the Project would emit, since Project GHG emissions would be lower in the following years as regulations to reduce GHGs, which were not accounted for in the Project’s GHG emissions calculations, take effect. Additionally, GHG emissions calculations are only provided as support for the consistency analysis (DEIR page VI.G-50). Refer to Response No. ORG 7A-47, above, regarding the adequacy of the consistency analysis for determining potential impacts related to GHG emissions. Thus, the Draft EIR publicly disclosed GHG emissions to the extent feasible, and since Project GHG impacts were less than significant, no mitigation is required.

## **Comment No. ORG 7A-66**

### **5. The DEIR Understates the Project’s Urban Heat Island Effect.**

The DEIR understates the Project’s impacts with respect to the urban heat island effect. As the DEIR’s Appendix C-2 states, the urban heat island effect describes higher temperatures in urban environments, due to a greater concentration of heat-absorptive surfaces, heat generating activities, and less vegetation than in rural environments. (Draft EIR, Appendix C-2, pp. 1-2.) The urban heat island effect is important because it contributes to increased concentrations of heat, which leads to numerous deleterious health impacts. (Attachment L, Declaration of Dr. Futernick with supporting studies).

## **Response No. ORG 7A-66**

The comment contends that the Draft EIR understates the Project’s impacts with respect to the urban heat island effect. However, it provides no facts to support this contention. Specific issues raised by the commenter regarding the urban heat island effect are addressed in Response Nos. ORG 7A-67 through ORG 7A-68.

## Comment No. ORG 7A-67

The DEIR concludes that because the Project's artificial turf would undergo rapid cooling during the nighttime, it would not retain heat overnight and thus not contribute to the urban heat island effect. This represents a significant gap in the analysis, as the DEIR fails to explain how a lack of nighttime heat absorption would relate to the public health outcomes due to increased heat. The DEIR explains that the urban heat island effect is more pronounced at night, but does not assert that the **outcomes** of the effect are more pronounced at night. Thus, the DEIR's conclusion is unsupported.

## Response No. ORG 7A-67

The comment contends that the Draft EIR evaluation of the contribution of artificial turf to "heat island effect" is inadequate for failure to discuss how nighttime heat absorption would relate to public health outcomes. See Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health, regarding the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, includes a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant. Refer to Table IV.H-2 of the Draft EIR for a summary of the major findings from the health studies discussed in Section IV.H regarding the use of artificial turf.

In addition, Section IV. G, *Greenhouse Gas Emissions*, of the Draft EIR, included an analysis of urban heat island effects from Project implementation. As analyzed therein, the Project's artificial turf would not substantially contribute to an increase in the urban heat island effect for the area.

As stated in Appendix C-2, Urban Heat Island, and Section IV.G 3.d)(3), *Urban Heat Effect*, based on the studies discussed in these sections, surface temperatures of artificial turf are higher compared to natural turf due to solar heating and is most pronounced in the polyethylene and polypropylene fibers used to replicate natural grass. Air temperatures at 2 and 5 feet above artificial turf were measured to be generally equivalent to the measured ambient air temperature, indicating the lack of stored heat within the fibers and combined mass of the artificial turf components that could even theoretically contribute to an urban heat island. As further evidence, rapid cooling of the artificial turf fibers was noted if the sunlight was interrupted or filtered by clouds with observed data indicating a cooling of 40 to 50 degrees fahrenheit over a 10-minute period when there was observed cloud cover. The Project Site is located in an already developed urban area with an asphalt roadway grid, and near commercial parking lots and commercial and residential buildings, which are general urban features that are known to contribute to the

urban heat island effect. However, as shown in Figure 1 of Appendix C-2 and Figure IV.G-2, of Section IV.G, of the Draft EIR, the urban area in which the Project Site is located is rated with the lowest Urban Heat Island Index (UHII) score of 0 to 10 degree-hours per day (Celsius scale) – equivalent to an average temperature difference between rural and urban in that area of approximately 0 to 0.75 degrees Fahrenheit. Thus, the Project’s artificial turf would not substantially contribute to an increase in the urban heat island effect for the area given that the totality of the urbanized development in the area already yields the lowest UHII score and that artificial turf does not store heat in the same manner and to the same extent as known contributors to urban heat islands.

Furthermore, the urban heat island effect is most pronounced during the nighttime because the strong influence of the urban heat island on nighttime temperatures limits the ability of people to cool down and recover before the heat of the next day. In general, daytime temperatures in urban areas are on average 1 to 6 degrees Fahrenheit higher than in rural areas, while nighttime temperatures can be as much as 22 degrees Fahrenheit higher as the heat is gradually released from buildings and pavement.<sup>106</sup> However, as stated previously, artificial turf fibers undergo rapid cooling if sunlight is interrupted or filtered by clouds. Thus, unlike buildings and pavement that retain daytime heat and gradually release heat during the nighttime hours, artificial turf fibers would undergo rapid cooling as the sun sets and would not contribute substantially to nighttime heating. Finally, consideration of the urban heat island effect conservatively did not account for the Project’s substantial landscaping program, including the planting of 393 new trees (a 36 percent increase over existing conditions), which would result in a greater percentage of the Project Site to be shaded by tree canopy beginning between years five and ten of Project operation as compared to existing conditions (refer to the Carbon Sequestration and Canopy Study, November 2022, in Appendix C of this Final EIR). Thus, as supported by the evidence discussed in the Draft EIR and in this Final EIR, the Project would have a less than significant impact with respect to the urban heat island effect.

## **Comment No. ORG 7A-68**

### **6. The EIR Fails to Include All Feasible Mitigation Measures**

Due to its errors in failing to analyze and disclose the Project’s significant GHG impacts, the DEIR fails to impose any GHG mitigation measures, even though the Project will increase GHG emissions.

## **Response No. ORG 7A-68**

The comment reasserts that the Draft EIR fails to analyze and disclose the Project’s significant GHG impacts and fails to impose mitigation measures. The comment’s unsupported claim that the Draft EIR fails to analyze and disclose the Project’s significant

<sup>106</sup> CalEPA, Understanding the Urban Heat Island Index. Available: <https://calepa.ca.gov/climate/urban-heat-island-index-for-california/understanding-the-urban-heat-island-index/>. Accessed June 2022.

GHG impacts and impose mitigation measures is incorrect. The Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C-1, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant and, as such, no mitigation measures would be required.

### **Comment No. ORG 7A-69**

Lead agencies are required to analyze all feasible mitigation measures. (*King & Gardiner Farms v. County of Kern* (2020) 45 Cal.App.5th 814, 869.) The City must implement numerous GHG mitigation measures to mitigate the significant GHG impacts of the Project. These include:

- Requiring all Project development to be all electric with no plumbing whatsoever for natural gas. Accordingly, no gas-powered water heaters, or any other gas-powered appliance shall be allowed.
- Including photovoltaic solar panels and batteries in the project design to provide the maximum amount of the Project's commercial needs, but in no event, less than 90 percent. The estimated contribution of 11.5% of the Project's energy demand from GHG-PDF-1 is insufficient. (DEIR, p. IV.G-50.)
- Actually constructing enough electric vehicle charging stations in the project design to provide charging capacity adequate to service all anticipated vehicles to the Project site, not solely providing some of the infrastructure for "future" stations (DEIR, p. IV.G-61).
- Including electric heat pumps in the project design to provide air and water heating and cooling.
- Prohibiting gas-powered landscape maintenance equipment.
- Requiring that the shuttles running from the Harvard-Westlake Upper Campus to the Project site are 100% electric and mandating as an enforceable mitigation measure that use of such shuttles is required.
- Providing free transit passes to students, faculty, parents, and anyone who may utilize the Project.
- Providing a free shuttle to and from the nearest Metro Rail stations for events.
- Prohibiting vehicle idling.

### **Response No. ORG 7A-69**

The comment provides a list of measures that contribute to reductions in GHG Emissions. As discussed under Response No. ORG 7A-50, above, CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess GHG emissions quantitatively or qualitatively. The City has not adopted quantitative project-level significance thresholds for GHG emissions that would be applicable to the Project. As Lead Agency, the City has determined that the Project's GHG emissions would not be

considerable and would not have a significant effect on the environment if the Project is found to be compliant with performance-based standards included in the regulations outlined in the applicable portions of CARB's Climate Change Scoping Plan, the 2020-2045 RTP/SCS, City's Green New Deal, and the Los Angeles Green Building Code consistent with CEQA Guidelines Sections 15064.4(b)(2). Since the Project would not conflict with these applicable regulatory plans to reduce GHG emissions, Project impacts are less than significant. In addition, Table IV.G-7, *Estimated Operational Greenhouse Gas Emissions – Project*, on page IV.G-53 of the Draft EIR, provides the Project's estimated GHG emissions with and without implementation of GHG reduction characteristics, features, and measures. This analysis is consistent with the most current regulatory policies and GHG quantification methods. Therefore, as the Project does not result in a significant Greenhouse Gas impact based on the established qualitative threshold discussed above, mitigation measures are not required and the GHG reduction characteristics, features, and measures are more appropriately assigned as Project Design Features as discussed in Section IV.G, *Greenhouse Gas Emissions*.

Thus, consistent with CEQA Guidelines Section 15162.4(a)(3) which states that mitigation measures are "not required for effects which are not found to be significant", the Draft EIR concluded that no mitigation measures were necessary (pages IV.G-59, IV.G-74 and IV.G-78). The comment does not provide any facts to support the need for the list of mitigation measures or the effectiveness of the proposed measures. Instead of a reasoned analysis, the list merely represents the commenter's arbitrary selection of features which are not required by CEQA or regulatory mandates. Please also refer to Response No. 7A-38 regarding the implementation of arbitrary, unmeasurable, and unnecessary mitigation measures.

Also, refer to Response No. ORG 7A-47, which discusses the Project design modifications and updated GHG and energy calculations in Chapter 3 of this Final EIR. As stated therein, the updated calculations do not change the energy and GHG impact conclusions in the Draft EIR, nor would there be a substantial increase in the severity of impacts.

## **Comment No. ORG 7A-70**

### **E. The DEIR Fails to Provide Enforceable Mitigation for Geotechnical Impacts.**

The Project would require a massive amount of grading; as admitted by the DEIR approximately 250,000 cubic yards of material would need to be excavated and exported from the Project site. There are significant hazards to the adjacent Los Angeles River and surrounding community associated with this high level of site excavation, taking place over a number of years. Additionally, this level of excavation is required in part due to the fill and clayey, expansive soils that make up the existing conditions of the Project site.

## Response No. ORG 7A-70

The comment claims unspecified and unsubstantiated hazards to which the Los Angeles River and surrounding community would be subject as a result of Project grading and excavation. As described in the Project's Geotechnical Report (Appendix G-1 of the Draft EIR), the more clayey, wetter and/or expansive materials should be exported (excavated and removed). The Geotechnical Report also recommends that the soils to be utilized for the preparation of a compacted fill pad are well blended to reduce their overall expansion index and moisture.<sup>107</sup> The removal or mixing of soils in compliance with the Geotechnical Report's recommendations would be required under the Building Code and would eliminate any potential hazard. Because compliance with the Geotechnical Report is a regulatory requirement, no additional mitigation is required. The potential environmental impacts of excavation would result from hauling and are discussed on PDF pages 82 to 87 of the Transportation Assessment, included in Appendix M of the Draft EIR, and evaluated in the Draft EIR. Excavation would occur over a period of 5.5 months (not a "number of years" as the comment claims) in Phase 3 of construction (see the clarification regarding the excavation phase in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR). The potential for contaminated soils is discussed (not "admitted") in Section IV.H, *Hazards and Hazardous Materials*, of the Draft EIR. As described in Chapter II, *Project Description*, of the Draft EIR, rough grading cut volumes would be approximately 251,836 cubic yards (unadjusted), and the fill volume would be approximately 1,836 cubic yards (unadjusted), for a net cut/fill volume of approximately 250,000 cubic yards (unadjusted). A bulking factor of 20 percent was used in the estimated 250,000 cubic yards of excavated materials. It is noted that, with changes in the excavation of the subterranean garage, the total excavation has been reduced to 190,000 cubic yards (unadjusted). The change is described in Topical Response No. 2 – Modifications to the Project Design, and has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

Under CEQA, hauling is evaluated relative to emissions associated with maximum daily truck trips, landfill capacity, or handling of hazardous materials. Under Mitigation Measure HAZ-MM-1, in Section IV.H of the Draft EIR, a Soils Management Plan (SMP) would be submitted to the Los Angeles Department of Building and Safety (LADBS) and Los Angeles Regional Water Quality Control Board (LARWQCB), as necessary, for review and approval. The SMP would specify soil testing parameters and sampling in accordance with appropriate California and local guidelines [e.g., Department of Toxic Substances Control (DTSC), California Environmental Protection Agency (CalEPA), and LARWQCB)]. Any soils qualifying as hazardous waste and/or soils that include concentrations of chemicals that exceed applicable State Office of Environmental Health Hazard Assessment (OEHHA) California Human Health Screening Levels (CHHSL), would be subject to site-specific soil removal, treatment, and specific disposal measures included in the SMP to comply with applicable federal, State, and local overseeing

<sup>107</sup> Geotechnologies Inc., Geotechnical Engineering Investigation, page 20 (PDF page 36 of 299 in Appendix G-1), provided in Appendix G-1 of the Draft EIR.

agencies requirements to prevent unacceptable exposure of hazardous materials to construction workers, the environment or the public from contaminated soils or soil vapors during construction or hauling. The SMP shall also include, but is not limited to, protocols that address the following: screening measures for soil exhibiting impacts, stockpile management, vapor suppression and dust control, surface and groundwater protection, soil stockpile sampling, and exporting procedures for contaminated soils. With the implementation of the SMP, Section IV.H of the Draft EIR correctly concluded that potential impacts to the Los Angeles River and surrounding community due to exposure to contaminated soils would be less than significant.

### **Comment No. ORG 7A-71**

However, the DEIR improperly relies on imposition of future conditions and proposed Project design to mitigate these potentially significant geotechnical impacts. The DEIR assumes an undisclosed stormwater pollution prevention plan (SWPPP) would eliminate hazards associated with blowing soils and runoff during excavation. As set forth in Section IV, the DEIR's reliance on this future condition, without including it as a mitigation measure, fails to adequately disclose the Project's impacts, fails to assess the adequacy of the measures to mitigate impacts and fails to provide fully enforceable mitigation as required by CEQA.

### **Response No. ORG 7A-71**

The comment claims that the Project's SWPPP should be enforced as a mitigation measure. The SWPPP, however, is a regulation mandated by the State and the City for any construction site greater than one acre and is discussed at length in Section IV.I, *Hydrology and Water Quality*, pages IV.I-6 and IV.I-7, IV.I-27 through IV.I-29, IV.I-36 and IV.I-37, and IV.I-43 of the Draft EIR. The SWPPP is required to implement Best Management Practices (BMPs), which are determined by the Department of Building and Safety upon review of final development plans. Page IV.I-7 of the Draft EIR provides a list of specific BMPs that are anticipated to be implemented and which include BMPs for erosion control, sediment control, wind erosion, tracking, non-stormwater management, and waste management. As a code-mandated regulatory feature for Project development, the SWPPP is not a mitigation measure. In addition, future specific BMPs imposed by the regulatory agency are based on accurate, detailed, and approved grading and construction design during review of building plans and, as regulatory features, are not a deferral of mitigation.

### **Comment No. ORG 7A-72**

The geotechnical report found that to reduce the potential seismically-induced liquefaction, the existing upper soils be removed and recompacted for support of the proposed structures. The DEIR's assumption that fill and expansive clay materials will be removed before construction, without including it as a required mitigation measure, similarly fails to fully disclose impacts and provide fully enforceable mitigation.

## Response No. ORG 7A-72

The comment claims that the geotechnical procedures to address potential liquefaction should be incorporated into the Draft EIR as mitigation measures. Mitigation measures to address liquefaction are not required since procedures to address all geological issues are mandated by existing regulations. LAMC Section 91.1803 (which incorporates by reference the California Building Code (CBC) Section 1803) requires that geology investigations must be performed for all development sites and investigations must be conducted by a registered geologist or geotechnical engineer in accordance with code-mandated procedures. The final geology or geotechnical report must be reviewed and approved by the LADBS. Under Section 91.1803, all builders must comply with the recommendations of the geologist or geotechnical engineer provided in a geological or geotechnical report, as approved by the public agency at the time of building permit review. The Building Code requires the following 1) Review and approval of detailed plans prior to issuance of any permit; 2) That building plans include the recommendations contained in their geotechnical reports; and 3) All recommendations contained in the geotechnical report that are more restrictive than LADBS' approval be incorporated into the plans, with such plans submitted to plan check prior to permit issuance. The LAMC also requires on-site inspections to ensure compliance with the approved report. Because procedures related to grading and excavation are codified and highly regulated by the City, such measures, such as the removal of potentially expansive soils prior to construction are not mitigation measures but compliance with enforceable regulations.

## Comment No. ORG 7A-73

### F. The DEIR Fails to Adequately Disclose and Mitigate Hydrological and Water Quality Impacts.

#### 1. The DEIR Fails to Include Fully Enforceable Mitigation Measures.

The DEIR again improperly relies on PDFs, including to-be developed BMPs and the development of a stormwater capture and reuse system to mitigate hydrological and water quality impacts associated with the Project. These are mitigation measures, and as set forth above, must be treated as such in the DEIR to adequately disclose impacts, evaluate efficacy, and ensure enforceability. (Section IV.)

## Response No. ORG 7A-73

The comment asserts that the Draft EIR impermissibly uses a PDF regarding the Project's stormwater capture and reuse system, asserting instead that the feature should have been a mitigation measure. Section IV.O.1, *Water Supply*, of the Draft EIR, thoroughly discusses the Project's impacts related to water supply and includes Project Design Feature WS-PDF-2, which includes a capture and reuse system to capture, treat, and store stormwater and other urban runoff through a stormwater Low Impact Development (LID) capture and reuse cistern system, which will then use the treated stormwater for irrigation on the Project Site. As described on pages IV.O.1-28 through

IV.O.1-31 of the Draft EIR, the Project design for this system would be required to comply with the LID Ordinance and the BMPs contained in that ordinance. Therefore, there is no uncertainty about the design and implementation of the system. As stated on page IV.O.1-24, “In order to maintain the conservative nature of the analysis, the Project’s irrigation water demand does not account for implementation of Project Design Feature WS-PDF-2.” Therefore, the water supply analysis was not dependent on the capture and reuse system. The capture and reuse system has been reduced in size based on direction from the City for the Project to not provide treatment of stormwater from the off-site drainage area, but rather to capture, treat and reuse only on-site stormwater. This requirement from the City has resulted in a revision to Project Design Feature WS-PDF-2 to remove reference to the 38.64-acre off-site drainage area, which is discussed in Topical Response No. 2 – Modifications to the Project Design, and reflected in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR.

Additionally, Section IV.I, *Hydrology and Water Quality*, of the Draft EIR, fully analyzes the Project’s hydrology impacts. PDFs which alleviate environmental concerns can be integral to the project or volunteered by the applicant as a PDF to assist with an existing condition not caused by the project. In either case, and even when a PDF is mischaracterized, so long as the project’s impacts are fully disclosed and analyzed, there is no violation of CEQA. See Response No. ORG 1B-22 regarding use of PDFs for both integral project features and features that assist with an existing condition rather than an element needed to mitigate a project impact. Since both Sections IV.I and IV.O.1 of the Draft EIR fully explain the hydrology and water quality issues related to this Project, the Draft EIR adequately analyzes the environmental impacts of the Project. Additionally, this PDF, and all PDFs presented in the Draft EIR, would be incorporated into the MMP. All mitigation measures and PDFs incorporated into the MMP are equally enforceable.

## **Comment No. ORG 7A-74**

### **2. The DEIR Fails to Provide Adequate Information Regarding Groundwater Infiltration.**

The DEIR claims that the Project would have a less than significant impact on groundwater, but fails to provide evidence adequate to support a claim there is no groundwater infiltration currently happening on the Project site. The DEIR geotechnical report found groundwater starting at depths of approximately 25 feet. (DEIR p. IV.F-10.) Thus, there is clearly infiltration currently occurring on the Project site. The DEIR includes an assumption that the groundwater discovered is perched and would not recharge groundwater basins, but not provide evidentiary support for that assumption.

## **Response No. ORG 7A-74**

The comment claims that the Draft EIR provides no evidence to support the finding that groundwater infiltration (meaning infiltration into a groundwater table) currently occurs on the Project Site. As discussed in Appendix G-1, Geotechnical Engineering Investigation, page 47 and page 20 of Appendix I, Hydrology and Water Quality Report, of the Draft

EIR, the Project Site is underlain by impervious rock and clay layers, as shown in the existing perched groundwater conditions in which groundwater is trapped between impervious layers and does not move into a groundwater table. According to the geotechnical report, reviewed and accepted by the LADBS, groundwater was encountered below the Project Site at depths between 24½ and 49½ feet below grade. The determination that groundwater is perched was made by the registered geotechnical engineer who prepared the geotechnical report (Appendix G-1 of the Draft EIR) and is based on his professional understanding of the underlying compacted clays, rock formations and other geologic conditions, including the variation of depths to the perched groundwater. Because it is understood that the underlying clay soils and bedrock layers are relatively impervious, the perched water would not recharge other groundwater sources because it cannot move between the impervious layers. The depth of encountered groundwater indicates that groundwater is not close to the surface and would not likely seep into any future development above the highest water level. The Los Angeles Building Code provides regulatory protections for all subterranean structures, which would ensure that seepage would not damage the Project's underground parking structure or gymnasium basement. The geotechnical engineer's understanding of subsurface materials as presented in the Draft EIR is sufficient to support the assumption regarding existing perched groundwater conditions and the conclusion in the Draft EIR that infiltration into the area's groundwater table does not occur. The Draft EIR, thus, supports the conclusion that impacts related to groundwater recharge would be less than significant.

In addition, the Project's geotechnical study was peer-reviewed by Byer Geotechnical, Inc. August 17, 2022, who further concurred with the findings that infiltration at this site is not feasible. The Byer Geotechnical peer review of the Project's geotechnical study is included as Appendix G of this Final EIR. Based on the determination that infiltration is not feasible based on the site conditions, tier two (Capture and Use) was considered for the Project.

### **Comment No. ORG 7A-75**

The Project would eliminate all existing groundwater infiltration at the Project site. The DEIR fails to provide an assessment of current infiltration rates on the Project site. Without this information, the DEIR cannot adequately assess the Project's impacts on groundwater recharge. As such, the DEIR fails as an informational document. (Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 517A-18.)

Groundwater infiltration is the top priority use for stormwater for the City of Los Angeles. The Project's elimination of any existing groundwater recharge would be a significant adverse impact that must be disclosed and mitigated. Further, the DEIR fails to provide adequate evidence to claim future groundwater infiltration for the Project is infeasible.

## Response No. ORG 7A-75

The comment makes the unsupported and incorrect assumption that the Project would eliminate all existing groundwater infiltration, an assumption that would only be proved valid if the entire Project Site were rendered impermeable. The comment that the Draft EIR also fails to provide adequate evidence that future groundwater infiltration (meaning infiltration into a groundwater table) is infeasible is also incorrect. Please refer to Response No. 7A-74, above. The Hydrology and Water Quality Report provided in Appendix I of the Draft EIR, and summarized in Section IV.1, *Hydrology and Water Quality*, of the Draft EIR, evaluates groundwater hydrology. According to the Hydrology and Water Quality Report, page 20 (PDF page 25 of 142 of the Appendix I, of the Draft EIR), the Project Site's impervious area would increase from 30 to 59 percent at Project buildout. As such, the Project would reduce but not eliminate water infiltration at the Project Site. The Hydrology report also reports the findings of the Geotechnical Engineering Investigation that, because of existing perched groundwater conditions, the Project Site does not currently contribute to the recharge of the region's groundwater table. As such, a continuation of existing conditions would not be useful in meeting the LADWP's groundwater storage program. The surface water capture and reuse system proposed by the Project would capture storm runoff from the Project Site. The water capture and reuse system would, then, use the treated stormwater for irrigation on the Project Site. All excess water would ultimately flow to the Los Angeles River. The water that enters the river would ultimately contribute to the LADWP's water storage plan. Please refer Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR which includes revisions to Section IV.1, *Hydrology and Water Quality*, page IV.1-30 of the Draft EIR and Table IV.1-2, Proposed Drainage Conditions During 85th Percentile Storm Event, regarding groundwater hydrology. Table IV.1-2 illustrates the volumetric flow rates generated by an 85th percentile storm event and a summary of post-Project imperviousness conditions for the Project Site (Area A). The analysis in the Draft EIR fully discloses the Project's hydrological effects and supports the conclusions regarding groundwater recharge and infeasibility of infiltration (to a regional groundwater table).

## Comment No. ORG 7A-76

### 3. The DEIR Fails to Address Water Quality Impacts Associated with Artificial Turf.

The DEIR fails to address the potential water quality impacts associated with the installation of massive amounts of artificial turf as part of the proposed Project. Artificial turf contains toxic fire retardants, UV inhibitors, plasticizers and PFAS. PFAS (Persistent Accumulative Mobil Hazardous) are called forever toxic chemicals. (See <https://www.environmentalpollutioncenters.org/news/artificial-turfgrass-contains-toxic-pfas/>, incorporated by reference; <https://pfasproject.com/2019/10/09/toxic-pfas-chemicals-found-in-artificial-turf/>, incorporated by reference.) Studies have found that these chemicals shed in the rain, sun and over time. Artificial turf sheds 600 lbs. of plastic bits per year along with PFAS and this plastic and chemicals do not biodegrade.

## Response No. ORG 7A-76

The comment asserts that the Draft EIR fails to address the potential water quality impacts of artificial turf, including its potential to contain chemicals, plastic, and Per- and Polyfluoroalkyl Substances (PFAS).

PFAS are a family of thousands of chemicals that vary widely in their chemical and physical properties, as well as their potential risks to human health and the environment.<sup>108</sup> PFAS impart oil, water, stain, and soil repellency, chemical and thermal stability, and friction reduction in a range of products, including consumer products such as carpets, clothing, furniture, outdoor equipment, cosmetic products, non-stick cookware, and food packaging. PFAS can be found in drinking water, soil and water, fire extinguishing foam, manufacturing or chemical production facilities, food, food packaging, household products and dust, personal care products, and biosolids.<sup>109</sup> They are of concern due their widespread production and use, as well as their ability to move and persist in the environment and that they can accumulate in the body over time, primarily through exposure from drinking water.<sup>110</sup> More specifically, the primary exposure route that the USEPA and state regulatory agencies have identified is through consumption of PFAS in contaminated drinking water.

Artificial turf has periodically been in the news for PFAS following the sampling and analysis of discarded turf. Two papers, the Boston Globe<sup>111</sup> and The Intercept,<sup>112</sup> ran articles in October 2019 that said two nonprofit environmental groups, Ecology Center and Public Employees for Environmental Responsibility (PEER), tested an abandoned pile of artificial turf and found that PFAS showed up in samples. The concentrations found in the turf samples contained 190 parts per trillion (ppt) and 10 ppt in water samples.<sup>113</sup> Although these articles have brought out concern about PFAS in artificial turf, there are problems with the sources. The newspaper articles did not, nor did the interest groups

<sup>108</sup> Interstate Technology Regulatory Council, 2020. History and Use of Per- and Polyfluoroalkyl Substances (PFAS) found in the Environment, August. Available: [https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history\\_and\\_use\\_508\\_2020Aug\\_Final.pdf](https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf). Accessed June 2022.

<sup>109</sup> EPA, 2022. Our Current Understanding of the Human Health and Environmental Risks of PFAS, March 16. Available: <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>. Accessed June 2022.

<sup>110</sup> EPA, 2022. Our Current Understanding of the Human Health and Environmental Risks of PFAS, March 16. Available: <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>. Accessed June 2022.

<sup>111</sup> Abel, D., 2019. Boston Globe Article, Toxic chemicals are found in blades of artificial turf, October 9. Available: <https://www.bostonglobe.com/metro/2019/10/09/toxic-chemicals-found-blades-artificial-turf/1mlVxXjzCAqRahwgXtfy6K/story.html#:~:text=Public%20health%20advocates%20have%20long,cadmium%2C%20and%20other%20known%20carcinogens..> Accessed June 2022.

<sup>112</sup> Lerner, S., 2019. The Intercept Article, Toxic PFAS Chemicals Found In Artificial Turf, October 8. Available: <https://theintercept.com/2019/10/08/pfas-chemicals-artificial-turf-soccer/>. Accessed June 2022.

<sup>113</sup> Abel, D., 2019. Boston Globe Article, Toxic chemicals are found in blades of artificial turf, October 9. Available: <https://www.bostonglobe.com/metro/2019/10/09/toxic-chemicals-found-blades-artificial-turf/1mlVxXjzCAqRahwgXtfy6K/story.html#:~:text=Public%20health%20advocates%20have%20long,cadmium%2C%20and%20other%20known%20carcinogens..> Accessed June 2022.

that did the sampling, specify the precautions taken in the field to avoid contamination of samples as there are many materials that contain PFAS used in sampling including gloves, clothing, sampling items, containers, notebooks, makeup, perfumes, etc.<sup>114</sup> Additionally, there is no certified method for analyzing PFAS concentrations in materials other than a US EPA method for analyzing PFAS in drinking water. Since synthetic turf samples and not drinking water were sampled, the methods used for analysis were likely not certified and lead to questionable results.<sup>115</sup> Additionally, the Boston Globe article noted that an additional eight samples were analyzed for total fluorine and assumed that total fluorine is an indication that PFAS is present.<sup>116</sup> However, this method can be biased by the presence of many non-PFAS compounds that also contain fluorine. For example, some anionic surfactants applied to the field drain<sup>117</sup> may contain fluorine. Many consumer products also contain fluorine such as toothpaste, mouthwash and household cleaners. The presence of fluorine, therefore, does not necessarily indicate PFAS compounds are present in artificial turf.<sup>118</sup> Based on research studies and what is known about the chemical composition of PFAS, dermal (skin) exposure to PFAS containing materials is not significant and thus poses a negligible human health risk.<sup>119</sup> Similarly, based on the high water solubility of PFAS and low volatility, these compounds pose a negligible health risk via the inhalation exposure pathway.<sup>120</sup>

A review article in Remediation Journal collected information on background and ambient levels of two predominant PFAS, perfluorooctane sulfonate (PFOS) and perfluorooctanoate (PFOA), in North America in both abiotic media (soil, sediment, surface water, and public drinking water supplies) and selected biotic media (human

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<sup>114</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>115</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>116</sup> Abel, D., 2019. Boston Globe Article, Toxic chemicals are found in blades of artificial turf, October 9. Available: <https://www.bostonglobe.com/metro/2019/10/09/toxic-chemicals-found-blades-artificial-turf/1mlVxXjzCAqRahwgXtfy6K/story.html#:~:text=Public%20health%20advocates%20have%20long,cadmium%2C%20and%20other%20known%20carcinogens..> Accessed June 2022.

<sup>117</sup> The field drain refers to the field drain in Franklin Field where the samples were taken that were analyzed for PFAS in the Boston Globe article.

<sup>118</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>119</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>120</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

tissues, fish, and shellfish) with no known point source of PFAS.<sup>121</sup> The range of concentrations for PFOS, which was detected in every soil sample taken in North America, was 0.018 - 2.55 µg/kg (range of PFOA was 0.059 – 1.84 µg/kg), with much higher concentrations in the eastern U.S. (>0.184 µg/kg).<sup>122</sup> Thus, a concentration of 0.19 µg/kg PFOS, which is what was measured in the abandoned artificial turf (Boston Globe and The Intercept articles) falls into this uncontaminated concentration range which would be considered “clean”.<sup>123</sup> Widespread ambient soil and sediment concentrations were noted but were well below human health-protective thresholds for direct contact exposures.<sup>124</sup> Surface water, drinking water supply waters (representing a combination of groundwater and surface water), fish and shellfish tissue, and human serum levels ranged from less than to greater than available health-based threshold values.<sup>125</sup> Since these levels were well below the safe soil RSL by two to three orders of magnitude, human health risk is negligible.<sup>126</sup>

Furthermore, according to a recent study of plastic- and rubber-containing artificial turf fields in Stockholm, Sweden,<sup>127</sup> samples were subjected to total fluorine (TF), extractable organic fluorine (EOF) and target PFAS analysis. TF was observed in all 51 artificial surf samples (range: 16 - 313, 12 - 310, and 24 - 661 µg/g in backing, filling, and blades, respectively)<sup>128</sup>, while EOF and target PFAS occurred in <42% of all samples (<200 and

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<sup>121</sup> Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

<sup>122</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>123</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>124</sup> Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

<sup>125</sup> Vedagiri, Anderson, Loso, and Schwach, 2018. Ambient levels of PFOS and PFOA in multiple environmental media, *Remediation Journal* Volume 28, Issue 2, March 12. Available: <https://onlinelibrary.wiley.com/doi/abs/10.1002/rem.21548>. Accessed June 2022.

<sup>126</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>127</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. *ChemRxiv*. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>128</sup> 1 µg/g = 1 mg/kg = 1 ppm

<1 ng/g, respectively).<sup>129,130</sup> A subset of samples extracted with water confirmed the absence of fluoride. Moreover, application of the total oxidizable precursor assay revealed negligible perfluoroalkyl acid (PFAA) formation across all three sample types, indicating that the fluorinated substance(s) in artificial turf are not low molecular weight PFAA-precursors.<sup>131</sup> Collectively, these results point towards polymeric organofluorine (e.g. fluoroelastomer, polytetrafluoroethylene, polyvinylidene fluoride), consistent with patent literature.<sup>132</sup> The combination of poor extractability and recalcitrance towards advanced oxidation suggests that the fluorine in artificial turf does not pose an imminent risk to users.<sup>133</sup>

As discussed above in the Boston Globe and Intercept articles, although PFAS were found in one sampling of artificial turf, levels were orders of magnitude below safe soil RSLs and as the studies have shown that PFAS levels are found in background and ambient samples taken in North America. Additionally, the Remediation Journal article and Stockholm Sweden study suggest that artificial turf does not pose a risk to users based on the level of PFAS and/or fluorine found in the artificial turf samples, and therefore support the conclusions of the Draft EIR that artificial turf would not result in public health hazards or adverse water quality conditions.

Regarding microplastics in the environment, please see Response No. ORG 8-12. Regarding leaching of PGAS to surface water or groundwater, please see Response No. ORG 8-5.

Additional information is provided in Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, that support the conclusions of the Draft EIR regarding the less than significant effects of artificial turf on localized heat and health. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Memo, of the Draft EIR, also included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts

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<sup>129</sup> 1 ng/g = 0.001 mg/kg, 1 ng/g = 1 ppm

<sup>130</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>131</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>132</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>133</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

would be less than significant. Refer to Section (2)(ii) of Topical Response No. 7 for additional detail regarding the human health-related risks from PFAS in artificial turf, which the Draft EIR found to be less than significant based on HHRA's conducted on compounds in artificial turf, including PFAS. Refer to Topical Response No. 7 Section (2)(iii)(e) for a discussion on the results of metals and PFAS testing performed for the Final EIR on FieldTurf artificial turf, which is the artificial turf proposed for the Project. Moreover, see Final EIR Appendices B.1, B.2, and B.3 which provide the FieldTurf testing results and analysis and more detailed discussions on PFAS in artificial turf.

### **Comment No. ORG 7A-77**

The DEIR improperly failed to evaluate the potentially significant water quality impacts associated with the use of artificial turf.

### **Response No. ORG 7A-77**

As with Comment No. ORG 7A-76, this comment asserts that the Draft EIR failed to evaluate water quality impacts of artificial turf. Artificial turf anticipated for use at the Project Site would be permeable and would have no impact on surface runoff, infiltration, or other hydrological effects. Section IV.O.1, *Water Supply*, of the Draft EIR describes the impact of artificial turf on reduction in water demand. Regarding water quality, all surface runoff from the Project Site would be captured and cleaned by the Project's stormwater capture and reuse system. This system is anticipated to capture particles and other undissolved contaminants in surface water across the Project Site. As such, it is not anticipated that the artificial turf, and other Project Site uses, would adversely contribute to on-site or off-site water quality contamination and that the conclusions of the Draft EIR with respect to water quality are correct.

### **Comment No. ORG 7A-78**

#### **G. The DEIR Fails to Disclose Inconsistencies with Applicable Land Use Plans.**

CEQA requires the EIR to discuss any inconsistencies between the proposed project and applicable land use plans. (CEQA Guidelines §15125, subd. (d).) Specifically, Appendix G of the CEQA Guidelines provides that a project would have a significant impact related to land use if it would "cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of mitigating an environmental effect." Under the City's 2006 L.A. CEQA Thresholds Guide, a project has a significant impact on land use if it is:

- Inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan or specific plan for the site;
- Inconsistent with the adopted designation of the General Plan and Community Plan; or

- Inconsistent with other adopted environmental goals or policies contained in other applicable plans.

As proposed, the Project is inconsistent with several applicable land use policies and regulations, including the City’s General Plan, the Los Angeles River Revitalization Plan, and other policies intended to protect wildlife and habitat. The Project further proposes light poles up to 40 feet in excess of the 30-foot height limit and 11-foot-tall fences not otherwise permitted. The Project is also inconsistent with the applicable zoning in that school uses are not permitted without a CUP and in the Project’s failure to incorporate community gardening. These are significant environmental impacts that must be disclosed, analyzed, and mitigated before the City may consider the Project further. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177.).

## Response No. ORG 7A-78

The comment asserts that the Draft EIR fails to disclose inconsistency with applicable land use plans. However, the listed items in the comment are not thresholds for the determination of land use impacts and the comment does not provide substantial evidence to show that the Project would conflict with applicable land use plans. As discussed in Section IV.J, *Land Use and Planning*, page IV.J-16 of the Draft EIR, in accordance with Appendix G of the CEQA Guidelines, a project would have a significant impact related to land use and planning if it would:

- Threshold (a): Physically divide an established community; or
- Threshold (b): Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The applicable threshold in the determination of land use impacts is whether the Project would cause a significant impact due to a conflict with land use policies adopted for the purpose of avoiding or mitigating and environmental effect. As explained on page IV.J-16 of the Draft EIR, the City’s 2006 L.A. CEQA Thresholds Guide criteria which are cited in the comment are only used “as appropriate” to assist in answering the Appendix G threshold questions. Although these criteria are useful to the analysis of the Appendix G thresholds, not all land use policies are adopted for the purpose of avoiding or mitigating and environmental effect and, therefore, are not relevant to an analysis of whether the Project would conflict with land use plans, policies or regulations intended to eliminate or mitigate an environmental effect. As such, the Draft EIR is not required to discuss all land use plans, policies and regulations and failure to discuss land use plans that are not applicable to the Appendix G thresholds does not constitute a deficiency in the analysis.

With regard to the specific examples given in the comment to support the contention that the Draft EIR fails to disclose all land use impacts, there are no facts presented which support the initial threshold question of whether the plan, policy or regulation was enacted

to avoid or mitigate an environmental effect nor to support a contention that the Draft EIR fails to disclose and mitigate significant impacts. For example, the comment's assertion that the Project would be in conflict with the General Plan and the Los Angeles River Revitalization Plan appears to reflect the commenter's disagreement with the analysis contained in Section IV.J, *Land Use and Planning*, and the Land Use Tables included in Appendix J of the Draft EIR rather than provide facts to support the contention. Moreover, some of the examples cited in the comment are fully analyzed in the applicable Chapter IV, *Environmental Impact Analysis*, section of the Draft EIR. The comment claims that some features of the Project, including light poles up to 80 feet in height and 11-foot-tall fences are not permitted by the existing zoning designation, and that a school use in an A-1 (Agricultural) zone, would result in significant land use impacts. However, the appropriate standard of analysis in an EIR for determining a conflict with the zoning regulation is first to consider whether the regulation was enacted for the purpose of avoiding or mitigating an environmental effect and, secondly, whether the conflict would or would not result in a significant environmental impact. If the zoning regulation was adopted to avoid or mitigate an environmental impact, and the analysis determines that the conflict would not result in a significant environmental impact, then the Project would not result in a significant land use impact. Regarding the light poles and fencing, as discussed in Response No. ORG 7A-26, above, based on CEQA threshold standards, the impact of the Project (including light poles and fencing) with respect to scenic vistas, scenic resources, and scenic character, were determined in the Initial Study, included in Appendix A of the Draft EIR, to be less than significant. The Project's light poles would be visible; however, as narrow stationary features, these would not block scenic vistas across the Project Site and would be lower than many of the wooden poles that support the existing golf driving range netting that reach a height of approximately 90 feet. It is also noted, under existing conditions, that the entire southern boundary of the Leased Property along the golf course holes (a horizontal distance of over 600 feet), contains a series of support poles and netting that reach heights up to 30 feet. Primarily, because of the mature on-site trees, few panoramic views are available across the Project Site and, as such, further analysis was not warranted. As stated on pages 57 through 60 of the Initial Study, the Project would have a less than significant impact on scenic vistas for all the reasons discussed therein, some of which are summarized above, and would have no impact on a scenic resources within a State Scenic Highway as the Project Site is not located within the view field of a State Scenic Highway. Regarding Aesthetics Threshold (c), scenic quality, CEQA requires the determination of whether a project located in an urbanized area conflicts with applicable zoning and other regulations governing scenic quality. That analysis is included on pages 59 through 60 of the Initial Study, which concludes that the Project would not conflict with applicable regulations governing scenic quality for the reasons set forth therein including, but not limited to: the Project would be designed to comply with the requirements of the City's Department of Public Works, Urban Forestry Division, which requires the replacement of street trees on a 2:1 basis and approval by the Board of Public Works; the Project would be designed to comply with RIO landscaping regulations, including the implementation of the Los Angeles River Master Plan Design Guidelines and Plant Palettes which establish setbacks, plant density, and the use of indigenous species; and, the Project would not conflict with the

individual design and community design and landscaping policies of the Community Plan, such as locating the parking structure below grade with surface parking located at the rear of the Project Site, using decorative walls and landscaping to screen the Project's uses from residential uses, including public open space which would maximize pedestrian accessibility and circulation, and featuring appropriate plant and hardscape materials. Regarding community gardening within an A-1 zone, community gardening is permitted but not required, and no applicant for a project within the A-1 zone is compelled to analyze or incorporate community gardening. In addition, LAMC Section 12.24.T.3(b) permits schools and school-related facilities within an A-1 zone and in all residential (R) zones under a CUP. Although the comment makes a point of the need for a CUP, it is the LAUSD's standard practice to locate public schools within walking distance of students' homes in residential zones under a CUP. The purpose of the A-1 zoning designation is not to mitigate or avoid an environmental impact that would be anticipated by a project and, as such, was not evaluated in Section IV.J, *Land Use and Planning*, of the Draft EIR. As to the claim that the Project is inconsistent with several applicable land use policies and regulations, intended to protect wildlife and habitat, please refer to Section IV.C, *Biological Resources*, which shows that with implementation of Project Design Feature PDF-BIO-1 and Mitigation Measures MM-BIO-1 through MM-BIO-3 (i.e., avoidance of nesting and roosting seasons or pre-construction surveys for special-status species, replacing impacted California brittlebush scrub, avoidance of nesting and roosting seasons or pre-construction surveys for native wildlife nursery sites, and replacement of "non-protected" significant and street trees), Project impacts to wildlife and habitat would be less than significant and, as such, the Project would not conflict with respective plan policies.

Additionally, contrary to assertions in the comment, the Draft EIR, on pages IV.J-18 through IV.J-30 and in Appendix J, does identify and analyze whether the Project would conflict with applicable land use plans, policies and regulations including the 2020-2045 RTP/SCS, the General Plan's Framework Element, Open Space Element, and Conservation Element, the Community Plan, the Los Angeles River Revitalization Master Plan, the Los Angeles River Improvement Overlay District Ordinance, and the LAMC, including disclosure that that the Project is seeking several zoning actions related to the height of the light poles, walls and fences all as permitted by the LAMC. As such, the Draft EIR neither fails to disclose all impacts related to land use plans, policies and regulations, nor fails to include required mitigation measures.

### **Comment No. ORG 7A-79**

The Project site is zoned OS (Open Space) and A1 (Agricultural), more specifically, A1-1XL-RIO. (DEIR p. II-8.) Schools are permitted in A1 zones only with a conditional use permit. The "1XL" denotes a height restriction of 30 feet and a floor area ratio (FAR) of 3:1. The site is also subject to the River Improvement Overlay (RIO) District, due to its proximity to the Los Angeles River. Since the Project would be adjacent to the River, the site is considered in the RIO District's "inner core." Uses in the RIO district should support the Los Angeles River Revitalization Master Plan. Although the Project is located within

an Urban Agriculture Incentive Zone, intended to encourage community gardens, the Project does not propose any garden or garden-related uses.

## Response No. ORG 7A-79

The comment incorrectly states the Project Site's existing zoning as OS. In the City of Los Angeles, only publicly-owned land is classified as "OS". The comment is correct in citing the zoning as A1-IXL-RIO. The comment also indicates that that the zoning is intended to encourage community gardens, although this use is not mandated by the zoning or the General Plan land use designation and no applicant for a project on a privately-owned property within the A-1 zone is compelled to analyze or incorporate community gardening. Please refer to Response No. ORG 7A-6 and 7A-78, above regarding the Project Site's zoning and the purpose of the CUP. Also, please refer to Appendix J, Land Use Plans and Policies – Project Consistency Tables, Table LU-6, Consistency of the Project with Policies of the River Improvement Overlay District Ordinance Intended to Avoid or Mitigate an Environmental Effect, in the Draft EIR. Note that the RIO district does not impose a building height restriction and that the zoned building height on the Project Site applied to the original residential zone, to which the operator intended to revert to after a certain number or years (see Response No. ORG 7A-6, above). As discussed in Chapter II, *Project Description*, of the Draft EIR and in the evaluation included in Table LU-6, the Project would be in full compliance with the requirements of the RIO District Ordinance. Regarding the Los Angeles River Revitalization Plan (LARRMP), Table LU-6 states (as revised in Chapter 3 of this Final EIR): "By providing a park and open space use, pedestrian ~~trails~~ pathways, community use of recreational and athletic facilities when not in use by the School, and a ~~landscaped trail-link~~ pedestrian ramp to the Zev Greenway, the Project would support the goals to develop parks and open space, and to provide pedestrian ~~trails~~ pathways. The Project would support the goals of the LARRMP to revitalize the general environment of the Los Angeles River by providing improved natural habitat, improving existing water quality, as well as providing recreation and open space amenities in the RIO inner core." Note also that the policy under the Urban Agriculture Incentive Zone to encourage gardens or garden-related uses was not adopted to mitigate or avoid an environmental effect and, thus, was not evaluated in Section IV.J, *Land Use and Planning*, or in the tables in Appendix J of the Draft EIR. The Project would also help satisfy many of the recreational needs for the Project area as identified by RAP's 2009 Citywide Community Needs Assessment. The comment does not demonstrate that the Project would conflict with applicable land use policies.

## Comment No. ORG 7A-80

### 1. The DEIR Buries the Land Use Analysis in an Appendix.

Preliminarily, it must be noted that the DEIR fails to provide the requisite analysis of the Project's consistency with applicable land use plans in the DEIR itself. Instead, all tables containing the consistency analysis and any discussion of actual, applicable policies, is

contained in tables contained in the Appendix. For example, consistency with the 2020-2045 RTP/SCS is hidden in “Table LU-1, Consistency of the Project with Applicable Strategies of the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy Intended to Avoid or Mitigate and Environmental Effect, provided in Appendix J.” (DEIR p. IV.J-19.) The same occurs with each and every applicable land use plan (Table LU-2 [General Plan Framework Element], LU-3 [General Plan Open Space Element], LU-4 [General Plan Conservation Element], LU-5 [Sherman Oaks- Studio City-Toluca Lake-Cahuenga Pass Community Plan], LU-6 [Los Angeles River Improvement Overlay District Ordinance]); they are all buried in Appendix J.

### **Response No. ORG 7A-80**

The comment incorrectly asserts that the Draft EIR fails to provide the requisite analysis of the Project’s potential conflict with applicable land use plans by placing the detailed evaluation of land use plans in a Draft EIR appendix. The provision of land use evaluation tables in an appendix is standard practice and has been implemented for large project EIRs in the City in recent years. The appendix with the Land Use evaluation tables is identified in the Draft EIR’s Table of Contents and in the Introduction (first paragraph) in Section IV.J, *Land Use and Planning*, of the Draft EIR. In addition, the respective land use tables in Appendix J are referenced as to their location in Appendix J in the first paragraph of the summaries of each of the land use tables in Section IV.J, *Land Use*, of the Draft EIR. As with all supporting technical studies provided in the Draft EIR appendices, Appendix J was included in the Draft EIR circulated for public review. In Appendix J each table is specifically identified under a table header and number and the tables are not “buried” among other text or analyses not specifically part of the tables. The tables are not part of a larger or obtuse discussion that would distract from their content. The reason for locating the tables in an appendix is that tables are comprehensive and generally lengthy. When included in the Land Use section, the tables typically cause the body of the Land Use section to be overly long and hard to read or maneuver. Therefore, the tables are located within an appendix to improve their readability and to not cause distraction from the evaluation of Project-to-policy comparisons. Moreover, as pages IV.J-18 through IV.J-30 of the Draft EIR includes summaries of the discussion contained in Appendix J, and Appendix J contains the more comprehensive discussion, the Draft EIR does not fail to include the required analysis regarding conflicting with applicable land use plans, policies and regulation. The comment provides no facts to support the contention that this analysis is not adequate.

### **Comment No. ORG 7A-81**

“Burying information in an appendix has also been found to frustrate the legally required informational purposes of an EIR.” (Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2003) 106 Cal.App.4th 715, 723.) Courts have held that a commenter should not be required to “ferret out” information in technical appendices of an EIR. (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2005) 40 Cal.4th 412, 442.) While technical appendices exist for a

reason – thousands of pages of numeric inputs to traffic and air quality models in the body of the EIR would be distracting and useless to the public – the information contained in the land use appendices is neither technical nor distracting. Instead, the tables contain the analysis itself. It is insufficient to provide the 30,000-foot level summary in the DEIR, as here. With a summary this basic, any project would be considered broadly consistent with nearly any plan. The DEIR must be revised to include the actual analysis in the body of the EIR and recirculated to the public.

## Response No. ORG 7A-81

The assertion that Appendix J was “buried” is incorrect. Please refer to Response No. ORG 7A-80. As discussed therein, the location of the tables in an appendix is the standard practice for the City. Appendix J containing the land use tables is not comparable to lengthy or obtuse air quality models or numeric inputs for traffic but are more analogous to the background reports prepared for social sciences, such as cultural resources. In the case of the Appendix J, Land Use Evaluation Tables, the intention of the City is to shorten the Land Use and Planning section of the Draft EIR by summarizing the tables and to improve the readability of the section. The tables in Appendix J are also well identified and straight forward and easier to read than when buried in an overly long Land Use and Planning EIR section. Additionally, the cases cited by the comment are not applicable to the Draft EIR for this Project. In *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, the court concluded that most of the information relied on to support its contention that the EIR contained all required analysis was in the administrative record, but was not attached to the EIR, and most of the remaining information was submitted by project opponents in response to the draft EIR and was scattered “here and there in EIR appendices”. Therefore, the court ruled that the EIR was defective because it “is not enough for the EIR simply to contain information submitted by the public and experts” and because water “is too important to receive such cursory treatment.” (Id. at page 723.) Similarly, in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2005) 40 Cal.4th 412, the court found that the EIR was inadequate because, among other reasons, the analysis of water supply failed to provide readers with an adequate description of long-term water sources and failed to formally incorporate by reference information from a prior EIR upon which the EIR relied for the analysis. Neither situation is relevant to the Project’s Draft EIR. The tables provided in Appendix J are identified in the introductory paragraph for in Section IV.J, *Land Use and Planning*, summarized in Section IV.J, and included in the Draft EIR, not in another document that is not appended to the Draft EIR. Moreover, the analysis is not spread out over various appendices but, as discussed above, located in Appendix J with clearly marked tables for each of the land use plans, policies and regulations analyzed therein. As such, the Draft EIR is not deficient and the need to relocate these tables and to recirculate the Draft EIR is not supported by the comment.

## Comment No. ORG 7A-82

### 2. The Project is Inconsistent with the General Plan.

The City's General Plan is the "constitution" for future development" located at the top of "the hierarchy of local government law regulating land use." (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773.) For this reason, discussed above, inconsistencies with general plan goals to protect specific lands must be disclosed in an EIR. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th. 859, 881.) Here, the DEIR fails to disclose inconsistencies several General Plan policies, including, but not limited, to:

## Response No. ORG 7A-82

The comment introduces but does not provide information as to any conflicts of the Project with the General Plan. As shown in the Land Use tables in Appendix J and summarized in Section IV.J, *Land Use and Planning*, of the Draft EIR, the Project would not conflict with General Plan policies adopted to mitigate or avoid an environmental impact. Please refer to the evaluations in Appendix J of the Draft EIR for further discussion of the Project's consistency with applicable land uses policies and to Response No. ORG 7A-81 above and ORG 7A-83 through ORG 7A-88 below.

## Comment No. ORG 7A-83

### *Framework Element*

- The Studio City community has a demonstrated need for additional park space. The Department of Recreation and Parks' 2009 Citywide Community Needs Assessment identified small parks and walking and biking trails as the top priorities. The DEIR claims that the Project supports Framework Element policies concerning recreational opportunities and landscaped open space. The DEIR does not, however, identify the actual amount of time that the recreational facilities will be available to the public; the barriers introduced by the security and fencing; and the additional barriers to use of that recreational space posed by the reservation-only nature. Area residents will not be able to just walk over for a pickup basketball game or for a last-minute tennis game.

## Response No. ORG 7A-83

The comment asserts that the Framework Element analysis is deficient for failure of the Draft EIR to identify and discuss various factors listed in the comment. The comment is nearly correct in identifying RAP's 2009 Citywide Community Needs Assessment's highest priority recreational uses for the South San Fernando Valley. As discussed in the Needs Assessment, page 54, RAP's top four recreational priorities for the South San Fernando Valley are: (1) Walking and Biking Trails, (2) Small Neighborhood Parks, (3) Indoor Running/Walking Trails, and (4) Nature Trails. However, the comment is incorrect in its contention that the Draft EIR fails to identify the hours the recreational facilities would

be available to the public, any barriers created by the security, fencing and reservation requirements. As discussed in Chapter II, *Project Description*, page of II-35 (Table II-3, Public Use Days and Hours, of the Draft EIR), the Project's 0.75 mile of pedestrian paths and landscaped areas would be available seven days a week from 7:00 a.m. to 9:00 p.m. Other park-type features including the Project Site's putting green and the café/clubhouse would be available during the same days and timeframe as the walking pathways. The publicly accessible path, as well as the connector ramp to the Zev Greenway at Coldwater Canyon Avenue would accommodate pedestrian access to the Greenway. In addition, with the installation of native landscaping and restoration along the Zev Greenway with RIO-compliant plants and trees, the Project's 5.4 acres of publicly accessible open space would serve as a nature walking pathway (including bird watching and dog walking), another of the RAP's high priority recreational uses for the region. The 2009 Needs Assessment lists outdoor tennis courts as the No. 9 priority for the South San Fernando Valley. Also please refer to Topical Response No. 3 - Enforcement of Public Access, for further clarification of public use. The use of a "pre-approved" status and "reservations" is to smoothly accommodate those in the community who wish to use the School's facilities (including the gymnasium) and to ensure that the Project serves the community for which it is intended and to provide safety for individuals and families. Additionally, the comment contains no evidence to support the contention that the security, fencing or reservation requirements would provide a barrier to use of the Project's recreational facilities nor an impact on the environment.

### **Comment No. ORG 7A-84**

- The DEIR claims that the Project will reduce vehicle trips and VMT, in support of the Framework Element, by virtue of its location near transit, but the DEIR does not disclose the low number of Harvard-Westlake students and even lower number of Harvard-Westlake parents and sports fans who use this transit. Instead, the Project's trips will be additive as student athletes will continue to travel to and from school.

### **Response No. ORG 7A-84**

The comment asserts that the Draft EIR does not disclose the low number of Harvard-Westlake students and even lower number of Harvard-Westlake parents and sports fans who would use public transit. Because public transit exists in the area, some portion of the students, employees, and visitors may indeed use it to access the Project Site. However, the vehicle trip and conservative VMT analysis in the Draft EIR does not assume transit use, with the exception of School shuttles.. As stated on page IV.B-49 and IV.B-50 in Section IV.B, *Air Quality*, of the Draft EIR, "[a]s such, the Project would provide opportunities for the use of alternative modes of transportation, including convenient access to public transit and opportunities for walking and biking, thereby facilitating a reduction in VMT." The Project transportation analysis did not take a transit credit (reduction in VMTs) for using alternative modes of transportation (see Draft EIR Section IV.M.3.(b)(2), *VMT Analysis*). This approach is conservative for transportation analysis as it assumes that all users will arrive in private vehicles, shuttles, or school buses for the

visiting team. Because public transit is not factored into the VMT calculations, the Project's trips would not be additive to the trips evaluated in the Draft EIR.

### **Comment No. ORG 7A-85**

- The DEIR states that the Project would support General Plan Framework policies designed to protect the City's "natural resources from encroachment of urban development." (DEIR p. IV.J-21.) Yet, the Project will place 27 light poles of 40 to 70 feet in height in proximity to the Los Angeles River and all of the habitat the Project is ostensibly creating and protecting. On the contrary, the Project will likely frustrate these important policies.

### **Response No. ORG 7A-85**

The comment's assertion that the Project would frustrate the Objectives of the General Plan Framework is incorrect and not supported by fact. As discussed in Section IV.A, *Aesthetics: Light and Glare*, of the Draft EIR and in Topical Response No. 4 – Aesthetics, unlike existing conditions, the Project's lighting would not exceed RIO District standards for the RIO Inner Core or the Zev Greenway. In addition, activities at the playing fields and swimming pool (which would implement the type of field lights referenced by the comment) would end no later than 8:00 p.m. and activities at the tennis courts would end no later than 9:00 p.m. By comparison, the existing high intensity and unshielded lighting conditions at the Project Site continue to 10:00 p.m. at the tennis courts and 11:00 p.m. at the golf driving range. Figures 5 and 8 of the Lighting Report (Appendix B of the Draft EIR) also demonstrate that the extent and intensity of off-site illuminance would be reduced with Project implementation.

In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, and Topical Response No. 2 - Modifications to the Project Design which provides updates to the Project's light poles. As evaluated in Section IV.A, *Aesthetics*, of the Draft EIR, light and glare impacts would not exceed existing ambient light and glare levels in the off-site area or exceed RIO standards within the Project Site. The Project's lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 – Aesthetics, the reduction in lighting would further reduce the Project's light and glare levels. Consistent with the analysis in Section IV.A. light and glare impacts would be less than significant.

Also, please refer to Appendix J, Table LU-2, Consistency of the Project with Applicable Goals, Objectives, and Policies of the General Plan Framework Element Intended to Avoid or Mitigate an Environmental Effect. In the comparison of the Project to the Open Space and Conservation Chapter, Objective 6.1, which is to "Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region," the comparison of the Project in Table LU-2, PDF pages 9 and 10 of 32 states: "No Conflict. The Project would be developed within

an existing 17.2-acre non-residential property adjacent to the Zev Greenway, which is part of the Los Angeles River Greenway. The Project would provide 5.4 acres of landscaped open space available for public use, including a pathway to the Zev Greenway. A tree and landscaping program would provide for the removal of 240 trees of the existing 421 inventoried on-and off-site. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. The majority of removed trees (179 trees or 75 percent) are non-RIO District-compliant (121 invasive Mexican fan palms). Of the 240 trees to be removed, 31 trees (the majority of which are Mexican fan palms) are located off-site in the public right-of-way, and no trees would be removed within the Zev Greenway Area (off-site). All other invasive palms (i.e., the Mexican fan palm) would be removed and replaced at a 1:1 minimum ratio with RIO District-compliant trees, and all other removed non-native trees would be replaced at a minimum 2:1 ratio with RIO District-compliant trees. As such, the Project would contribute to the Los Angeles River setting and the sustainability of the region. Thus, the Project would not conflict with policies that protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region." Therefore, the Project would not impede or conflict with the objectives of the General Plan Framework to protect the City's natural setting and natural resources.

### **Comment No. ORG 7A-86**

#### *Open Space Element*

- For similar reasons, the Project cannot be found compliant with the Open Space Element policies aimed at ensuring the preservation and conservation of sufficient open space to serve the recreational needs of the City. (DEIR p. IV.J-22.) While the existing site is technically private open space, access to the entire site has never been difficult. Under the Project, athletic facilities will be restricted to times when they are not in use by the school's many, many athletic teams, camps, or other programs. It is unclear whether the Project will actually increase public access to the site, and any conclusions that public access will increase are speculative, at best.
- Open Space Element policies aimed at protecting habitat and conserving wildlife will be frustrated by the Project's 27 light poles and night lighting, contrary to the DEIR's conclusions. (DEIR p. IV.J-22).

### **Response No. ORG 7A-86**

The comment asserts that the Project would conflict with the policies of the General Plan Open Space Element. Please refer to the Draft EIR Appendix J, Table LU-3, Consistency of the Project with Applicable Goals, Objectives, and Policies of the Open Space and Conservation Element Intended to Avoid or Mitigate an Environmental Effect, page J-12 (PDF page 14 of 32) regarding policies of the Open Space Element. In the comparison of the Project to the first goal of the Open Space Element, "to ensure the preservation and

conservation of sufficient open space to serve the recreational, environmental, health and safety needs of the City, the comparison of the Project states: “**No Conflict.**” The entire Project Site would be available for public use, including 5.4 acres of publicly accessible, landscaped open space on a property with no existing free public access. The provided open space would increase the City’s open space resources available for public use and contribute to the recreational, health, and safety needs of the City. Therefore, the Project would not conflict with policies to ensure the preservation and conservation of sufficient open space to serve the recreational, environmental, health and safety needs of the City.” As indicated therein, the Weddington Golf & Tennis facility is only accessible with a fee and during participation in these two specific activities (i.e., golf and tennis). The existing site does not provide all day free public access to walking paths, landscaped open space or direct access to the Zev Greenway. In addition, as discussed under Response No. ORG 7A-83, above, the Project would provide a greater variety of recreational uses than the existing site and these uses would be available to the community for the majority of each day. The claim in the comment that the discussion is “speculative at best” is incorrect since public access to the Project Site is intrinsic to the Project and would be part of the potential conditions of approval provided under the CUP. Also, please refer to Topical Response No. 3 - Enforcement of Public Access, regarding public use of the Project, including the calculation that public access hours would greatly exceed the School’s own uses, even under conservative assumptions. Regarding field lighting, see Topical Response No. 4 – Aesthetics. As discussed therein, the Project would reduce light and glare intensities at the Project Site. In addition, activities at the playing fields and pool would end no later than 8:00 p.m. and activities at the tennis courts would end no later than 9:00 p.m. By comparison, the existing high intensity lighting conditions at the Project Site continue to 10:00 p.m. for tennis uses and to 11:00 p.m. for the golf driving range. The Project would reduce ambient light and glare levels and duration of lighting and, as such, lighting would not adversely affect natural habitat and wildlife. With the improvement in night lighting and public access, the Project would not conflict with the policies of the Open Space Element. In addition, while the comment claims that the Project Site is “technically private property,” this assertion implies that the Project Site as identified in Chapter II, Figure II-3, *Existing Project Site*, may not be actually owned or partially leased by a private entity, the School. However, while the Project Site is legally, not just technically, private property, it is acknowledged that under existing conditions public use of existing golf and tennis facilities is allowed for a fee. The Property is owned by a private entity and has since at least the 1890s been private property whose use by the public since the 1950s has been allowed only upon permission of the private property owner and payment of a fee. (See the Historical Resources Technical Report included in Appendix E-1 of the Draft EIR.)

## **Comment No. ORG 7A-87**

### *Conservation Element*

- The Project will conflict with the overall purpose of the Conservation Element, which is to preserve, protect, restore, and enhance the natural plant and wildlife diversity,

habitats, and migratory bird corridors and linkages of the City. The Project will operate 27 sports field lighting poles of heights up to 70 feet, in close proximity to the Los Angeles River. Migratory and resident birds are highly sensitive to nighttime lighting, as are raptors and their prey. At 70 feet tall, these poles are much taller than those currently present on the site and present a greater risk of confusing migratory birds that follow the moon.

## **Response No. ORG 7A-87**

The comment asserts that the Project would conflict with the policies of the General Plan Conservation Element and movement of wildlife due to lighting. Please refer to the discussion of lighting in Response Nos. ORG 7A-32, ORG-7A-39 ORG 7A-85, and ORG 7A-92 regarding the impact of lighting on wildlife. Also please see Appendix J, Table LU-4, Consistency of the Project with Applicable Goals, Objectives, and Policies of the Conservation Element Intended to Avoid or Mitigate an Environmental Effect. In the comparison of the Project to the Conservation Element Section 12, Habitats, which states: “Preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern,” the evaluation states that the Project’s 5.4 acres of publicly-accessible, landscaped open space would be located in a highly urbanized area and would replace existing invasive plant species and non-RIO District-compliant trees with native trees and understory native plantings that meet RIO standards. The analysis states that in doing so, the Project would expand and improve upon existing, limited foraging and wildlife habitat along the Zev Greenway. The Project would not interfere with special-status wildlife species or their movement. As such, it would meet a high standard with respect to protection of natural habitats, as well as enhance survival of native species. Also, please refer to comments and responses to the CDFW letter (Letter AG-1) provided in this Final EIR regarding impacts to the western yellow bat. Therefore, the Project would not conflict with policies that preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages and would not conflict with the policies of the Conservation Element.

## **Comment No. ORG 7A-88**

### *Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan*

- The DEIR claims that the Project will support a Community Plan need for more neighborhood parks, but fails to acknowledge that the public availability of many of the facilities will be quite limited in practice. (Goals 4 and 5)

## **Response No. ORG 7A-88**

The comment asserts that the Project would conflict with the policies of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan since public access would be “quite limited”. Please refer to Response No. ORG 7A-83, above, and Topical

Response No. 3 - Enforcement of Public Access. As discussed therein, public use of the Project as described in the Draft EIR would be enforceable under the approved CUP. Objectives of the Project include the following:

- Provide opportunities for shared use of a variety of types of recreational facilities and activities for the community.
- Create new publicly-accessible open space with a broad array of recreational facilities in a safe and secure environment for the surrounding community and the public to use similar to a City-owned park, while also providing a community room, café, and indoor and outdoor areas for public gatherings, performances, and occasional special events.
- Increase public access to and enhance the adjacent Los Angeles River and Zev Greenway through a network of publicly-accessible pathways, a new direct connection to the Zev Greenway, and a landscape plan that would restore native plant communities, create habitat for various species, and support the goals of the Los Angeles River Improvement Overlay District Ordinance, the Los Angeles River Revitalization Master Plan, and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.

The public would have full-time daily access to 5.4 acres of open space including a 0.75-mile landscaped pedestrian walking pathway through the Project Site to the Zev Greenway (where it connects via a ramp to the Greenway), full daily use of the putting green, and full access to the café/clubhouse. The Project would provide for public use of on-site recreational facilities when not in use by the School. As discussed in Chapter II, *Project Description*, page II-47 of the Draft EIR, most of the School's outdoor activities would occur in the late afternoons and would end between the hours of 4:45 p.m. to 7:45 p.m. with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. The majority of the school day would be open for public use. Saturdays would be open a greater majority of the day and Sundays would be almost wholly open for public use. Out of the 7:00 a.m. to 8:00 p.m. maximum outdoor operating hours, public uses of the two fields could comprise up to ten hours as compared to School uses of three hours. Hours of public access to the pool are more limited, consisting of weekday access between 7:00 a.m. and 9:00 a.m., given the need to provide certified lifeguard supervision. In addition, the Project would offer a greater range of recreational uses than the existing golf and tennis uses, in conformance with the RAP's Citywide Community Needs Assessment for the South San Fernando Valley geographic area, which lists walking paths as the highest priority recreational use and gymnasium and swimming pool as high priority uses. The Project, with a three-quarter-mile, landscaped walking path, gymnasium, and swimming pool (though with access limits for lifeguarding), would more closely meet the RAP's identified recreation needs for the community compared to a tennis and golf club. Furthermore, the use of a "pre-approved" status and "reservations" for public use of recreational facilities is to smoothly accommodate those who wish to use the School's facilities (including the gymnasium), and to enhance safety for individuals and families. Specifically, the requirement that groups or organizations be pre-approved ensures that the group or organization is able to provide appropriate supervision of its

intended activities and participants and that the group or organization is familiar with and abides by the conditions of Project Site usage (including, but not limited to, preferred driving routes and the prohibition on parking in the neighborhood), and that the use of facilities can be managed in a way that best supports the aggregate, desired activity schedule of public groups and organizations across the Project Site (such as might be the case if a group or organization requires a certain number of continuing opportunities per week in order for the program to thrive). The claim in the comment that the public availability of many of the facilities will be quite limited in practice is not supported by the information regarding public use provided in the Draft EIR. Furthermore, as described in Chapter II, *Project Description*, of the Draft EIR, pages II-2 and II-33 through II-35, the Draft EIR is clear that, although the majority of the Project Site is private property (see Chapter II, Figure II-3, Existing Project Site), public access to the Project Site is an integral part of the Project as well as a major benefit to the community. This goes beyond any shared use arrangements provided by even public school facilities. Finally, the majority of the Project Site is private property and, therefore, public use is a benefit of the development of the Project Site for school uses rather than a substitute for the City's acquisition of park space.

## **Comment No. ORG 7A-89**

### **3. The Project is Inconsistent with the 2020-2045 RTP/SCS.**

The overarching purpose of the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy is to implement SB 375 by reducing vehicle miles traveled. However, the Project would likely *increase* vehicle miles traveled by moving sports practices, games, and other activities that currently occur on-campus to a new, off-campus location. Students will still have to travel to and from school, but they will now make an additional trip to and from the Project. Those miles increase, regardless of whether they occur on the school's proposed shuttle system or in private vehicles. And if they occur in single-occupancy vehicles, the RTP goal of reducing single-occupancy vehicle trips would not be met. These inconsistencies is not discussed in the DEIR. Instead, the DEIR discusses the location of nearby bus routes, which students are unlikely to use. (DEIR p. IV.J-19.)

## **Response No. ORG 7A-89**

The comment suggests that a project can only be found consistent with the RTP/SCS if it results in an outright reduction of VMT as compared to existing conditions. Such suggestion is incorrect. Rather, the RTP/SCS recognizes and supports growth and redevelopment within the City, and that insistence on VMT reduction with each and every development opportunity would be impractical and counter to progress within the City's urban landscape. Rather, the RTP/SCS encourages project proponents to implement VMT reduction strategies, when feasible, to reduce what would have otherwise been a more significant project-related VMT impact.

The comment asserts that the discussion of RTP/SCS policies to reduce VMT was not adequate in the Draft EIR. However, as evaluated in Table LU-1, Consistency of the Project with Applicable Goals, Objectives, and Policies of the 2020-2045 RTP/SCS Intended to Avoid or Mitigate an Environmental Effect, provided in Appendix J of the Draft EIR and summarized in Section IV.J, *Land Use and Planning*, of the Draft EIR, the Project would include provisions to specifically reduce VMT. The Project would provide shuttle bus service for students, employees, visitors, and spectators (the primary School users of the Project) and as discussed therein the Project would reduce the number of single occupancy vehicle trips. As described in Table LU-1, the Studio City location of the Project was selected to maintain a close distance between the Upper School campus and this off-site recreational use in order to reduce VMT between the Project Site and the Upper School campus (a driving distance of approximately 0.9 miles) In addition, as discussed in Table LU-1, the development of the Project would increase opportunities in the Studio City area and adjacent surrounding neighborhood for access to publicly-accessible open space and pedestrian pathways, the Zev Greenway, and the Los Angeles River by bicycle and walking, which would reduce the need for recreationists to travel by car to farther recreational sites. As discussed in Table LU-1, the Project would not conflict with strategies that encourage design and transportation options that reduce the reliance on and number of solo car trips and, thus, would not conflict with the objective of the RTP/SCS to reduce VMT. Because VMT is evaluated in the RTP/SCS table, the assertion regarding the lack of discussion is not supported.

Additionally, the comment incorrectly asserts that the Project would increase VMT, in part, because recreational activities currently occurring at the Upper School campus would be moved to the Project Site. As discussed in Topical Response No. 13 – Need for Project (Non-CEQA), the Project Site facilities would supplement, not replace, the School’s existing facilities. As described in more detail therein, the existing facilities are already space-constrained, impinging on student participation, limiting the formation of new sports programs (including those that would provide greater parity of opportunities between genders), capping the number of teams that can be supported within an existing sport, creating crowded and potentially unsafe practice conditions, reducing the possibility of intramural sports programs, and shifting athletic activities later into evening hour. See also Response No. 7A-22 above.

### **Comment No. ORG 7A-90**

The RTP/SCS further contains goals aimed at increasing amenities and connectivity within neighborhoods. The DEIR claims that the Project will increase connectivity with pathways and ADA access and that it will essentially serve as a public park, but this is not actually true. (DEIR p. IV-19.) Public access to athletic facilities will be restricted to times when they are not in school use for practices, games, summer programs, or camps, meaning that public access to the facilities will likely be restricted to weekdays before 3 p.m. – and, even then, if they are not also being used by the school for science or other outdoor activities. The excessive fencing and security will also serve to limit the public use of the site, it is likely to be both confusing and unwelcoming.

## Response No. ORG 7A-90

The comment contains several assertions regarding limited public access and use of the Project Site. Please refer to Response No. 7A-88, above, regarding the majority hours of the day when the Project's recreational facilities would be available to the public. Also specifically note that public access to the 5.4 acres of open space (including the 0.75-mile pathway, landscaping, shade, and seating), a new connection point to the Zev Greenway, the clubhouse, the café, and the putting green would be open to the public from 7:00 a.m. to 9:00 p.m. seven days a week. Landscaped walls and fencing would be used to define areas that would be available all day to the public and prevent conflation with athletic facilities when the latter are being used by the School. Security is provided to create a safe environment for neighborhood families and individuals using the public open space and the public and students using the Project's recreational facilities. Any academic uses of the Project Site by the School, which are fully disclosed in the Draft EIR as incidental to the Project's main objectives would not preclude public uses of the Project Site. Furthermore, the comment's assertion that fencing and security would "serve to limit the public use of the site" is speculative and incorrect.

## Comment No. ORG 7A-91

The DEIR further claims that the Project would not conflict with policies aimed at reducing electricity reliance because would have sustainability features (DEIR p. IV.J-19), but this conclusion ignores any comparison between the existing facility's energy use and that of the Project, which would have to power several sets of locker rooms, a large gymnasium, and a pool not currently onsite.

## Response No. ORG 7A-91

The comment appears to assert that the appropriate threshold via which the Project's use of electricity should be evaluated is whether it uses more or less electricity than the Project Site under existing conditions although the page cited in the comment refers to whether the Project would conflict with the 2020-2045 RTP/SCS. Nonetheless, such a threshold, like the similar contention by the commenter that projects should not increase VMT above existing uses (Comment No. ORG 7A-89), is not correct and is not the relevant threshold under CEQA. In other words, the discussions of conservation and sustainability are not included in an EIR to compare a development with an existing use (which could be a vacant site), but with the potential demand that would occur if energy-saving components were not implemented. As discussed in Chapter II, *Project Description*, pages 60 and 61 of the Draft EIR, the Project would provide sustainability features that would reduce the Project's energy demand. The Project would include 426 roof-top solar panels on the gymnasium building, energy from which would be stored and used to reduce reliance on electricity. Lighting throughout the Project Site would consist of energy-efficient LED fixtures. The Project would harvest natural light for the main spaces in the gymnasium building using skylights and daylighting systems that would coordinate the levels of artificial lighting. The Project would use high efficiency variable capacity air volume

heating, ventilation, and air conditioning (HVAC) systems. In addition, the Project would turn off lighting earlier than under existing conditions. Field and swimming pool lights would be turned off no later than 8:00 p.m. and tennis court lights would be turned off no later than 9:00 p.m. compared to 10:00 p.m. for tennis courts and 11:00 p.m. for the golf driving range under existing conditions. The statement in the Draft EIR that the Project would provide features that would reduce energy demand is supported by these sustainability efforts which also support the conclusions reached regarding the threshold question of whether the Project would conflict with the 2020-2045 RTP/SCS discussed in Section IV.J, *Land Use and Planning*, of the Draft EIR, and with the threshold question of whether the Project would result in potentially significant environmental impacts due to wasteful, inefficient and unnecessary consumption of energy resources as discussed in Section IV.E, *Energy*, of the Draft EIR. The claim that that the Project would not reduce energy reliance is not supported by fact.

### **Comment No. ORG 7A-92**

The DEIR's claims about the Project's support of migratory bird corridors fail to discuss the impacts of the 70-foot-tall stadium lights. (DEIR p. IV.J-19 and 20.) Thus, the Project likely conflicts with RTP policies concerning wildlife, as well.

### **Response No. ORG 7A-92**

The comment asserts that the Project's "likely" conflicts with RTP policies concerning wildlife, including migratory birds, presumably due to the field lighting or the height of the poles, are not analyzed in the Draft EIR. It is noted that under existing conditions the entire southern boundary of the Leased Property along the golf course holes (a horizontal distance of over 600 feet), contains a series of support poles and netting that reach heights up to 30 feet, with unknown impacts on wildlife and migratory birds. It is also noted that the "stadium lights" referenced by the comment would be lower than many of the wooden poles that support the existing golf driving range netting that reaches a height of approximately 90 feet, also with unknown impacts on wildlife and migratory birds. As discussed in Section IV.C, *Biological Resources*, of the Draft EIR, page IV.C-48, the Project's field lights and building lights would be shut off each night and the duration of lighting would be shorter every day of the year than existing conditions except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. When migrating birds do pass through the Project Site, the field lights have no moving components or large walls (such as high-rise buildings) that would harm birds in flight, and no large expanses of netting that would obstruct or ensnare birds in flight. As such, the effects of the light poles were not evaluated since these narrow, unmoving structures were understood to be non-contributing (as are most power poles). As discussed on page IV.C-47 and IV.C-48, the Biological Study Area supports potential nesting, roosting, and foraging habitat for migratory birds and bats. Since the Biological Study Area primarily supports ornamental trees and turfgrass, as well as a thin strip of native California brittlebush scrub that was recently restored on the Zev Greenway, the quality of existing foraging habitat is low. Higher quality foraging habitat occurs in less

developed areas with larger expanses of open space. As analyzed in Section IV.C, *Biological Resources*, of the Draft EIR, Project landscaping would increase the quantity and quality of native habitat on the Project Site, and “would consist entirely of native tree and plant species that would provide foraging opportunities for bird species.” The Draft EIR also states: “The Project’s native landscaping would help to enhance the existing off-site native habitat, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas, which may benefit migrating wildlife by providing enhanced foraging opportunities.” The claim that lighting and light poles would adversely impact migratory bird corridors is not supported by fact.

### **Comment No. ORG 7A-93**

#### **4. The Project is Incompatible with the Los Angeles River Revitalization Master Plan and River Improvement Overlay District.**

The Project would be located in the inner core of the RIO District, a land use overlay implemented by the City in 2014 to ensure the consistency of land use development along the 32-mile corridor of the Los Angeles River with the Los Angeles River Revitalization Master Plan (LARRMP). The LARRMP’s goals are to contribute to the environmental and ecological health of the City’s watersheds; provide native habitat and support local species; establish a positive interface between the Los Angeles River and adjacent properties; promote pedestrian, bicycle and other multi-modal connections between the river and surrounding neighborhoods; provide an aesthetically pleasing environment; provide safe, convenient access to and along the river; promote river identity; and support the City’s stormwater ordinances and programs. (DEIR p. IV.J.11.).

### **Response No. ORG 7A-93**

The comment claims that the Project would be incompatible with the LARRMP and the RIO District. In this regard, please refer to Response No. ORG 7A-79, above, regarding Project consistency with the policies of the RIO District Ordinance. Also please see Table LU-6 provided in Appendix J of the Draft EIR, which compares the Project to the applicable policies of the RIO District and the LARRMP. As discussed in Response No. ORG 7A-79 and in Table LU-6, the Project would not conflict with the range of applicable policies of the RIO District. Regarding the LARRMP, the discussion states that (as revised in Chapter 3 of this Final EIR), “By providing a park and open space use, pedestrian ~~trails~~ pathways, community use of recreational and athletic facilities when not in use by the School, and a landscaped trail link pedestrian ramp to the Zev Greenway, the Project would support the goals to develop parks and open space, and to provide pedestrian ~~trails~~ pathways. The Project would support the goals of the LARRMP to revitalize the general environment of the Los Angeles River by providing improved natural habitat, improving existing water quality, as well as providing recreation and open space amenities in the RIO inner core.” The comment does not demonstrate that the Project would conflict with either the policies of the RIO District or the LARRMP.

## Comment No. ORG 7A-94

The Project may conceivably support some of the LARRMP's goals, but it would not further, and would instead frustrate, others. Regarding the goals of establishing a positive interface between the Los Angeles River and adjacent properties and of promoting connections between the river and neighborhoods, the Project would construct literal barriers in the form of 10- and 11-foot-tall fences. Existing chain link fences are six feet tall. While the Project would provide pedestrian gates to access the perimeter trail, which would ultimately connect to the river greenway, the proposed system does not welcome the public. The DEIR heavily emphasizes security, the number of security guards at any time, and the use of other security measures, making it unlikely that the typical river user, or neighborhood pedestrian, would understand that they were permitted, let alone welcomed, into an exclusive private school and the adjacent Los Angeles River. The security regime may also discourage users who, even if they understand they are allowed onto the site, may not understand how to use it, or who feel uncomfortable with the security presence or fencing. For example, the DEIR emphasizes the CCTV aspects of the Project. The safety goal may be compromised by the pedestrian trail, which will be squeezed between two, tall fences, potentially preventing escape in the event of criminal activity. It is also unclear how the Project, which would further privatize and heavily fence this river-adjacent "opportunity site," would promote river identity. The Project's sports field lighting will also likely harm local species, particularly birds that could be exposed to the 60 and 70-foot-tall stadium light poles while in flight (and, therefore, not protected by measures restricting the angles or property line lightspill).

## Response No. ORG 7A-94

The comment asserts that the Project's fencing and security would frustrate goals of the LARRMP to create a positive interface with the Los Angeles River or to welcome the public. Contrary to existing conditions in which almost the entire Project Site is surrounded by fencing and netting that varies in height from 6 to thirty feet, and to which only paying customers of the golf and tennis facilities have access, the Project's 0.75-mile public pathway, part of approximately 5.4 acres of open space that would be able free of charge to the public daily from 7:00 a.m. to 9:00 p.m., would be accessed via four gates along Valley Spring Lane and framed by landscaped fencing or berms. The landscaped pedestrian pathway would provide for public seating, extensive native landscaping, and shade areas that would be secure and welcoming to the public. The Project would install a pedestrian ramp to the Zev Greenway from Coldwater Canyon Avenue to further improve public access to the Zev Greenway. The comment exaggerates the Project's security features, such as CCTV and security personnel since such personnel would not be required throughout the Project Site nor would CCTV cameras be obtrusive. In addition, regarding lighting and wildlife, as stated in Section IV.C, *Biological Resources*, pages IV.C-46 through IV.C-48 of the Draft EIR, under the heading Wildlife Movement and Corridors (beginning on page IV.C-45), lighting levels along the property line nearest the Zev Greenway would be at or below 0.2 foot candle at the property line of the Project Site and 0.01 foot candle at fifteen feet past the property line. These

lighting levels would be consistent with RIO District lighting requirements which are intended to maintain the character of the River and protect wildlife. The incremental addition of lighting associated with the Project design would be consistent with the City regulations and would be concentrated primarily away from the Los Angeles River and, since the lighting fixtures are specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. The light poles are stationary, narrow features, similar to the area's public utility poles. Because the light poles contain no moving parts, they are not a threat to birds in flight (refer to Response No. ORG 7A-92). The claims in the comment are primarily speculation and are not supported by the facts provided in the Draft EIR.

### **Comment No. ORG 7A-95**

The DEIR includes similar justifications for claiming consistency with the RIO District Ordinance requirements. The Project's sports field lighting and scoreboards should be an issue. At the Field A site near the River in the Project's southeastern portion, the Project would install a 25 foot by 8-foot LED and 6, 70-foot-tall light poles. (II-57, Fig. II-27.) Field B, nearer to the River in the western portion of the site, would have 7 light poles and the same score board, including on the west side of Field B, the side nearest the River. One of the lighting poles would abut the Zev Greenway. (II-57, Fig. II-27.) The DEIR addresses the Project's sports field lighting, but claims that it will comply with the ordinance because it will not exceed certain lightspill limits at the Project boundaries. This does not address the unique circumstances of very night lighting far above the ground surface. The sports field lighting has the potential to adversely impact bird species the RIO District is designed to conserve and protect. The Project cannot be found in compliance with the purposes of the RIO District.

### **Response No. ORG 7A-95**

The comment asserts that the field lights, because of their heights, and the sign boards have the potential to adversely impact bird species and that glare (visible light source) of the field lights would be directly visible from lower, off-site locations. In regard to impacts on birds in flight and the effects of lighting on wildlife species, please refer to Response Nos. ORG 7A-41, ORG 7A-92, and ORG 7A-94, above. The Project's lighting levels would be consistent with the RIO District Ordinance, which is designed to conserve and protect bird species. Further, as the lighting fixtures and signs contain no moving components (or large walls) that would be a threat to birds in flight, these would not impact bird species. As discussed in Chapter IV.A, *Aesthetics - Light and Glare*, and in Appendix B, Lighting Technical Report, of the Draft EIR and summarized in Topical Response No. 4 – Aesthetics, the new lighting system should generally produce substantially less candela, or glare (visible light source) than under existing conditions. "Luminance" is glare that emanates from a visible light source (not light spill). As discussed on page IV.A-5 of the Draft EIR, "direct glare (expressed in candela) is a glare resulting from high luminances or insufficiently shielded light sources that are in a field of view" (LAMC Section 93.0117(b)). The RIO District Ordinance (LAMC Section 13.17, F, Division 3)

establishes legal parameters related to luminance or glare (direct visibility of the light source) as follows:” (a) all site and building mounted lighting shall be designed such that it produces a maximum initial luminance value no greater than 0.20 horizontal and vertical foot candles at the site boundary, and no greater than 0.01 horizontal foot candles 15 feet beyond the site. No more than 5.0 percent of the total initial designed lumens shall be emitted at an angle of 90 degrees or higher from nadir (straight down); (b) all low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz, incandescent greater than 60 watts, mercury vapor, and halogen fixtures shall be fully shielded in such a manner as to not exceed the limitation specified in LAMC Section 13.17.” As described on pages IV.A-13 through IV.A-19 of the Draft EIR, with the use of shielding and precision lighting, the Project light levels would be consistent with the City regulations, including RIO District lighting requirements. The off-site luminance under existing and future levels (glare) are summarized in Table IV.A-2, *Summary of Calculated Off-Site Luminance*, on page IV.A-20 of the Draft EIR. As described therein, the new lighting system would produce substantially less candela, or glare, than the existing lighting. Modeled candela per square meter calculations for one receptor (4202 Bellaire Avenue) would increase slightly as compared to existing conditions, although the increase is approximately equivalent to the brightness of a single candle flame in front of the property. Therefore, based on the information summarized above and discussed in Section IV.A, *Aesthetics (Light and Glare)*, of the Draft EIR, and the Lighting Report including in Appendix B of the Draft EIR, the field lights and sign boards would not adversely impact bird species and the visible light source of the field lights would not be directly visible from off-site locations above the low-level parameters established under the LAMC.

In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, and Topical Response No. 2 Modifications to the Project Design, which provides updates to the Project’s light poles. As evaluated in Section IV.A, *Aesthetics*, of the Draft EIR, light and glare impacts would not exceed existing ambient light and glare levels in the off-site area or exceed RIO standards within the Project Site. The Project’s lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 – *Aesthetics*, the reduction in lighting would further reduce the Project’s light and glare levels. Consistent with the analysis in Section IV.A, light and glare impacts would be less than significant.

### **Comment No. ORG 7A-96**

Finally, the DEIR makes no attempt to discuss the Project’s implications for the Los Angeles River Master Plan Update, the draft of which has been publicly available for over one year. As the Project represents the redevelopment of an important river opportunity site and access point, its continued compliance with the Master Plan is imperative. This information must be included in a recirculated DEIR.

## Response No. ORG 7A-96

The comment asserts that the Draft EIR did not evaluate the Los Angeles River Master Plan Update. The Draft EIR is required to evaluate a Project's potential conflict with policies that are adopted to mitigate or avoid environmental effects. The Los Angeles River Master Plan Update was still in draft form and not adopted, and, thus, open to change until May 2022. This was several months after the Notice of Preparation on September 30, 2020 (ending on October 30, 2020) and the completion and circulation of the Draft EIR on March 10, 2022. There is no CEQA requirement that the evaluation of this plan be incorporated and the Draft EIR be recirculated with this additional information. However, regarding environmental effects related to the Los Angeles River, Project impacts affecting the River are addressed in detail in the responses to the CDFW letter (AG-4) in this Final EIR. Please refer to Response Nos. AG 4-1 to AG 4-36 for responses to CDFW's comments.

In addition, for informational purposes, the Master Plan is generally aimed at improving water quality, increasing wildlife habitat and biodiversity and creating equitable access to parks and trails along the Los Angeles River. The Master Plan is organized by a series of goals, actions, and methods related to: flood risk, parks and trails, ecosystems, river access, arts and culture, housing affordability, engagement and education, water supply and water quality. Among its specific goals are:

- creating 51 miles of connected open space along the entire LA River
- building support facilities (i.e., basic amenities, such as signage, benches, and water fountains) along the LA River
- completing the LA River Trail to create a continuous path along the entire river
- creating welcoming access points to the river and the LA River Trail
- improve water quality and contribute to the attainment of water quality requirements to protect public and environmental health.
- capture and treat stormwater and dry weather flows before they reach the river channel for groundwater recharge, direct use, water recycling, or release for downstream beneficial uses.
- increasing safe transportation routes to the river
- increasing habitat and ecosystem function along the river corridor and using it as a living laboratory
- increasing plant species biodiversity with a focus on California native plants
- creating a connected network of habitat patches and corridors to support wildlife

The Project would be substantially consistent with and support the goals related to the environment and health of the Los Angeles River. With regards to parks and trails goals, the Project would increase public access to and enhance the adjacent Los Angeles River and Zev Greenway through a network of publicly-accessible pathways, a new direct

connection to the Zev Greenway, and a landscape plan that would restore native plant communities, create habitat for various species, and support the goals of the Los Angeles RIO District Ordinance, the Los Angeles River Revitalization Master Plan, and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Within the Project Site, support facilities would be provided along the Project's publicly accessible pedestrian pathways. See Topical Response No. 3 - Enforcement of Public Access, for additional details regarding the Project's public access features. See Response Nos. ORG 7A-87, ORG 7A-92 and ORG 7A-97 for additional discussion of the Project's less than significant impact to wildlife corridors.

With regard to water quality and water supply, the Project proposes to capture and treat stormwater runoff from the Project Site. Stormwater that currently flows untreated to the Los Angeles River from the Project Site would be treated before entering the Los Angeles River, resulting in improved water quality. Captured and treated stormwater would also be used for on-site irrigation to reduce water demand on LADWP water resources. Refer to Response Nos. AG 4-15 and AG 4-16 for additional details on the Project's capture and re-use system and impacts to flows within the River. As discussed therein, there would be no potentially significant impact on downstream wildlife habitat or beneficial uses resulting from the Project. The capture and reuse system has been reduced in size based on direction from the City for the Project to not provide treatment of stormwater from the off-site property area, but rather to capture, treat and reuse only on-site stormwater. This requirement has resulted in a revision to Project Design Feature WS-PDF-2 to remove reference to the 38.64-acre off-site drainage area, which is shown in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR.

Overall, as discussed above, the Project would be substantially consistent with the applicable goals of the Los Angeles River Master Plan Update.

## **Comment No. ORG 7A-97**

### **5. The Project is Incompatible with Existing Height and Light Limitations.**

The DEIR explains that the Project seeks 27 light poles of up to 70 feet in height, up to 40 feet taller than the 30-foot height limit currently allowed on the property. (DEIR p. IV.J-28.) Similarly, the DEIR seeks to construct 10-foot and 11-foot-tall fences surrounding the Project, in lieu of the 6-foot and 8-foot-tall fences permitted by code. (Ibid.) The DEIR then lists other, unrelated approvals needed for the Project. It then concludes:

Based on the above, the Project would be consistent with applicable regulations or provisions of the LAMC applicable to the Project Site. Therefore, the Project would not result in significant environmental impacts related to inconsistency with the LAMC's land use regulations. As such, impacts with respect to the land use provisions of the LAMC would be less than significant.

## Response No. ORG 7A-97

The comment asserts that the Project is incompatible with existing height limitations and light limitations, that the Project would not be consistent with applicable regulations of the LAMC, and, by implication, that the findings of less than significant impacts for land use regulations was not correct. It is noted that the Project's lighting poles would be lower than many of the wooden poles that support the existing golf driving range netting that reaches a height of approximately 90 feet, and lighting impacts (offsite illuminance and luminance) would be less than current conditions. The discussion of the Project's requested permits and approvals is provided in Chapter II, *Project Description*, Subsection 6, *Requested Permits and Approvals*, pages II-62 and II-63, and in Section IV.J, *Land Use and Planning*, pages IV.J-28 and IV.J-29. The request for permits and approvals implies that the Project would not have "by right" zoning or other permission to develop the Project as discussed in the Project Description. Section IV.J of the Draft EIR explains that the Project's height exceptions are in conflict with the Project Site's zoning designation and that the permits and approvals would be required to bring the Project into conformance with the LAMC. Such requested changes are pursuant to provisions of the LAMC providing that the Project would meet certain potential conditions of approval. The request for the height exception (in lieu of the 30-foot height limit otherwise required by LAMC Section 12.21.1 A) for the field light poles is pursuant to LAMC Section 12.24 F. Regarding lighting regulations, Section IV.J, page IV.J-29 of the Draft EIR states: "Notably, environmental impacts associated with the proposed lighting have been analyzed in Section IV. A, *Aesthetics*, of this Draft EIR". As evaluated in Section IV.A, light and glare impacts would be less than significant. As evaluated in the Initial Study (Appendix A of the Draft EIR), all other operational aesthetic impacts would be less than significant. The findings of the Initial Study are further summarized in Topical Response No. 4 – Aesthetics. This conclusion in the Draft EIR that, with the granting of the height limitation exceptions, the Project would not be in conflict with the LAMC and that the exception to the height limitations would not result in adverse environmental impacts is, therefore, supported by the Draft EIR's analysis.

## Comment No. ORG 7A-98

(DEIR p. IV.J-29.) The DEIR draws no link between its wish list of unpermitted height increases and the conclusion that impacts will not be significant. The over-height light poles will pose risks to resident and migrating birds, and the over-height fences will impede community use of the allegedly publicly available facilities. These conflicts with the Los Angeles Municipal Code create significant environmental impacts. Either the Project must be revised to adhere to the existing height limits for light poles and fences, or the EIR must be revised to disclose this conflict with applicable law.

## Response No. ORG 7A-98

The comment again claims that the light poles would be a hazard to resident and migrating birds, that the Project's fencing would impede public access and that the height

exceptions will result in significant environmental effects. As described in Section IV.C, *Biological Resources*, pages IV.C-46 through IV.C-48 of the Draft EIR, under the heading Wildlife Movement and Corridors (beginning on page IC.C-47), lighting levels along the property line nearest the Zev Greenway would be at or below 0.2-foot candle at the property line of the Project Site and 0.01 foot candle at fifteen feet past the property line. These lighting levels would be consistent with RIO District lighting requirements which are intended to maintain the character of the River and to protect wildlife. The incremental addition of lighting associated with the Project design would be consistent with the City regulations and would be concentrated primarily away from the Los Angeles River since the lighting fixtures are specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. The lighting would not adversely impact wildlife including bird species. The stationary light poles in themselves, as with most of the City's utility poles, would not adversely impact bird species. Regarding public access, the network of pathways for public use are accessible from four gates on Valley Spring Lane and from the Zev Greenway. Landscaped fencing is used to mark the 0.75 mile of landscaped pedestrian walking pathways and to prevent conflation with athletic facilities when the latter are being used by the School. The tallest fences are located primarily along the northern portion of the Project Site to reduce sound from the playing fields and tennis courts from impacting the residential neighborhood along Bellaire Avenue and Valley Spring Lane and do occur throughout the Project Site or along the public access pathway. The fencing along the pathway would demark the walking path and provide a defined zone for the installation of native shrubs along the pathway. The shrub-lined path would create an aesthetically welcoming environment. It is noted, however, that public access is not a CEQA criterion. The comment fails to factually demonstrate how the proposed height exceptions would result in undisclosed significant impacts or that recirculation of the Draft EIR would be required. See also, Response No. ORG 7A-92 regarding migratory birds and ORG 7A-94 regarding fencing.

## **Comment No. ORG 7A-99**

### **H. The DEIR Fails to Comply with CEQA's Requirements for Tribal Cultural Resources.**

CEQA includes specific requirements for consultations with Tribes and mitigation of potential impacts to Tribal Cultural Resources. The DEIR's treatment of Tribal Cultural Resources (TCRs) that could be found at the Project site fails to fully comply with CEQA's requirements for both.

CEQA requires the City to consult with Tribes traditionally and culturally associated with the Project site. Two Tribes requested that consultation from the City: the Fernandeño Tataviam Band of Mission Indians (FTBMI) and Gabrieleño Band of Mission Indians - Kizh Nation (Kizh Nation). (DEIR p. IV-N.7; App. N; Pub. Resources Code, § 21080.3.1.) Both Tribes informed the City of the high likelihood of the presence of Tribal Cultural Resources at the Project site. The Kizh Nation provided the City with detailed maps showing the Project site is located within the Village of Cahuenga and along a heavily

used trad [sic] route, informing the City that “human activity can be pronounced within the shared use areas due to the combined use by multiple villages and TCRs may be present in the soil layers from the thousands of years of human activity within that landscape.” (DEIR App. N.) The DEIR and its Appendix N fail to include usable copies of the maps and historic information provided by the Kitz Nation, only showing that it was an attachment to an email submitted to the City. (DEIR App. N.).

## Response No. ORG 7A-99

The comment claims that the Draft EIR fails to comply with CEQA requirements with respect to Tribal Cultural Resources. The CEQA Guidelines include the following threshold as presented in Section IV. IV.N, *Tribal Cultural Resources*, pages IV.N-10 and IV.N-11 of the Draft EIR:

“(a)Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?
- ii) A resource determined by the lead agency, **in its discretion and supported by substantial evidence**, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?” (Emphasis added.)

As discussed in Section IV.N and in Appendix N, Tribal Cultural Resources Report, in the Draft EIR, in addition to archival research, the City engaged in outreach to a range of Southern California tribes and received responses from the Fernandeano Tataviam Band of Mission Indians (FTBMI) and the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation). As documented by the City, the City met with the FTBMI and Kizh Nation several times in 2020 and 2021. Chairman Salas of the Kizh Nation provided documentation to the City described in the Draft EIR. As explained in Section IV.N, page IV.N-11 of the Draft EIR, mapping documents provided by Chairman Salas identified trade routes, trails, waterways, and the village of *Cahuenga*, which was historically located in the present Universal City, three miles to the east of the Project Site. Materials provided by both the FTBMI and the Kizh Nation indicate the Project Site and its vicinity were located along transportation routes that prehistoric and ethnographic period peoples would have used to travel between villages and resource areas. However, the materials did not identify the presence of known resources within the Project Site itself. Therefore,

as a result of the AB 52 consultation process, no known tribal cultural resources were identified within the Project Site. Maps and other resources provided to the City are contained in Appendix N of the Draft EIR. However, it is common practice to not include specific archaeological sites and resources in a public document, such as a Draft EIR for the purpose of protecting the location and integrity of archaeological sites. Although no mitigation measures are required for specific tribal cultural resources, the City has established a standard condition of approval to address inadvertent discovery of tribal resources. The standard condition of approval requires the immediate halt of construction activities in the vicinity of the discovery, coordination with appropriate Native American tribes and the City, and development and implementation of appropriate actions for treating the discovery (see Sections IV.D, *Cultural Resources*, page IV.D-36, and IV.N, *Tribal Cultural Resources*, pages IV.N-11 and IV.N-12 of the Draft EIR). The City's standard condition of approval would protect the inadvertent discovery of tribal cultural resources. The comment does not include any factual evidence to show how the Draft EIR does not meet the requirements of CEQA with respect to the evaluation of tribal cultural resources.

It is further noted that the School has recently (after publication of the Draft EIR) entered into a Memorandum of Understanding (MOU) with the FTBMI for the development and installation of educational monuments and panels at the Project Site highlighting the history and culture of Indigenous Peoples who lived at or near the Project Site and continue to use that site today; to work with Friends of the LA River to integrate modules into its evolving Project Site curriculum that highlight aspects of FTBMI history and culture; and to develop curriculum that highlights the history and cultural contributions of the Indigenous Peoples who lived, and continue to live, in the San Fernando Valley. Under the MOU, the School will provide financial and logistical resources to support these activities and the FTBMI will provide expertise to the School for the development of cultural and educational installations.

### **Comment No. ORG 7A-100**

Moreover, despite this clear information from the Kizh Nation and additional information provided by FTBMI, the DEIR downplays the potential for TCRs to be located on the Project site. Instead of using the information provided during consultation, the DEIR relies on the absence of previously discovered resources at the site to claim there would be no impacts to TCRs. (DEIR p. IV-N.11.) This is inadequate for a number of reasons. The overwhelming majority of this site has not previously been excavated in manner that would reveal such resources. The DEIR acknowledges the age of the site and Tribal representatives from two Tribes identified the high likelihood of resources occurring on site. The Project would excavate down 20 feet on large portions of the site, in areas without previous excavation. All of this establishes the potential for impacts to TCRs that require mitigation.

## Response No. ORG 7A-100

The comment asserts that the Draft EIR downplays the potential for Tribal Cultural Resources (TCRs) and that the age and location of the Project Site indicate a high likelihood for the discovery of TCRs. As discussed in the Draft EIR and Response to Comment ORG 7A-99, above, the maps provided by the FTBMI and the Kizh Nation do not identify any tribal cultural resources or sites within the Project Site. The conclusion of the consultation is that because of the absence of mapped information involving the Project Site and the location of the Project Site along a route between tribal cultural sites, impacts to tribal cultural resources were deemed to be less than significant. However, as discussed on page IV.N-12 of the Draft EIR, “should intact subsurface archaeological deposits be present within the Project Site, they would likely be found within the C-horizon beyond depths of 2-7 feet, which is the depth of fill material. Project-related ground disturbance would extend to depths of 21 feet, beyond the depths of fill and into the C-horizon where subsurface archaeological resources that could qualify as tribal cultural resources may be present.” It is further noted that any properties along the 51-mile Los Angeles River and the 18-mile Ventura Boulevard corridor have the potential to contain TCRs. To provide focus for the analysis of impacts, the Draft EIR does not speculate on the high potential for TCRs at a site and a vicinity in which no TCRs have been historically recovered. In addition, as discussed under Response No. ORG 7A-99, the City’s standard condition of approval would protect any inadvertently discovered TCRs at any excavation or demolition location within the Project Site. The comment does not provide sufficient facts to support the claim that Draft EIR downplays the likelihood for TCRs to exist within the Project Site.

## Comment No. ORG 7A-101

The City’s consultation with the Tribes had not been completed as required by CEQA. This consultation is required to continue until one of the following occurs:

- (1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.
- (2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

## Response No. ORG 7A-101

The comment claims that City’s consultation with the Tribes had not been completed as required by CEQA. Several consultation meetings between the City and the Tribes occurred in 2020 and 2021, which are documented in Section IV.N, *Tribal Cultural Resources*, in the Draft EIR. In an email dated September 22, 2020, Jairo Avila, Tribal Historic and Cultural Preservation Officer for the FTBMI, responded to the City’s notification requesting formal AB 52 consultation. As part of the email, Mr. Avila requested Project excavation plans, as well as the Geotechnical Report and Cultural Resources Report prepared for the Project. AB 52 consultation meetings, via phone, with Mr. Avila

were held on October 28, 2020, August 12, 2021, and October 18, 2021. The City provided the Project-related materials to Mr. Avila including the Phase I Archaeological Resource Assessment Report, the Geotechnical Report, the Historic Resources Assessment Report, and the Paleontological Resources Report. In an email dated October 18, 2021, Mr. Avila stated that the provided materials were reviewed and concluded the Project has the potential to impact tribal cultural resources. Mr. Avila stated the Project Site is located adjacent to the Los Angeles River and the El Camino Real, which are both considered to be tribal cultural resources by the FTBMI. In a letter dated September 25, 2020, Andrew Salas, Chairman of the Kizh Nation, responded to the City's notification requesting formal AB 52 consultation. On November 25, 2020, the City and Chairman Salas held a consultation meeting via phone to discuss the Project. Following the meeting, in an email dated December 4, 2020, Chairman Salas provided a summary of the meeting as well as materials relevant to tribal cultural resources. These materials include historic maps, excerpts about potential locations of villages, other relevant ethnographic literature, and proposed mitigation measures. The documentation indicated trade routes, trails, waterways, and the village of Cahuenga. One of the documents provided by Chairman Salas indicates the ethnographic village of Cahuenga was located near present-day Universal City, approximately 3 miles east of the Project Site. Chairman Salas also provided Kizh Nation's recommended mitigation measures, which include retention of a Native American monitor/consultant, unanticipated discovery protocols for human burials and funerary objects, assessment protocols for discovered resources, procedures for assessing burials and associated soils, and treatment procedures for human remain recovery and re-burial. As a result of the City's AB 52 consultation efforts, no tribal cultural resources were identified within the Project Site or in the vicinity. However, based on the materials provided by Mr. Avila of the FTBMI, and Chairman Salas, of the Kizh Nation, both groups consider the Project Site sensitive for the presence of subsurface deposits potentially containing cultural items and human remains. Because no tribal cultural resources have been historically recovered nor are any known archaeological sites located in the immediate vicinity of the Project Site, and because the City determined that substantial evidence was not presented through the consultation process, the City concluded that no mitigation measures were required and, therefore, the measures recommended by the Tribes were not warranted. The City sent the Fernandeano Tataviam Band of Mission Indians and the Gabrieleño Band of Mission Indians – Kizh Nation letters on February 17, 2022 indicating the City's intent to close consultation at the publication of the Draft EIR. The letters identified the City's condition of approval to address tribal cultural resources should they be encountered during Project construction activities. The consultation process met the criterion set forth in AB 52 that the party (the City), acting in good faith and after reasonable effort concluded that mutual agreement could not be reached. The FTBMI and Kizh Nation did not comment further on the circulated Draft EIR. The claim that the City did not complete consultation in accordance with AB 52 is not supported by the facts.

## Comment No. ORG 7A-102

(Pub. Resources Code, § 21080.3.2.) Here, both Tribes presented specific mitigation measures that should be included to mitigate for the Project's likely impacts to TCRs. Specifically, FTBMI presented four measures necessary to ensure impacts to TCRs are properly mitigated:

- **FTBMI-TCR1:** In the event that Tribal Cultural Resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. The Lead Agency or applicant shall contact the Fernandeano Tataviam Band of Mission Indians (FTBMI) to consult if any such find occurs.

## Response No. ORG 7A-102

The City had completed and sent out Close of Consultation Letters to both the FTBMI and Kizh Nation. The comment presents a mitigation measure based on the claim of "likely" impacts to TCRs. As discussed under Response No. ORG 7A-100, above, the City's conclusion that, in the absence of mapped information involving the Project Site, the location of the Project Site along a route between tribal cultural sites, and no history of TCRs on the Project Site or in the immediate vicinity, impacts to tribal cultural resources were deemed to be less than significant. It is noted that any properties along the 51-mile Los Angeles River and the 18-mile Ventura Boulevard corridor have the potential to contain TCRs. However, the Draft EIR does not speculate on the potential for TCRs at a site and in a vicinity in which no TCRs have been historically recovered. Moreover, the City has established a standard condition of approval which requires the immediate halt of construction activities in the vicinity of the discovery, coordination with appropriate Native American tribes and the City, and development and implementation of appropriate actions for treating the discovery (see Sections IV.D, *Cultural Resources*, page IV.D-35 and IV.N, *Tribal Cultural Resources*, pages IV.N-11 and IV.N-12 of the Draft EIR). There is no evidence to show that the presence of TCRs within the Project Site is "likely" or that mitigation measures are warranted. Refer also to Response No. ORG 7A-99 which discusses the Memorandum of Understanding (MOU) the School has entered into with the FTBMI, whereby the School would work with FTBMI in developing cultural and educational installations.

## Comment No. ORG 7A-103

- **FTBMI-TCR2:** Should the find be deemed significant, as defined by CEQA (as amended, 2015), the Project applicant shall retain a professional Native American monitor procured by the FTBMI to observe all remaining ground-disturbing activities including, but not limited to, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, clearing, driving posts, auguring, blasting, stripping topsoil or a similar activity, and archaeological work.

## Response No. ORG 7A-103

The comment presents a mitigation measure to require a Native American monitor to observe all ground disturbing activities should a find be deemed significant. The already-applicable standard condition of approval requires the immediate halt of construction activities in the vicinity of the discovery, coordination with appropriate Native American tribes and the City, and development and implementation of appropriate actions for treating the discovery. With regard to the discovery of human remains during construction of the Project, work in the immediate vicinity of the construction area would be halted, and the County Coroner, construction manager, and other entities would be notified per California Health and Safety Code Section 7050.5. In addition, disposition of the human remains and any associated grave goods would occur in accordance with PRC Section 5097.98 and CEQA Guidelines Section 15064.5(e), which requires that work stop near the find until a coroner can determine that no investigation into the cause of death is required and if the remains are Native American. Specifically, in accordance with CEQA Guidelines Section 15064.5(e), if the coroner determined the remains to be Native American, the coroner would contact the Native American Heritage Commission who would identify the person or persons it believes to be most likely descended from the deceased Native American. The most likely descendent may make recommendations regarding the treatment of the remains and any associated grave goods in accordance with PRC Section 5097.98. Since State regulations with respect to human remains protect Native American resources and since the City's standard condition of approval would require halting of all construction activity and consultation with tribal representatives, the comment does not demonstrate the need for the proposed mitigation measure.

## Comment No. ORG 7A-104

- **FTBMI-TCR3:** The Lead Agency and/or applicant shall, in good faith, consult with the FTBMI on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.

## Response No. ORG 7A-104

The comment provides another proposed mitigation measure. As discussed in Response Nos. ORG 7A-99, ORG 7A-100 and ORG 7A-101, above, based on all the information provided in the archival research and presented by the tribes, the City has determined that the Project's impacts on TRCs would be less than significant. As such, no mitigation measures would be required. Moreover, the proposed mitigation measure is redundant with respect to the City's standard condition of approval, which would require coordination with appropriate Native American tribes in the event of a find, and State statues requiring consultation with the Native American Heritage Commission. The comment does not discuss the content of the Draft EIR and no further response is necessary. Nonetheless, refer also to Response No. ORG 7A-99 which discusses the Memorandum of Understanding (MOU) the School has entered into with the FTBMI, whereby the School will work with FTBMI in developing cultural and educational installations.

## Comment No. ORG 7A-105

- **FTBMI-TCR4:** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports) shall be provided to the Fernandeño Tataviam Band of Mission Indians and interested Tribes consulting under AB52.

## Response No. ORG 7A-105

The comment provides another proposed mitigation measure. As discussed in Response Nos. ORG 7A-100 and ORG 7A-101, above, based on archival research and the information provided by the tribes, the City has made the determination that Project impacts to TCRs would be less than significant. As such, no mitigation measures would be required. Moreover, the Project would comply with the City's standard condition of approval, which would require the study and potential preservation of any inadvertently discovered resources, as well as transfer of resources to the connected Native American Group in accordance with state regulations.

## Comment No. ORG 7A-106

(DEIR App. N.) The DEIR instead relies on a significantly watered-down version of these measures and condition of approval to mitigate impacts to TCRs. The vague condition relied upon by the DEIR is not identified as a mitigation measure, and is therefore not fully enforceable as required by CEQA. Additionally, its lack of specificity results in improperly deferred mitigation. Further, the City did not agree to the measures presented by FTBMI, nor did it conclude a mutual agreement cannot be reached. Thus, the City has failed to comply with Public Resources Code section 21080.3.2.

## Response No. ORG 7A-106

The comment asserts that the City's standard condition of approval is a "watered down" version of the mitigation measures provided by the commenter and that mitigation is improperly deferred. The existing Project Site and the vicinity around the Project Site have not shown any evidence of TCRs, such as identification of these locations on historic maps or a history of recovery of resources from these locations. The nearest identified historical village, which would have high potential for TCRs, is located three miles from the Project Site. The greatest indicator of TCRs at the Project Site is its location within the Los Angeles River corridor and near Ventura Boulevard. In this regard, the entire 51-mile Los Angeles River and 18-mile Ventura Boulevard corridor have the potential for the inadvertent discovery of TCRs. It would be unreasonable, and speculative, however, to call out every site within this entire geographic area as having a "likely" potential for TCRs and that any construction within this region would result in a significant impact to a TCR. Despite the absence of mapped evidence or other proof of TCRs at the Project Site, the Draft EIR concluded that the potential for TCRs exists at the Project Site. The City's standard condition of approval (a regulatory measure) would be implemented to avoid harm to any inadvertently discovered TCRs and impacts to TCRs at the Project Site were

determined to be less than significant. Under CEQA, in the absence of a determination of potential significance, no mitigation measures are warranted or permissible. Thus, the implementation of the City's regulation to address inadvertent discoveries would not constitute "deferred mitigation" as no mitigation is required. Additionally, the City's standard condition of approval is neither vague nor unenforceable. The comment does not provide substantial evidence to support such a contention.

### **Comment No. ORG 7A-107**

The vague condition of approval that the DEIR claims will be imposed on the Project at some point, but not as a mitigation measure in the DEIR, does not include all mitigation measures set forth by CEQA for TCRs.

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - (A) Protecting the cultural character and integrity of the resource.
  - (B) Protecting the traditional use of the resource.
  - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

### **Response No. ORG 7A-107**

The comment claims that the City's standard condition of approval, a regulatory measure, would not meet the conditions placed on mitigation measures under CEQA for TCRs. Based on the absence of substantial evidence of TCRs at the Project Site (as shown in documentation provided to the City by the Tribes and the analysis contained in Section IV.N of the Draft EIR which included archival research), and implementation of the regulatory standard condition of approval, the City determined that impacts to TCRs would be less than significant. As such, no mitigation measures, such as those listed in the comment, would be required or permissible in the Draft EIR. However, in the case of an inadvertent discovery of TCRs, the City's standard condition of approval would halt all construction activities in the vicinity of the discovery, require the TCR would be evaluated by an expert, require coordination with appropriate Native American tribes and the City, and require development and implementation of appropriate actions for treating the discovery. This standard condition of approval includes all necessary steps to protect TCRs. The comment does not provide evidence that the City would be remiss

in protecting TCRs by implementing the standard condition of approval nor provide substantial evidence that the listed CEQA measures or the Tribe-suggested measures are required to reduce a potentially significant impact to a less-than-significant level.

### **Comment No. ORG 7A-108**

(Pub. Resources Code, § 21084.3.) The DEIR fails to contemplate preservation of discovered TCRs in place and revising construction plans to avoid these resources. It simply requires a brief halt in construction and to then develop appropriate actions. Having not contemplated how to treat the potential discovery of TCRs now will limit the options available for mitigation, resulting in post hoc rationalization that avoidance of areas that should be protected is infeasible.

### **Response No. ORG 7A-108**

The comment anticipates that the halting of construction would be brief and suggests that the Draft EIR should have contemplated preservation of any discovered TCRs. As discussed in Section IV.N, *Tribal Cultural Resources*, of the Draft EIR, neither the City's archival research nor the material presented by the Tribes include substantial evidence of TRCs on, or in the vicinity of, the Project Site. Therefore, no mitigation measures are required nor warranted. The comment does not provide substantial evidence that contradicts the City's good faith determination based on all the evidence before it. As such, the Draft EIR is not required to analyze a mitigation measure which would require TRCs to be maintained in place. Moreover, under the standard condition of approval, coordination with appropriate Native American tribes and the City, as well as the development and implementation of appropriate actions for treating the discovery would be required. The relative value and type of TCRs are highly variable and must be considered on a case-by-case basis and in consultation with the affected Native American Tribe. The standard condition of approval mandates a step to develop and implement appropriate actions for treating the discovery, which would be highly dependent on the tribal interests. The development and implementation of appropriate actions for treating the discovery could include avoidance and preservation, if necessary. Because this step is mandated and the character and value of a TCR is not known until its recovery, it would not be necessary to contemplate preservation of discovered TCRs in place or revising construction plans to avoid these resources until the value and importance of the discovery is determined through coordination with the interested Native American Tribe. The comment does not demonstrate with facts the need to implement the recommended measures prior to discovery.

## Comment No. ORG 7A-109

### I. The DEIR Fails to Disclose and Analyze New Significant Impacts Relating to Noise and Vibration.

#### 1. Effects of Noise Pollution on Health Are Extensive.

“[T]hrough CEQA, the public has a statutorily protected interest in quieter noise environments.” (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1380.) **Despite this clear mandate to analyze noise impacts, the DEIR omits a discussion of the extensive health impacts of noise exposure**, as required by CEQA (*Cf. Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521).

## Response No. ORG 7A-109

The comment asserts that the Draft EIR does not disclose impacts related to noise and vibration or the effect of noise pollution on health. In this regard, page IV.K-4 of Section IV.K, *Noise*, of the Draft EIR discloses the effect of noise on human health including hearing loss, sleep disruption, and annoyance. The Draft EIR explains that the health effects of noise are largely subjective and influenced by a multitude of factors including the type of noise, the perceived importance of the noise, the appropriateness of the noise to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity. The Draft EIR discloses that a “wide variation in individual thresholds of annoyance exists, and different tolerances to noise tend to develop based on an individual’s past experiences with noise. Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted (i.e., comparison to the ambient noise environment). In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships generally occur:<sup>134</sup>

- Except in carefully controlled laboratory experiments, a change of 1 dBA in ambient noise levels cannot be perceived;
- Outside of the laboratory, a change of 3 dBA in ambient noise levels is considered to be a barely perceivable difference;
- A change of 5 dBA in ambient noise levels is considered to be a readily perceivable difference; and
- A change of 10 dBA in ambient noise levels is subjectively heard as doubling of the perceived loudness.” (Page IV.K-4 through IV.K-5)

<sup>134</sup> California Department of Transportation, Technical Noise Supplement to the Traffic Noise Analysis Protocol, Section 2.2.1, 2013.

The Draft EIR noise analysis acknowledges the health effects of noise on human health and establishes quantifiable guidelines for ensuring that noise does not affect sensitive receptors adversely. Furthermore, the comment does not provide any specific information that would show any deficiencies in the analyses in the Draft EIR.

### **Comment No. ORG 7A-110**

Excess noise pollution can cause hearing damage and loss. Loud noise, either experienced as a single event or continuously over time, can damage cells in the inner ear that detect sound and help transmit information on sound to the brain. ([https://www.cdc.gov/nceh/hearing\\_loss/how\\_does\\_loud\\_noise\\_cause\\_hearing\\_loss.html](https://www.cdc.gov/nceh/hearing_loss/how_does_loud_noise_cause_hearing_loss.html), incorporated by reference.) Damage to these receptor cells is permanent and cannot be repaired. (*Ibid.*) Such damage can make it difficult to hear, including causing difficulties in understanding speech. (*Ibid.*)

Sound level is measured in dBA.

(<https://www.nonoise.org/library/suter/suter.htm#physical>, incorporated by reference.) In 1974 the EPA recommended that the equivalent A-weighted sound level over 24 hours ( $L_{eq(24)}$ ) be no greater than 70 dBA to ensure an adequate margin of safety to prevent hearing loss and damage. (<https://nonoise.org/library/levels74/levels74.htm>, incorporated by reference.) To prevent interference with activities and annoyance, the EPA recommended a day-night average sound level no greater than 45 dBA for indoors and 55 dBA for outdoors.

Excess noise can also lead to cardiovascular impacts. Traffic noise “leads to a significant increase in coronary heart disease” as demonstrated by meta-analyses. (**Attachment M**, Hahad et al., *The Cardiovascular Effects of Noise* (2019) 116 *Deutsches Ärzteblatt International* 245, 246.) Cohort studies “identified a significant association between road traffic noise and the occurrence of myocardial infarctions,” i.e., heart attacks. (*Id.* at 247.)

The DEIR must relate these health impacts of excessive noise exposure to the Project’s significant noise impacts.

### **Response No. ORG 7A-110**

The comment states that excessive noise can cause hearing loss and other damage to health. In this regard, page IV.K-8 of the Draft EIR states that there are several plans, regulations, and programs that include policies, requirements, and guidelines regarding noise at the federal, state, regional, and local levels. In a 1974 study, the USEPA provided information to prevent hearing loss over a lifetime of exposure and indicated that the yearly average sound energy level (i.e.,  $L_{eq}$ ) should not exceed 70 dBA and also indicated that to prevent interference and annoyance, the day-night average sound level

(i.e., Ldn) should not exceed 55 dBA outdoors or 45 dBA indoors.<sup>135</sup> In 1982, noise control was largely passed to state and local governments.<sup>136</sup>

As described on p. IV.K-14 of the Draft EIR, the City's Noise Control Ordinance establishes exterior and interior noise standards to regulate operational intrusive noises within specific land use zones. The noise standards are summarized in Table IV.K-4 on page IV.K-15 of the Draft EIR. As shown therein, the exterior noise ordinance standards are 50 dBA Leq during daytime hours and 40 dBA Leq during nighttime hours at residential noise-sensitive receptors. According to the United States Department of Housing and Urban Development *Noise Guidebook*,<sup>137</sup> standard building construction results in an exterior-to-interior noise reduction of 20 dBA with windows closed. Thus, the exterior noise standards would have interior noise levels 20 dBA lower. The City's standards are not in conflict with the USEPA information above. The Draft EIR evaluates the Project with respect to the City's standards. Unless otherwise stated, noise levels in the Draft EIR are generally reported as exterior noise levels and do not include an exterior-to-interior noise reduction of 20 dBA with windows closed.

Further, as shown in Table IV.K-18 and Table IV.K-19, the Project's traffic noise levels would result in maximum noise level increase of 0.6 dBA which is below the threshold of 5 dBA over existing traffic noise levels. Per Caltrans' Technical Noise Supplement to the Traffic Noise Analysis Protocol, a noise level increase of 1 dBA or less cannot be perceived by the human ear.<sup>138</sup> Therefore, traffic noise levels would be less than significant and would not lead to cardiovascular impacts associated with increased traffic noise. The comment does not provide any factual information that challenges or refutes the information regarding health impacts provided in the Draft EIR.

## Comment No. ORG 7A-111

### 2. The DEIR Fails to Evaluate All Sensitive Receptor Locations.

The DEIR fails to evaluate all sensitive receptor locations. It notes the different land uses that the 2006 Los Angeles CEQA Thresholds Guide identifies as sensitive receptors, but does not identify some of the sensitive receptors near the Project Site. The Thresholds Guide defines noise sensitive as residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheatres, playgrounds, and parks within 500 feet of a project site. (**Attachment N**, Excerpt Thresholds Guide p. I.1-3.) The most striking omission is the absence of a noise measurement point at the Fire Station. (DEIR, p. IV.K-21.) Because Los Angeles Fire

<sup>135</sup> USEPA, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*, March 1974.

<sup>136</sup> USEPA, EPA History: Noise and the Noise Control Act, last update July 15, 2021, <https://www.epa.gov/history/epa-history-noise-and-noise-control-act>, accessed February 2022.

<sup>137</sup> U.S. Department of Housing and Urban Development, *Noise Guidebook*, March 2009, p. 14.

<sup>138</sup> California Department of Transportation, Technical Noise Supplement to the Traffic Noise Analysis Protocol, Section 2.2.1, 2013.

Department (LAFD) staff will presumably be working, residing, and sleeping at that location, there must be a noise measurement point located there.

## Response No. ORG 7A-111

The comment asserts that the Draft EIR fails to evaluate all sensitive receptor locations. In this regard, refer to Topical Response No. 8 – Noise: Construction and Operation Impacts. As discussed in Topical Response No. 8, the Project’s construction and operation noise and vibration impacts were fully analyzed in Section IV.K, *Noise*, and Appendix J, *Noise and Vibration Technical Study*, of the Draft EIR. The Draft EIR’s noise analysis identified the area’s noise and vibration sensitive receptors, existing ambient noise levels, maximum construction noise and vibration levels and duration, and peak operation noise levels. Operation noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts.

Some land uses are considered more sensitive to noise than others due to the types of activities typically involved at the receptor location and the effect that noise can have on those activities and the persons engaged in them. The 2006 L.A. CEQA Thresholds Guide states that “[n]oise sensitive uses include residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheatres, playgrounds, and parks.”<sup>139</sup> The list of uses does not include fire stations.

Consistent with the definition of noise sensitive uses in the 2006 L.A. CEQA Thresholds Guide, eight off-site representative locations were selected as noise-sensitive receptors, which include Receptors R1 to R6 located within 500 feet of the Project Site, as well as Receptor R7 that is located beyond 500 feet from the Project Site and Receptor R8 located adjacent to the proposed Coldwater Canyon Avenue Riverwalk Path Ramp, as listed below

- R1: Single-family residential uses on west side of Bellaire Avenue.
- R2: Single-family residential uses at the corner of Bellaire Avenue and Valley Spring Lane.
- R3: Single-family residential uses at the corner of Teesdale Avenue and Valley Spring Lane.
- R4: Single-family residential uses at the corner of Babcock Avenue and Valley Spring Lane.
- R5: Multi-family residential uses at the corner of Babcock Avenue and Valley Spring Lane.
- R6: Multi-family residential uses on the east side of the Whitsett Avenue. Church use on the east side of Whitsett Avenue near the intersection with Valleyheart Drive and directly across the street from existing Los Angeles Fire Station No. 78.

<sup>139</sup> City of Los Angeles, 2006 L.A. CEQA Thresholds Guide, page I.1-3, 2006

- R7: Single-family residential uses on Sunswept Drive.
- R8: Multi-family residential uses north of the proposed Coldwater Canyon Avenue Riverwalk Path Ramp. This receptor location was only evaluated for potential impacts from construction related to the proposed off-site improvements at the Coldwater Canyon Avenue Riverwalk Path.

All other noise-sensitive land uses defined as noise sensitive uses by the City are located at greater distances from the Project Site or are not considered sensitive land uses and would experience lower noise levels from potential sources of noise on the Project Site due to distance loss.

As stated above, LAFD Fire Station 78 was not identified as a noise sensitive receptor, consistent with the City CEQA Threshold Guide. While it is acknowledged that firefighters could potentially sleep at the fire station on occasion, the same could be said for many other types of commercial or office uses which provide temporary employee sleeping areas. However, any such sleeping areas are not permanent places of residence, nor serve as the primary sleeping quarters for any employee or firefighter. Further, by their nature, fire stations produce high levels of noise from sirens and day-to-day equipment/vehicle operations, which could regularly disrupt sleep for firefighters. These reasons provide further support for fire stations not being included on the list of sensitive receptors in the City's CEQA Threshold Guide and within the Draft EIR.

Nonetheless, for informational purposes, the Project's acoustical consultant, Acoustical Engineering Services, Inc. (AES), performed a noise analysis to evaluate potential noise levels at the interior of the LAFD Fire Station 78, and specifically the sleeping quarters located approximately 85 feet east and 100 feet south of the Project Site. The City of Los Angeles Noise Ordinance/Regulations do not specify interior noise standards. Therefore, for purposes of this informational discussion, the interior noise standard from the Los Angeles County noise ordinance is referenced. Per the LA County Noise Control Ordinance (Section 12.08.400), the allowable interior noise level for residential land use (7:00 a.m. to 10: p.m.) is 45 dB. The results of the noise analysis are provided in the table below.

Description	Estimated Noise Levels, dBA (Leq)
Estimated construction noise levels at the exterior of the sleeping quarters building. Estimated noise levels include Project Mitigation Measure NOI-MM-1 (sound wall along the south side of the project construction area).	74.7
Estimated building noise reduction for sleeping quarters area (conservative assumption for building without windows)	35.0
Estimated construction noise levels inside the sleeping quarters	39.7
Interior Noise Standard, based on LA County noise ordinance (Section 12.08.400) for residential land use (7am to 10pm)	45.0

Based on the analysis, the estimated construction noise levels inside the sleeping quarters would be below the County's interior noise standard. Therefore, temporary firefighter sleep would not be significantly interrupted by Project construction activities. Because construction noise levels would be higher than operation noise levels, it can also be expected that temporary firefighter sleep would not be significantly interrupted by Project operational activities.

While the informational analysis above demonstrates noise levels within the LAFD Fire Station 78 sleeping quarters would be below the County's interior noise standard for residential uses, the comment nonetheless does not provide any factual information that challenges or refutes the information regarding sensitive receptor sites provided in the Draft EIR.

### **Comment No. ORG 7A-112**

Additionally, there should be a noise measurement point on the Zev Greenway, on the stretch between Bellaire Ave and Whitsett Ave. Because this stretch is part of a public greenway that abuts the Project Site, there should be a noise measurement taken somewhere along that stretch.

### **Response No. ORG 7A-112**

The comment asserts that the Draft EIR should have provided a noise measurement point on the Zev Greenway. As discussed in Chapter II, *Project Description*, of the Draft EIR, the Zev Greenway is an improved public trail along the northern edge of the Los Angeles River. The Zev Greenway is not a place of congregation, rather it is an alternative pathway connecting pedestrians and cyclists to other land uses and roadways. Individuals using the Zev Greenway would experience very short-term and temporary exposures to Project-related noise for durations measured in minutes and not hours while traveling through the area. The 2006 L.A. CEQA Thresholds Guide states that the period of exposure should be considered in the analysis of noise impacts.<sup>140</sup> The 2006 L.A. CEQA Thresholds Guide states that noise impacts are commonly evaluated using time-averaged noise levels,<sup>141</sup> and hourly averages and 24-hour day averages are typically used. Exposures on the order of minutes while traveling through the area on the Zev Greenway would not meet the definition of a time averaged exposure as described in the 2006 L.A. CEQA Thresholds Guide. Furthermore, the Zev Greenway is at a lower elevation than the Project Site and would experience lower noise levels than disclosed in the Draft EIR due to the barrier attenuation from the natural berm blocking the line-of-sight between the Zev Greenway and Project Site. Therefore, no additional analysis of the Zev Greenway is required.

<sup>140</sup> City of Los Angeles, 2006 L.A. CEQA Thresholds Guide, page I.1-1, 2006

<sup>141</sup> City of Los Angeles, 2006 L.A. CEQA Thresholds Guide, page I.1-2, 2006

## Comment No. ORG 7A-113

Further, there is a church across the street from the Project Site on Whitsett Ave, the 36th Church of Christ, Scientist. This should also be identified as a sensitive receptor and noise measurement location.

Finally, there is a recording studio located south of the Project site, Media City Sound, located at 12711 Ventura Blvd # 110, Studio City, CA 91604. Because of the sensitive nature of recording, this site should be considered a sensitive receptor for both noise and vibration impacts.

## Response No. ORG 7A-113

The comment asserts that the Draft EIR should have provided a noise measurement point for the 36<sup>th</sup> Church of Christ, Scientist, and Media City Sound. The 36<sup>th</sup> Church of Christ is located in the 16<sup>th</sup> Church of Christ, Scientist and is represented by R6 and is called out as a noise sensitive receptor (Church) on page IV.K-17 of the Draft EIR and Figure IV.K-3 of the Draft EIR. Per Response No. ORG 7A-111, above, the Media City Sound is located at a greater distance from the Project Site and would experience lower noise levels from potential sources of noise on the Project Site due to distance loss. Media Center Sound (12711 Ventura Boulevard) is located approximately 322 feet to the south of the Project Site at its nearest point, 700 feet to the south of Field B seating, and more than 1,000 feet to the west and southwest of Field A seating and the tennis courts, respectively. The enclosed gymnasium building would be located between Media City Sound and the higher noise generating uses (during operation) at Field A. Further, Media City Sound is not considered a noise-sensitive receptor per the 2006 Los Angeles CEQA Thresholds Guide and, therefore, is not analyzed as such. No additional analysis is required.

## Comment No. ORG 7A-114

### 3. The DEIR Must Evaluate Sleep Disturbance.

Excessive sound level can have a profound health impact by disturbing sleep. Sleep disturbance is considered “the most deleterious non-auditory effect of environmental noise exposure . . . because undisturbed sleep of a sufficient length is needed for daytime alertness and performance, quality of life, and health.” (**Attachment O**, Basner et al., *Auditory and Non-Auditory Effects of Noise on Health* (2014) 383 *Lancet* 1325, 1329.) Repeated sleep disturbance can change sleep structure, including “delayed sleep onset and early awakenings, reduced deep (slow-wave) and rapid eye movement sleep, and an increase in time spent awake and in superficial sleep stages.” (Id. at 1330.) The short-term effects of sleep disturbance include “impaired mood, subjectively and objectively increased daytime sleepiness, and impaired cognitive performance.” (Ibid.) Exposure to noise during sleep “may increase blood pressure, heart rate, and finger pulse amplitude as well as body movements.” (**Attachment P**, Stansfeld and Matheson, *Noise Pollution: Non-Auditory Effects on Health* (2003) 68 *Brit. Med. Bull.* 243, 244.) In 1974, the EPA observed that a nighttime

portion of a day-night average sound level of approximately 32 dB should protect against sleep interference. (**Attachment Q**, <https://nonoise.org/library/levels74/levels74.htm>, p. 28.).

## Response No. ORG 7A-114

The comment expresses the concern that excessive sound results in profound health impacts. The Draft EIR provides information to the public and decision-makers on the potential for the Project to result in sleep disturbance. Page IV.K-5 of the Draft EIR cites to the World Health Organization (WHO) Guidelines for Community Noise, which details the adverse health effects of high noise levels, including hearing impairment, speech intelligibility, sleep disturbance, physiological functions (e.g., hypertension and cardiovascular effects), mental illness, performance of cognitive tasks, social and behavioral effects (e.g., feelings of helplessness, aggressive behavior), and annoyance.<sup>142</sup> The USEPA Noise Effects Handbook states that “continuous or very frequent noise throughout the night, even as high as 95 dB (A-weighted), appears to cause little change in the average duration of sleep stages, since such stages are disturbed more by peaks that vary widely from the background ambient level than by high continuous levels alone.”<sup>143</sup> The USEPA Noise Effects Handbook also states that “the higher the noise level the greater the probability of a response” and that a study “found that there was a 5 percent probability, of subjects being awakened by peak levels of 40 dB (A-weighted level) and a 30 percent probability at 70 dB. If [electroencephalographic]<sup>144</sup> changes are also considered, these probabilities increase to 10 percent at 40 dB and 60 percent at 70 dB.”<sup>145</sup> The World Health Organization (WHO) Environmental Noise Guidelines for the European Region states that noise as well as non-acoustic factors such as temperature, humidity, and sleep disorders could also affect the quality of an individual’s sleep.<sup>146</sup> The WHO Environmental Noise Guidelines also conducted a meta-analysis of surveys for road, rail, and aircraft noise exposure and found a statistically meaningful association for the percent highly sleep disturbed for a 10 dBA increase.<sup>147</sup> As discussed on p. IV.K-5 of the Draft EIR, an increase of 10 dBA is perceived by the human ear as a doubling of the “loudness” and a 3 dBA increase is “barely perceivable.” As discussed in Section IV.K,

<sup>142</sup> World Health Organization Team, edited by Berglund, Birgitta; Lindvall, Thomas; Schwela, Dietrich H, Guidelines for Community Noise, 1999.

<sup>143</sup> U.S. Environmental Protection Agency, *Noise Effects Handbook*, 6. Sleep Disturbance, 1981, <http://www.nonoise.org/library/handbook/handbook.htm>, accessed May 2021.

<sup>144</sup> Electrical activity in the brain.

<sup>145</sup> U.S. Environmental Protection Agency, *Noise Effects Handbook*, 6. Sleep Disturbance, 1981, <http://www.nonoise.org/library/handbook/handbook.htm>, accessed May 2021.

<sup>146</sup> Basner, M., and S. McGuire, WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep, *International Journal of Environmental Research and Public Health*, 15(519), 2018, <https://pubmed.ncbi.nlm.nih.gov/29538344/>, accessed June 2021.

<sup>147</sup> Basner, M., and S. McGuire, WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep, *International Journal of Environmental Research and Public Health*, 15(519), 2018. <https://pubmed.ncbi.nlm.nih.gov/29538344/>, accessed June 2021.

*Noise*, of the Draft EIR, the Project's operation noise impacts would be below the City's noise thresholds. Further, as specified on pages II-34 and II-47 of the Draft EIR, the Project's regular outdoor athletic activities would be required to cease no later than 8:00 p.m. at both fields and the swimming pool and no later than 9:00 p.m. at the tennis courts. Based upon the School's 2018-2019 athletics calendar, approximately 50 percent of school days contained no outdoor athletic activities after 5:30 p.m.

Noise generating construction activity would terminate at 4:00 p.m. and no construction activities would occur during the nighttime in accordance with LAMC requirements. LAMC Section 41.40 prohibits construction activity before 7:00 and after 9:00 p.m. on Mondays through Fridays, before 8:00 a.m. and after 6:00 p.m. on Saturdays and National Holidays, or at any time on Sundays. As discussed in Section IV. K, *Noise*, of the Draft EIR, the Project's construction noise impacts were analyzed and disclosed in accordance with the City's noise thresholds of significance.

### **Comment No. ORG 7A-115**

Despite the potential for these harmful impacts, the DEIR fails to sufficiently analyze sleep disturbance and disclose the Project's risks of sleep disturbance to the public and decisionmakers. The DEIR is required to analyze and disclose "the nature and the magnitude" of the Project's potential impact on sleep disturbance and must connect the potential health impacts of sleep disturbance to the noise impacts from the Project. (*Friant Ranch*, supra, 6 Cal.5th 502, 519–21.) The Project will host sporting events that will run as late as 9:30 p.m., and with spectators filing out afterwards, may not clear out until much later. The Project is also adjacent to a Fire Station, where staff members may be sleeping at various hours throughout the day. The DEIR thus must evaluate whether the Project will impact sleep, as residential sensitive receptors about the perimeter of the Project. (DEIR, p. IV.K-18.) The DEIR provides no analysis of single event nighttime noise levels to evaluate these impacts. (*Berkeley Keep Jets*, supra, 91 Cal.App.4th 1344, 1372-82 [EIR that failed to study impacts of single event noise levels was inadequate].).

### **Response No. ORG 7A-115**

The comment states that the Draft EIR fails to adequately evaluate the Project's impacts on sleep disturbance and asserts that spectators leaving the Project may not clear out until much later than 9:30 p.m. In this regard, the Draft EIR clearly states that indoor sporting events would be required to end by 9:30 p.m. and outdoor sporting events by 8:00 p.m. (with the exception of public use of the tennis courts, which must end by 9:00 p.m.). It is also noted that the tennis courts currently stay open (and lit) to 10:00 p.m. and the driving range stays open and lit until 11:00 p.m. The assertion that sporting events may not clear out until much later is purely speculative. The Draft EIR adequately analyzed noise impacts from athletic activities.

See Topical Response No. 8 – Noise: Construction and Operation Impacts. As discussed in Topical Response No. 8, the Project's construction and operation noise and vibration impacts were fully analyzed in Section IV.K, *Noise*, and Appendix J, Noise and Vibration

Technical Study, of the Draft EIR. The Draft EIR's noise analysis identified the area's noise and vibration sensitive receptors, existing ambient noise levels, maximum construction noise and vibration levels and duration, and peak operation noise levels. Operation noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts.

Operation noise impacts, including a conservative analysis of all athletic facilities being used simultaneously, would not exceed noise impact standards established by the City and would be less than significant.

Refer to Response No. 7A-111 above for a discussion of sleep disturbance at LAFD Fire Station 78. As discussed therein, temporary firefighter sleep would not be significantly interrupted by Project construction activities. Because construction noise levels would be higher than operation noise levels, it can also be expected that temporary firefighter sleep would not be significantly interrupted by Project operational activities. Nighttime construction is not included as part of the Project and would not cause sleep disturbance during nighttime hours.

The Project would have no effect on aircraft or airport-related noise, which was the subject of *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) cited in the comment. Further, no single event nighttime noise was analyzed because athletic activities would not occur after 10:00 p.m. Note also that, with the exception of the tennis courts which would close at 9:00 p.m., the Project's outdoor activities would terminate at 8:00 p.m. and, thus, nighttime activities would not coincide with or overlap nighttime aircraft noise.

## Comment No. ORG 7A-116

### 4. The DEIR Fails to Disclose Conflicts with the Los Angeles Municipal Code Noise Regulations.

Section 111.00 of the LAMC states, “[i]t is hereby declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests **shall be systematically proscribed.**” (Emphasis added.) Despite this strong policy, the Project will have significant impacts related to construction noise. If the City were to approve the Project without mitigating these noise impacts, the Project would certainly run counter to this policy.

## Response No. ORG 7A-116

The comment indicates that the Project's significant construction noise impacts would run counter to LAMC Section 111.00. Section 111.0 is the Declaration of Policy for Chapter XI, Noise Regulation, for the LAMC. The declaration of policy serves as a statement by which subsequent policies within the LAMC aim to accomplish. The comment is misleading because the subsequent section of Chapter XI of the LAMC details the

policies, regulations, and thresholds related to various noise sources. Specifically, Chapter XI, Article I, Section 111.02 provides procedures and criteria for the measurement of the sound level of “offending” noise sources. In accordance with the LAMC, a noise source that causes a noise level increase of 5 dBA over the existing average ambient noise level as measured at an adjacent property line creates a noise violation. The Draft EIR addressed noise impacts in Section IV.K, *Noise*, with supporting data provided in Appendix K, Noise Technical Report, of the Draft EIR. As analyzed therein, noise impacts were properly analyzed according to the relevant codes and regulations set forth under Chapter XI of the LAMC.

### **Comment No. ORG 7A-117**

Section 115.02, subdivision (a) of the Los Angeles Municipal Code (“LAMC”) precludes the installation, operation, and use of amplifying equipment within 500 feet of residential zones for commercial purposes at any time. The Project will have paid spectator events, a commercial purpose, with amplified sound, despite the fact that the surrounding land uses include residential zones. Thus, the Project likely conflicts with LAMC section 115.02, subdivision (a).

### **Response No. ORG 7A-117**

The comment states that the Project’s amplified sound would likely conflict with LAMC Section 115.02. Section 115.02 of the LAMC regulates commercial uses and does not apply to the expansion of school athletic facilities for school programming.

The LAMC section referenced in the comment, LAMC Section 115.02, states: “[i]t shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, or permittees duly authorized to use the same pursuant to Sec. 103.111 of this Code, to install, use, or operate within the City a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any public street, alley, sidewalk, park, or place, or other public property...” As Article 5 specifically addresses sound emanating from sources on public property and not private property, the cited code section is not applicable to the Project.

Nonetheless, Section 115.02 (b) states “the operation or use of sound amplifying equipment for noncommercial purposes in all residential zones and within 500 feet thereof, except when used for regularly scheduled operative functions by any school or for the unusual and customary purposes of any church, is prohibited between the hours of 4:30 p.m. and 9:00 a.m. of the following day.” Most of the Project’s special events would be related to school programming so they would be allowed under this statute. The gymnasium and athletic fields may host up to five special events per year for the public based on community interest. The Draft EIR never mentions inclusion of paid or commercial events, rather that Field A or the gymnasium may be used for “performances, lectures, or community meetings, with outdoor events on Field A including such

activities as “Movies in the Park,” local concerts, or other performances” (Draft EIR Chapter II, *Project Description*, page II-34). Therefore, since the special events anticipated at the Project Site do not constitute a commercial purpose or use, the Project does not conflict with Section 115.02 of the LAMC.

## **Comment No. ORG 7A-118**

### **5. The DEIR Fails to Implement All Feasible Mitigation for Construction Impacts.**

The DEIR is required to consider and adopt all feasible mitigation measures. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 852, 866, 869.) The following mitigation measures must be considered:

- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Replacing gas- and diesel-powered equipment (e.g., leafblowers) with electric equipment to reduce the noise impacts associated with operation of that equipment.

## **Response No. ORG 7A-118**

The comment claims that the Draft EIR fails to implement all feasible noise mitigation measures. In this regard, the Draft EIR has considered all feasible mitigation measures related to Project construction. Page IV.K-58 of Section IV.K, *Noise*, of the Draft EIR presents Mitigation Measures NOI-MM-1 through NOI-MM-3, which include noise barriers, locating equipment at greater distances from sensitive receptors when feasible, implementing noise shielding devices, and implementing muffling devices on all construction equipment. Further, the Project includes a PDF limiting construction to Monday through Friday between 7:00 a.m. and 6:00 p.m. and Saturdays between 8:00 a.m. and 6:00 p.m., which is within the allowable hours per LAMC Section 41.40.

The repaving of roads where truck traffic is anticipated with low noise asphalt is wholly unnecessary. The Draft EIR evaluates the impacts of off-site construction noise (including truck trips) to and from the Project Site. The Draft EIR found that construction-related trips would not generate noise levels in excess of 5 dBA over ambient noise levels pursuant to Section 112.02 of the LAMC (See Table IV.K-10). Therefore, mitigation is not required to reduce the noise level associated with truck trips.

The replacement of fossil-fueled construction equipment with electric equipment for construction is technically infeasible at this point in time. Battery-powered heavy-duty construction equipment is still largely in the research and development stage. Original equipment manufacturers (OEMs), like Volvo, do have electric alternatives on the market, but availability is low and the equipment is cost-prohibitive.<sup>148</sup> Many construction contractors may not be able to source or afford electric equipment for their job site. In addition, battery reliability and operation time could be an issue with electric equipment. Much of the Project's construction would require ongoing day-to-day use that would require batteries of 300 kWh or larger for a 20-ton piece of machinery.<sup>149</sup> The current limitations of battery technologies would mean equipment would need extremely large batteries to operate, with longer charging times, and at a large cost to construction contractors. Charging of batteries would also require an on-site electrical hook-up capable of handling the plug load of multiple large-scale batteries. For the reasons mentioned above, the inclusion of electric construction equipment was deemed infeasible for the Project and was not included as part of the mitigation measures. The comment does not demonstrate with fact that the Project does not implement all feasible mitigation measures.

## **Comment No. ORG 7A-119**

### **J. The DEIR Fails to Analyze And Disclose Significant Transportation and Traffic Impacts and Mitigation.**

#### **1. The DEIR Relies on Traffic-Related Project Design Features That Improperly Defer and Segment Analysis and Mitigation of Project Impacts.**

The DEIR relies on three Project Design Features ("PDFs") designed to reduce the Project's impact on traffic and circulation. As described above in Section III, this is improper because it compresses the analysis of Project impacts and mitigation, and fails to adequately assess and disclose the Project's impacts to traffic without imposition of the PDFs. (*Lotus, supra*, 223 Cal.App.4th 645, 655-657.)

## **Response No. ORG 7A-119**

The comment asserts that the Draft EIR impermissibly used PDFs to reduce the Project's traffic and circulation impacts but contains no facts to substantiate the contention that use of the PDFs resulted in failure to disclose or analyze any impacts. See Response No. ORG 1B-22 regarding use of PDFs and Response No. ORG 1B-23 regarding the inapplicability of the *Lotus* decision to the Project's Draft EIR. See also Topical Response No. 9 - Transportation and Parking During Construction and Operations,. As discussed

<sup>148</sup> OEM Off-Highway, Can a fully Electric Construction Site Become a Reality in the U.S.?, March 2022. Available: <https://www.oemoffhighway.com/engineering-manufacturing/article/22119310/can-a-fully-electric-construction-site-become-a-reality-in-the-us>.

<sup>149</sup> IDTechEx, Electric Vehicles in Construction 2022-2042, March 2022.

therein, “The City, through the LADOT TAG, continues to require that transportation assessments analyze various non-CEQA transportation topics, such as pedestrian, bicycle and transit access, intersection operations, project access, construction period traffic effects, and residential street cut-through effects.” As discussed in Topical Response No. 9, the Project’s construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR, which is primarily based on the *Transportation Assessment for the Harvard-Westlake River Park Project* prepared for the Project, included in Appendix M of the Draft EIR. In accordance with LADOT’s Transportation Assessment Guidelines (TAG) adopted in July 2019 (updated in July 2020), the CEQA-required analysis to be included within the Draft EIR section includes an assessment of whether the Project would result in: 1) potential conflicts with transportation-related plans, ordinances, or policies; 2) a substantial increase in VMT; or 3) increased hazards due to a geometric design feature or incompatible use. In addition, in accordance with Appendix G of the CEQA Guidelines, an assessment of whether the Project would result in inadequate emergency access is included. The comment contains no facts to support the contention that compliance with the TAG compressed CEQA required analysis of transportation related impacts. Moreover, as traffic (street congestion) is a non-CEQA issue, the comment fails to state any basis for the contention that the Draft EIR’s transportation analysis was inadequate.

### **Comment No. ORG 7A-120**

Further, CEQA requires analysis of “the whole of an action,” and prohibits evading comprehensive CEQA analysis by splitting projects into separate pieces. (*CEQA Guidelines § 15378; Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263,283-84; Orinda Assn v. Board of Supervisors (1986) 182 Cal.App.3d 1145, 1171.*) Agencies are also prohibited from undertaking post-approval environmental review. (*Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393-95.*)

### **Response No. ORG 7A-120**

The comment indicates that the Project Description does not include the “whole of an action” Please refer to Response No. ORG 7A-22, above. As discussed therein, the Project does not include any existing or future changes at the Upper School campus, including the reuse or change in existing recreational facilities at the Upper School campus. Please refer to Topical Response No. 13 – Need for Project (Non-CEQA), regarding the use of the Project Site to supplement, not replace, the existing facilities. The whole of the action for the Project is as described in Chapter II, *Project Description*, of the Draft EIR and the comment provides no facts to support the contention that it does not.

### **Comment No. ORG 7A-121**

The PDFs improperly defer analysis of the Project’s impacts with respect to construction impacts. The EIR contains a Project Design Feature, TRAF-PDF-1, which defers until after Project approval the preparation of a Construction Management Plan (“CMP”).

(DEIR, p. IV.M-26.) The CMP will include “street closure information, a detour plan, haul routes, and a staging plan,” and will “formalize how construction will be carried out and identify specific actions that **will be required to reduce effects on the surrounding community.**” (*Ibid*, emphasis added.) This analysis should be included in the EIR so that it can inform the public and decisionmakers whether and to what extent the measures of the CMP, such as street closures, haul routes, staging may create project impacts. Without providing this analysis, the EIR fails to disclose the Project’s true impacts with respect to construction. Further, the CMP improperly defers mitigation for the Project’s impacts, by deferring analysis of the “specific actions that will be required” to reduce the Project’s effects on the surrounding community. Deferred mitigation violates CEQA. (*Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94; CEQA Guidelines § 15126.4(a)(1)(B).) Deferral is permitted when a mitigation measure commits to specific performance standards, but no such standards are included here.

## Response No. ORG 7A-121

This comment asserts that Project Design Feature TRAF-PDF-1, the construction management plan, should have been detailed and analyzed as a mitigation measure and impermissibly defers mitigation. See Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project’s construction transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, which was primarily based on the Transportation Assessment for the Harvard-Westlake River Park Project prepared for the Project, included in Appendix M of the Draft EIR. In accordance with the LADOT’s TAG adopted in July 2019 (updated in July 2020), the CEQA-required analysis to be included within the Draft EIR section includes an assessment of whether the Project would result in: 1) potential conflicts with transportation-related plans, ordinances, or policies; 2) a substantial increase in VMT; or 3) increased hazards due to a geometric design feature or incompatible use. In addition, in accordance with Appendix G of the CEQA Guidelines, an assessment of whether the Project would result in inadequate emergency access is included.

The TAG also requires assessment of “non-CEQA” transportation issues, which include: 1) pedestrian, bicycle, and transit access;<sup>150</sup> 2) project access, safety, and circulation; 3) construction traffic; and 4) residential street cut-through analysis. The analyses of these “non-CEQA” issues are included in the TA. However, since they are non-CEQA issues, they are not analyzed in the Draft EIR, unless they relate to the assessment of potential conflicts with transportation-related plans, ordinances, or policies mentioned above. In addition, an analysis of intersection levels of service (LOS) is included as appendices to the TA for informational purposes only and is similarly a non-CEQA issue.

<sup>150</sup> In addition to the non-CEQA pedestrian, bicycle, and transit access topics identified in the TAG, the Draft EIR considered any environmental impacts that the Project could have related to potential conflicts with a program, plan, ordinance or policy addressing transit, roadway, bicycle, and pedestrian facilities as required in the CEQA analysis of potential conflicts with relevant plans, regulations and policies.

Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Therefore, no mitigation measures are required for Project impacts related to transportation. Furthermore, it is standard City practice for a Construction Management Plan (CMP) to be prepared post-project approval. CMPs are typically prepared, reviewed and approved by the City close to the time construction activities start to account for the details of a project construction plan, schedule, existing conditions and other construction activities that may occur at the time of the start of construction. It would be speculative at this point of the Project to provide relevant details of the CMP such as street closure information or a detour plan based upon how construction will be carried out.

## **Comment No. ORG 7A-122**

### **2. The DEIR Fails to Adequately Assess Vehicle Miles Traveled (VMT).**

The DEIR fails to adequately assess Project vehicle miles traveled (VMT). Traffic engineer Tom Brohard, P.E., a highly qualified traffic consultant with over 50 years of experience, reviewed the DEIR's transportation analysis. Mr. Brohard noted several deficiencies in the DEIR's analysis of Project VMT. Those deficiencies are identified below, and in Attachment D. We request an adequate response to each of Mr. Brohard's comments in his letter which we have attached herewith.

## **Response No. ORG 7A-122**

The comment claims that the Draft EIR fails to adequately assess VMT, but does not raise any specific comments with regard to the Draft EIR traffic analysis or calculation of VMT. Refer to Response Nos. ORG 7A-181 through 7A-200 for specific comments raised in the referenced attachment.

## **Comment No. ORG 7A-123**

- Harvard-Westlake Trip Lengths - Trip lengths for shuttles and for private vehicles were assumed to be 1.5 miles. The measured distance along the recommended route on Coldwater Canyon Avenue, Moorpark Street, and Whitsett Avenue between the Upper Campus driveway and the passenger loading area on Valleyheart Drive is 1.7 miles. The 1.1-mile length of the return trip from the site back to the Upper Campus for shuttles via the Whitsett Avenue, Ventura Boulevard, and Coldwater Canyon Avenue route was incorrectly omitted from the VMT calculations.

## **Response No. ORG 7A-123**

The comment claims that return trips to the Upper School campus for shuttles were incorrectly omitted from the Draft EIR. In this regard, the Draft EIR evaluates a trip generation rate of 58 daily trips for the Harvard-Westlake shuttles, including 29 inbound and 29 outbound trips. If the inbound trips (29 trips) were to be multiplied by 1.7 miles for

an inbound shuttle VMT of 49 and the outbound trips (29 trips) were to be multiplied by 1.1 miles for an outbound shuttle VMT of 32, the total Harvard-Westlake shuttle VMT would be 81 VMT. This is less than the 87 VMT analyzed in the Draft EIR, meaning the analysis in the Draft EIR was conservative, and thus would not change the significance findings.

The trip generation for Harvard-Westlake private vehicles is only for inbound trips (43 trips) since the outbound trips were found to be the same as the existing outbound trip lengths for student vehicles leaving the Upper School campus to return home. If the inbound trips (43 trips) were to be multiplied by 1.1 miles for an inbound VMT of 47 VMT, it would be less than the 65 VMT analyzed in the Draft EIR. This would mean the analysis in the Draft EIR was conservative, and thus the separate discussion of outbound trips would not change the Draft EIR's significance findings.

### **Comment No. ORG 7A-124**

- Freshman Sports - The schedule of events identified three Freshman sports at the site (Girls Field Hockey, Boys Basketball, and Girls Volleyball). VMT lengths for these sports to the Project must be calculated from the Middle School Campus, not from the Upper School Campus.

### **Response No. ORG 7A-124**

Table IV.M-5 of the Draft EIR shows the net total daily VMT associated with the Project, which is the additional VMT that would be generated by the Project relative to existing operations. The Middle School students that would participate in sports at the Project Site are currently already bused from the Middle School to the Upper School campus for these sports, along with other Middle School students who use transportation to the Upper School campus at the end of the academic day (such as for after-school clubs and meeting up with the student's older sibling(s)). Therefore, these students would already be at the Upper School campus and, in terms of trip distribution, are included with the other Upper School students riding the shuttle to the Project Site (students from the Middle School are, except in very rare circumstances, not of legal driving age). Therefore, including the VMT associated with the travel of these students from the Upper School to the Project Site is conservative, since the busing between campuses is an existing condition that already occurs.

### **Comment No. ORG 7A-125**

- Weddington Golf & Tennis - According to Page 24 of the Transportation Assessment, data for one week in September 2019 was provided for tennis users at the existing facility to calculate the daily trip generation and that was then credited against the Proposed Project. This data was not included or disclosed in the Transportation Assessment Appendix for review by the public. There is no information provided as to how the data for tennis players relates to those using the clubhouse or to the golfers using the driving range or the 9-hole par three golf course. The average daily trip generation of 1,022 or 511 round trips requires

further study and evaluation to support the resulting net negative, offsetting credit of 2,098 daily VMT.

### **Response No. ORG 7A-125**

The comment alleges that the TA is inadequate because it is missing data needed to support the VMT analysis. The comment incorrectly asserts that the tennis data was used to calculate daily trip generation for the existing facility. Traffic counts collected on February 12, 2019, which was prior to the COVID-19 pandemic, were used to develop the trip generation for the existing use credit. The traffic counts were for the whole site and included both the tennis and golf uses.

The tennis players data from one week in September 2019 was used to develop trip distribution patterns, not trip generation as stated in the comment. The analysis was conducted during the COVID-19 pandemic, during which time it was not feasible to collect additional data for this purpose. However, historic trip distribution data (zip code data) was available from September 2019, before the COVID-19 pandemic, though only for tennis players and not for golfers. As the best trip distribution data available, it was used to represent both tennis players and golfers.

A list of tennis players' zip codes is provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, Figure M-1, *Tennis Players Zip Code Survey*, of this Final EIR. Figure M-1, supports and clarifies the evaluation of visitor origins and trip distribution as described in Appendix M, Transportation Assessment, of the Draft EIR. The Transportation Assessment was reviewed and approved by the LADOT.

### **Comment No. ORG 7A-126**

- Attachment 3C in the Traffic Assessment indicates the existing trips at the site were counted on February 12, 2019. The table indicates that 1,022 daily trips will be removed when the current Weddington Golf & Tennis operation is closed. However, the clubhouse and the putting green will remain open and in use after the site is redeveloped with the Project. Trips and VMT associated with these two remaining uses must be added back into trip generation and VMT for the site. It is not reasonable to assume trips associated with Weddington Golf & Tennis will be identical during a week in September 2019 and on February 12, 2019.

### **Response No. ORG 7A-126**

The comment contends that the TA improperly calculated daily trips by excluding the trips associated with the clubhouse and putting green. The trips associated with the clubhouse and the putting green were included as part of the trip generation of the Project in the Draft EIR, using the trip generation rates from the Institute of Transportation Engineers, Trip Generation Manual, 10<sup>th</sup> Edition, for Recreational Community Center (LU 495). The existing trips are shown in Attachment 3C of the Transportation Assessment provided in Appendix M of the Draft EIR.

Regarding the use of data from different times in 2019, it is standard traffic engineering practice to use data collected during normal conditions (i.e., not during the summer when school is not in session, not when there is a big event nearby) to be considered representative of average conditions. The weeks in September 2019 and February 12, 2019 would both be considered typical conditions. Therefore, using empirical count data from February to quantify the existing VMT credit is acceptable.

### **Comment No. ORG 7A-127**

- Right Turn Only Restrictions – Trip distribution to and from the Proposed Project indicates that 85% of all trips will have a trip end to the north and only 15% of all trips will have a trip end to the south. Right turn only restrictions at the north driveway and Whitsett Street will force 85% of the traffic to travel out of their way to return to their origin north of the Project. In addition, if all Valleyheart Drive vehicles are forced to turn right only on Whitsett Street, then all vehicles leaving the parking structure will be forced to travel 0.1 miles to Ventura Boulevard and then back, adding 0.2 VMT to 85% of the trips leaving the Project.

### **Response No. ORG 7A-127**

The comment asserts that the right turn only restriction will increase the VMT. The trip lengths as part of the VMT analysis was conducted using the GIS network analyst tool. This tool measures trip lengths from centroids to centroids of each zone involved in the analysis, which is standard practice for such analyses. As suggested in the comment, 0.2 miles would be added to the trips heading north on Coldwater Canyon Avenue (and eventually to reach the US 101 ramps) or northwest via Coldwater Canyon Avenue by specifying the route as a right turn from the north driveway onto southbound Whitsett Avenue, a right turn from southbound Whitsett Avenue to westbound Ventura Boulevard, and a right turn from westbound Ventura Boulevard to northbound Coldwater Canyon Avenue. Similarly, 0.2 miles would be added to trips heading northeast via Laurel Canyon Avenue by specifying the route as a right turn from the north driveway onto southbound Whitsett Avenue, a left turn from southbound Whitsett Avenue to eastbound Ventura Boulevard, and a left turn from eastbound Ventura Boulevard to northbound Laurel Canyon Avenue. However, even if 0.2 miles were to be added to the trip lengths for 85% of private vehicle trips generated by Harvard-Westlake students and employees, spectators and visiting team, and event attendees, the resulting difference would be an increase of only 33 VMT from what is shown in Table IV.M-5.

Considering the modifications discussed above in Response No. ORG 7A-123, the net increase in total daily VMT would be only 9, or 0.2 percent, over the 3,932 shown in Table IV.M-5 in the Draft EIR. The Project would still result in a net decrease in daily VMT, and the conclusions of the Draft EIR would remain unchanged.

## Comment No. ORG 7A-128

Additionally, the Transportation Assessment omits analysis of the vehicle trips and VMT associated with the seven acres of the Project site reserved for tennis and golf facilities, a clubhouse and café open to the public. (DEIR, Appendix M, Transportation Assessment, p. 22; DEIR, p. II-33 to -34.) The Transportation Assessment justifies its omission by stating that LADOT exempts “community-serving” recreational facilities from VMT analysis, but does not cite the LADOT Guidelines. (DEIR Appendix M, Transportation Assessment, p. 22.) On the contrary, LADOT Guidelines state that “For school . . . uses that are large in scale and are expected to attract people from a broader area, impacts would need to be further evaluated. . . .” (**Attachment R-** Excerpt LADOT Transportation Assessment Guidelines, p. 2-8.).

## Response No. ORG 7A-128

The comment asserts that the TA improperly omits analysis of VMT associated with the tennis and golf facilities(it is presumed the commenter was referring to the seven acres of landscaped areas, walking paths, and the Project’s eight tennis courts, as the existing golf and tennis courts would be removed). The community use component of the Project was exempt from the VMT analysis based on direction from LADOT that community-serving recreational facilities are exempt from VMT analysis. This finding was included by LADOT in the LADOT Transportation Assessment Letter, dated June 11, 2021, available in Appendix M, Transportation Assessment, to the Draft EIR, where the letter states:

“Second, the community use component of the project would be classified as a community-serving recreational facility and is therefore exempt from the VMT analysis.”<sup>151</sup>

This is also memorialized in the Memorandum of Understanding (MOU) with LADOT, which is included in Appendix A to the Transportation Assessment in Appendix M to the Draft EIR.

The community use component of the Project Site was, however, analyzed for Project access, safety, and circulation in the TA.

## Comment No. ORG 7A-129

The DEIR must be recirculated with a corrected VMT analysis to address these deficiencies.

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<sup>151</sup> Memorandum from Vicente Cordero, Department of Transportation, to Susan Jimenez, Department of City Planning, June 11, 2021, regarding Transportation Assessment for the Harvard-Westlake River Park Project, page 3.

## Response No. ORG 7A-129

The comment asserts that the VMT analysis is inadequate and must be recirculated. Please see the Response Nos. ORG 7A-122 through ORG 7A-128 above. The VMT analysis presented in Section IV.M, *Transportation*, page IV.M-41 of the Draft EIR was prepared in accordance with CEQA. Making the modifications to the trip lengths suggested in Response Nos. ORG 7A-122 and ORG 7A-127 above would result in a total Project VMT of 3,941 (an increase of only 9, or 0.2 percent, over the 3,932 shown in Table IV.M-5 in the Draft EIR) and an updated net total VMT of -2,089. The Project would still result in a net decrease in daily VMT, and the conclusions of the Draft EIR would remain unchanged. Because the Draft EIR adequately evaluates VMT in accordance with the LADOT Guidelines and the City's VMT Calculator, the VMT impacts are accurately disclosed and the recirculation of the Draft EIR is not warranted.

## Comment No. ORG 7A-130

### 3. The DEIR Fails to Analyze and Disclose the Project's Impacts to Emergency Access.

The DEIR fails to disclose the Project's impacts to emergency access. The two entrances to parking facilities on the Project Site are located north and south of the LAFD Fire Station 78. (DEIR pp. II-53, II-16.) The south entrance is located immediately west of the Fire Station, and this entrance will serve as the entry point for numerous types of vehicles: vehicles entering the at-grade parking lot, vehicles entering the below-grade parking garage, shuttles and buses, and rideshare vehicles. The south entrance will have a roundabout for vehicles to enter and exit, and a security kiosk to screen access to the roundabout and at-grade parking.

## Response No. ORG 7A-130

The comment asserts that the analysis of Project impacts on emergency access is inadequate. Impacts on emergency response, including effects on LAFD access, were fully evaluated in Section IV.M, *Transportation*, page IV.M-44 of the Draft EIR. The commenter is also referred to Topical Response No. 10 – Emergency Access, for a discussion of Project effects to operations at the LAFD Fire Station 78. As discussed therein, a flashing red warning light(s), activated by LAFD during the initial stages of response mobilization, will be installed on the southern exit driveway before vehicles reach Valleyheart Drive. The primary objective of the warning light is to assist the return of the fire trucks and other vehicles to the fire station via Valleyheart Drive and would reduce conflicts between vehicles leaving the Project Site and emergency vehicles leaving/coming back to the station and minimize eastbound queues by vehicles leaving the Project Site.

**Comment No. ORG 7A-131**

Besides traffic from cars entering and exiting the site, three shuttle buses to the Harvard-Westlake campus will operate every 5 to 10 minutes every weekday from 2:30 p.m. until activities end, and also on days when large events will occur on the site. (DEIR, p. II-55.) During the school year, activities will end no later than 9:30 p.m., and shuttles will ostensibly be running continuously until that time. (DEIR, p. II-47.) This will create excessive and consistent traffic of large vehicles in and out of the Project Site, every weekday afternoon or large event day, creating congestion around the fire station.

**Response No. ORG 7A-131**

The comment asserts that the analysis of Projects impacts associated with shuttles is inadequate. The comment contains no substantial evidence that supports the contention that traffic would be complicated by the Project's operation or that Project traffic would create hazardous or unsafe conditions.

The Harvard-Westlake shuttles were considered in the transportation analyses provided in: Section IV.M, *Transportation*, page IV.M-23; Table IV.M-5 on page IV.M-41 of the Draft EIR; and Appendix M, *Transportation Assessment for the Harvard-Westlake River Park Project*, of the Draft EIR, on PDF pages 41 and 42 of 217, Table 4, pages PDF pages 63 through 65 of 217, and Attachment 3 of Appendix A of the TA. Therefore, the conclusion was appropriately reached that the Project would have a less than significant impact related to traffic and as it relates to the School's shuttles and operation of LAFD Fire Station 78.

**Comment No. ORG 7A-132**

All of these project components will result in extensive traffic congestion in and around the fire station entrance, and would block emergency response vehicles from exiting and entering the station. As we stated in our scoping comments, this is the wrong project in the wrong area.

**Response No. ORG 7A-132**

The comment asserts that the analysis of Project impacts on emergency access is inadequate and expresses opposition to the Project. Impacts on emergency response were fully evaluated in Section IV.M of the Draft EIR. The commenter is referred to Topical Response No. 10 – Emergency Access, for a discussion of Project effects related to operations at the LAFD Fire Station 78. The comment, which expresses opposition to the Project, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 7A-133**

The DEIR's conclusion that the Project will not have significant operational impacts to emergency access is unsupported. As detailed in Mr. Brohard's letter, extensive queueing at the Valleyheart Drive entrance will impede access at the Fire Station. (**Attachment D**, p. 5.) The DEIR states that the Project's lack of installed barriers will prevent impeding of emergency access at the Project site. (DEIR, p. IV.M- 45.) While the lack of installed barriers may prevent matters from becoming worse, this point does not address the serious congestion that will occur at the Valleyheart Drive entrance, particularly as vehicles pour into the entrance, stop at the security kiosk, and then route to the appropriate location (e.g., garage, parking lot, roundabout). Further, the DEIR paints an unrealistic picture of the ability of emergency vehicles to cut through the congested traffic at the Project Site. The DEIR states that "Drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic." (DEIR, p. IV.M-45.) These "options" cannot overcome the physical reality of introducing too many vehicles into too constrained of a space. Neither sirens nor driving in the lanes of opposing traffic will help if there is no place for displaced vehicles to go, and the DEIR fails to address this.

### **Response No. ORG 7A-133**

The comment asserts that the analysis of Project impacts on emergency access is inadequate. Impacts on emergency response were fully evaluated in Section IV.M, *Transportation*, page IV.M-45 of the Draft EIR. The commenter is further referred to Topical Response No. 10 – Emergency Access, for a discussion of the Project's effects on operations at the LAFD Fire Station 78.

### **Comment No. ORG 7A-134**

For similar reasons, the DEIR's reliance on Project Design Feature TRAF-PDF-2 would likely be ineffective. (DEIR, pp. IV.M-45, IV.M-26.) TRAF-PDF-2 consists of a warning light placed at the south entrance to warn vehicles exiting the Project Site onto Valleyheart Drive that an emergency vehicle is approaching or exiting the Fire Station. (DEIR, p. IV.M-26.) The warning light, however, must be activated by a remote-control button pressed by LAFD firefighters/first responders in the emergency vehicle. As identified by Mr. Brohard's letter, this PDF will not prevent traffic congestion from blocking emergency access. (**Attachment D**, p. 5.) This PDF also does not improve access to the Project Site of other, non-LAFD emergency vehicles. Finally, even if the PDF were theoretically effective, it is unrealistic and places an undue burden on City firefighters/first responders responding to an emergency situation for the benefit of a private school's recreational facility. Further, it is not clear whether such a PDF would be enforceable, as it places a requirement on the Fire Station, which is not involved with or part of this Project.

The DEIR bases its conclusion that the Project's construction will not have impacts to emergency access on the implementation of a Construction Management Plan ("CMP") as stated in Project Design Feature TRAF-PDF-1. As we have already pointed out, the

CMP cannot be used to show that the Project will not have significant impacts to emergency access, because it is an improperly deferred and undefined measure. Although the measure was intended to reduce the Project's impacts, it is not identified as a mitigation measure in the DEIR and thus it is unclear whether the PDF will be retained in the approved Project and enforceable.

### **Response No. ORG 7A-134**

The comment questions the efficacy of Project Design Feature TRAF-PDF-2. The primary objective of the warning light contained in Project Design Feature TRAF-PDF-2 is to assist the return of the fire trucks and other vehicles to the fire station via Valleyheart Drive (the fire station's egress point for fire trucks is located on Whitsett Avenue), as the vehicle turning radii for some of the vehicles are large and require the width of the entire Valleyheart Drive to maneuver. There are two LAFD driveways on the north side of Valleyheart Drive that may use this warning light – the eastern driveway is used for the departure and return of the smaller apparatus and the western driveway is used for the return of the larger fire trucks.

Project Design Feature TRAF-PDF-2 requires that Harvard-Westlake install the warning light and provide the remote controls to LAFD. While it does not require the emergency responders to use the remote controls, it provides that option to them if they observe impediments from vehicles exiting the Project Site and so choose to use it. If they choose not to use it, in the event of an emergency, smaller apparatus and other emergency vehicles departing from the eastern LAFD driveway on Valleyheart Drive would still be able to employ the traditional method of sirens and horns to alert other drivers of their presence, and would be able to drive around other vehicles on Valleyheart Drive as necessary, since the roadway width is sufficient for the smaller LAFD vehicles to maneuver. In regard to the return of larger fire trucks that need to swing wide on Valleyheart Drive to enter the western LAFD driveway, returning is not an emergency situation and, if the emergency responders choose to not activate the warning light, it is likely that they would simply have personnel hold traffic on Valleyheart Drive while the truck enters the driveway. Such a technique is commonly used at fire stations when, for example, returning apparatus needs to back into a fire station from a public street.

The comment also questions the efficacy of Project Design Feature TRAF-PDF-1, the Construction Management Plan. The PDF would be enforceable through its inclusion in the Mitigation Monitoring Program and would be in place as a required component of the Project prior to the issuance of building permits. As the Construction Management Plan would be under the monitoring authority of the Department of Building and Safety, it would be enforceable. Moreover, the PDF is not a deferred mitigation measure but a Project feature. This PDF clearly sets forth the minimum requirements for the CMP with additional details required to be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site which cannot be known at this time.

## **Comment No. ORG 7A-135**

### **4. The DEIR Fails to Evaluate Construction and Project Equipment Which May Cause Hazards.**

The DEIR states that the Project will have a less than significant impact in substantially increasing hazards due to geometric design features or incompatible uses. (DEIR, p. IV.M-43.) Yet Project construction will occur for approximately 2.5 years (DEIR, p. II-61), during which construction equipment will be present at the site, which may create hazards. There may also be specialized equipment for maintenance of the athletic facilities which may create hazards at the site. The DEIR must evaluate this. Instead, the Transportation Assessment merely states “The Project’s multimodal amenities and location of driveways would not substantially increase transportation hazards.” (DEIR, Appendix M at Appendix B.)

## **Response No. ORG 7A-135**

This comment incorrectly asserts that the use of construction equipment may create hazards due to geometric design features or incompatible uses. The use of construction equipment is not related to transportation impacts regarding geometric hazards due to a design feature (i.e., sharp curves or dangerous intersections.). No specialized equipment for maintenance of the athletic facilities have been identified that relate to transportation-related geometric hazards. The Project will prepare a CMP that will provide project-specific measures to ensure the safety of the public in and around the Project Site. Refer to Response No. ORG 7A-121 for a discussion of the CMP.

## **Comment No. ORG 7A-136**

### **5. The DEIR Fails to Analyze and Disclose Conflicts with the Mobility Plan.**

The DEIR fails to disclose conflicts with the following policies of the Mobility Plan:

- 1.3 – Safe Routes to Schools: This policy requires the prioritization the safety of school children on all streets regardless of highway classifications. As described above, the Project involves heavy traffic congestion surrounding a fire station, at a facility where students are expected to be traveling in and out of every weekday. The EIR must analyze the Project’s consistency with this policy.
- 1.6 – Multi-Modal Detour Facilities: This policy requires the design of detour facilities to provide safe passage for all modes of travel during times of construction. As the project is anticipated to be constructed over 2.5 years and the Project defers analysis and development of a CMP, the Project conflicts with this policy.
- 1.9 – Recreational Trail Safety: This policy requires balancing of user needs on the City’s public recreational trails. Because the Project is adjacent to the Zev Greenway, the EIR must analyze the Project’s conflict with this policy.

## Response No. ORG 7A-136

As discussed in Section IV.M, *Transportation*, page IV.M-43 of the Draft EIR, the Project is not located in a Safe Routes to School program area and, as such, Policy 1.3, Safe Routes to Schools is not applicable nor included in the evaluation of the Mobility Plan. However, the Project would not alter adjacent streets or the right-of-way in a manner that would preclude or conflict with pedestrian access, including safe routes to school. Regarding the effects of driveways on street traffic, as discussed on pages IV.M-34 and IV.M-35 in Section IV.M, *Transportation*, of the Draft EIR, the LADOT Manual of Policies and Procedures (MPP), Section 321, Driveway Design, includes driveway design standards to minimize adverse effects on street traffic. MPP Section 321 also recommends that two-way driveways for commercial/industrial/multi-family residential developments be no wider than 30 feet in width. The Project's north driveway is proposed to be 39 feet wide and the south driveway is proposed to be 33 feet wide. However, the Project would reduce the number of driveways on Whitsett Avenue from two to one (the south driveway is considered an extension of Valleyheart Drive, which is an existing street), which would be an overall benefit since there would be reduced potential driveway conflicts between vehicles and pedestrians. The north driveway would be wider than the recommended 30 feet to permit provision of a median island on the driveway configured to restrict turns into and out of the driveway to right-turns only, and to enhance safety by minimizing conflicts. Additionally, the south driveway is the extension of a public street, Valleyheart Drive, which is currently 33 feet wide. Therefore, while the Project would not be consistent with the 30-foot recommendation in MPP Section 321, the inconsistency would not result in increased circulation, pedestrian or vehicular conflicts, including conflicts with students traveling to/from school. Also, all Project final design points of ingress/egress would be subject to review and approval by LADOT to ensure pedestrian safety.

Further, there is no reason to believe that pedestrians who may use the public sidewalks along Whitsett Avenue or Valleyheart Drive or the crosswalk at the intersection of Whitsett Avenue and Valleyheart Drive would not obey standard protocols of moving out of the way of emergency vehicles, nor that motorists would not obey Vehicle Code Section 22500.

Safe pedestrian access along the Project area rights-of-way during construction would be ensured under Project Design Feature TRAF-PDF-1, Construction Management Plan (CMP). Under the CMP, any sidewalk closure would require approval by the City of Los Angeles and would be developed and implemented to safely route bicyclists and pedestrians around any such closures. As such, the Project would not conflict with the policy of the Mobility Plan to prioritize the safety of school children on all streets regardless of highway classifications or conditions.

With regard to Policy 1.6, the Project would implement a CMP, which will identify any detour routes/facilities, if needed, to provide safe passage for all modes of travel during times of construction. Refer to Response No. ORG 7A-121 for a discussion of the CMP.

In addition, the comment contends that the Draft EIR is required to analyze Policy 1.9 of the Mobility Plan. As discussed in the Chapter II, *Project Description*, of the Draft EIR, the Project would provide safe public access on the pathway through the Project Site to the Zev Greenway and would provide an ADA-compliant pedestrian ramp to the Zev Greenway at Coldwater Canyon Avenue as requested by the Office of Council District 2. However, the safety of the Zev Greenway is a public safety issue to be addressed by the City and the LAPD. Because it is not the responsibility of the School to ensure public safety of the Zev Greenway, the Project would not conflict with policies related to the safety of public recreational trails.

### **Comment No. ORG 7A-137**

The DEIR also fails to disclose conflicts with the following Objectives of the Mobility Plan (p. 124):

- Decrease VMT per capita by 5% every five years, to 20% by 2035. As described above, the Project fails to accurately assess VMT.
- Meet a 9% per capita GHG reduction for 2020 and a 16% per capita reduction for 2035 (SCAG RTP). The Project will increase GHG emissions relative to existing conditions.).

### **Response No. ORG 7A-137**

The comment alleges that the Draft EIR is inadequate because it fails to disclose certain objectives of the Mobility Plan. However, the listed objectives from the Mobility Plan 2035 are goals for the City and are not directly applicable to the Project.

As noted in the Responses to Comment Nos. ORG 7A-122 through ORG 7A-129 above, the Draft EIR does not fail to accurately assess VMT.

### **Comment No. ORG 7A-138**

#### **6. Expert Analysis Reveals Further Deficiencies of the DEIR.**

As described above, traffic engineer Tom Brohard, P.E. reviewed the DEIR's transportation analysis and identified several deficiencies in that analysis. Those deficiencies are identified in **Attachment D**. We request an adequate response to each of Mr. Brohard's comments in his letter which we have attached herewith.

### **Response No. ORG 7A-138**

The comment introduces the traffic engineer's ensuing comments. No comments are made on the adequacy of the Draft EIR and no further response is necessary. Responses to the comments contained in Mr. Brohard's letter are included in Response Nos. ORG 7A-181 through ORG 7A-200, below.

## Comment No. ORG 7A-139

### K. The DEIR Fails to Adequately Disclose and Mitigate the Project's Adverse Recreational Impacts.

The existing uses on the Project site include heavily used golf and tennis facilities. The golf course is extremely busy; over 70,000 rounds are played each year, or about 200 rounds per day. It is a public golf course with diverse users and extremely low fees compared to other facilities throughout the City. (**Attachment S**, Weddington Golf: A Case Study In Cultural Relevance And Open Green Space.) “Weddington Golf ..only costs \$12 on weekdays, \$15 on weekends, and \$10 for seniors to play a round.” (Ibid.) The tennis courts are also extremely popular for use by teams, including the United States Tennis Association Team, leagues, and children’s programs. The courts have been home to the tennis teams from a number of high schools and are also home to one of the City’s largest tennis leagues, the Los Angeles Tennis Association.

## Response No. ORG 7A-139

The comment claims that the Draft EIR fails to adequately disclose and mitigate the Project’s adverse impacts on recreational resources. The comment, however, does not discuss the manner in which the Project would exceed the CEQA threshold, which is not the loss of resources, but whether the reduction in recreational uses would cause the deterioration of other recreational sites to the extent that other recreational facilities would need to be constructed or expanded, the construction activity of which would result in adverse construction impacts. Please refer to the CEQA threshold for parks and recreational facilities in Section IV.L.3, *Parks and Recreation*, page IV.L.3-19 of the Draft EIR. As evaluated in detail in Section IV.L.3, adequate public and private golf courses in the region could accommodate displaced golfers without resulting in the deterioration of such golf courses that would require the construction of new golf courses. Also, as discussed in Section IV.L.3, pages IV.L.3-24 through IV.L.3-26, and in Topical Response No. 11 – Recreation: Golf and Tennis Facilities, the Weddington Golf & Tennis site accommodates 100 weekday individuals and 150 individuals on each weekend day. In groups of two to four (standard practice for golf courses), this represents 25 to 50 rounds per weekday, and 38 to 50 rounds per weekend day (groups of four are encouraged on busier weekends at all golf courses). Because existing municipal golf courses have available capacity to accommodate the relocated golfers from the Project Site’s course (which generates a maximum of 38 to 50 rounds of golf per day) without exceeding the RAP’s service ratio of 250 rounds per day for municipal courses (the daily round capacity of the Los Feliz and Rancho Park Golf Courses), the relocation of golfers would not increase demand at a level that would foreseeably require the provision of new or reconstructed public golf courses.

With regard to tennis, Section IV.L.3, Table IV.L.3-6, *Projected Capacity of On-Site Tennis Courts*, page IV.L.3-25 of the Draft EIR illustrates the existing use of 16 courts and future use of 8 courts (including conservative assumptions for the School’s own use). As shown

in Table IV.L.3-6, the existing sixteen courts provide, on average, 96 sessions during a single weekday (480 sessions per week) and 78 sessions during a weekend day (156 sessions per week), for a total weekly average of 636 sessions. The weekly sessions total in Table IV.3-6 has been corrected in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, to reflect 636 weekly existing sessions. This session total only consists of public and teaching professional uses, and does not include School uses. The Project's eight future tennis courts would have the capacity to accommodate 88 public sessions per weekday (440 sessions per week) and 112 public sessions per weekend day (224 sessions per week), for a total weekly capacity of 664 sessions. The weekly sessions total in Table IV.3-6 has been corrected in Chapter 3 of this Final EIR, to reflect a capacity of 664 weekly sessions. The table reflects the School's use of all eight tennis courts on weekdays between 3:00 p.m. and 6:00 p.m., which is a conservative assumption since the School would not use all eight courts every weekday during the year, particularly during summer months and School breaks. Therefore, the Project would have adequate capacity to accommodate the same weekly number of tennis court sessions as the current Weddington Golf & Tennis facility. Although weekly capacity would be available, it is acknowledged that some tennis players would not be able to use the courts at their preferred times, and need to conduct their tennis activities at other times of the day or other days when there is ample court availability. However, inconveniences that are the result of personal preference are not a threshold of significance under CEQA. Further, players would have the option of relocating to other tennis facilities in the area listed and discussed in the Draft EIR that have adequate capacity (refer to page IV.L.3-25). The Project would be able to continue to host league matches as under existing conditions. Because the Project could offset the demand for off-site tennis facilities, the Project is not anticipated to increase demand for use of tennis courts to a level that would foreseeably result in substantial adverse physical impacts at off-site facilities or cause the need for new or physically-altered public tennis courts in order for the RAP to maintain adequate service ratios. As such, the Project would not exceed the CEQA threshold standard regarding golf and tennis facilities and the mitigation of impacts would not be required.

### **Comment No. ORG 7A-140**

The existing golf course and driving range at the Project site would be completely removed by the proposed Project. The loss of this recreational opportunity would cause a significant project impact that must be analyzed and feasible mitigation measures or alternatives adopted. The Project would also eliminate half of the existing tennis courts, and limits public use to times the courts are not being used by the School.

### **Response No. ORG 7A-140**

The comment claims that the loss of recreational opportunity would cause a significant impact. However, as discussed under Response No. ORG 7A-139 and in Section IV.L.3, page IV.L.3-19, "recreational opportunity" is not a CEQA issue. CEQA thresholds related to park and recreational facilities are as follows:

“In accordance with Appendix G of the CEQA Guidelines, a project would have a significant impact related to parks and recreation if it would:

- (a): *Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks;*
- (b): *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated: or*
- (c): *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.”*

As described in the Draft EIR, the implementation of reservations at municipal courses, as well as available capacity at other public and private (available to the public) courses, would ensure that the potential increase in use resulting from the displacement of current Weddington users would not exceed the capacity of these facilities. The capacity of the region’s golf facilities and the Project’s future tennis courts are also discussed in Response No. ORG 7A-139, above. While the loss of the on-site golf facilities and reduction in tennis facilities could pose an inconvenience for current users, the increased demand for use of other facilities is not expected to foreseeably result in the need for new or physically-altered public, nine-hole golf courses, or new public tennis courts (specifically because of the Project) in order for RAP to maintain adequate service ratios. As such, the Project would not exceed the threshold standard for recreational facilities and no mitigation measures would be necessary.

### **Comment No. ORG 7A-141**

While the DEIR relies on the Project including 5.4 acres of public space to absolve the Project of its impacts on recreational facilities, this is noncontiguous space, made up mainly of a walking path connecting the Project facilities that are intended mainly for Harvard-Westlake use. The Project does not include a true park with open space. At the same time, it privatizes the recreational facilities on this site for a significant portion of their operation and during times the public would be most likely to seek use of the facilities. This is contrary to the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Community Plan Policy 4-1.1, which requires the City to “Preserve existing recreational facilities and park space.”

## Response No. ORG 7A-141

The comment asserts that the Project would “privatize” recreational facilities primarily for School use. The comment also states that the Project’s provision of open space is to “absolve” the Project of its impacts. Both of these assertions are incorrect. The Weddington Golf and Tennis facility was a private commercial enterprise from its inception in the 1950s to the sale of the property in 2017 and is now currently owned by the School. The School has continued to operate the facility for public use of existing recreational facilities and intends to continue operating proposed recreational facilities for public use. Furthermore, as discussed in Response Nos. ORG 7A-139 and ORG 7A-140, above, the Project has no need to “absolve” impacts related to recreational facilities since it would not result in significant impacts to recreational uses. Moreover, the statement that the public walking path through the Project Site is noncontiguous is incorrect. The path, which has four gated entrances along Valley Spring Lane, is continuous and separated from the recreational uses to prevent conflation between athletic users (including members of the public and by the School) and the public. The pathway, to which the public would have all day access, does not access individual recreational facilities. The public’s access to these uses, as well as to the putting green and clubhouse, would be through the main gate on Whitsett Avenue. Most of the School’s outdoor activity, including use of the athletic fields, would occur in the late afternoons and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. The pathway, which would circumnavigate the Project Site and cover a distance of approximately 0.75 miles, would allow dog walking, recreation, relaxation, and observation of the natural setting and biodiversity around the Project Site. The pathway would be available for public use every day of the week from 7:00 a.m. to 9:00 p.m. and would not be affected by other activities within the Project Site. The putting green, clubhouse, and café would also be available to the public every day from 7:00 a.m. to 9:00 p.m. In addition, during the majority of hours of the day (see Response No. ORG 7A-83, above), the Project’s tennis courts, swimming pool, playing fields, and gymnasium would be available for public use. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional information, including the finding that the Project Site and its athletic facilities would be available for public uses to a greater extent than the School’s own uses (except for the swimming pool, which would be subject to more limited hours). Furthermore, the Project would not conflict with the Community Plan Policy 4-1.1. In response to the contents of Policy 4-1.1, Table LU-5 contained in Appendix J of the Draft EIR states: “The Project would not require the removal or reduction of any existing public recreational or park space and, thus, would conserve the area’s recreational uses. While golf would no longer be an available form of recreation on the Project Site, eight tennis courts would be developed and would be supplemented with a wide variety of field and gym-based sports, alongside new opportunities for the public to enjoy free outdoor recreation and relaxation within 5.4 acres of open space around the Project’s athletic facilities.” The “Program” listed in the Community Plan for implementation of Policy 4-1.1 states “[t]he plan assists in preserving such facilities and park space by changing the existing zone as applicable to the Open Space Zone, which provides such protection.” The Project Site’s land use designation is Open Space, and will remain Open Space. Therefore, the

Project would not conflict with policies to preserve the existing recreational facilities and park space.” The comment does not support the claims of significant parks and recreational impacts or inconsistency with Community Plan Policy 4-1.1.

The over-arching misconception displayed in this comment and similar comments is that the Project Site is currently public property to which the public is allowed complete and unfettered use. The Project Site and the current on-site facilities are not public property and can only be used by the public with the permission of the private property owner and upon payment of fees. See Response to Comment No. 7A-86 above and Topical Response 13 – Need For Project (Non-CEQA). While the Project would provide for public access in a park-like setting where none currently exists, and permit the public to use the School’s recreational facilities when not in use by the School, there is no obligation for a private property owner to replace an existing private use with a public use. Moreover, the comment provides no evidence that the Project Site is currently a park or public recreational facility or that the School’s use of its property would cause a significant impact as defined by the CEQA thresholds of significance discussed above.

### **Comment No. ORG 7A-142**

#### **L. The Project Could Increase Mosquito Activity in Project Vicinity, Resulting in Potential Public Health Impacts That the DEIR Fails to Address.**

The Project site is located next to the Los Angeles River, an area that attracts mosquitoes. West Nile virus can be carried by mosquitoes and mosquitoes carrying this disease have previously been found in the Studio City area. (See, <https://ktla.com/news/local-news/studio-city-neighborhood-will-be-sprayed-due-to-high-west-nile-virus-numbers-elevated-mosquito-activity/>, incorporated by reference.) The DEIR fails to assess the Project’s potential to allow for increased mosquito activity in the area.

### **Response No. ORG 7A-142**

The comment claims that the Project would increase mosquito activity. Mosquito activity is not a CEQA issue and is appropriately not addressed in the Draft EIR. However, the comment is noted for the record and will be forwarded to the Project’s decision makers.

### **Comment No. ORG 7A-143**

As set forth in Section V.C.2, the Project could adversely impact bat populations that currently use the numerous trees located on the Project. Bats help control mosquito populations and thus reducing bat species at the site could lead to increased mosquito activity.

### **Response No. ORG 7A-143**

The comment contends that the Project would adversely impact bat populations that currently use the Project Site and that eat mosquitos. Section IV.C, *Biological Resources*, of the Draft EIR on page IV.C-47 through IV.C-48 analyzes impacts to bats and concludes that the Project would result in temporary disturbances to local wildlife movement within the Biological Study Area with the removal of landscape trees that may be used by birds and bats; however, those species adapted to urban areas would be expected to persist on-site following construction because a significant number of native replacement trees (a 36-percent increase as compared to existing conditions) would be planted on-site. Consequently, impacts to foraging habitat would be less than significant. As stated in Response No. ORG 7A-142 above, the mosquito control issue within the Los Angeles River is the responsibility of the local vector control and the Project would coordinate, contribute, and cooperate with the local vector control to address any future mosquito issues or apply recommendations to minimize mosquito breeding or attractants.

### **Comment No. ORG 7A-144**

Additionally, the Project site currently contains 42 Blue Gum Eucalyptus trees.

Eucalyptus trees are an effective mosquito repellent. (See <https://www.simplygreenlawncare.com/blog/outdoor-plants-trees-and-shrubs-to-repel-bugs-this-summer/>, incorporated by reference; <https://www.fast-growing-trees.com/pages/repel-mosquitoes-naturally-plants>, incorporated by reference.)

### **Response No. ORG 7A-144**

The comment contends that the Project would remove eucalyptus trees that are an effective mosquito repellent. Mosquito activity is not a CEQA issue and is appropriately not addressed in the Draft EIR. However, the comment is noted for the record and will be forwarded to the Project's decision makers.

### **Comment No. ORG 7A-145**

By decreasing the number of mosquito consumers on the Project site, while simultaneously eliminating a source of mosquito repellent, the Project could increase mosquito activity, resulting in potential health impacts from this disease vector. The impact should have been analyzed in the DEIR, but was not.

### **Response No. ORG 7A-145**

The comment reasserts that the Project would increase the mosquito population. Please see Response Nos. ORG 7A-143 and ORG 7A-144. As stated above, the mosquito control issue within the Los Angeles River is the responsibility of the local vector control and the Project would coordinate, contribute, and cooperate with the local vector control

to address any future mosquito issues or apply recommendations to minimize mosquito breeding or attractants.

## **Comment No. ORG 7A-146**

### **VI. The DEIR's Alternatives Analysis is Inadequate.**

#### **A. The DEIR Relies on Overly Narrow Project Objectives.**

The DEIR is also required to identify project objectives, are a “clearly written statement of Objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of Objectives should include the underlying purpose of the project and may discuss the project benefits.” (CEQA Guidelines § 15124.) The City must exercise its independent judgment on project Objectives, and must not uncritically accept the applicant’s Objectives. (Pub.Resources Code § 21082.1, subd. I(1); *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4<sup>th</sup> 587, 602-603; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4<sup>th</sup> 1336, 1352; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4<sup>th</sup> 1437, 1460.)

## **Response No. ORG 7A-146**

The comment claims that the Draft EIR relies on overly narrow Project Objectives. In this regard, the Project’s Objectives, provided both in Chapter II, *Project Description*, and Chapter V, *Alternatives*, of the Draft EIR were reviewed and evaluated by the Planning Department prior to inclusion in the Draft EIR. The Project Objectives include the underlying purpose of the Project “to supplement the School’s athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future.” The comment provides citations to existing law on project objectives, but does not provide any information to support the statement that the Project Objectives are overly narrow.

## **Comment No. ORG 7A-147**

In addition, use of unduly narrow project Objectives violates CEQA (*In Re Bay Delta Coordinated Environmental Impact Report Proceedings* (2008) 43 Cal. 4<sup>th</sup> 1143, 1166 [“a lead agency may not give a project’s purpose an artificially narrow definition”].) Narrowly defining Objectives and using that to dismiss consideration of potential alternatives prejudicially prevents informed decision making and public participation. (*North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4<sup>th</sup> 647, 668, 671.)

Here, the DEIR includes several broad project Objectives, such as:

- Provide opportunities for shared use of a variety of types of recreational facilities and activities for the community.

- Create new publicly accessible open space with a broad array of recreational facilities in a safe and secure environment for the surrounding community and the public to use similar to a City-owned park.
- Increase public access to and enhance the adjacent Los Angeles River and Zev Greenway through a network of publicly accessible pathways.
- Replacing non-native trees with native tree species
- Incorporates sustainable design

(DEIR p. V-2 to 3.) However, the DEIR also includes a number of overly narrow project Objectives that essentially eliminate anything other than the Project exactly as proposed. This violates CEQA.

### Response No. ORG 7A-147

The comment asserts that some of the Project Objectives are overly narrow thereby preventing consideration of other alternatives. The comment appears to contend that specific Project Objectives that provide public access are acceptable but the objective that fulfills the underlying Project purpose of “supplement[ing] the School’s athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future” (page II-13 of the Draft EIR), is not permissible. The cases cited by the comment do not support this contention. As stated in full in the cited case, *In Re Bay Delta Coordinated Environmental Impact Report Proceedings* (2008) 43 Cal. 4<sup>th</sup> 1143, 1166:

“Although a lead agency may not give a project’s purpose an artificially narrow definition, **a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal.** For example, if the purpose of the project is to build an oceanfront resort hotel (*Goleta, supra*, 52 Cal.3d at p. 561) or a waterfront aquarium (*Save San Francisco Bay Assn. v. San Francisco Bay Conservation etc. Com.* (1992) 10 Cal.App.4<sup>th</sup> 908, 924-925 [13 Cal.Rptr.2d 117]), a lead agency need not consider inland locations. (See also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4<sup>th</sup> 704, 715 [29 Cal.Rptr.2d 182] [lead agency need not consider lower density alternative that would defeat primary purpose of providing affordable housing].)” (emphasis added.)

### Comment No. ORG 7A-148

The underlying purpose of the Project is identified as the providing a supplement to Harvard-Westlake School’s athletic and recreational facilities. Several very specific project Objectives make clear that the only way to fulfill that overarching purpose is

through the Project as proposed. The recreational and athletic facilities are required to provide facilities for all of the following:

- Develop a state-of-the-art indoor and outdoor athletic and recreational facility to support the School’s existing athletic programs and co-curricular activities, including basketball, soccer, football, track and field, tennis, swim, water polo, volleyball, fencing, weight training, dance, yoga, physical fitness, and wrestling programs.

(DEIR p. V-2.) This overly narrow project objective requires the excessively dense development of the site that the community has repeatedly objected to and is the cause of many of the Project’s impacts. Only a project that provides every single facility at exactly the large size proposed for the Project could meet this objective. This improperly prevents consideration of alternatives and thus violates CEQA.

### **Response No. ORG 7A-148**

The comment contends that the specific Project Objective to develop an athletic and recreational facility to support the School’s range of athletic and co-curricular activities would be too dense and too narrow. Thus, the comment seeks to insert the commenter’s opinion about what athletic and recreational activities the School needs to provide. Substituting the judgment of scholastic professionals on their needs for their students is not authorized by CEQA, supported by case law, nor justified by any facts which demonstrate that the Draft EIR fails to include reasonable Project Objectives.

Additionally, the comment fails to provide facts to support the contention that Project Objective 1’s specific objective of developing a state-of-the-art indoor and outdoor athletic and recreational facility to support the School’s existing athletic programs and co-curricular activities, including basketball, soccer, football, track and field, tennis, swim, water polo, volleyball, fencing, weight training, dance, yoga, physical fitness, and wrestling programs, was the only basis for rejecting any alternatives. As explained on page V-4 of the Draft EIR, CEQA Guidelines Section 15126.6(a) states that the purpose of analyzing project alternatives is to identify alternatives that “...would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...” As shown in the environmental analysis contained in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR, the Project would not have significant long-term impacts due to Project operations that would require consideration of alternatives that would reduce such impacts. However, the Project would have significant and unavoidable noise impacts during the Project’s construction activities that cannot be fully mitigated through feasible noise control measures. Thus, the alternatives analyzed were selected in light of the significant and unavoidable temporary construction noise impact of the Project, the Project Objectives, the feasibility of the alternatives considered, and public input received during the scoping period. Alternatives that were rejected from further consideration are fully discussed on pages V-5 through V-8 of the Draft EIR, with an explanation of why they were rejected as required by CEQA Guidelines Section 15126.6(c). These alternatives were rejected for a variety of reasons with some

failing to meet Project Objectives 1 – 3 which cover the needed athletic and sports facilities, the opportunity for shared use, and the ability to use the Project Site for academic opportunities. No alternative was rejected only for failing to provide the opportunities for the athletic activities described in Project Objective 1. Additionally, the comment contains no facts to substantiate the contention that these were not appropriate Project Objectives for this Project.

### **Comment No. ORG 7A-149**

While a portion of the project objective to provide public use of the site similar to a City-owned park is proper to rely upon, the objective then goes on to specifically designate the design proposed by the Project as being part of the objective, stating that the Project must provide “a community room café, and indoor and outdoor areas for public gatherings, performances, and occasional special events.” (DEIR p. V-2.) The DEIR cannot use the project Objectives to dismiss the possibility for any other project alternative.

### **Response No. ORG 7A-149**

The comment asserts that Project Objective 4 is overly narrow because it specifies what public uses the Project strives to provide. The comment provides no facts to substantiate the contention that this Project Objective is too narrow or that it resulted in refusal to consider reasonable alternatives that would avoid or lessen the Project’s significant and unavoidable construction noise impacts. As such, no further response is necessary. See also Response No. ORG 7A-147 regarding Project Objectives.

### **Comment No. ORG 7A-150**

The DEIR also improperly identify measures that are required to mitigate the oversized Project’s impacts as being project Objectives. This is done through including as an objective the design proposed to address Project impacts:

- Promote compatibility with the surrounding neighborhood through a design that (1) includes mature trees and extensive landscaping along the northern edge of the Project Site; (2) reduces off-site noise effects through placement of recreational facilities internal to the Project Site, use of landscaped walls and berms, and use of canopy structures adjacent to pool and playfield areas; (3) limits light spillover and glare through use of field lights with light-emitting diode (LED) technology, timer controls, and shields that comply with LAMC and RIO requirements; (4) provides ample on-site parking and prohibits off-site parking; and (5) maximizes public safety through 24-hour, seven-day a week on-site security, monitored points of entry, and enforcement of a prohibition on off-site parking.

(DEIR p. V-3.) The level of specificity included in this objective is improper. Moreover, relying on a project objective to mitigation [sic] Project impacts fails to provide the required assessment of Project’s impacts, analysis of mitigation efficacy, and prevents the required full enforceability. (Section IV.) As such, it is in violation of CEQA.

## **Response No. ORG 7A-150**

This comment asserts that Project Objective 7 contains too much design specificity and discloses what the commenter contends should be a mitigation measure. The Project's operational impacts are fully analyzed in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR. As demonstrated in the analysis, the Project would have no significant operational impacts, a conclusion reached without any reliance on Project Objectives. As such, no mitigation for operational impacts is required nor does Project Objective 7 purport to be a mitigation measure. Furthermore, Objective 7 is generalized in that it only expresses the intent to achieve compatibility with the adjacent residential community through basic design measures, such as dense landscaping, landscaped walls and berms, appropriate lighting, facilities internal to the Project Site, and adequate on-site parking. It does not set forth specific design measures that would limit the selection of a Project alternative. The comment does not contain any facts to substantiate a contention that Project Objective 7 is unreasonable, unlawful or resulted in rejection of any feasible alternative. As such, no further response is necessary.

## **Comment No. ORG 7A-151**

The project Objectives are further improperly narrow because they set forth that artificial grass is required. As discussed above, there are numerous adverse impacts associated with the use of artificial turf. Including this as a project objective improperly requires artificial turf be included in the project even if other natural turf would be less impactful.

## **Response No. ORG 7A-151**

The comment asserts that Project Objective No. 8, which includes among other sustainable and green building design features, the elimination of turf and use of artificial grass to reduce water demand and use of pesticides, is an unreasonably narrow Project Objective. As to the alleged adverse impacts of artificial turf, as explained on page V-7 of the Draft EIR, use of turf was evaluated and dismissed as not feasible because it would result in a much higher water demand than the Project, as well as requiring the use of fertilizers, pesticides, and herbicides, which could adversely impact the public and the environment. See also, Response Nos. ORG 7A-67 and 7A-76, above for further discussion on this issue. As to the contention that this portion of a Project Objective is too narrow, the comment provides no facts to substantiate the contention that the Project Objective is too narrow or that it resulted in refusal to consider reasonable alternatives that would avoid or lessen the Project's significant and unavoidable construction noise impacts. As such, no further response is necessary.

## Comment No. ORG 7A-152

### B. The DEIR Relies on Improperly Narrow Project Objectives to Eliminate Consideration of a Reasonable Range of Alternatives.

The City has a duty under CEQA to evaluate a reasonable range of alternatives to the environmentally damaging proposed Project. (*Laurel Heights I, supra*, 47 Cal.3d at 400.) As the California Supreme Court has stated:

Under CEQA, the public agency bears the burden of affirmatively demonstrating that . . . the agency’s approval of the proposed project followed meaningful consideration of alternatives and mitigation measures.

(*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4<sup>th</sup> 105, 134, emphasis added; accord *Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1035.) As the Court has said, while an EIR is “the heart of CEQA”, the “core of an EIR is the mitigation and alternatives sections.” (*Citizens of Goleta Valley v. Bd. Of Supervisors* (1990) 52 Cal.3d 553, 564.) Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA’s substantive mandate to “prevent significant avoidable damage to the environment” when alternatives or mitigation measures are feasible. (CEQA Guidelines § 15002(a)(3).)

## Response No. ORG 7A-152

The comment indicates that the Draft EIR does not evaluate a reasonable range of alternatives and claims the Project to be “environmentally damaging.” The range of Project Objectives were selected to address the Project’s significant and unavoidable impact caused by construction noise and vibration, which is the only factor that the selection of Project alternatives is required to address. As evaluated in detail in the Draft EIR, the Project would not result in other significant construction impacts or in any operational impacts that would exceed CEQA thresholds. The claim that the Project is “environmentally damaging” is based on conjecture in Comment Letter No. ORG 7A and not factual evidence. The implication that construction noise and vibration would not be the Project’s only significant and unavoidable impacts has been shown to be inaccurate in the responses above. Because the Project would not result in broad adverse environmental impacts, the need to evaluate a range of alternatives that do not specifically address construction noise and vibration would not be reasonable.

## Comment No. ORG 7A-153

Section 15126.6 of the CEQA Guidelines requires that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic Objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives . . . even if these alternatives would impede to some degree the attainment of the project Objectives, or would be more costly.” This discussion must

include “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project,” and expressly must address “[t]he specific alternative of ‘no project,’” the purpose of which “is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” Moreover, alternatives are not required to meet all project Objectives, and in reality it “is virtually a given that the alternatives to a project will not attain all of the project’s Objectives.” (*Watsonville Pilots Ass’n v. City of Watsonville* (2010) 183 Cal.App.4<sup>th</sup> 1059, 1087.)

### **Response No. ORG 7A-153**

The comment recites the law relating to analysis of reasonable alternatives in an EIR. The Project’s Alternatives would meet the underlying purpose of the Project to supplement the School’s athletic and recreational facilities and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future. However, it is correct that the selected Alternatives do not meet all of the Project’s Objectives. This is illustrated in Chapter V, *Alternatives*, Table V-3, *Ability of Alternatives to Meet Project Objectives*, pages V-150 through V-153 of the Draft EIR. Note also that Alternatives were selected based on the ability of the Alternatives to reduce the Project’s significant and unavoidable construction noise and vibration impacts to a level that would be less than significant. No other impacts were demonstrated in the Draft EIR or in Comment Letter No. ORG 7A to be significant or unmitigated. As the comment only presents general statements of law, it does not provide facts to demonstrate an inadequacy in the Draft EIR.

### **Comment No. ORG 7A-154**

Unfortunately, the DEIR’s artificially narrow approach for describing the project Objectives discussed above, improperly served to ensure that the results of its alternatives analysis would be a foregone conclusion. “One of [an EIR’s] major functions ... is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) This DEIR fails to meet that function. When discussing alternatives rejected from consideration, the DEIR makes clear that only those alternatives that include every single athletic facility they have identified for the proposed Project would be considered, rejecting on reduced facilities or limits on use claiming these fail to meet basic project Objectives. (DEIR p. V-7 to V-8.)

Instead, the DEIR only includes a stacked deck consideration of all student athletic facilities included in the proposed Project with public access limitations and a no project alternative that would cease existing operations.

### **Response No. ORG 7A-154**

The comment reasserts that the Project Objectives are too narrow to permit an adequate analysis of Project alternatives. The comment does not demonstrate how the Project’s

Objectives are “artificially narrow” or how the evaluated Alternatives represent a “stacked deck.” The underlying purpose of the Project is to “supplement the School’s athletic and recreational facilities and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future.” This objective could be met by a variety of athletic and recreational facilities. Many of the Project’s Objectives are intended to address land use obligations under the RIO District, such as the tree planting program with RIO-compliant tree species, a direct connection to the Zev Greenway, removal of invasive exotic and non-RIO compliant tree species, enhanced public access to the Los Angeles River, and sustainability. Other Project Objectives provide a range of recreational use associated with an indoor and outdoor recreational facility, provision of open space similar to a City-owned park, a variety of activities for the community, retention of mature trees along the Project Site’s periphery, maximizing public safety, and retaining the existing clubhouse, café, putting green, and golf ball-shaped light standards to convey their historic value. A variety of architectural designs, layout, and character of uses could accommodate these general Project Objectives.

It is understood that “artificially narrow” Project Objectives would be specific features, such as a certain style of roof or windows, specific landscape design, specified floor area, or similar details that narrow the options that would meet these parameters. The underlying purpose of the Project to supplement the School’s athletic and recreational facilities would be allowed as an appropriate Project Objective under CEQA. This objective does not prescribe specific features, such as building style or other design features, floor areas, or operating parameters that would narrow the selection of Project Alternatives.

Regardless, the Project would not result in substantial, operational environmental impacts to recreation, air quality, land use and planning, public services, utilities, transportation, hydrology, water quality, geology, noise, light and glare, or other areas of concern that would warrant the need for an Alternative that would eliminate any component of the Project’s underlying purpose. The position of the comment that the Project’s Objectives are artificially narrow is not justified by the evidence provided in Comment Letter No. ORG 7A.

### **Comment No. ORG 7A-155**

The DEIR establishes improper limits to reject consideration of an off-site alternative. Additionally, SCRA and SLAROS presented several alternatives in scoping comments that should have been evaluated but were not, including a Natural Park alternative and a true Reduced Density Alternative. Herein, we propose an additional alternative that would preserve the historic Weddington Golf Course, while enhancing stormwater facilities.

### **Response No. ORG 7A-155**

The comment asserts that the Draft EIR improperly rejected an off-site alternative and did not include alternatives proposed during the scoping comments, including the specific project that had previously been proposed by SCRA and its leadership (prior to the School’s purchase of the Property), who have also retained the commenter as their legal

representative. As explained in Chapter V, page V-5 of the Draft EIR, CEQA Guidelines Section 15126.6l states that the range of alternatives should be those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more significant effects. As to the off-site alternative, page V-6 of the Draft EIR fully explains the reasons why an off-site location is not feasible including distance to the Upper School campus, topography, and the fact that even if a nearby suitable property could be purchased by the School, it would also be in a dense urban area which would also likely be near other residential uses and, thus, result in similar significant and unavoidable construction-related noise impacts as at the Project Site. The analysis of the Draft EIR adequately explains why the off-site alternative is not feasible and the comment does not provide any facts to substantiate the contention that the analysis is inadequate.

As for the proposed Natural Park alternative (discussed in more detail under Response Nos. ORG 7A-158 through ORG 7A-162, below), the Natural Park alternative which consists primarily of a man-made lake, passive open space, golf driving range, and retention of tennis courts, would not meet the requirements of CEQA Guidelines Section 15126.6 in that it would fail to achieve the basic underlying purpose of the Project for recreation and athletic use or most of the Project Objectives. The Natural Park alternative would also require substantial excavation for the lake and, thus, would not reduce the Project's significant and unavoidable construction noise impacts. Moreover, contrary to the contention in the comment, the Draft EIR did consider alternatives suggested at the scoping meeting, as shown on pages V-7 through V-8 of the Draft EIR. Alternative uses, alternative Project Site designs, and substantially reduced development intensity proposals were considered and rejected since they either failed to meet basic Project Objectives or created additional environmental impacts. Note that the only significant and unavoidable impacts that needed to be addressed by Project Alternatives are construction noise and vibration. Because the Project would not generate significant operational impacts, the rejected alternatives were not required to address operational impacts.

## **Comment No. ORG 7A-156**

### **1. The DEIR Failed to Consider Off-Site Alternatives.**

The DEIR should have but failed to consider alternative project locations. (CEQA Guidelines § 15126.6, subds. (a), (f)(2).) The DEIR improperly rejects consideration any alternative location based on a claim that every single item on Harvard- Westlake's wish list needs to be provided and provided at the same site, claiming: a property would need to be of sufficient size to accommodate two playing fields, tennis courts, a pool, all with respective bleachers, and a gymnasium that would provide for recreational practice and instruction, as well as allow for competitive meets with available spectator seating and adequate onsite parking to preclude off-site parking" (DEIR p. V-6.)

As set forth above, this rejection of any alternative site is based on reliance on improperly narrow project Objectives. (Section VI.A.) Additionally, the DEIR provides no reason that the sports facilities and fields need to all be located at the same site. Harvard-Westlake's

baseball and softball team currently and would continue to use separate facilities in Encino. There is no reason other teams could not also be located at differing sites.

### **Response No. ORG 7A-156**

The comment asserts that the Draft EIR failed to consider off-site alternatives. Disagreement with the Project Objectives, the School's determination of its needs, or the analysis contained in the Draft EIR does not constitute facts which substantiate the contention that the analysis was inadequate. See Response Nos. ORG 7A-147 and 7A-148 for the criteria by which Project alternatives are to be considered and Response No. ORG 7A-155 for further discussion of the off-site alternatives.

### **Comment No. ORG 7A-157**

#### **2. The DEIR Failed to Consider Reasonable Alternatives That Would Meet Many of the Project Objectives.**

Initially, the analysis contained within the DEIR must be revised pursuant to the comments set forth above to allow for an accurate comparison of the proposed Project and potential alternatives. Once impacts are correctly assessed as significant, the discussion of alternatives must "focus on alternatives to the Project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of project Objectives, or would be more costly." (CEQA Guidelines § 15126.6(b).)

### **Response No. ORG 7A-157**

The comment asserts that the Draft EIR must be revised to correctly assess significant impacts and to address additional alternatives. The comment does not define a reasonable alternative that would meet Project Objectives while reducing the Project's significant construction noise and vibration impacts and does not describe which of the Project's Objectives would be met by the "reasonable" alternative. The comment also makes the claim that the analysis contained within the DEIR must be revised pursuant to the Comment Letter No. ORG 7A comments, above, to allow for an accurate comparison of the Project and potential alternatives. Based on the responses above, Comment Letter No. ORG 7A does not provide enough evidence to substantiate the claim that impacts not identified in the Draft EIR would occur and that the Draft EIR needs to be rewritten. Because the claim that other significant impacts would occur is baseless, the request for another "reasonable" Alternative that would reduce the significant impacts of the Project is unwarranted and no further response to this comment is required.

## Comment No. ORG 7A-158

### a. The DEIR Failed to Assess the Proposed Los Angeles River Natural Park Alternative.

SCRA and SLAROS presented detailed information to the City regarding a Los Angeles River Natural Park Alternative for the Project site and requested this alternative be analyzed in the DEIR. (**Attachment T**, LA River Natural Park Analysis.) This alternative has been supported by SCRA, SLAROS, the Santa Monica Mountains Conservancy, the Chair of the California State Senate Committee on Natural Resources and Water and many others as a multi-use project for the site with many community and ecosystem benefits.

The Los Angeles River Natural Park Alternative concept was created using the following guiding principles:

- Emphasize, celebrate and protect the regional importance of the site
- Preserve and enhance connections and public access to the Los Angeles River
- Improve water quality by integrating natural treatment of urban runoff
- Provide for regional public access to the Los Angeles River and other river trails
- Emphasize pedestrian access and links to public transit
- Restore native habitat and preserve open space
- Preserve historic recreational uses
- Address regional and community needs and concerns
- Assist in meeting Los Angeles River and regional water quality improvement goals of the Santa Monica Mountains Conservancy and other conservation organizations
- Be consistent with the City of LA's Los Angeles River Revitalization Master Plan and the County of LA's Los Angeles River Master Plan

## Response No. ORG 7A-158

The comment appears to contend that the Los Angeles River Natural Park Alternative should have been included in the Project Alternatives analysis. The Los Angeles River Natural Park Alternative would not meet the Project's underlying purpose to supplement the School's athletic and recreational facilities and in the abandonment of the Project's underlying purpose, the Alternative is not warranted just to address the Project's significant construction noise and vibration impacts. As proposed, the Project would follow most of the guiding principles of the Los Angeles River Natural Park Alternative, including to celebrate the importance of the Project Site; enhance connections to the River; improve water quality by integrating natural treatment of urban runoff; provide public access to the River and regional trails; emphasize pedestrian access; restore native habitat; preserve the historic clubhouse, café, putting green and provide tennis use; assist in meeting Los

Angeles River and regional water quality standards; and be consistent with the Los Angeles River Revitalization Master Plan (see Table LU-6 in Appendix J of the Draft EIR). However, the Los Angeles River Natural Park Alternative precludes any development of the Project Site with recreational uses that would meet the Project's basic purpose and, further, would appear to contain the same sort of narrow project objective that the commenter contends exists for the Project. Moreover, such an alternative, if demanded by the City to replace the Project analyzed in the Draft EIR, would constitute a taking of private property. Nonetheless, because the Project would not result in the profusion of significant, adverse impacts claimed in Comment Letter No. ORG 7A, the selection of an Alternative that would preclude any development for Harvard-Westlake School, the property owner, is not reasonable or necessary. As such, there is no compelling reason, nor CEQA requirement, for the Draft EIR to evaluate the Los Angeles River Natural Park as a Project Alternative.

### **Comment No. ORG 7A-159**

The Los Angeles River Natural Park Alternative combines a multi-acre Los Angeles riverfront park along the regional L.A. River Greenway with native habitat designed for runoff catchment, filtration and treatment systems to improve water quality in the Los Angeles River and assist in achieving State regulatory requirements and water quality improvement goals for the Los Angeles River. It also provides trail, habitat and open space lands immediately adjacent to the Los Angeles River. The Project site is the only remaining undeveloped site along 22 miles of the Los Angeles River in the San Fernando Valley where these recreational, biological, and water quality goals can be attained. The Los Angeles River Natural Park Alternative would improve water quality in the River by creating and restoring native habitats and naturally capturing and cleaning polluted urban runoff from 200 acres of the surrounding urbanized area.

### **Response No. ORG 7A-159**

The comment reasserts the commenter's desire to use private property for a public park but does not present facts to establish that the Project's Alternative analysis is inadequate. Moreover, the Project would achieve similar objectives as the Los Angeles River Natural Park Alternative, including capture and filtration of surface runoff from the Project Site, restoration of native plant and tree species in compliance with the RIO District, and provision of public pathways, as well as a pedestrian ramp connecting to the Zev Greenway. The comment does not describe the participating agencies or how these improvements would be implemented. Furthermore, because the Project would not result in the profusion of significant, adverse impacts claimed in Comment Letter No. ORG 7A, the analysis and selection of an Alternative that would preclude any development for Harvard-Westlake School as the lawful property owner is not reasonable or necessary.

### **Comment No. ORG 7A-160**

This alternative would also retain the existing driving range, putting green and most of the tennis facilities, and would connect the Project site to the Los Angeles River Greenway

Trail with public walking trails, viewing terraces, and ADA-compliant access. This alternative would provide the full range of native habitats necessary to sustain species biodiversity of plants, birds and animals, including open water, marsh, riparian and upland habitats, which would be engineered to naturally remove sediment, trash, debris, fertilizers, heavy metals, suspended solids, bacteria, oil and grease and pesticides. The Los Angeles River Natural Park would also include walking trails, a visitor center, interpretive signage, shade structures and solar power generated on site to make the project “grid-neutral”. The Los Angeles River Natural Park Alternative was specifically designed to achieve the Objectives of the LARRMP.



## Response No. ORG 7A-160

The discussion of the Los Angeles River Natural Park Alternative is noted. As called out in the graphic included with Comment No. ORG 7A-160, there would be a reduction in tennis facilities and the golf course has been eliminated (both being points of contention that the commenter raised against the Project). This Alternative would retain the existing driving range, putting green and, as with the Project, would connect the Project Site to the Zev Greenway with public walking pathways, viewing terraces, and ADA-compliant access. However, the Project would not result in the profusion of significant, adverse impacts claimed in Comment Letter No. ORG 7A, and the analysis and selection of an Alternative that would preclude any development for Harvard-Westlake School as the lawful property owner is not reasonable or necessary.

**Comment No. ORG 7A-161**

SCRA and SLAROS also submitted comments detailing the feasibility of this alternative. (**Attachment U**, September 29, 2014 SCRA and SLAROS comments on the draft EIR for the Senior Living Center Project, incorporated by reference.) The technical feasibility studies regarding this alternative were conducted by Community Conservation Solutions, Mia Lehrer and Associates Landscape Architects, BlueGreen Consulting and Psomas Engineering. (**Attachment T**).

In addition to technical feasibility, this alternative is also be [sic] financially feasible. Significant bond, grant and other funding has become available in recent years to address Los Angeles County and State of California water quality and lack of adequate park space. Of particular interest for this Natural Park Alternative is Measure W funding, the Safe, Clean Water Program adopted and funded by an overwhelming majority of voters. (See <https://safecleanwaterla.org/scw-program-details/>, incorporated by reference).

**Response No. ORG 7A-161**

The comment does not contain facts which support a contention that the Project's selection of Alternatives was inadequate as it only relates to a feasibility study prepared for an alternative that would prohibit the School's use of the Project Site for School uses. Moreover, the feasibility analysis of the Los Angeles River Natural Park Alternative discussed in the comment predates the sale of the Project Site to Harvard-Westlake School. This indicates a potential lack of public or agency will, interest in, or funding of the Los Angeles River Natural Park or the potential infeasibility of certain features, such as the size of the watershed area for collected surface water. Furthermore, the Project would not result in the profusion of significant, adverse impacts claimed in Comment Letter No. ORG 7A, and the analysis and selection of an Alternative that would preclude any development for Harvard-Westlake School as the lawful property owner is not reasonable or necessary.

**Comment No. ORG 7A-162**

Further, this alternative would meet a number of project Objectives by provide a variety of recreational opportunities, providing opportunities for science labs and outdoor classes, creating publicly accessible open space, increasing public access to the Zev Greenway, restoring native plant communities and RIO-compliant tree species, promoting neighborhood compatibility, using sustainable and green design and preserving the historic clubhouse. This alternative should also be considered in conjunction with the alternative sites that allows other sites to provide additional athletic facilities.

**Response No. ORG 7A-162**

The comment reasserts the benefits of any alternative that would prohibit the use of the Project Site for School purposes but it presents no evidence that the Alternatives analysis in the Draft EIR is inadequate. Although the Los Angeles River Natural Park Alternative

would meet a number of Project Objectives related to passive recreational opportunities, open space, tennis, collection of surface runoff, and enhanced public access to the Zev Greenway, it would not meet the Project's underlying purpose to supplement the School's athletic and recreational facilities. Although this alternative would address the Project's significant construction noise and vibration impacts, analysis of the Los Angeles River Natural Park Alternative is not warranted because it would not meet the Project's underlying purpose.

### **Comment No. ORG 7A-163**

#### **b. The DEIR Should Have Evaluated a Natural Golf Course Alternative.**

The DEIR should have also considered a version of the Natural Park Alternative that includes a revised and sustainable 9-hole golf course. The existing Studio City Golf Course is popular with local residents and those throughout Los Angeles and has been for many years. (**Attachment V**, ASGA, Water and Golf, Case Studies in Water Stewardship.) In recent years, existing golf courses have successfully investigated the potential to significantly increase the sustainability of this land use. Since golf courses maintain sites as open space, they provide significant opportunities for groundwater infiltration and stormwater capture and reuse. (**Attachment V**.)

An alternative relying on similar design and principles to the Los Angeles River Natural Park Alternative, but that incorporates a golf course into the open space should also be considered. For the reasons set forth above regarding the feasibility of the Los Angeles River Natural Park Alternative, this alternative is also feasible.

### **Response No. ORG 7A-163**

The comment asserts that the Draft EIR should have considered an alternative that retains the golf course use of the Project Site. The selection of Alternatives for the Draft EIR was not based on the feasibility of Alternatives, which would cover an infinite range of uses, but Alternatives that would reduce the Project's significant environmental impacts to less-than-significant levels (see CEQA Guidelines, Section 15126.6, which states: "An EIR shall describe a range of reasonable alternatives to the Project, or the location, of the Project, which would feasibly attain most of the objectives of the project but would avoid or substantially lessen any of the significant effects of the project.") The significant impacts identified by the Draft EIR were construction noise and vibration. Therefore, the selection of Alternatives was based on the ability of Alternatives to substantially reduce the highest construction noise generators, which were excavation and grading activities. The selected Alternatives included those that eliminated excavation for subsurface parking and the underground one-million-gallon water collection and reuse system. With the exception of the No Project Alternative, the selected alternatives would meet most of the Project Objectives while incrementally reducing the Project's significant and unavoidable construction noise and vibration impacts. However, these impacts would not be reduced to less-than-significant levels since the Project Alternatives would include a similar amount of daily construction activity in the same proximity to sensitive receptors

(residential uses). The purpose of the selection is described in more detail in Chapter V, *Alternatives*, pages V-2 through V-5 of the Draft EIR.

In addition, the alternative proposed in the comment would not achieve the underlying purpose of the Project to supplement Harvard-Westlake's Athletic and Recreational program. Since the Project would not result in the profusion of significant, adverse impacts claimed in Comment Letter No. ORG 7A, the analysis and selection of an Alternative that would preclude any development for Harvard-Westlake School would not be reasonable or necessary.

## **Comment No. ORG 7A-164**

### **c. The DEIR Failed to Considered a Reduced School Use Intensity Alternative.**

As set forth in this comment letter, many of the Project's impacts result from the Harvard-Westlake's attempts to cram far too much building and too many uses on to this unique and sensitive site. SCRA and SLAROS provided scoping comments urging the City to include a "Reduced Intensity Alternative" that limits the amount of new development on the Project site for Harvard-Westlake athletic facilities and the intensity of uses to reduce the Project's traffic, noise, biological, aesthetic, cultural resource, hydrological and other impacts. The DEIR failed to include any such reduced development and intensity alternative. The failure to provide an analysis of such alternative violates the rule of reason that an EIR must present a reasonable range of alternatives, especially in light of the Project's significant adverse impacts

## **Response No. ORG 7A-164**

The comment claims that the Draft EIR failed to include a reduced density and intensity alternative to reduce the Project's significant adverse impact presumed in the comment. However, as described on pages V-7 and V-8 of the Draft EIR, the Draft EIR did consider reduced development intensity suggestions provided in comments to the Notice of Preparation and evaluated a Reduced Density Alternative (Alternative 3). This alternative, however, as with the other Project Alternatives except for the No Project Alternative, would not eliminate the Project's significant and unavoidable impacts during construction. The purpose of the selection of alternatives, as discussed under Response No. ORG 7A-163, is to reduce the Project's significant construction noise and vibration impacts to less than significant levels. As evaluated throughout the Draft EIR and supported in the responses to the claims put forth in Comment Letter No. ORG 7A, the Project would not result in significant operational impacts including significant impacts related the Project's scale of development. Because the Project would not result in significant environmental impacts presumed throughout Comment Letter No. ORG 7A and implied in Comment No. ORG 7A-164, the analysis of an additional Reduced Density alternative to address non-existent impacts would not be required or necessary.

## **Comment No. ORG 7A-165**

### **C. The Alternatives Included in the DEIR are Inadequate.**

#### **1. The No Project Alternative Relies on Unsupported Changes at the Project Site.**

The DEIR turns the alternatives analysis into a post-hoc rationalization for the proposed Project by purposefully designing alternatives with the intent they would be rejected. The DEIR starts by making improper assumptions to allow for rejection of the No Project Alternative. CEQA requires that an EIR evaluate a “no project” alternative. “The purpose of describing and analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” (CEQA Guidelines § 15126.6, subd. (e)(1).)

## **Response No. ORG 7A-165**

The comment contends that the alternatives analysis was inadequate and that the No Project Alternative is based on improper assumptions. The claim that alternatives were selected for the purpose of being rejected is not correct nor supported by substantial evidence in the comment. As for the description of the No Project Alternative, contrary to the commenter’s contention, the description is appropriate and permissible under CEQA to describe what would occur at the Project Site if there were no Project. As explained on page V-9 of the Draft EIR, the No Project Alternative analyzes the impacts of the Alternative if there were no construction on the Project Site. As explained therein, while the current use at the Project Site has been maintained by the School in a signal of goodwill to the community while the Project is being considered, the School is not a permanent golf course and tennis court operating business, and the current uses would neither be consistent with the School’s education mission nor financially feasible. Therefore, under the No Project Alternative, all operations at the Project Site as they currently exist would cease. If the No Project Alternative were selected, the Project Site would be closed until (and if) the School has made a determination regarding future use of the Project Site, which is owned by the School. If the School were, in reality, a business that operated golf courses and tennis courts, the Project could be compared to such use, but that is not reality for the reasons mentioned above. The analysis of the No Project Alternative, therefore, appropriately depicted what would actually occur if the No Project Alternative were selected, with the comparison of the Project and other alternatives against that reality. In the same vein, it is common practice for an EIR to depict the No Project Alternative as resulting in an entirely vacant site although existing tenants may occupy portions of an, otherwise, vacant property. As stated in CEQA Guidelines Section 15126.6(e)(3)(B): “... where the failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.”

Regarding the continuation of a commercial enterprise (as would be the case if current fee-based golf and tennis operations were to continue), Harvard Westlake’s Articles of Incorporation state: “[Harvard-Westlake School] is organized for charitable purposes...including the maintenance and operation of a school and institution of learning limited to less than collegiate grade, devoted to the education of boys and girls and young men and young women, with such branches and departments as may be necessary for the carrying out of said educational programs.” The Articles of Incorporation also state: “This corporation is not organized, not shall it be operated, for pecuniary gain or profit.” As the School is under no obligation to continue operating the golf and tennis facilities and the School has determined that it could neither financially continue such use nor maintain a use that would be inconsistent with the School’s mission, the practical result of the Project’s non-approval would be closing the facility and fencing the Project Site as described in the Draft EIR. Accordingly, since the School would not be maintaining the existing facilities after the current interim use, analysis of the No Project Alternative without maintaining the existing uses is appropriate and consistent with CEQA guidelines.

### **Comment No. ORG 7A-166**

While this no project alternative analysis is required to discuss the existing conditions, it must also assess “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” (CEQA Guidelines § 15126.6, subd. 1(2).) The DEIR instead assesses a No Project alternative based on unsupported assumptions, stating: the DEIR “assumes that no new development would occur within the Project Site. The current Weddington Golf & Tennis facility would discontinue operation because the current use is not consistent with the School’s educational mission or financially sustainable for the School.” (DEIR p. V-9.) The DEIR assumes the entire site would be shuttered and unused. This disregards a number of relevant factors. First, the golf course, driving range and tennis courts are all currently heavily used. The DEIR provides no information to support a claim that they would not continue to be frequently used. The DEIR also fails to provide evidentiary support that operation of the Weddington Golf Course, which has operated for more than 60 years.

### **Response No. ORG 7A-166**

The comment asserts that there is no basis for concluding that the School would not continue the current uses if the Project is not approved. See Response No. ORG 7A-165 above. The comment provides no facts upon which to base its contention or its disagreement with a private property owner’s determination of what it will do with the Project Site. The purpose of describing and analyzing a No Project/No Build Alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving a proposed project. Although a No Project/No Build Alternative describes the existing conditions, which are also discussed in detail throughout the Draft EIR, under CEQA Guidelines Section 15126.6(e)3(b), as described above, “ the analysis should identify the practical result of the project’s non-approval” The

School has articulated a willingness since it purchased the Project in late 2017 to continue the former use until a decision is made for the Project, and no longer. The existing use would certainly cease operation at the time of a final decision, if not earlier. Furthermore, the existing use of the Project Site is evaluated throughout the Draft EIR in its comparison to the effects of the Project.

### **Comment No. ORG 7A-167**

Further, this fails to consider the reasonable expectation that the Project site would be sold or otherwise acquired by an entity other than Harvard-Westlake if it is not developed as a School athletic facility campus. Significant grant and other funding is available to acquire this site for use as a public park or for watershed protection and habitat due to it being one of the largest open space areas located along the Los Angeles River. Failure to consider these reasonable possibilities is a CEQA violation. (*Save the Hill Group v. City of Livermore* (2022) 76 Cal.App.5th 1092.)

### **Response No. ORG 7A-167**

The comment asserts that Draft EIR's analysis of the Alternative 1: No Project/No Build Alternative (Alternative 1) should have considered the potential for sale of the Project Site if it were not developed for School athletic facilities. Contrary to the assertion in the comment, the Draft EIR fully discussed Alternative 1 and appropriately determined that if the Project could not proceed, the School would close the golf course and all other on-site facilities. (Draft EIR, pages V-9 through V-41.) Unlike the situation in the case cited in the comment, the Project Site is not subject to receiving funding under any settlement agreement entered into by the City or the School. The School is under no obligation to sell the Project Site and has no plans to do so. CEQA does not require the EIR analysis to engage in speculation, even for a no project alternative, and it is without speculation that the School has made statements that the existing golf and tennis amenities are not consistent with its educational mission and would cease operations upon the City's rendering of its decision relative to the Project's entitlements application. Pursuant to CEQA Guidelines Section 15126.6(e)(3)(B), the no project alternative must discuss "predictable" actions by others if the project is rejected. As the School is under no obligation to sell the Project Site and has no obligation to put this private property to public use, Alternative 1 appropriately assumed that the Project Site would not be developed if the Project is rejected.

### **Comment No. ORG 7A-168**

#### **2. The Alternatives Contained in the DEIR Are Designed to Fail.**

The DEIR considers only limited alternatives, that are designed to increase impacts and fail to comply with legal requirements. This is inadequate under CEQA.

The DEIR includes three alternatives, all designed to eliminate legally required and fundamentally important aspects of the Project. All three alternatives eliminate inclusion

of the stormwater capture and reuse system. (DEIR p. V-4.) The DEIR fails to explain how these alternatives would otherwise include on-site stormwater retention and reuse as required the City's LID regulations.

### **Response No. ORG 7A-168**

The comment asserts that the Draft EIR only included limited alternatives designed to increase impacts and failed to explain why the Project's stormwater retention and reuse system would not be included in the alternatives. CEQA does not require a EIR to analyze any specific number of alternatives. Pursuant to CEQA Guidelines Section 15126.6(a), "[a]n EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. ... There is no ironclad rule governing the nature or the scope of the alternatives to be discussed other than the rule of reason. [citations omitted]" Chapter V, *Alternatives*, of the Draft EIR, provides a reasonable range of alternatives and explains the reasons for selecting those alternatives and rejecting others. The comment contains no facts to substantiate the contention that the range of alternatives analyzed were impermissibly limited.

As to the contention that the Draft EIR fails to explain the exclusion of the on-site stormwater cistern and fails to show compliance with the City's LID ordinance, the comment is incorrect. As explained on page V-4 of the Draft EIR, the alternatives analyzed were selected on the basis of whether they could avoid or substantially lessen the temporary construction noise impact of the Project and whether they could meet the Project's underlying purpose and most of the Project Objectives. Alternative 2: At Grade Parking Alternative (Alternative 2), would reduce the amount of excavation and soil exportation and shorten the construction time by eliminating the underground parking and the underground water cistern in an attempt to avoid or substantially lessen the construction noise impacts of the Project. As is fully explained on pages V-61 through V-62, reducing the excavation volume and use of heavy excavation equipment and number of overall haul trucks would reduce the Project's significant and unavoidable construction noise impact, (although it would not reduce the maximum daily construction noise levels or the cumulative construction noise impacts). Therefore, the Draft EIR does provide an explanation for elimination of the underground cistern. Further, contrary to the assertion that the analysis fails to discussion the LID requirements for this alternative, page V-60 of the Draft EIR, states that Alternative 2 would still be required to comply with the applicable LID regulations regarding capture and treatment of the stormwater originating the Project Site. However, the LID ordinance does not require construction of an underground cistern capable of capturing stormwater runoff as is proposed by the Project. Compliance with the LID ordinance, on the other hand, could be satisfied with flow-through planters or bioswales though such methods are acknowledged as secondary to capture and reuse systems. The underground stormwater capture and reuse system meets the Project's LID Ordinance requirements. All Project Alternatives would be subject to the requirements of the LID Ordinance, but could comply with these requirements using other capture and treatment methods.

Similarly, pages V-91 through V-92 of the Draft EIR adequately explain that Alternative 3: Reduced Density and Programming Alternative (Alternative 3) would comply with the applicable LID regulations to capture and treat stormwater originating from the Project Site. As further explained on page V-95, Alternative 3 would substantially reduce the excavation volumes and the use of heavy excavation equipment as well as the overall number of haul trucks by eliminating underground parking and the underground water cistern. Thus, the analysis of Alternative 3 both explains the reason for eliminating the underground cistern and provides for compliance with the LID regulations.

Finally, similar to the other two build alternatives, Alternative 4: No Public Use/No Public Events (Alternative 4) seeks to reduce the Project's temporary construction noise impacts by eliminating the underground water cistern, which would reduce the soil export and thereby reduce the total haul truck trips as well. (Draft EIR at page V-109.) As explained on page V-124, Alternative 4 would comply with the applicable LID regulations to capture and treat stormwater originating from the Project Site. Thus, similar to the other two build alternatives, the Draft EIR explains both the reason for eliminating the underground cistern and provides for compliance with the LID regulations.

For all the reasons summarized above, the Draft EIR contains an adequate analysis of Alternatives 2, 3 and 4, including the purpose for eliminating the underground water cistern and the requirement to comply with the LID ordinance. The comment does not contain facts to substantiate the contention that the analysis of these alternatives provides insufficient information to allow a meaningful evaluation, analysis, and comparison with the Project. As such, no further response is necessary.

### **Comment No. ORG 7A-169**

All three alternatives also eliminate the subterranean parking garage and instead use large portions of the Project site for surface parking. This turns large portions of one of the few remaining open space sites located adjacent to the Los Angeles River into a parking lot. (See DEIR p. V-74, Fig V-1.)

### **Response No. ORG 7A-169**

The comment states that all three alternatives eliminate the subterranean parking garage and instead uses large portions of the Project Site for surface parking, further eliminating open space adjacent to the Los Angeles River. Only the No Project Alternative and Alternatives 2 and 3 would eliminate the subterranean garage. Alternative 4 would retain the subterranean structure. Because the Project would result in significant and unavoidable noise impacts associated with the Project's grading and excavation phase of construction, the selection of Alternatives was based on Alternatives that could reduce this phase of construction and, respectively, reduce the Project's significant and unavoidable construction noise and vibration impacts. As discussed on pages V-127 through V-128 in Chapter V, *Alternatives*, of the Draft EIR, the elimination of excavation activities needed for the subterranean cistern under Alternative 4 would achieve a reduction in noise and vibration impacts since it would reduce the Project's overall

excavation volumes and the use of heavy excavation equipment, the duration of activity, as well as the overall number of haul trucks entering and leaving the Project Site. However, Alternative 4 would not reduce the maximum daily noise levels during peak construction and activity and would not reduce the significant and unavoidable construction and vibration impacts to a less-than-significant level. Since parking for visitors and larger events would be required under the Project's primary purpose, other configurations to accommodate parking were evaluated. The use of surface parking was analyzed in Alternatives 2 and 3 as an option (1) to determine if it were achievable, (2) to determine if it would reduce or eliminate the Project's significant and unavoidable Project-level and cumulative impacts, and (3) to determine if it would result in any secondary impacts that would not occur under the Project. The location of surface parking throughout the Project Site is less consistent with the Project's Objectives regarding the provision of open space and replacement trees. However, it would reduce the Project's significant construction noise and vibration impacts but not to less than significant levels and would not result in additional environmental impacts.

### **Comment No. ORG 7A-170**

In addition to the elimination of the stormwater recapture system and subterranean parking, Alternative 2 includes construction of one of the athletic fields elevated above at-grade parking, similar to a plan previously rejected on Harvard-Westlake's Coldwater Canyon Campus. This elevates and increase the impact of the noise and lighting associated with use of the athletic field on the surrounding residential community and the adjacent biological resources.

### **Response No. ORG 7A-170**

The comment contends that eliminating the stormwater recapture system and locating parking at grade in Alternative 2 would increase noise and lighting impacts associated with the elevated athletic field. Alternative 2 was designed to reduce the Project's significant construction noise and vibration impacts while achieving most of the Project's Objectives, by reducing the amount of excavation that would be needed for the stormwater capture and reuse system and subterranean parking. Contrary to the assertion in the comment that Alternative 2 would increase light impacts, the facts indicate that Alternative 2 would not exceed CEQA threshold light and glare levels as discussed on page V-43 in Chapter V, *Alternatives*, of the Draft EIR. As such, Alternative 2 light and glare would be similar to the Project's less-than-significant impacts.

### **Comment No. ORG 7A-171**

Alternative 3 would also include the above identified subsurface eliminations. It would retain both athletic fields, the massive gymnasium building and swimming pool, but would eliminate the tennis courts as well as approximately half of the public open space on the Project site.

## **Response No. ORG 7A-171**

The comment correctly depicts the character of Alternative 3. As with other alternatives, Alternative 3 would reduce the Project's significant construction noise and vibration impacts but would satisfy fewer of, and to a lesser degree, the Project Objectives. In addition, the construction of Alternative 3 would not reduce the Project's significant noise and vibration impacts to less-than-significant levels.

## **Comment No. ORG 7A-172**

Alternative 4 would eliminate all public access to the Project site, a clearly unacceptable alternative. It would also eliminate open space and walking paths, as well as the connection to the Zev Greenway.

## **Response No. ORG 7A-172**

The comment correctly depicts the character of Alternative 4. As with other alternatives, Alternative 4 would reduce but not eliminate the Project's significant construction noise and vibration impacts, as well as daily activity levels that could be associated with increased traffic, noise, lighting, VMT, and GHG emissions. As discussed in Topical No. 3 – Enforcement of Public Access, public uses of the privately-owned Project Site would be available for the majority of each day, exceeding even those uses by the School. An elimination of the public uses would therefore have the largest reduction on daily operational impacts. Alternative 4, however, would be less desirable in terms of Project Objectives. Specifically, Alternative 4 would not meet the Project's Objective to accommodate public access and use of the Project Site.

## **Comment No. ORG 7A-173**

All three of these alternatives fail to reduce any of the excessive density of school athletic facilities wedged onto the site by the Project and eliminate only legally required, impact reducing and public benefit aspects of the Project. Thus, they are all improperly designed to fail and provide a false choice between a bad project and worse versions of the same bad project.

## **Response No. ORG 7A-173**

The comment asserts that Alternatives 2, 3 and 4 eliminate legally required, impact reducing and public benefits of the Project. The comment fails to contain any facts to substantiate the contention that the Alternatives fail to comply with any legal requirements regarding reduction of Project impacts. As discussed in previous responses, CEQA only requires consideration of alternatives that avoid or substantially lessen any of the significant effects of the Project. (CEQA Guidelines Section 15126.6(a)). The Draft EIR fully and adequately analyzed the Project's potential impacts in Chapter IV, *Environmental Impact Analysis*, which concluded that the Project's only significant and unavoidable impacts would be temporary construction noise and vibration. The three build

alternatives all sought to lessen those impacts through reduction or elimination of the underground facilities to reduce the amount of excavation, heavy excavation equipment, and haul truck activities. The comment contains no facts to substantiate the contention that these alternatives were not a reasonable range of alternatives nor that they were inadequately analyzed. The comment instead reflects an opposition to the Project by characterizing the Project as containing excessively dense athletic facilities and being a bad project with equally bad alternatives. In fact, rather than being excessively dense or improper, the Project was designed to accommodate the School's need for supplemental athletic and recreational facilities and its desire to provide public access to recreational facilities and the adjacent Zev Greenway. As such, while the comment expresses opposition to the Project, it does not provide any substantial evidence to substantiate the claim that the alternatives are inadequate or impermissible and, thus, no further response is necessary. As a general comment of opposition, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. ORG 7A-174**

#### **D. CEQA's Substantive Mandate Requires Adoption of Feasible Alternatives and Mitigation Measures.**

Projects with significant environmental impacts *may not* be approved "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects . . ." (Pub. Resources Code § 21002.) More specifically, CEQA states:

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless .

(a) . . . (3) Specific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code § 21081.) It is settled law that:

CEQA contains substantive provisions with which agencies must comply. The most important ... is the provision requiring agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.

(*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added.).

## Response No. ORG 7A-174

The comment recites the law regarding feasible alternative and mitigation measures but presents no facts to substantiate a claim that the Project analysis is not in compliance with CEQA. The significant, unavoidable environmental impacts identified in the Draft EIR are construction noise and vibration. As discussed in Section, IV.K, *Noise*, of the Draft EIR, the evaluation of construction noise included mitigation measures such as sound barriers along the four property boundaries, equipment mufflers, location of noise sources at least 100 feet from off-site receptors, the use of wave barriers to reduce vibration, and other mitigation. However, even with the implementation of all feasible mitigation measures, noise and vibration levels would exceed threshold standards. Because applicable, feasible mitigation would not reduce construction noise and vibration to less than significant levels, noise and vibration impacts were determined to be significant and unavoidable. As evaluated in the Draft EIR and presented in the Project's MMP, feasible mitigation measures were provided that would reduce potentially significant air quality, wildlife, natural habitat, biological resources policies, hazards and hazardous materials, water quality, water quality control plan, groundwater management, and operational wastewater management impacts to less than significant levels. The MMP is provided in Chapter 4 of this Final EIR.

## Comment No. ORG 7A-175

“Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code § 21061.1.) The definition *does not* require the agreement of the project applicant. “Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.” (*Lincoln Place Tenants Ass’n v. City of Los Angeles* (2005) 130 Cal.App.4<sup>th</sup> 1491, 1508, emphasis added.)

## Response No. ORG 7A-175

The comment recites the law regarding feasible mitigation measures but presents no facts to substantiate a claim that the Project analysis is not in compliance with CEQA. Please refer to Response No. ORG 7A-174 regarding the implementation of feasible mitigation measures and the MMP.

## Comment No. ORG 7A-176

The DEIR admits that that the Project would have significant construction noise impacts. Throughout this comment letter, we establish that the Project would have numerous other significant adverse impacts that the DEIR fails to disclose. The feasible alternatives identified in the preceding section would substantially lessen and/or eliminate significant adverse impacts resulting from the Project. Thus, under CEQA's substantive mandate, the City cannot approve the Project as proposed.

## Response No. ORG 7A-176

The comment claims that the Draft EIR “admits” to the significant construction noise impacts. The comment also claims that Comment Letter No. ORG 7A has established “numerous other significant adverse impacts that the Draft EIR failed to disclose.” However, as discussed throughout the responses to this comment letter, Comment No. ORG 7A does not provide supporting fact or substantiated evidence that the Project would result in additional environmental impacts not identified in the Draft EIR. Please refer to Response Nos. ORG 7A-1 through ORG 7A-175.

## Comment No. ORG 7A-177

### VII. Conclusion

For all of the reasons set forth herein, SCRA and SLAROS find the DEIR to be wholly inadequate. If this Project does move forward as proposed, which we urge the City not to allow, a revised DEIR must be recirculated to address the many failings.

Additionally, we ask that you inform us of any future Project notices pursuant to Public Resources Code section 21092.2 and applicable Municipal Code requirements. We further request that you retain all Project related documents including correspondence and email communications as required by CEQA. (*Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 52 Cal.App.5<sup>th</sup> 837 [agency “must retain writings”].)

Thank you for your consideration of these comments.

## Response No. ORG 7A-177

The commenter concludes that the Draft EIR is wholly inadequate, which has not been substantiated by facts or accurate analysis by the commenter and is deemed in this response to be substantially incorrect. Also, based on the responses to the comments above, the presumptions regarding the Draft EIR do not rise to the need for recirculation of the Draft EIR.

In response to the comment for further information, the commenters, the Studio City Residents Association, Save the River Open Space, and Chatten-Brown, Carstens & Minter are on the City’s mailing list and will be notified of any further Project actions.

## Comment No. ORG 7A-178

Attachment A – Harvard Westlake Campus Map

**Response No. ORG 7A-178**

Attachment A includes a map of the Harvard Westlake Upper School campus. The attachment does not include comments on the Draft EIR, no further response is necessary. Refer to Appendix A of this Final EIR for a copy of this attachment.

**Comment No. ORG 7A-179**

Attachment B – Community Plan Map

**Response No. ORG 7A-179**

Attachment B includes a map of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan area. As the attachment does not include comments on the Draft EIR, no further response is necessary. Refer to Appendix A of this Final EIR for a copy of this attachment.

**Comment No. ORG 7A-180**

Attachment C - American Lung Association State of the Air 2022 Excerpts

**Response No. ORG 7A-180**

Attachment C includes American Lung Association State of the Air 2022 Excerpts. These attachments are referenced in the above comments. However, as the attachment does not include comments on the Draft EIR, no further response is necessary. Refer to Appendix A of this Final EIR for a copy of this attachment.

**Comment No. ORG 7A-181****ATTACHMENT D – Brohard and Associates****SUBJECT: Review of the Draft EIR for the Harvard-Westlake River Park Project in the City of Los Angeles – Transportation Issues**

Dear Ms. Minter:

As requested, I, Tom Brohard, P.E., have reviewed the transportation portions of the March 2022 Draft Environmental Impact Report (Draft EIR) for the Harvard- Westlake River Park Project in the City of Los Angeles. The Proposed Project includes redevelopment of the Weddington Golf & Tennis Site including removal of the existing 9-hole par three golf course, driving range, and tennis facility while retaining the existing clubhouse and putting green. The proposed athletic and recreational facility for the Harvard-Westlake School is planned to include two athletic fields with bleacher seating, an 80,000 square foot two-story multi- purpose gymnasium, a 50-meter swimming pool with seating, eight tennis courts with seating, one level below grade parking structure with

503 vehicle parking spaces and 100 bicycle parking spaces, and a surface parking lot with 29 parking spaces.

In preparing these comments, I have reviewed various portions of the Draft EIR and Transportation Assessment (TA) including the following:

- Executive Summary
- Section I – Introduction
- Section 11 – Project Description
- Section IV.M – Transportation
- Appendix A-4 – NOP and Scoping Meeting Comments
- Appendix M -April 2021 Transportation Assessment Draft

### **Response No. ORG 7A-181**

The comment is a transmittal to Chatten-Brown, Carstens, and Minter by an independent consultant. The consultant prepared comments on the Project's TA and Section IV.M, *Transportation*, of the Draft EIR. The comment briefly summarizes the Project and lists the sections of the TA that were reviewed. It is noted that the prior 503-space subterranean garage has been reduced to 386 spaces and the 29-space surface parking lot has been reduced to 17 spaces. These changes are incorporated into Chapter 3 of this Final EIR. The comment does not discuss the adequacy of the Draft EIR and no further response is necessary.

### **Comment No. ORG 7A-182**

In summary, the Draft EIR and TA do not properly analyze or address the following critically important transportation items and issues:

- ❖ Inaccurate vehicle miles traveled (VMT) calculations including:
  - Underestimated Harvard-Westlake trip lengths to the Upper Campus
  - Understated Middle School Campus trip lengths for Freshman sports
  - Undocumented existing trip length credits for golfers
  - Increased trip lengths associated with the right turn only restrictions at the project access points at Whitsett Street.

### **Response No. ORG 7A-182**

The comment lists the areas in which the commenter believes the analysis was inadequate or incorrect but contains no facts to support the contentions. Please refer to Response Nos. ORG 7A-123, ORG 7A-124, ORG 7A-125, and ORG 7A-127, above which address comments regarding trip lengths, travel between the Middle School and Upper School campuses for Freshman sports, trip length credit for golfers and trip lengths associated with right turns.

**Comment No. ORG 7A-183**

- ❖ Failure to address and mitigate the significant queuing that will occur at the single lane parking structure exit to Whitsett Street where it will take more than one hour to empty the garage. With this major issue, timely evacuation of the parking structure during an emergency will not be possible.

**Response No. ORG 7A-183**

The comment asserts that queuing at the parking exit will create problems during an emergency but does not include facts to substantiate the contention. Please refer to Response No. ORG 7A-195 which addresses the issue of queuing at the exit driveways.

**Comment No. ORG 7A-184**

- ❖ The absence of northbound left turn vehicle storage from Whitsett Street to Valleyheart Drive to enter the parking structure, the surface parking area, and the drop-off/pick-up area.

**Response No. ORG 7A-184**

The comment notes the absence of a northbound left turn lane from Whitsett Street to Valleyheart Drive but does not address the adequacy of the Draft EIR. The traffic operations of the intersection of Whitsett Avenue and Valleyheart Drive were fully studied in Appendix M, Transportation Assessment, to the Draft EIR. As shown in Table 12B in the TA, the northbound left-turn queue on Whitsett Avenue is not expected to exceed 25 feet in the Non-Event scenario as well as the Special Event scenario.

**Comment No. ORG 7A-185**

- ❖ Inadequate passenger loading/unloading space in the cul-de-sac terminus of Valleyheart Drive, with resulting queues blocking fire apparatus departures from LAFD Station 78. The proposed mitigation, with a flashing red light which means stop and then proceed with caution, will not keep the area at the Station's driveways on Valleyheart Drive clear of queued exiting vehicles.

**Response No. ORG 7A-185**

The comment contends that the Project design includes inadequate passenger loading/unloading space and that the flashing right light will not keep the LAFD Fire Station 78 driveways clear. Appendix M, Transportation Assessment pages IV.M-62 and IV.M-63 of the Draft EIR provides an evaluation of the passenger loading at the on-site turnaround off of Valleyheart Drive. The turnaround at the western edge of Valleyheart Drive would be used exclusively for drop-off and pick-up activities (i.e., shuttles, transportation network company [TNC] vehicles, private vehicle pickups and drop-offs). The available storage capacity in the turnaround was found to be sufficient for the

estimated queuing on Special Event days, which is the worst-case, highest trip generating event anticipated at the Project Site. Since the storage capacity is sufficient to contain the vehicular queue at the turnaround, queue spillback from the turnaround onto Valleyheart Drive would not occur and thus would not interfere with LAFD Fire Station 78 operations on Valleyheart Drive.

The eastbound queues of exiting vehicles on Valleyheart Drive approaching Whitsett Avenue are shown in Table 12 of Appendix M, Transportation Assessment to the Draft EIR. The queues are estimated to be 25 feet for both non-event scenarios, as well as for the Special Event scenario with the corrective action of prohibiting left-turns out of Valleyheart Drive on Special Event Days. If LAFD vehicles need to exit and access Whitsett Avenue via Valleyheart Drive while outbound vehicles are queued on the eastbound approach, the LAFD vehicles could drive on the inbound (westbound) lane in the event of an emergency. Please see the Response to Comment No. ORG 7A-134 regarding exiting vehicles.

### **Comment No. ORG 7A-186**

- ❖ Entry procedures during major events will create excessive queuing that has not been analyzed, resulting in significant congestion for credential verification. It will take more than an hour to fill the parking structure.

### **Response No. ORG 7A-186**

The comment contends that the major event queuing was not analyzed. Please refer to Topical Response No. 9 – Transportation and Parking Impacts During Construction and Operation, for a discussion of mechanisms to manage traffic on event days.

### **Comment No. ORG 7A-187**

- ❖ Congestion both entering and exiting the parking structure will attract motorists to park in the adjacent residential areas during late arrivals and for quick departures after event conclusions.

### **Response No. ORG 7A-187**

The comment contends that congestion will result in parking at adjacent streets but provides no facts to substantiate either the contention that there will be congestion nor that the adjacent streets would be used for parking. Please refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of mechanisms to manage traffic and parking on event days.

### **Comment No. ORG 7A-188**

- ❖ Pedestrian access to the north side of the site at random points will not be deterred by 3' tall metal fencing and subsequent walking through immature landscaping.

## Response No. ORG 7A-188

The comment speculates that pedestrians would choose to walk through the Project's landscaping along Valley Spring Lane, which includes the addition of a substantial number of trees and thousands of understory species, and climb over 3-foot-tall metal fencing, rather than use one of the provided pathway entry points located in that same area. As discussed in Chapter II, *Project Description*, pages II-27 and II-28 of the Draft EIR, "dependent on changes in grade and the locations and heights of landscaped berms, the walls would vary in height between eight feet and 11 feet at different points on the Project Site, with an eight-foot wall at the north side of the tennis courts topped with a four-foot fence. Where walls are not provided, a connective metal fence varying in height between eight feet and 11 feet would surround the rest of the athletic facilities." As shown in Figure II-6, Harvard-Westlake School Athletic and Recreational Facilities Conceptual Site Plan, of the Draft EIR, there are four pedestrian access gates into the Project Site from Valley Spring Lane (the north edge of the Project Site). Three of the access gates would provide all-day access to the public walking path and the main entrance at Valley Spring Lane and Whitsett Boulevard would provide for public access to other recreational facilities. Note that mature trees along the periphery of the Project in proximity to the walking path would be largely retained (see Topical Response No. 5 – Biological Resources/Trees).

## Comment No. ORG 7A-189

- ❖ Accessible and convenient parking for construction workers must be established and maintained on site to preempt and discourage undesirable parking within adjacent residential areas.

## Response No. ORG 7A-189

The comment asserts that construction worker parking must be available for off-street parking but does not discuss the adequacy of the Draft EIR. As stated in Appendix M, Transportation Assessment to the Draft EIR, parking for construction workers would be provided on-site and would not be permitted on neighborhood streets. Project Design Feature TRAF-PDF-1 prohibits construction worker and equipment parking on residential streets.

## Comment No. ORG 7A-190

### Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 50 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as Consulting Transportation Engineer for the City of San Fernando.

I have considerable experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects in California and Hawaii.

### **Response No. ORG 7A-190**

The comment summarizes the independent consultant's background education and experience but does not discuss the adequacy of the Draft EIR. No further response is necessary.

### **Comment No. ORG 7A-191**

#### **Transportation Issues**

The following deficiencies were identified in my review of the documents associated with the Draft EIR and the TA for the Proposed Project:

- 1) VMT – Several components of the VMT (vehicle miles traveled) associated with the Project have been omitted or incorrectly calculated as follows:
  - a. Harvard-Westlake Trip Lengths – Trip lengths for shuttles and for private vehicles were assumed to be 1.5 miles. The measured distance along the recommended route on Coldwater Canyon Avenue, Moorpark Street, and Whitsett Avenue between the Upper Campus driveway and the passenger loading area on Valleyheart Drive is 1.7 miles. The 1.1-mile length of the return trip from the site back to the Upper Campus for shuttles via the Whitsett Avenue, Ventura Boulevard, and Coldwater Canyon Avenue route was incorrectly omitted from the VMT calculations.

### **Response No. ORG 7A-191**

The comment asserts that the VMT analysis and Transportation Assessment were deficient. Please refer to Response No. ORG 7A-123, which addresses the trip length for shuttles and private vehicles analysis.

### **Comment No. ORG 7A-192**

- b. Freshman Sports – The schedule of events identified three Freshman sports at the site (Girls Field Hockey, Boys Basketball, and Girls Volleyball). VMT lengths for these sports to the Project must be calculated from the Middle School Campus, not from the Upper School Campus.

### **Response No. ORG 7A-192**

The comment asserts that the VMT analysis is deficient for failure to include trips from the Middle School campus. Please refer to Response No. ORG 7A-124, which addresses the issue of trips from the Middle School campus.

### Comment No. ORG 7A-193

- c. Weddington Golf & Tennis – According to Page 24 of the Transportation Assessment, data for one week in September 2019 was provided for tennis users at the existing facility to calculate the daily trip generation and that was then credited against the Proposed Project. This data was not included or disclosed in the Transportation Assessment Appendix for review by the public.

There is no information provided as to how the data for tennis players relates to those using the clubhouse or to the golfers using the driving range or the 9-hole par three golf course. The average daily trip generation of 1,022 or 511 round trips requires further study and evaluation to support the resulting net negative, offsetting credit of 2,098 daily VMT.

Attachment 3C in the Traffic Assessment indicates the existing trips at the site were counted on February 12, 2019. The table indicates that 1,022 daily trips will be removed when the current Weddington Golf & Tennis operation is closed. However, the clubhouse and the putting green will remain open and in use after the site is redeveloped with the Project. Trips and VMT associated with these two remaining uses must be added back into trip generation and VMT for the site. It is not reasonable to assume trips associated with Weddington Golf & Tennis will be identical during a week in September 2019 and on February 12, 2019.

### Response No. ORG 7A-193

The comment contends that the VMT analysis was deficient due to the data used in the Transportation Assessment. Please refer to Response No. ORG 7A-125, which addresses the data source of the existing use credit, and to Response No. ORG 7A-126, which addresses the trips associated with the clubhouse and the putting green, as well as the use of February and September data from 2019.

### Comment No. ORG 7A-194

- d. Right Turn Only Restrictions - Trip distribution to and from the Proposed Project indicates that 85% of all trips will have a trip end to the north and only 15% of all trips will have a trip end to the south. Right turn only restrictions at the north driveway and Whitsett Street will force 85% of the traffic to travel out of their way to return to their origin north of the Project. In addition, if all Valleyheart Drive vehicles are forced to turn right only on Whitsett Street, then all vehicles leaving the parking structure will be forced to travel 0.1 miles to Ventura Boulevard and then back, adding 0.2 VMT to 85% of the trips leaving the Project.

## Response No. ORG 7A-194

The comment contends that the right turn only restrictions would impact the VMT analysis. Please refer to Response No. ORG 7A-127 which addresses the VMT analysis including the right turn only restrictions.

## Comment No. ORG 7A-195

2) Project Access - The parking structure will have two vehicle access driveways. The north driveway will have one lane inbound and one lane outbound, with both channelized into right turn only movements entering from and exiting to Whitsett Street. The south driveway accessing Valleyheart Drive will have one lane inbound only (no exiting traffic). The parking structure contains 503 vehicle parking spaces and 100 bicycle parking spaces and there is a 29-space surface parking lot accessed by Valleyheart Drive.

a. Whitsett Street Access - From calculations in the Traffic Study Appendix, the queue to exit the north driveway will be 11 cars and will extend 275' back into the parking structure. This queue goes beyond the security kiosk, blocking the main north-south aisle within the structure. Only one vehicle will be on level ground before entering Whitsett Street, causing delay as vehicles climb the ramp before reaching the level area, stopping, and then making a forced right angle turn onto Whitsett Street, taking motorists to Ventura Boulevard.

With only a single exit lane, it will take an hour or more to empty the parking structure (see enclosed Table 4 from *Entrance-Exit Design and Control for Major Parking Facilities*, Robert W. Crommelin, October 5, 1972).

Timely evacuation out of the parking structure during an emergency will not be possible with only a single exit lane.

## Response No. ORG 7A-195

The comment contends that the queuing would inhibit timely evacuation from the parking structure. It is noted that the prior 503-space subterranean garage has been reduced to 386 spaces and the 29-space surface parking lot has been reduced to 17 spaces. These changes are incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR and further discussed in Topical No. 2 - Modifications to the Project Design. The Special Event scenario evaluated in Appendix M, Transportation Assessment, of the Draft EIR, is the worst case potential event, assuming 500 attendees with an average vehicle occupancy of 1.0 (meaning every attendee arrives and departs in their own single-occupant vehicle). While it may take an hour or more to clear the parking garage on such a Special Event scenario day, these special events would only occur a few times a year and would not be a regular occurrence. Also, vehicle queues exiting the garage are not a CEQA impact, as the City of the Los Angeles updated the TAG in 2019 to conform to the updated CEQA guidelines by the Governor's Office of

Planning and Research (OPR), which shifted evaluating transportation impacts away from automobile delay and level of service (LOS) and instead using VMT.

In the event of an emergency during the rare Special Event days, both driveways (north and south driveways) could be used to clear the garage in less time. The comment also assumes, but does not provide any supporting facts, that in the event of an emergency that Project visitors would choose to evacuate the Project Site in a private vehicle rather than by foot using the many other points of egress for pedestrians that are provided for just such a purpose, as required by Building Code.

### **Comment No. ORG 7A-196**

- b. Valleyheart Drive - The south driveway for the parking structure located on Valleyheart Drive provides a second entry but there will be no exiting vehicles from the structure to Valleyheart Drive. Whitsett Street has a posted speed limit of 40 MPH. Whitsett Street does not have a separately striped northbound left turn lane at Valleyheart Drive. This requires traffic arriving from the south to wait in the inside through lane while seeking an adequate gap in southbound traffic flow before turning left on Valleyheart Drive.

A passenger drop-off/pick-up area for shuttles and Uber/Lyft ride-share vehicles is proposed in the cul-de-sac terminus of Valleyheart Drive just west of Whitsett Street. The resulting 17A-vehicle length of this passenger loading zone has not been studied to determine if it is adequate to avoid excessive queuing or that it will be managed to avoid significant delay.

Vehicles leaving the 29-space surface parking lot will conflict with the adjacent passenger loading zone and together will cause significant queuing on Valleyheart Drive if motorists are allowed to turn left when entering Whitsett Street. This queuing will extend beyond LAFD Station 78 driveway used by small apparatus, blocking their exit from the fire station and blocking their access to Whitsett Street.

A flashing red light (requiring vehicles to stop and then proceed with caution) is recommended on Page 11-55 of the Draft EIR but that device will not keep the Valleyheart Drive roadway clear of vehicles and allow emergency vehicles to leave the fire station driveways. A "warning light" recommended on Page 63 of the Transportation Assessment would not "hold back vehicles exiting the Project turnaround onto Valleyheart Drive."

### **Response No. ORG 7A-196**

The comment contends that the design of the passenger drop-off/pick-up area and the south driveway for the parking structure will result in impacts not analyzed or not properly analyzed in the TA including queuing, adequate space for loading/unloading, and impacts on Fire Station 78. As discussed under Response No. ORG 7A-185, the available storage capacity in the turnaround was found to be sufficient for the estimated queuing on Special

Event days, which is the worst-case, highest trip generating event anticipated at the Project Site. The storage capacity is sufficient to contain the vehicular queue at the turnaround and eliminate queue spillback from the turnaround onto Valleyheart Drive.

The eastbound queues of exiting vehicles on Valleyheart Drive approaching Whitsett Avenue are shown in Table 12 of the Appendix M, Transportation Assessment to the Draft EIR. The queues are estimated to be 25 feet for both non-event scenarios, as well as for the Special Event scenario with the corrective action of prohibiting left-turns out of Valleyheart Drive on Special Event Days. If LAFD vehicles need to exit and access Whitsett Avenue via Valleyheart Drive while outbound vehicles are queued on the eastbound approach, the LAFD vehicles could drive on the inbound (westbound) lane in the event of an emergency.

Appendix M, Transportation Assessment of the Draft EIR studied the delay and queuing at the intersection of Whitsett Avenue and Valleyheart Drive, including the northbound left-turn movement and the eastbound turning movements (which would include vehicles leaving the 29-space surface parking lot, as well as the turnaround). As reported in Table 12A and 12B of the TA, the delay for the northbound left-turn would be 0.9 seconds per vehicle or less and the estimated queue would be 25 feet (1 vehicle) for the 3-4 p.m. peak hour, the 5-6 p.m. peak hour on non-event days, and the 5-6 p.m. peak hour on event days. The delay for the eastbound approach would be 20.7 seconds per vehicle and 25.5 seconds per vehicle for the 3-4 p.m. peak hour and the 5-6 p.m. peak hour, respectively, and the estimated queue would be 25 feet (1 vehicle) for both scenarios. For a Special Event scenario, the eastbound queue would be 389.9 seconds per vehicle and the estimated queue would be 150 feet (6 vehicles). However, with the corrective action of restricting left-turns out of Valleyheart Drive onto Whitsett Avenue during Special Events, the delay for the eastbound approach would decrease to 14.8 seconds and the estimated queue would decrease to 25 feet (1 vehicle).

The left-turn prohibition on Special Event Days would be included in an event *Parking and Traffic Management Plan*, as described in Topical Response No. 9 – Transportation and Parking Impacts During Construction and Operation. As discussed therein, Project Design Feature TRAF-PDF-3 has been modified to include a Parking and Transportation Management Plan that would be employed by Harvard-Westlake School for all athletic competitions or Special Events that are expected to draw more than 300 concurrent attendees. This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

The commenter is referred to Response to Comment No. ORG 7A-134 regarding the efficacy of the recommended warning light.

The flashing red warning light would be activated by a button to accommodate the movement of returning fire trucks or exit of other smaller emergency vehicles and would not be on all the time.

## Comment No. ORG 7A-197

- 3) Limited Entry During Significant Events - The Draft EIR proposes to provide entry passes into the parking structure for major events. This will require security personnel to verify the parking passes before allowing vehicles to enter the parking structure. Unauthorized vehicles will necessarily have to enter the structure and then U-turn back to Whitsett Street across and through the single lane exit. U-turns within the parking structure will create significant additional congestion and confusion. Others with proper credentials who try to enter the parking structure may not be able to do so during credential checking. Some motorists will observe the congestion and then seek parking elsewhere, or others will simply park elsewhere initially (such as the adjacent residential areas) to avoid the congestion and to provide for a quick getaway after their event concludes.

With required verification of parking passes, it will take an hour or more to load the parking structure (see enclosed Table 4 from *Entrance-Exit Design and Control for Major Parking Facilities*, Robert W. Crommelin, October 5, 1972).

## Response No. ORG 7A-197

The comment asserts that requiring parking passes will increase the time to load the parking structure. The commenter is referred to Topical Response No. 9 - Transportation and Parking During Construction and Operations, for a discussion of mechanisms to manage traffic and parking on event days.

Regarding the time to load the parking structure, it would take less time than suggested by the commenter as there are two entry driveways, not one, and the entry procedure would be faster than the data available in the 1972 table by Crommelin, as entry passes would be prominently displayed, clearly dated, and visually scanned by security or other School staff. Entering motorists without a parking pass can be managed by quickly directing them out of the entry queue to a nearby aisle in the parking garage where a second security guard would further check for credentials and, if necessary, direct the unauthorized vehicle to depart and watch to ensure that it does so.

## Comment No. ORG 7A-198

- 4) Pedestrian Access - Page 11-52 of the Draft EIR indicates that pedestrian access to the project at other than gated locations along Valley Spring Lane will be "prevented by a 3' tall metal fence and substantial, dense landscaping." It will take time for plantings to form a pedestrian barrier and the 3' tall metal fence will certainly not prevent pedestrian intrusions. Without a more substantial and an initial continuous barrier, motorists parking in the residential area to the north can gain access to the Project site by walking across Valley Spring Lane and entering over the 3' fence and through the immature landscaping.

Page 34 of the Transportation Assessment states, "All crosswalks at the intersections surrounding the Project Site are unmarked and uncontrolled. Given

the small number of pedestrians anticipated on any given crosswalk, the crosswalks are not anticipated to meet crosswalk warrants."

In direct contradiction and contrary to accepted traffic engineering practice, Page 75 of the Transportation Assessment states, "The Project is expected to generate an increase in pedestrian volumes in the vicinity... It is recommended that marked crosswalks be installed at the intersections of Whitsett Avenue & Valley Spring Lane, Whitsett Avenue & Valleyheart Drive, Babcock Avenue and Valley Spring Lane, Beeman Avenue & Valley Spring Lane, and Teesdale Avenue & Valley Spring Lane as part of the Project improvements."

## Response No. ORG 7A-198

The comment contends that the TA's analysis of pedestrian access and safety is inadequate. The comment misinterprets the discussion of the three-foot fence. Chapter II, *Project Description*, page II-27 of the Draft EIR states: "The three-foot-tall metal outer fence, complemented by additional landscaping, would be constructed around the entire perimeter of the Project Site." Chapter II, page II-52 of the Draft EIR states that, access to the interior of the Project Site and its recreational facilities would only be via the primary pedestrian entrance on Whitsett Avenue, south of the clubhouse. Attempted entry at points other than the designated pathways would be prevented by 3-foot-tall metal fencing and substantial, dense landscaping. The primary purpose of the perimeter fencing is to provide visual information as to the location of the Project's boundaries and to direct visitors to the gates which, with monitoring, would encourage the use of appropriate entrances into the Project Site. As stated on page II-27 of the Draft EIR:

"Fences and walls, along with other security measures, would protect visitors and allow the School to monitor and direct visitor ingress and egress to a limited number of points and in a manner that would also help prevent visitor parking in the community. For instance, security personnel would direct visitors to available on-site parking, while also monitoring 'walk-ins' who parked within the off-site neighborhood and are not confirmed to be residents living in the neighborhood or arriving via public transportation. Such walk-ins would be required to return to their vehicle and return to park within the Project Site."

Refer to Response No. 7A-188 regarding the likelihood that pedestrians would climb through significant landscaping and over a 3-foot fence in order to access the Project Site. Concerns regarding off-site parking are also discussed in Section IV.M, *Transportation*, of the Draft EIR, under Project Design Feature TRAF-PDF-3. See modified Project Design Feature TRAF-PDF-3 in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR.

The statement on PDF pages 91 and 92 of 217 of Appendix M of the Draft EIR, *Transportation Assessment (TA)*, indicating that installation of marked crosswalks at five locations on Whitsett Avenue and Valleyheart Drive is recommended is incorrect. This

correction has been incorporated into Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

### **Comment No. ORG 7A-199**

- 5) Construction Worker Parking - Page 66 of the Transportation Assessment states, "During all phases of construction, employees are expected to park on the Project Site." Parking facilities must be made available for construction worker parking on-site at all times during construction. If parking cannot be provided on-site, then remote parking with continuous shuttle service must be provided so construction workers do not park within the adjacent residential areas.

### **Response No. ORG 7A-199**

The comment reasserts that construction worker parking must be provided. Please refer to Response No. ORG 7A-189 which addresses construction worker parking.

### **Comment No. ORG 7A-200**

In summary, the Draft EIR and the TA for the Harvard-Westlake River Park Project do not properly calculate VMT for the Proposed Project. Further, feasible mitigation for the Proposed Project is not developed or analyzed. As discussed throughout this letter, other deficiencies, errors, omissions, and inconsistencies must also be addressed before the City of Los Angeles considers the Proposed Project.

If you have questions regarding these comments, please call me at your convenience.

### **Response No. ORG 7A-200**

The comment summarizes the opinion of the independent consultant that VMT is not properly calculated; that feasible mitigation is not developed or analyzed; and states that deficiencies, errors, omissions, and inconsistencies in the TA and Section IV.M, *Transportation*, of the Draft EIR need to be addressed. However, based on the responses to the consultant's comments above, this position is not substantiated. No further response is necessary.

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## **Comment No. ORG 7A-201**

Attachment E – False Artificial Turf Recycling Claims Ripped Excerpts

Attachment F – Artificial Turf’s Big Lie: Old Fields Not Recycled

Attachment G – LARUMP Excerpts

Attachment H – LARUMP Bat Mitigation

Attachment I – IPCC Climate Change 2022 Excerpts

Attachment J – December 2008 GHG Board Synopsis

Attachment K – Ruling, Otay Village 14; SC Case No:37-2019-00038820

Attachment L – Declaration of Dr. Futernick, February 3, 2020

Attachment M – The Cardiovascular Effects of Noise

Attachment N – Los Angeles CEQA Thresholds Guide Excerpts

Attachment O – Auditory and non-auditory effects of noise on health

Attachment P – Noise pollution: non-auditory effects on health

Attachment Q – Excerpts of Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety

Attachment R – LADOT Transportation Assessment Guidelines

Attachment S – Weddington Golf: A Case Study in Cultural Relevance and Open Green Space by Kimberly Benston Tashman

Attachment T – Los Angeles River Natural Park Studies

Attachment U – Comment letter regarding Studio City Senior Living Center Draft Environmental Impact Report

Attachment V – Golf & Water, Case Studies in Water Stewardship

## **Response No. ORG 7A-201**

Attachments E to V include the above listed documents attached to the May 10, 2022 Chatten-Brown, Carstens & Minter letter on behalf of Save the River Open Space and the Studio City Residents Association. These attachments are referenced in the above comments; as such, no further response is necessary. Further, the attachments do not include comments on the Draft EIR. Refer to Appendix A of this Final EIR for copies of these attachments.

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## **Letter B, May 11, 2022**

### **Comment No. ORG 7B-1**

Re: Supplemental Comments on Draft Environmental Impact Report for Harvard-Westlake River Park Project, ENV-2020-1512-EIR

On behalf of the Studio City Residents Association (SCRA) and Save LA River Open Space (SLAROS), attached please find the expert hydrological comments prepared by Martin Kammerer, Ph.D., with Martin Kammerer Consulting. These comments serve as a supplement to the comments SCRA and SLAROS previously submitting regarding the draft environmental impact report for the Harvard-Westlake River Park Project.

Thank you for your consideration of these comments.

### **Response No. ORG 7B-1**

The comment introduces an Attachment prepared by Martin Kammerer on behalf of SCRA and SLAROS. The purpose of the attachment is to supplement previously submitted comments on the Draft EIR regarding hydrology. The comment does not discuss the adequacy of the Draft EIR and no further response is necessary.

### **Attachment (Martin Kammerer)**

### **Comment No. ORG 7B-2**

Your firm has requested a review of the Draft EIR for the Harvard-Westlake River Park Project. It is my understanding that your clients, the Studio City Residents Association and Save LA River Open Space would like me to evaluate portions related to the development of open space, storm water hydrology, and general CEQA matters.

### **Response No. ORG 7B-2**

The comment acknowledges that a review of the Draft EIR regarding the development of open space, storm water hydrology and general CEQA matters was requested by Chatten-Brown, Carstens, and Minter on behalf of SCRA and SLAROS. The comment does not discuss the adequacy of the Draft EIR and no further response is necessary.

### **Comment No. ORG 7B-3**

My review indicates several errors and weaknesses in the analysis that I believe warrant further analysis or revisions:

1. The DEIR shows a map indicating groundwater to potentially surface at project grade and goes on to conclude that infiltration is infeasible entirely. LID regulation does, in fact, require actual groundwater data for that purpose. Geotechnical borings for this and neighboring sites indicate that measured groundwater depths are much greater than

the allowable minimum 5-10 feet below project structures. The observed depths to groundwater are supported by general hydrologic principals requiring that groundwater tables slope down to meet the water surface of the nearby river or stream. In the immediate vicinity of the river it must be assumed that the highest possible groundwater level would be met at the top of the existing concrete levee of the Los Angeles River channel which is substantially below project grade. The same was assumed in the EIR for the neighboring fire station. Therefore the map used in the analysis provides little credible evidence for actual groundwater levels and should not be used to determine that infiltration is infeasible.

### **Response No. ORG 7B-3**

The comment asserts that Draft EIR provides little credible evidence for groundwater levels. No groundwater studies in recent decades have shown groundwater to occur at grade. Groundwater levels are not the only determining factors that deemed infiltration as a BMP infeasible. The site's soils, perched water condition, and potential for liquefaction are the other determining factors. According to the geotechnical analysis, "(g)roundwater was encountered below the subject site at depths between 24 1/2 and 40 feet below grade. It is the opinion of this firm that this water is perched on top of the underlying clay soils and bedrock, which are relatively impervious layers. On-site filtration of stormwater would acute the existing perched water condition. In addition, the native alluvial site soils are prone to liquefaction when saturated. Based on these considerations, on-site stormwater infiltration is not recommended for the subject site." (*Geotechnical Engineer Investigation Proposed Academic and Athletic Development* dated July 2, 2019 and revised June 20, 2020, PDF page 63 of 299, contained in Appendix G-1 of the Draft EIR). In its approval letter dated December 8, 2020 (included in Appendix G of the Draft EIR), the LADBS has concurred with the findings of the Project's geotechnical study regarding perched groundwater and groundwater levels and the recommendation that infiltration at this site is not feasible. In addition, the Project's geotechnical study was peer-reviewed by Byer Geotechnical, Inc. August 17, 2022, who further concurred with the findings that infiltration at this site is not feasible. The Byer Geotechnical peer review of the Project's geotechnical study is provided in Appendix G of this Final EIR. Based on the determination that infiltration is not feasible based on the site conditions, tier two (Capture and Use) was considered for the Project.

### **Comment No. ORG 7B-4**

2. The DEIR goes on to claim that LID regulation preclude infiltration if there is potential liquefaction. That is also not true. LID regulation requires a 3-Step screening procedure and specifies under Step 2 that a geotechnical study may indicate under which conditions infiltration could be used despite potential liquefaction. The purpose of this regulation for screening is to make sure that developers use infiltration as a "priority requirement" and only use other methods if this cannot safely be accomplished. In this case, an assumption was made that groundwater levels are too high and that liquefaction would preclude infiltration entirely. Step 1 and 2 were omitted. The motivation is that

surface infiltration would require greater amounts of green space and would come at the expense of a greater development footprint.

## Response No. 7B-4

The comment asserts that the Draft EIR is incorrect in stating that LID regulations preclude infiltration if there is a potential for liquefaction. Table 4.1, Infiltration Feasibility Screening, in the City of Los Angeles Low Impact Development Best Management Practices Handbook is used to assist in the determinization of site feasibility for infiltration BMPs. Category 2 Screening points to geotechnical hazards, such as liquefaction, as a potential issue near the Project Site. In this case, the potential for liquefaction is present within the Project Site. Thus, the analysis considered Category 3. Category 3 Screening (Infeasible) states that if geotechnical hazards such as liquefaction, collapsible soils, or expansive soils exist within the project site, then infiltration BMPs are infeasible. At the bottom of each category, there are instructions to conduct a site-specific geotechnical investigation report and/or hydrologic analysis. According to the Project's geotechnical analysis, provided in Draft EIR Appendix G-1, PDF page 63 of 299: "(g)roundwater was encountered below the subject site at depths between 24.5 and 49.5 feet below grade. It is the opinion of this firm [the Project's geotechnical engineer] that this water is perched on top of the underlying clay soils and bedrock, which are relatively impervious layers. On-site filtration of stormwater would acute the existing perched water condition. In addition, the native alluvial site soils are prone to liquefaction when saturated. Based on these considerations, on-site stormwater infiltration is not feasible at the subject site." (*Geotechnical Engineer Investigation Proposed Academic and Athletic Development* by Geotechnologies, Inc. dated July 2, 2019, and revised June 20, 2020, PDF page 63 of 299). Based on the determination that infiltration is not feasible because of Project Site conditions, tier two (Capture and Use) was considered for the Project.

## Comment No. ORG 7B-5

3. Liquefaction does not generally preclude infiltration. Generally, building foundations are most affected by liquefaction during earthquake induces [sic] shaking. If liquefaction is potentially present, a geotechnical model is used to determine the degree of movement that may be present in consideration of the actual soil column and the degree and level of ground saturation. In the majority of cases these models are used to determine the size and type of footings that need to be used to make the structures safe. That is then taken as mitigation to make the project safe.

In this case, the model used very high levels of saturation (see #1) and adjusted the footings for the structures to make the project safe thereby mitigating for liquefaction. Effectively, the model with exaggerated levels of saturation has shown that the structures are safe to build, yet the DEIR still concludes that infiltration cannot be used at the site, seemingly suggesting that infiltration could add even more "unspecified" forms of hazard to the building.

## Response No. ORG 7B-5

The comment asserts that the potential for liquefaction does not preclude infiltration. The Project's geotechnical engineer agrees that the potential for liquefaction does not in all cases automatically preclude the feasibility for on-site stormwater infiltration. However, in the geotechnical engineering investigation, the liquefaction susceptibility of the on-site soils was listed as just one of the reasons why on-site stormwater infiltration throughout the Project Site is not considered more suitable than stormwater collection. The primary reason that on-site stormwater infiltration is not considered more suitable, is that the on-site geologic materials are composed primarily of clay, silt and bedrock, which are considered to be relatively impervious. See discussion on PDF page 63 of 299 of the Geotechnical Report in Appendix G of the Draft EIR.

Groundwater was encountered during the geotechnical investigation at depths ranging between 24.5 and 49.5 feet below the existing grade. Based on the wide variation in the depth to groundwater, it is the opinion of the Project's geotechnical engineer that the groundwater observed has been perched (trapped between dense materials) in relatively thin, confined layers of sandy materials. These sandy layers are confined by clay and bedrock. It is the opinion of the geotechnology engineer that allowing on-site stormwater to infiltrate above the observed groundwater level would create shallower perched layers and would not result in any groundwater benefit.

## Comment No. ORG 7B-6

4. The hydrologic analysis contains an error in the summation of the generated discharge in fourth column of Table 1 which should read 2.21 cfs instead of 1.4 cfs for the 85th percentile storm event.

## Response No. 7B-6

The comment points out a typographical error in the hydrologic analysis. Consistent with this comment, this typographical error has been corrected in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR.

## Comment No. ORG 7B-7

5. Another issue is the fact that the 50-year storm discharge is used to show that the pre and post-runoff are identical and the impact on the hydrology of the site is less than significant. I cannot agree with that conclusion because I believe the design storm should be the 25-year event and that flow volume, rather than peak discharge, should be evaluated.

In storms of great intensity where the rainfall intensity becomes very large compared to the infiltration rate the relative difference between pre and post-development discharge peaks become smaller,-- and more favorable to the analysis. This is especially true, where only the peak discharge is reported and not the total volumes.

The differences in volumes are important when analyzing the environmental impact of storm water generation. Our analysis with the provided data indicate a 69% and 49% increase of flow volumes when comparing the pre and post-development flow volume of the 25-year event and the 85th percentile storm, respectively. This translates into significantly increased stormwater pollution going from pre to post-development discharge.

### **Response No. ORG 7B-7**

The comment asserts that the Draft EIR incorrectly concludes that post-development flow volume would be the same as under current conditions. As stated on page IV.I-26, in Section IV.I, *Hydrology and Water Quality*, of the Draft EIR, the Project Site's drainage collection, treatment, and conveyance are regulated by the City. Per the City's Special Order No. 007-1299, December 3, 1999, the City has adopted the County's Hydrology Manual as its basis of design for storm drainage facilities. The Hydrology Manual requires projects to have drainage facilities that meet the "Urban Flood" level of protection. The Urban Flood is runoff from a 25-year frequency design storm falling on a saturated watershed. A 25-year frequency design storm has a probability of 1/25 of being equaled or exceeded in any year. The 2006 L.A. CEQA Thresholds Guide, however, establishes the 50-year frequency design storm event as the threshold to analyze potential impacts on surface water hydrology as a result of development. To provide a more conservative analysis, the Draft EIR hydrology analysis assesses the larger storm event threshold (i.e., the 50-year storm event). This analysis was approved by the City for conservatively analyzing the Project's hydrology impacts.

With regard to water quality, the City's LID Ordinance requires the capture and management of the greater of an 85th percentile rain event or the first 0.75-inch of runoff flow during storm events defined in the City's LID BMPs, through one or more of the City's preferred LID improvements in priority order: on-site infiltration, capture and reuse, or biofiltration/biotreatment BMPs, to the maximum extent feasible. As analyzed in Section IV.I, *Hydrology and Water Quality*, of the Draft EIR, the Project's underground cistern system exceeds the City LID requirements. Operation of the Project would not result in discharges that violate any water quality standards or waste discharge requirements; rather, it would improve water quality compared to existing conditions. Therefore, impacts resulting from Project operation would be less than significant with respect to surface water quality and groundwater quality.

### **Comment No. ORG 7B-8**

6. The use of a cistern in capturing water for irrigation is commendable. However, the plans are unclear in terms of how the water from the school site gets into the cistern, how it is treated, and who will maintain the diversion from the street and pay for the removal of the pollutants out of the BMPs. The designers should clarify their commitment to capturing and treating street run-off in perpetuity. Without that commitment, the system, as designed, may not provide the mitigation required should the diversion from the street

be eliminated for other reasons. The designers should make sure that adequate cistern space is available at all times for the on-site runoff for multiple storms in succession, regardless of the external system.

### **Response No. 7B-8**

The comment asserts that more detail is required regarding the operation and maintenance of the cistern system. An ongoing maintenance program agreement to be implemented by Harvard-Westlake School for the stormwater capture and reuse system would be required by the Los Angeles Bureau of Engineering (LABOE) in accordance with LAMC Section 62.105 “B” Permit requirements. The maintenance program agreement will be coordinated with LABOE upon plan review. This maintenance program agreement would ensure the long-term operation of the Project’s water quality control design features.

Note that the capture and reuse system has been reduced in size based on direction from the City for the Project to not provide treatment of stormwater from the off-site drainage area, but rather to capture, treat and reuse only on-site stormwater. This has resulted in a revision to Project Design Feature WS-PDF-2 to remove reference to the 38.64-acre off-site drainage area, which is shown in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 7B-9**

7. A filtration BMP for pre-treatment is essential for the success of the project as siltation in the cistern will not be prevented through the proposed street BMP.

### **Response No. ORG 7B-9**

The comment asserts that pre-treatment is essential for the cistern. Hydro dynamic separators that achieve this purpose are already proposed as a pretreatment unit for the onsite stormwater. Refer to page IV.I-30 of the Draft EIR. Also, stated in Response No. 7B-8, off-site storm water collection and treatment is no longer part of the Project at directed by the City.

### **Comment No. ORG 7B-10**

8. Settlement of the cistern structure may become a problem and developing fractures may lead to leakage. There are no indications in the plans of how this may be prevented. There should be a plan about how stormwater treatment, irrigation, and dewatering would function despite potential permanent leakage.

### **Response No. 7B-10**

This comment speculates about future leakage of the Project’s system. The proposed cistern system would be designed to handle large amounts of water for Capture and Use

and, as with any water system, would be subject to maintenance activities to ensure its proper long-term operation, which would be required by a maintenance program agreement with LABOE (see Response No. ORG 7B-8).

### **Comment No. ORG 7B-11**

9. The DEIR seems to argue that they do not have to produce alternatives that do not meet project goals.

*V-6: “In order for the Project to satisfy the Project Objectives, a property would need to be of sufficient size to accommodate two playing fields, tennis courts, a pool, all with respective bleachers, and a gymnasium that would provide for recreational practice and instruction, as well as allow for competitive meets with available spectator seating and adequate onsite parking to preclude off-site parking.”*

*V-5: “According to the State CEQA Guidelines, the following factors may be used to eliminate alternatives from detailed consideration: the alternative’s failure to meet most of the basic Project Objectives, the alternative’s infeasibility, or the alternative’s inability to avoid significant environmental impacts, such as the Project’s significant and unavoidable construction noise impacts.”*

This information is simply incorrect. In fact, the discussion of alternatives must focus on alternatives to a project or its location that avoid or substantially lessen negative impacts, even if they impede project Objectives or are more costly (Public Resources Code Section 21002.1).

### **Response No. ORG 7B-11**

The comment disagrees with the statements in Section V, *Alternatives*, pages 5 and 6 of the Draft EIR regarding the analysis of alternatives. These statements, however, are supported by language contained in CEQA Guidelines Section 15126.6(a), which states: “An EIR shall describe a range of reasonable alternatives to the Project, or the location, of the Project, which would feasibly attain most of the objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the Alternatives.” The comment is correct in that the ability of the Alternative to avoid or substantially lessen any of the significant effects of the project is the primary objective in the selection of an Alternative. In fact, all of the Project Alternatives were selected for their ability to reduce the Project’s significant and unavoidable construction noise and vibration impacts. However, because of the proximity of sensitive receptors (residential uses) none of the alternatives involving construction could reduce significant and unavoidable noise and vibration impacts to less than significant levels. The statement of page V.5 with which the commenter disagrees is cited from CEQA Guidelines Section 15126.6(c), which states: “Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.” Because this language is contained in the current (2022) CEQA

Guidelines, the statement regarding factors in the selection of alternatives is correct. The statement on page V.6 is not a discussion related to CEQA but is a brief summary of the Project's underlying purpose related to supplemental athletic and recreational facilities. No further response is necessary.

### **Comment No. ORG 7B-12**

This DEIR does not seriously consider Alternatives. Project Objectives vary going through the DEIR. In parts of the DEIR, public access and a water cistern are named as project objective, yet they are eliminated in Alternative 4. Their Alternative 3, is deemed a "low density alternative", yet, with respect to cumulative impacts to hydrology and available green space, is factually "more dense" with a far greater percentage of pavement. They never considered using only one playing field and they have never discussed the fact that they have a playing field and a swimming arena at their current school location. What they have produced are alternatives that are less attractive than the proposed project and easier to eliminate.

### **Response No. ORG 7B-12**

The comment contends that the Draft EIR does not seriously consider the proposed Alternatives. However, this statement is not based on substantial evidence. The Project Alternatives are consistently compared to Project Objectives in Table V-3, *Ability of Alternatives to meet Project Objectives*, on pages V-150 through V-154. Alternative 3 is described in Chapter V as a "Reduced Density/Programming" not a "Low Density" Alternative. Under Alternative 3, the tennis courts would be eliminated and the hours of operation available for outdoor activity would be reduced. Alternative 3 would incorporate fewer recreational facilities than the Project and other Alternatives and would reduce end of day hours from 9:00 p.m. to 8:00 p.m., thus resulting in less energy demand, less human activity noise, and fewer light and glare impacts. During operation, impacts related to groundwater supplies and drainage patterns would be greater under Alternative 3 than under the Project because of the elimination of the Project's stormwater capture and reuse system. However, operation impacts would be similar to the other Alternatives that also eliminate this system. Refer to Response No. ORG 7A-169, above which addresses the reasons for eliminating the cistern in the Project Alternatives.

### **Comment No. ORG 7B-13**

Please let me know if you would like me to elaborate more on any of the topics I mentioned.

### **Response No. ORG 7B-13**

The statement is a standard closing to the consultant's report and does not comment on the adequacy of the Draft EIR. No further response is necessary.

## **Letter C, April 22, 2022**

Amy Minter  
 Sunjana Supekar  
 Chatten-Brown, Carstens & Minter  
 On behalf of the Studio City Residents Association and Save the River Open Space

### **Comment No. ORG 7C-1**

On behalf of Studio City Residents Association and Save LA River Open Space, we object to Harvard-Westlake's failure to provide the City with a complete application for its the proposed Harvard-Westlake River Park Project (the "Project") on what is now the site of Weddington Golf & Tennis. Master Land Use Application Instruction Sheet (CP-7810) requires an applicant to identify whether there will be any special events held at school facility, identify those events and the proposed frequency. Harvard-Westlake has wholly failed to include this required information, evasively stating instead:

**"j. Are there special events, e.g., fund-raising events, parent-teacher nights, graduation ceremonies or athletic events? How often are these proposed?"**

To be determined."

We urge the City to require Harvard-Westlake to submit a revised application that includes all required information before this proposed Project is further considered by the City. Since an accurate and complete application is required to define the scope of the Project for environmental review, all hearings and deadlines, including any comment periods on the draft environmental impact report for this Project should be continued and extended until a complete application has been submitted.

### **Response No. ORG 7C-1**

The comment contends that the Draft EIR is faulty because special events were shown as "to be determined" on the Project's Application. The Draft EIR clearly states that "up to 30 school-related special events per year" would be held on the Project Site. (Draft EIR at page II-50.) The City has the option to require conditions of approval that limit the annual occurrence of the School's special events, as well as public special events. The City also has the option to cap maximum attendance at special events for the School and the public, including concurrent public events with the School's use of the Project. Such potential conditions of approval would be consistent with the text included in Chapter II, *Project Description*, on page II-35 of the Draft EIR. Refer to Response No. ORG 1B-14 for additional details regarding special event activities at the Project Site.

It is noted that the events listed in the Draft EIR are based on a conservative scenario (see page II-48). Specific special events, as well as the specific number of special events, is not known since the parameters for such activities would only be understood after the establishment of any potential conditions of approval. However, the School would be

required to comply with decision-makers' approvals regarding the maximum number and scale of events discussed in Chapter II of the Draft EIR. See also Response Nos. ORG 1B-13 and ORG 1B-14 regarding the parameters of activities and events on the Project Site.

Furthermore, the discussion of the types of school athletic, recreational and special events and non-school use of the Project Site is clearly set forth in Chapter II, *Project Description*, of the Draft EIR. In addition, public special events (up to 5 per year) were discussed as early as the Project's Initial Study phase, as shown in the Initial Study, page 32, provided in Appendix A of the Draft EIR. The Project Description need only contain a general description and should not supply extensive detail beyond that needed for evaluation and review of the environmental impacts. (CEQA Guidelines Section 15124.) Therefore, the Draft EIR is not misleading in its presentation of proposed activities.

## Comment Letter No. ORG 8

Kyla Bennett, PhD, JD  
Director, Science Policy  
Public Employees for Environmental Responsibility (PEER)  
Received May 10, 2022

### Comment No. ORG 8-1

Please find attached PEER's comments on the Harvard-Westlake project.

### Response No. ORG 8-1

The comment directs the reader to attached comments on the Harvard-Westlake Project. The attached comments are addressed below in Response No. ORG 8-2 through Response No. ORG 8-15. The comment does not discuss the adequacy of the Draft EIR and no further response is necessary.

### Comment No. ORG 8-2

Thank you for the opportunity to comment on the Harvard-Westlake River Park Project Draft Environmental Impact Report (DEIR). The project involves the redevelopment of an approximately 16 acre site along the Los Angeles River for an athletic and recreational facility, and includes installation of an artificial turf field. Public Employees for Environmental Responsibility (PEER) is restricting its comments to adverse impacts associated with the proposed artificial turf field, particularly in regard to per- and polyfluoroalkyl substances (PFAS). Our specific comments are set forth below.

### Response No. ORG 8-2

This comment acknowledges the opportunity to comment on the Draft EIR and provides an abbreviated summary of the Project. This introductory comment also states that PEER's comments are limited to impacts associated with the proposed artificial turf. The comment does not address the adequacy of the Draft EIR and is noted for the record. The specific comments are addressed below in Response No. ORG 8-3 through Response No. ORG 8-15.

### Comment No. ORG 8-3

**What are PFAS?** PFAS are a large family of chemicals that number between 6,504<sup>1</sup> and 12,034<sup>2</sup> human-made chemicals that provide heat, stain, and water resistance. Yet, due to the strong carbon-fluorine bonds that occur in these molecules, PFAS do not easily break down in the environment and are called "forever chemicals." Well-studied PFAS are toxic to humans in concentrations as small as parts per quadrillion (ppq).<sup>3</sup> EPA's Office of Pollution Prevention and Toxics (OPPT) applies the following "working definition" when identifying PFAS: "a structure that contains the unit R-CF<sub>2</sub>-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching,

heteroatoms, and cyclic structures are included).” However, the Organization for Economic Co-operation and Development (OECD) defines PFAS as “fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (without any H/Cl/Br/I atom attached to it).” Regardless of which definition is used, adverse health impacts of PFAS are undeniable.

Specifically, PFAS are associated with cancer and have been linked to growth, learning, and behavioral problems in infants and children; fertility and pregnancy problems, including pre-eclampsia; interference with natural human hormones; increased cholesterol; and immune system problems.<sup>6</sup> Epidemiological studies have found decreased antibody response to vaccines,<sup>7</sup> and associations between blood serum PFAS levels and both immune system hypersensitivity and autoimmune disorders like asthma and ulcerative colitis.<sup>8</sup> The negative immune system effects of PFAS are extremely concerning given the ongoing COVID-19 pandemic. Recently, the Centers for Disease Control and Prevention released a “Statement on Potential Intersection between PFAS Exposure and COVID-19,” which recognized the “evidence from human and animal studies that PFAS exposure may reduce antibody responses to vaccines . . . and may reduce infectious disease resistance.”<sup>9</sup>

Numerous studies have found toxicity in legacy PFAS, such as PFOS and PFOA. Yet, as scientists study newer replacement PFAS, they are finding similar adverse toxicological outcomes in the new PFAS they test.<sup>10</sup> A compilation of PFAS toxicity studies shows that virtually every PFAS examined is correlated with adverse health outcomes.<sup>11</sup>

### **Routes of exposure for PFAS include ingestion, inhalation, and dermal absorption.**

While ingestion of PFAS is the most common route of exposure, scientists are finding that inhalation and dermal absorption are important routes of exposure. Indeed, even the federal Agency for Toxic Substances and Disease Registry (ATSDR) states that people working with PFAS “may be exposed to PFAS by inhaling them, getting them on their skin, and swallowing them.”<sup>12</sup> Moreover, recent work shows that firefighters can be exposed to PFAS through “ingestion or inhalation, or direct contact with the skin and dermal absorption.”<sup>13</sup> Recent studies have shown that some PFAS can migrate from car seat fabric to sweat, showing a potential dermal exposure route.<sup>14</sup>

<sup>1</sup> <https://www.epa.gov/system/files/documents/2021-10/pfas-natl-test-strategy.pdf>

<sup>2</sup> ENVTL. PROTECTION AGENCY, PFAS Master List of PFAS Substances, [https://comptox.epa.gov/dashboard/chemical\\_lists/pfasmaster](https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster)

<sup>3</sup> CAL. OFFICE OF ENVTL. HEALTH HAZARD ASSESSMENT, Announcement of Availability of a Draft Technical Support Document and Public Workshop for Proposed Public Health Goals for Perfluorooctanoic Acid and Perfluorooctane Sulfonic Acid in Drinking Water, (July 22, 2021) <https://oehha.ca.gov/water/crn/announcement-availability-draft-technical-support-document-and-public-workshop-proposed>.

<sup>4</sup> See EPA, PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) IN PESTICIDE PACKAGING, <https://www.epa.gov/pesticides/pfas-packaging>. EPA has recently requested public comment on its working definition of PFAS.

- <sup>5</sup> [https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV/CBC/MONO\(2021\)25&docLanguage=En#:~:text=The%20rationale%20behind%20the%20revision,noted%20exceptions%2C%20any%20chemical%20with](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV/CBC/MONO(2021)25&docLanguage=En#:~:text=The%20rationale%20behind%20the%20revision,noted%20exceptions%2C%20any%20chemical%20with)
- <sup>6</sup> U.S. Dept. of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Perfluoroalkyls, (May 2021), <https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf>
- <sup>7</sup> Sunderland, E. M. et. al., A Review of the Pathways of Human Exposure to Poly- and Perfluoroalkyl Substances (PFASs) and Present Understanding of Health Effects, 29 JOURNAL OF EXPOSURE SCIENCE AND ENVIRONMENTAL EPIDEMIOLOGY, no. 2, (2018), <https://pubmed.ncbi.nlm.nih.gov/30470793/>.
- <sup>8</sup> See U.S. Environmental Protection Agency, Drinking Water Health Advisory for Perfluorooctanoic Acid (PFOA), 39 (May 2016), [https://www.epa.gov/sites/production/files/2016-05/documents/pfoa\\_health\\_advisory\\_final\\_508.pdf](https://www.epa.gov/sites/production/files/2016-05/documents/pfoa_health_advisory_final_508.pdf).
- <sup>9</sup> Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry, Statement on Potential Intersection between PFAS Exposure and COVID-19, <https://www.atsdr.cdc.gov/pfas/health-effects/index.html> (last visited Mar. 29, 2021).
- <sup>10</sup> U.S. Dept. of Health and Human Services, National Toxicology Program, Per- and Polyfluoroalkyl Substances (PFAS), <https://ntp.niehs.nih.gov/whatwestudy/topics/pfas/index.html>
- <sup>11</sup> <https://pfasproject.com/pfas-toxic-database/>
- <sup>12</sup> <https://www.atsdr.cdc.gov/pfas/health-effects/exposure.html#:~:text=Workers%20may%20be%20exposed%20to,your%20body%20through%20your%20s%20kin.>
- <sup>13</sup> <https://www.sffcpf.org/wp-content/uploads/2020/06/6.23.2020-DR-PEASLEE-STUDY-ANOTHER-PATHWAY-FOR-FIREFIGHTER-EXPOSURE-TO-PFAS-FIREFIGHTER-TEXTILES.pdf>
- <sup>14</sup> <https://www.sciencedirect.com/science/article/abs/pii/S0269749120361650?via%3Dihub>

## Response No. ORG 8-3

The comment discusses the potential health risks and exposure pathways of PFAS but does not raise any issues as to the adequacy of the Draft EIR. PFAS are used to impart oil, water, stain, and soil repellency, chemical and thermal stability, and friction reduction in a range of products, including household consumer products such as carpets, clothing, furniture, outdoor equipment, cosmetic products, non-stick cookware, and food packaging. The comment also makes the assertion that PFAS in general create a health risk. This assertion over-generalizes the potential health risk of the Project. As stated in the Exponent memorandum provided as Appendix E.1 to this Final EIR,: “PFAS is a poorly-defined term that can encompass thousands of substances with widely different properties that influence their behavior in environmental and biological systems, and only certain PFAS are associated with regulatory limits supported by environmental and health risk assessments. Artificial turf utilizes low levels of fluoropolymer processing aids in the manufacturing of turf fibers, which are beneficial to the production and performance of the turf fibers. These fluoropolymer processing aids may be considered PFAS under some definitions of the term, but are often considered to be a distinct category of PFAS because of their large size and chemical inertness. These properties contribute to fluoropolymers’ long history of use in applications such as medical devices, in which biocompatibility is an important characteristic.”

The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative

to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf and compounds in artificial turf, including PFAS. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant. Refer to Section (2)(a) of Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health for additional detail regarding the human health-related risks from PFAS in artificial turf, which the Draft EIR found to be less than significant based on a human health risk assessment (HHRAs) conducted on compounds in artificial turf, including PFAS.

Regarding the comment's assertion that a compilation of PFAS toxicity studies shows that virtually every PFAS examined is correlated with adverse health outcomes, the cited studies are not human health risk assessments. Furthermore, the studies primarily identified three PFAS that were of concern for public health risks, perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and GenX.<sup>152</sup> A report from the USEPA states that "although certain PFAS, such as perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), have been studied extensively, most PFAS lack data for robustly characterizing their potential toxicity".<sup>153</sup> Thus, not every PFAS has been tested for toxicity. As shown in the testing of numerous artificial turf samples, if PFAS show up during testing, the types of PFAS detected are not universally PFOA, PFOS, or GenX, and are most likely a fluoropolymer, which does not break down or leach and is not associated with the PFAS whose health risks have been studied extensively. Additionally, contrary to the commenter's assertion that virtually all studies show that PFAS have an adverse health effect, specific studies on the type of artificial turf which would be used by the Project show that the PFAS, if any, that would be contained in the artificial turf are below the levels that would result in adverse health consequences. Furthermore, the artificial turf proposed for the Project do not contain PFOS, PFOA, or GenX. As discussed in Topical Response No. 7 Section (2)(a)(iii)(e), the results of metals and PFAS testing performed for the Final EIR on FieldTurf artificial turf, the artificial turf proposed for the Project show that the levels that were detected are significantly lower than proposed regulatory limits for PFAS content in products, and lower than residential soil screening levels for any form of PFAS issued by the USEPA and currently proposed by the State of California. Moreover, see Final EIR Appendices E.1, E.2, and E.3, which provide the FieldTurf testing results and analyses.

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<sup>152</sup> GenX is a trade name for a chemical that went into production around 2010 as an alternative to a perfluorooctanoic acid (also known as PFOA or C8) in the synthesis of polytetrafluoroethylene (PTFE) (i.e., Teflon). The USEPA regulates the following GenX chemicals, hexafluoropropylene oxide (HFPO) dimer acid and its ammonium salt.

<sup>153</sup> USEPA, 2021. National PFAS Testing Strategy: Identification of Candidate Per- and Poly-fluoroalkyl Substances (PFAS) for Testing, October. Available: <https://www.epa.gov/system/files/documents/2021-10/pfas-natl-test-strategy.pdf>. Accessed January 2023.

Additionally, refer to Response No. ORG-1B-75 and Response No. ORG 7A-76, which discuss PFAS, the pathways of exposure, and results from recent PFAS testing of artificial turfs that conclude that leaching and/or conversion to mobile perfluorinated alkyl acids is limited over the lifetime of an artificial turf and/or following accidental ingestion of artificial turf components and that these compounds pose a negligible human health risk from dermal, inhalation, and ingestion exposure.<sup>154 155</sup>

### Comment No. ORG 8-4

**There are per-and polyfluoroalkyl substances (PFAS) in artificial turf, and the DEIR does not address these impacts.** Although the narrative of the DEIR does not mention PFAS as a hazardous component of the artificial turf, Appendix H states that:

The artificial grass blades are formed through a molding and extrusion process, which uses per- and polyfluoroalkyl substances (PFAS). PFAS are not used in the artificial grass blades or base material themselves. Rather, PFAS are used during the extrusion process to avoid clogging of the extruding machines.<sup>15</sup>

<sup>15</sup> See DEIR, Appendix H, p. 2

### Response No. ORG 8-4

The comment asserts that the Draft EIR fails to address impacts of PFAS in artificial turf. As mentioned in Appendix H-2, page 2 (PDF page 1672 of 1691) of the Draft EIR and by the commenter, the artificial grass blades are formed through a molding and extrusion process which utilizes PFAS to avoid clogging of the extruding machines. The artificial turf itself does not contain PFAS. Thus, the Draft EIR did address this topic in Appendix H-2 which is part of the Draft EIR. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant. Refer to Topical Response No. 7 Section (2)(a) for additional detail regarding the human health-related risks from PFAS in artificial turf, which the Draft EIR found to be less than significant based on HHRA's conducted on compounds in artificial turf, including PFAS. Topical Response No. 7 Section (2)(a)(iii)(e) discusses the results of metals and PFAS testing performed for the Final EIR on FieldTurf artificial turf, which show that the levels that were detected are significantly lower than proposed regulatory limits for PFAS content in products, and lower than residential soil screening levels for

<sup>154</sup> Activitas, 2021. Field Surface Information in Regards to New Athletic Complex, April 5. Available: [https://www.bbns.org/uploaded/PDFs/All\\_School/2020-21/21003-BBN-TurfInfo\\_2021\\_04\\_05.pdf](https://www.bbns.org/uploaded/PDFs/All_School/2020-21/21003-BBN-TurfInfo_2021_04_05.pdf). Accessed June 2022.

<sup>155</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

any form of PFAS issued by the USEPA and proposed by the State of California. See also Final EIR Appendices E.1, E.2, and E.3 for the FieldTurf testing results and analysis. Additionally, see Response No. ORG 1B-75 and Response No. ORG 7A-76, which discuss PFAS, the pathways of exposure, and results from a recent HHRA on PFAS from artificial turf that suggest that artificial turf does not pose an imminent risk to users based on the level of PFAS and/or fluorine found in the artificial turf samples.

### Comment No. ORG 8-5

We believe that this statement is only partially true. While PFAS are added to the machines to assist in the extrusion process, PFAS are also used as, “a slip agent that is intentionally added to the molten hydrocarbons in order to make the plastic grass blades free of defects.”<sup>16</sup> In other words, PFAS *are* used in the base material itself. In fact, every sample of dozens of artificial turf, regardless of the manufacturer, show PFAS<sup>17</sup> in the grass blades, the backing, and sometimes the shock pad and the infill. Moreover, Synthetic Precipitation Leaching Procedures (SPLPs) show that these PFAS leach off the fields into surrounding waters.<sup>18,19</sup>

Therefore, the failure of the DEIR to discuss the impacts associated with PFAS in the artificial turf, their ability to leach into the groundwater and Los Angeles River, and potential impacts on the athletes using the fields, is a critical flaw which must be cured in the Final EIR.

<sup>16</sup> [https://oakbluffs.zoom.us/rec/play/XRPkH-Yd8joprhylovKEPo3SpdVyri6t5Intk1wSyaXPB10ZXZ6U\\_IUjX9npl9X4DduJgE7gjIndVKMS.qSRjKd7F9cH\\_sF-e?continueMode=true&\\_x\\_zm\\_rtaid=oO\\_jk5IWTT-Y7W-V3an6Yw.1652118740167.3adaa7e26df2bb777484f4cc1217465c&\\_x\\_zm\\_rhtaid=887](https://oakbluffs.zoom.us/rec/play/XRPkH-Yd8joprhylovKEPo3SpdVyri6t5Intk1wSyaXPB10ZXZ6U_IUjX9npl9X4DduJgE7gjIndVKMS.qSRjKd7F9cH_sF-e?continueMode=true&_x_zm_rtaid=oO_jk5IWTT-Y7W-V3an6Yw.1652118740167.3adaa7e26df2bb777484f4cc1217465c&_x_zm_rhtaid=887)

<sup>17</sup> Dr. Graham Peaslee and Kristen Mello, NEWMOA Conference, April 6, 2022

<sup>18</sup> Id.

<sup>19</sup> [https://www.mvcommission.org/sites/default/files/docs/210301\\_Turf%20Laboratory%20Testing%20Report%20Review\\_HWSIGNED%281%29.pdf](https://www.mvcommission.org/sites/default/files/docs/210301_Turf%20Laboratory%20Testing%20Report%20Review_HWSIGNED%281%29.pdf)

### Response No. ORG 8-5

The comment asserts that the Draft EIR fails to address impacts of PFAS in artificial turf and that the content of every artificial turf includes PFAS which could leach off into the athletic fields and into the surrounding waters. As mentioned in Appendix H-2, page 2 (PDF page 1672 of 1691) of the Draft EIR, and by the commenter, the artificial grass blades are formed through a molding and extrusion process which utilizes PFAS to avoid clogging of the extruding machines. The artificial turf itself does not contain PFAS, as evidenced by multiple laboratory tests conducted on the turf product to be used by the Project.

Although the artificial turf itself does not contain PFAS, it is theoretically possible for PFAS to adhere to the blades during extraction. The Draft EIR did address this topic in Appendix H-2. See Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health.

Regarding the comment that PFAS are “a slip agent that is intentionally added to the molten hydrocarbons in order to make the plastic grass blades free of defects”; the comment misquotes the presenter, Laura C. Green, Ph.D., D.A.B.T. (Dr. Green), at the Oak Bluffs Health Board zoom meeting.<sup>156</sup> The meeting was discussing the Horsley Witten Group report (Horsley Witten Report)<sup>157</sup> on a Martha’s Vineyard Commission report entitled Synthetic Turf Laboratory Testing and Analysis Summary Report Martha’s Vineyard Regional High School (MVRHS) prepared by Tetra Tech (Tetra Tech Report).<sup>158</sup> The Horsley Witten Report presented findings of total organic fluorine at an elevated level of approximately 117 parts per million (ppm) which indicated that unregulated PFAS may be present in the artificial turf and could leach into groundwater.<sup>159</sup> Dr. Green discussed the total organic fluorine presented in the Horsley Witten Report and stated “that plastic grass is just a hydrocarbon, typically either polyethylene or polypropylene, but in order to extrude plastic, whether you are making a plastic blade of grass or a plastic straw, if you just tried to extrude just the polyethylene or polypropylene you’d get defects. It’s like frying an egg in a stainless-steel pan without no slip agent, no spray of oil”.<sup>160</sup> Dr. Green also stated that the total organic fluorine reading is a result of the slip agent and that “every plastic product that needs to be extruded has to have a little bit of a slip agent that is a simple fluoro-copolymer”.<sup>161</sup> Therefore, Dr. Green is saying that without the slip agent, similar to the egg analogy, the blades of grass would not extrude properly and could have defects. Further, she says that PFAS is the non-water soluble fluoropolymer used as a slip agent that will not dissolve in water or contaminate groundwater.<sup>162</sup>

Additionally, Dr. Green goes on to say that “the fluoro-copolymer used in the extraction of artificial turf are similar to the fluoropolymers and fluoro-copolymers that are used

<sup>156</sup> Oak Bluffs Board of Health, 2021. Oak Bluff Board of Health Meeting November 9, 2021. Board of Health Meeting - Zoom, Accessed December 2022.

<sup>157</sup> Horsley Witten Group, 2021. RE: Synthetic Turf Laboratory Testing and Analysis Summary Report Martha’s Vineyard Regional High School (MVRHS), March 1.  
[https://www.oakbluffsma.gov/DocumentCenter/View/7657/Horsley-Witten\\_Synthetic-Turf-LaboratoryTesting-and-Analysis-Report](https://www.oakbluffsma.gov/DocumentCenter/View/7657/Horsley-Witten_Synthetic-Turf-LaboratoryTesting-and-Analysis-Report). Accessed December 2022.

<sup>158</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26..  
<https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022.

<sup>159</sup> Horsley Witten Group, 2021. RE: Synthetic Turf Laboratory Testing and Analysis Summary Report Martha’s Vineyard Regional High School (MVRHS), March 1.  
[https://www.oakbluffsma.gov/DocumentCenter/View/7657/Horsley-Witten\\_Synthetic-Turf-LaboratoryTesting-and-Analysis-Report](https://www.oakbluffsma.gov/DocumentCenter/View/7657/Horsley-Witten_Synthetic-Turf-LaboratoryTesting-and-Analysis-Report). Accessed December 2022.

<sup>160</sup> Oak Bluffs Board of Health, 2021. Oak Bluff Board of Health Meeting November 9, 2021. Board of Health Meeting - Zoom, Accessed December 2022.

<sup>161</sup> Oak Bluffs Board of Health, 2021. Oak Bluff Board of Health Meeting November 9, 2021. Board of Health Meeting - Zoom, Accessed December 2022.

<sup>162</sup> Oak Bluffs Board of Health, 2021. Oak Bluff Board of Health Meeting November 9, 2021. Board of Health Meeting - Zoom, Accessed December 2022.

inside people and like all fluoropolymers they are completely inert and biocompatible.”<sup>163</sup> Dr. Green also states that “these fluoropolymers are inert plastic that will not leach and that these PFAS substances have been used since the 1960’s.”<sup>164</sup>

Regarding the commenter’s statement that every sample of dozens of artificial turf, regardless of the manufacturer, show PFAS, the commenter is referring to a presentation about PFAS in artificial turf given at a conference.<sup>165</sup> This presentation discusses that the researchers screened dozens of different new and used turfgrass samples for total fluorine, not PFAS. As stated in the presentation, fluorine comes from polymer processing aids, the slip agent referred to by Dr. Green during the Oak Bluffs zoom. Contrary to the comment, the presentation does not claim that the PFAS are used in the base material itself. In some instances, as is the case in the presentation, the detection of fluorine is cited as the sole basis for concluding that artificial turf fibers and backing materials contain PFAS.<sup>166</sup> However, fluorine is an element that may be present in many chemical forms and examples of numerous fluorine-containing substances have been well characterized to offer acceptable and beneficial attributes (for example, fluoride in toothpaste). Even if present as organic fluorine, not all fluorinated compounds will be considered “PFAS” according to different definitions. And within the group of compounds that may be considered “PFAS,” different compounds have different properties, all of which matter in the assessment of environmental risk from a product such as artificial turf.<sup>167</sup> At present, there appears to be only one study in the peer-reviewed literature that discusses the presence of PFAS in artificial turf systems. In that study, the authors conclude that the PFAS identified in artificial turf is polymeric organofluorine, stating “these results point toward polymeric organofluorine (e.g., fluoroelastomer, polytetrafluoroethylene, and polyvinylidene fluoride);” therefore, “[t]he combination of poor extractability and recalcitrance towards advance oxidation suggest that the fluorine in AT [artificial turf] does not pose an imminent risk to users.”<sup>168</sup> The authors further emphasize the differences between the detection of total fluorine content from the emission or extraction of

<sup>163</sup> Oak Bluffs Board of Health, 2021. Oak Bluff Board of Health Meeting November 9, 2021. Board of Health Meeting - Zoom, Accessed December 2022.

<sup>164</sup> Oak Bluffs Board of Health, 2021. Oak Bluff Board of Health Meeting November 9, 2021. Board of Health Meeting - Zoom, Accessed December 2022.

<sup>165</sup> Peaslee, Graham & Kristin Mello, 2022. PFAS in Artificial Turf, NEWMOA Conference April 6, 2022. 6April2022\_NEWMOA\_GP\_KLM\_PFAS in Artificial Turf (whova.com). Accessed December 2022.

<sup>166</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>167</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>168</sup> Lauria, M. Z., Naim, A., Plassmann, M., Fäldt, J., Sühling, R., and Benskin, J. P. (2022). Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. *Environmental Science & Technology Letters* 9(8), 666-672 (quote at the abstract).

nonpolymeric PFAS from the artificial turf during its intended use, which is estimated to be an order of magnitude lower.<sup>169</sup>

Regarding the synthetic precipitation leaching procedure (SPLP) tests that were referenced by the commenter, the Tetra Tech Report states<sup>170</sup> that select PFAS compounds were detected in the SPLP analysis that were not detected in the total PFAS analysis. PFAS may be present in the synthetic turf components, but at concentrations below the method detection limits (MDLs) achieved by the laboratory.<sup>171</sup> The detection limits achieved by the laboratory were elevated because of the limited sample weight utilized during extraction and the dilutions required by the low-density sample matrix. The detection of PFAS compounds in the samples of the synthetic turf components via SPLP PFAS analysis but not via total PFAS analysis may suggest that these products contain PFAS compounds that were not extractable via the analytical method utilized for total PFAS analysis (isotope dilution method) but were extractable by the more rigorous SPLP extraction process. Therefore, the SPLP testing that was performed assessed the products in a manner that likely results in significantly more aggressive degradation (mechanical reduction of particle size and extraction via acidic solution) than the anticipated conditions during the life of the synthetic turf field.<sup>172</sup> The detection of perfluorobutanoic acid (PFBA) (a PFAS compound associated with non-stick and stain-resistant consumer products, food packaging, fire-fighting foam, and industrial processes) in the Brock Shock Pad (a shock absorbing pad in artificial turf, and the specific product discussed in the Tetra Tech Report) may be due to high bias in the analysis of this compound.<sup>173</sup> Additionally, the testing did not detect PFAS in any of the synthetic turf components at concentrations above the laboratory reporting limit or MDL.

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<sup>169</sup> Lauria, M. Z., Naim, A., Plassmann, M., Fäldt, J., Sühling, R., and Benskin, J. P. (2022). Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. *Environmental Science & Technology Letters* 9(8), 666-672.

<sup>170</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

<sup>171</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

<sup>172</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

<sup>173</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26. <https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

Results of the Tetra Tech Report state that PFAS materials are present in concentrations well below referenced risk-based standards or reportable quantities.<sup>174</sup> The Tetra Tech Report shows the six PFAS compounds, regulated by Massachusetts, (PFAS6)<sup>175</sup> were not detected in the total PFAS analysis performed on the selected synthetic turf components.<sup>176</sup> Therefore, no significant risks can be identified based on available data.<sup>177</sup> Additionally, based on the current regulatory standards for PFAS in Massachusetts, there are no significant risks associated with the discharge of PFAS from the synthetic turf field into groundwater.<sup>178</sup> Since no significant risks can be identified based on available data, low concentrations of PFAS compounds present little risk associated with human contact, based on the Massachusetts regulatory standards.<sup>179</sup>

As presented above, PFAS are used as a slip agent in the extrusion process and are not part of the artificial turf product. The presence of total fluorine can indicate PFAS is present, although not all fluorinated compounds will be considered “PFAS” according to different definitions. So even if total fluorine is present in artificial turf sampling, it does not necessarily indicate that PFAS is present, or if it is present, it may not be present in the amount of total fluorine reported. The SPLP analysis testing conducted in the Tetra Tech Report did not find PFAS detected in any of the synthetic turf components at concentrations above the laboratory reporting limit or MDL, which shows that PFAS do not leach out of artificial turf in an amount that would be harmful to groundwater or any receiving waters, such as the Los Angeles River. Furthermore, the SPLP testing that was performed assessed the products in a manner that likely results in significantly more

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<sup>174</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26.  
<https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

<sup>175</sup> Massachusetts regulates six PFAS chemicals (PFAS6): Perfluoroheptanoic Acid (PFHpA), Perfluorohexanesulfonic Acid (PFHxS), Perfluorooctanoic Acid (PFOA), Perfluorononanoic Acid (PFNA), Perfluorooctanesulfonic Acid (PFOS), and Perfluorodecanoic Acid (PFDA).

<sup>176</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26.  
<https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

<sup>177</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26.  
<https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

<sup>178</sup> Tetra Tech, 2021. Synthetic Turf and Laboratory Testing and Analysis Summary Report Martha Vineyard Regional High School Athletic Field Project, February 26.  
<https://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>. Accessed December 2022

<sup>179</sup> Horsley Witten Group, 2021. Memorandum RE: Synthetic Turf Laboratory Testing and Analysis Summary Report Martha’s Vineyard Regional High School (MVRHS), March 1.  
[https://www.mvcommission.org/sites/default/files/docs/210301\\_Turf%20Laboratory%20Testing%20Report%20Review\\_HWSIGNED%281%29.pdf](https://www.mvcommission.org/sites/default/files/docs/210301_Turf%20Laboratory%20Testing%20Report%20Review_HWSIGNED%281%29.pdf). Accessed December 2022.

aggressive degradation (mechanical reduction of particle size and extraction via acidic solution) than the anticipated conditions during the life of the synthetic turf field.<sup>180</sup>

In response to comments received on the Draft EIR, the artificial turf proposed for use in the Project was sent out for PFAS and metals testing by Eurofins, a laboratory widely regarded as experienced in PFAS testing. None of the metals detected in the crumb rubber sample exceeded USEPA Regional Screening Levels (RSLs) or California Department of Toxic Substances Control (DTSC) modified RSLs for unrestricted residential use.<sup>181</sup> No listed molecular PFAS of concern were detected above the reporting limit in the pre-weathered sample.<sup>182</sup> The FieldTurf Core Vertex 2.5 fiber product was subjected to the TOP assay (i.e., analysis for one or more specific components) which uses both heat and an aggressive hydroxyl radical oxidation process to attempt to break down precursor compounds of PFAS into measurable perfluoroalkyl acids (PFAA). Perfluorobutanoic acid (PFBA) and Perfluoro-2-methoxypropionic acid (MTP) were detected in the post-TOP assay sample at concentrations just above their respective reporting limits.<sup>183</sup> However, PFBA was also detected in the method blank<sup>184</sup> and both PFBA and MTP were detected in the control sample<sup>185</sup> indicating contamination of the instrument or other interference that would overstate the detected concentration of PFBA in the tested artificial turf.<sup>186,187</sup> These analytical issues are unlikely to affect the validity of the results, although they likely resulted in overestimated post-TOP assay

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- <sup>180</sup> Horsley Witten Group, 2021. Memorandum RE: Synthetic Turf Laboratory Testing and Analysis Summary Report Martha's Vineyard Regional High School (MVRHS), March 1. [https://www.mvcommission.org/sites/default/files/docs/210301\\_Turf%20Laboratory%20Testing%20Report%20Review\\_HWSIGNED%281%29.pdf](https://www.mvcommission.org/sites/default/files/docs/210301_Turf%20Laboratory%20Testing%20Report%20Review_HWSIGNED%281%29.pdf). Accessed December 2022.
- <sup>181</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 2022. Appendix E.3 to the Final EIR.
- <sup>182</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 2022. Appendix E.3 to the Final EIR.
- <sup>183</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 2022. Appendix E.3 to the Final EIR.
- <sup>184</sup> A method blank is an analyte-free matrix such as de-ionized water for liquids or cleaned sand for solids and/or soils that is processed in exactly the same manner as the samples. The main function of the method blank is to document contamination resulting from the analytical process.
- <sup>185</sup> A control sample establishes the baseline concentrations of the analytes of interest within the test environment, prior to the introduction of the test sample.
- <sup>186</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 2022. Appendix E.3 to the Final EIR.
- <sup>187</sup> Exponent, 2022. External Memorandum to ESA from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

concentrations of PFBA and MTP.<sup>188</sup> While there are no regulatory screening levels for the specific PFAS in the FieldTurf samples after oxidation, the levels that were detected are significantly lower than proposed regulatory limits for PFAS content in products, and lower than residential soil screening levels for any form of PFAS issued by USEPA and proposed by the State of California.<sup>189</sup> Therefore, PFAS compounds used to produce or that may be found in artificial turf or recycled rubber infill do not present a public health concern.<sup>190</sup> The results testing by Eurofins are provided in Appendix E.3 to this Final EIR. Appendices E.1 and E.2, to this Final EIR, are from other experienced scientific firms that analyzed the test results and offered their professional opinion on PFAS. These results are also summarized in Topical Response No. 7 Section (2)(a)(iii)(e). Therefore, the Draft EIR did not fail to discuss the impacts associated with PFAS in the artificial turf because PFAS is not included in artificial turf which would be used by the Project but rather is used in the extrusion process. As discussed above and confirmed by the PFAS testing results on the FieldTurf proposed for the Project, their ability to leach into the groundwater and Los Angeles River, and potential impacts on the athletes using the fields do not present a public health concern.

### Comment No. ORG 8-6

**Even minute amounts of PFAS are dangerous.** The U.S. Environmental Protection Agency (EPA) revised the risk assessments of three PFAS (PFOA, PFOS, and GenX) in November of 2021. The new risk assessments showed that there is basically no safe level of these compounds; specifically, they state that the Lifetime Health Advisory may be as low as 6 parts per quadrillion (ppq).<sup>20</sup> Indeed, California's Office of Environmental Health Hazard Assessment recommend a health protective limit of 7 ppq of PFOA and 1 ppt of PFOS.<sup>21</sup> Given that we are seeing PFAS at much higher levels than these leaching off artificial turf, it is incumbent on Harvard-Westlake proponents to assess the impacts to the ground water, surface water, and drinking water from the PFAS in these products.

<sup>20</sup> <https://www.huntonnickelreportblog.com/2021/11/icymi-epa-takes-a-big-science-step-towards-setting-a-drinking-water-standard-for-pfoa-and-pfos-and-the-implications-are-much-broader/>

<sup>21</sup> <https://oehha.ca.gov/media/downloads/cnrn/pfoapfosphgdraft061021.pdf>

### Response No. ORG 8-6

The comment reasserts that there is inadequate analysis of the Project's artificial turf and contends that any quantity of PFAS poses a risk to ground water, surface water and drinking water. As mentioned previously, PFAS is not contained in the product which

<sup>188</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 2022. Appendix E.3 to the Final EIR.

<sup>189</sup> Exponent, 2022. External Memorandum to Mike Harden, ESA, from Sarah Parker, Ph.D., Managing Scientist, Exponent, December 21. Appendix E.1 to the Final EIR.

<sup>190</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

would be used for the Project but is used in the extrusion process of the blades. As discussed in Appendix H-2, page 2 (PDF page 1672 of 1691) of the Draft EIR and by the commenter, the artificial grass blades are formed through a molding and extrusion process which utilizes PFAS to avoid clogging of the extruding machines. As stated in Appendix H-2, the artificial turf itself does not contain PFAS. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant.

The USEPA has proposed designating certain specified PFAS, namely perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund.<sup>191</sup> The proposed designation of PFOA and PFOS as hazardous substances under CERCLA must undergo a formal public rulemaking process, which has not occurred. Nonetheless, it is not expected that the Project's use of artificial turf would be subject to the USEPA proposed designation under CERCLA, if promulgated, since the artificial turf itself would not contain PFAS and would not constitute a release or threatened releases of PFAS into the environment under CERCLA. The USEPA proposed the first-ever national drinking water standard for six PFAS in March 2023. The proposed rule would regulate PFOA and PFOS as individual contaminants at 4 ppt, and would regulate four other PFAS — perfluorononanoic acid (PFNA), perfluorohexane sulfonate (PFHxS), perfluorobutane sulfonic acid (PFBS), and GenX chemicals — as a mixture at a HI calculation to be defined in the proposed rule. However, the testing for PFAS in turf is measured against soil screening standards not drinking water standards. Additionally, the PFAS testing performed on the FieldTurf sample indicated that PFOA, PFOS, and GenX were not detected above the laboratory reporting limits for both pre-TOP assay and post-TOP assay testing results.<sup>192</sup> Thus, these three PFAS would not present a public health concern with respect to the Project's proposed use of artificial turf.

Refer to Topical Response No. 7 Section (2)(a)(iii)(e) for a discussion on the results of metals and PFAS testing performed for the Final EIR on FieldTurf artificial turf, which show that the levels that were detected are significantly lower than proposed regulatory limits for PFAS content in products, and lower than residential soil screening levels for any form of PFAS issued by the USEPA and currently proposed by the State of California. Moreover, see Final EIR Appendices E.1, E.2, and E.3 for the FieldTurf testing results and analyses. Refer to Topical Response No. 7 Section (2)(a) for additional detail regarding the human health-related risks from PFAS in artificial turf, which the Draft EIR found to be less than significant based on HHRA's conducted on compounds in artificial

<sup>191</sup> USEPA, EPA Proposes Designating Certain PFAS Chemicals as Hazardous Substances Under Superfund to Protect People's Health, <https://www.epa.gov/newsreleases/epa-proposes-designating-certain-pfas-chemicals-hazardous-substances-under-superfund>. Accessed August 30, 2022.

<sup>192</sup> David Teter Consulting, 2022. Testing of FieldTurf Cryogenic Crumb Rubber for Total CAM 17 Metals and FieldTurf Core Vertex 2.5 Fiber for Total PFAS Using the Total Oxidizable Precursor Assay, November 22. Appendix E.3 to the Final EIR.

turf, including PFAS. Additionally, see Response No. ORG1B-75 and Response No. ORG 7A-76, which discuss PFAS, the pathways of exposure, and the results from a recent HHRA on PFAS from artificial turf that provide substantial evidence that artificial turf does not pose an imminent risk to users based on the level of PFAS and/or fluorine found in the artificial turf samples. Also, see Response No. ORG 8-5, above, for a discussion of PFAS testing of the proposed artificial turf for the Project, the testing results, and the ability of PFAS to leach into surface water and groundwater. For all the reasons stated above, no substantial evidence exists that the specific artificial turf proposed for use by the Project would result in health risks or risks to ground, surface, or drinking water and, therefore, no additional analysis is required.

### Comment No. ORG 8-7

**The DEIR incorrectly claims artificial turf will save water.** The DEIR states that the “artificial grass ... [is] a sustainable alternative to turf grass and [will provide a] reduction in water demand.”<sup>22</sup> However, this is not necessarily true. A 2017 study in New Mexico concluded that, “in order to provide a cool, playable surface, irrigation amounts for artificial turf are **greater** than for natural warm-season turf” (emphasis added).<sup>23</sup> This study was confirmed in 2020 when researchers found that, “that the amount of water required to maintain [artificial turf] temperatures at levels comparable to irrigated [natural turf] over a 24-h period exceed the water requirements of Bermuda grass [natural turf] in the same environment.”<sup>24</sup> In fact, a member of the Synthetic Turf Council claims that irrigation systems for artificial turf must be “over- engineered” and that “a large amount of water has to be dumped evenly across the whole field— and quickly because players will want to play immediately. And the cooling effect only lasts about an hour, maybe less.”<sup>25</sup>

Therefore, the numerous statements in the DEIR that state that the artificial turf will reduce “irrigation water demand, which would reduce the Project’s GHG emissions associated with water conveyance and wastewater treatment” are not true. (See DEIR, p. IV.G-72) The Final EIR must look at recent scientific studies regarding the necessity of watering artificial turf to maintain cool enough temperatures to play.

<sup>22</sup> See, e.g., DEIR, p. IV.G-55

<sup>23</sup> <https://scisoc.confex.com/crops/2017am/webprogram/Handout/Paper106290/Ahmed%20Kanaan.pdf>

<sup>24</sup> Kanaan, A. et al., Water Requirements for Cooling Artificial Turf, J. Irrig. Drain Eng., 2020, 146( 10): 05020004

<sup>25</sup> <https://www.parksandrecbusiness.com/articles/2016/10/part-2-watering-synthetic-turf>

<sup>26</sup> DEIR, p. IV.G-72

### Response No. ORG 8-7

The comment asserts that the Draft EIR incorrectly claims that artificial turf will save water. The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. The Project does not propose irrigation for the artificial fields.

Regarding the use of water to cool artificial turf<sup>193</sup>, the 2017 study referenced by the commenter states that it measured artificial turf containing black colored infill material and the measurements were taken in the desert southwestern part of the United States in New Mexico. It was also an experiment to measure the amount of water that would be needed to maintain surface temperatures of these infill fields at levels similar to natural turf grass areas. The Project is located in the City of Los Angeles where it is not as hot as the desert southwestern part of New Mexico and the artificial turf fields would not need to be irrigated to maintain cooler surface temperatures.

Regarding the Parks and Rec Business article<sup>194</sup> referenced by the commenter, the article states that in many cases irrigating synthetic fields is not entirely necessary. The Project does not include the installation of an irrigation system for the artificial turf fields. Therefore, water consumption for the Project's proposed artificial turf would be less than that for natural turf fields. The Draft EIR states that the artificial turf on Fields A and B would serve to reduce water demand compared to natural grass (page IV.O.1-24). As shown in Table IV.O.1-2, page IV.O.1-14, of Section IV.O.1 *Utilities and Service Systems – Water Supply*, of the Draft EIR, the existing landscape/golf course irrigation water demand is 31,063 gallons per day or 34.78 acre-feet per year. Total estimated landscaping water demand for the Project with artificial turf is shown in Table IV.O.1-8, page IV.O.1-29, of the Draft EIR, and is 9,051 gallons per day or 10.13 acre-feet per year, which is much less than the current landscape/golf course water demand. Therefore, the Draft EIR statement on page IV.G-72 that the artificial turf will reduce irrigation water demand over natural turf water demand, which would also reduce the Project's GHG emissions associated with water conveyance and wastewater treatment is accurate.

## Comment No. ORG 8-8

**The DEIR's analysis of GHG emissions is flawed.** Recent research shows that “the substitution of artificial grass for natural grass contributes to global warming.”<sup>27</sup> Additionally:

...artificial grass reaches significantly greater temperatures than those reached by natural grass under the same meteorological conditions... artificial grass creates an additional amount of energy absorbed by the atmosphere. With the number of nationwide artificial grass installations, a typical result yields an additional energy deposited into the atmosphere during moderately warm summer days of 10 to 20 gigawatts.<sup>28</sup>

<sup>193</sup> Kanaan, A et al., 2020. Water Requirements for Cooling Artificial Turf. Journal of Irrigation and Drainage Engineering/Volume 146 Issue 10 - October 2020. <https://ascelibrary.org/doi/abs/10.1061/%28ASCE%29IR.1943-4774.0001506>, Accessed August 29, 2022.

<sup>194</sup> Gaddo, R. Part 2: Watering Synthetic Turf, Parks and Rec Business. <https://www.parksandrecbusiness.com/articles/2016/10/part-2-watering-synthetic-turf>. Accessed August 29, 2022.

More recent research conducted this year states that artificial turf “can significantly increase ground surface temperatures and consequently increase ambient air temperatures near the ground as well as its surroundings.”<sup>29</sup> Indeed, the scientists conclude that, “[c]oncerning climate mitigation, replacing natural ground with heat-absorbent artificial turf may be counter-productive.”<sup>30</sup>

<sup>27</sup> Golden, L.M., Sustainability and Climate Change. Dec 2021.436-449.  
<http://doi.org/10.1089/scc.2021.0038>

<sup>28</sup> Id.

<sup>29</sup> Shi, Y. and C.Y. Jim, Developing a Thermal Suitability Index to assess artificial turf applications for various site- weather and user-activity scenarios, Landscape and Urban Planning, Volume 2017 (2022).

<sup>30</sup> Id.

## Response No. ORG 8-8

The comment asserts that the analysis of GHG emissions in the Draft EIR is flawed because it does not account for the heat of an artificial turf field. Please see Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project’s use of artificial turf fields. In addition, Section IV. G, *Greenhouse Gas Emissions*, of the Draft EIR, included an analysis of urban heat island effects from Project implementation. As analyzed therein, the Project’s artificial turf would not substantially contribute to an increase in the urban heat island effect for the area. Additionally, see Response No. ORG 1B-74 regarding the heat island effect.

Regarding the comment that artificial turf fields contribute to an increase in localized temperatures, which could contribute to a broader urban island effect, a study conducted by Milone & MacBroom, Inc., a privately-owned, multidisciplinary consulting firm, conducted a temperature evaluation study designed to determine the temperature rise of artificial turf materials under a number of environmental conditions.<sup>195</sup> As described in more detail in Appendix H-2 of the Draft EIR, the study concluded that while artificial turf fields, and specifically the artificial fibers used to simulate blades of grass, do exhibit higher surface temperatures when exposed to sunlight for prolonged periods of time (as compared to natural turf), rapid cooling was observed if the sunlight was interrupted or filtered by clouds, and would therefore not continue to release heat into the evening in the same manner as sidewalks, parking lots, streets, and roofing. Additionally, for artificial turf, the air temperatures above the surface decrease rapidly with increasing height.

## Comment No. ORG 8-9

The DEIR’s net Project emissions (Table IV.G-7) does not appear to take the additional water use needed to cool the fields into account. It is therefore clear that the DEIR did not

<sup>195</sup> Milone & MacBroom, Inc., Thermal Effects Associated with Crumb Rubber In-filled Synthetic Turf Athletic Fields, December 2008.

adequately examine recent research on this topic; alternatively, data were cherry-picked to give the authors the answer they sought. The Final EIR must include this more recent research and amend the calculation of net Project emissions.

### **Response No. ORG 8-9**

This comment states that the Draft EIR does not account for water use to cool the fields. The Project does not include the installation of an irrigation system for the Project's proposed artificial turf fields. See Response No. ORG 8-7, above, explaining why the Project's two fields using artificial turf would not be irrigated and, therefore, why the Draft EIR does not need to look into watering the artificial turf to keep it cool. Regarding the data in the Draft EIR being cherry-picked, the Draft EIR considered a wide array of articles which adequately considered all health and heat impacts of using artificial turf. Moreover, the articles referenced in the comment do not support the commenter's assertions regarding water usage for artificial turf, but instead refute the assertions as discussed in Response No. ORG 8-7, above. Therefore, the net Project GHG emissions in Table IV.G-7 do not need to be amended.

### **Comment No. ORG 8-10**

**The DEIR cherry-picks studies on the dangers of crumb rubber infill.** The DEIR relies heavily on old and biased scientific literature regarding the dangers of crumb rubber infill. For example, the DEIR repeatedly cites a 2018 "study" by Gradient, a consulting firm that works for industry, to demonstrate that crumb rubber infill does not pose a risk. Scientists have been aware for years that Gradient employees are not impartial. Indeed, Gradient has been outed for their bias:

Gradient belongs to a breed of scientific consulting firms that defends the products of its corporate clients beyond credulity, even exhaustively studied substances whose dangers are not in doubt, such as asbestos, lead and arsenic. Gradient's scientists rarely acknowledge that a chemical poses a serious public health risk. The Center for Public Integrity analyzed 149 scientific articles and letters published by the firm's most prolific principal scientists. Ninety-eight percent of the time, they found that the substance in question was harmless at levels to which people are typically exposed... "They truly are the epitome of rented white coats..."<sup>31</sup>

<sup>31</sup> <https://publicintegrity.org/environment/meet-the-rented-white-coats-who-defend-toxic-chemicals/>

### **Response No. ORG 8-10**

The comment asserts that the Draft EIR cherry picked studies on crumb rubber by choosing to discuss Gradient's study.

As discussed in Topical Response No. 7 and Appendix H-2 of the Draft EIR, there are numerous studies that looked at crumb rubber including:

- 2009 OEHHA Study – looked at crumb rubber for cancer risk;
- 2010 CalRecycle Study – examined crumb rubber for chronic and acute health risk;
- 2017 Gradient Study – examined crumb rubber for cancer and non-cancer risk;
- 2009 New York State Study – examined crumb rubber for cancer risk;
- 2010 Connecticut Study – assessed crumb rubber for cancer and non-cancer risk; and
- 2008 Bainbridge Island Evaluation – evaluated crumb rubber for health risks.

Additionally, the analysis in Appendices E.1 and E.2 of this Final EIR show that these experts also reviewed studies by Lauria, M. Z., Naim, A., Plassmann, M., Fäldt, J., Sühning, R., and Benskin, J. P., 2022; four studies by the Japanese National Institute of Health Sciences published in peer-reviewed literature (Kawakami et al., 2022; Nishi et al., 2022; Kubota et al., 2022; Sakai et al., 2022); ECHA, 2017; ANSES, 2018; RIVM, 2018; Peterson et al., 2018; Cheng, H., Hu, Y., Reinhard, M., 2014; Massey, R., Pollard, L., Jacobs, M., Onasch, J., and Harari, H., 2020; and EPA/ORD and CDC/ATSDR, 2029. Therefore, it is clear that the Gradient study was not the only study relied upon for the conclusion of less than significant impacts. Thus, the Draft EIR did not cherry pick the studies on crumb rubber nor solely rely on just the one study with which the commenter takes exception.

### **Comment No. ORG 8-11**

Moreover, *all* the studies cited in the DEIR were conducted before PFAS was discovered in artificial turf in 2019, and all the studies showing risk or harm were not included. The DEIR conveniently leaves out a 2022 peer-reviewed study that shows metals in crumb rubber are “above safe levels” and “accidental ingestion could lead to chronic effects and cancer risks”<sup>32</sup> that crumb rubber contains “harmful to human health PAHs in amounts exceeding the permissible limits”;<sup>33</sup> and that chemicals in crumb rubber kill salmon and other fish.<sup>34</sup> There are a plethora of other articles that come to similar conclusions, and it is not PEER’s job to bring all of those to the attention of the project proponents. Suffice it to say that it is clear that the literature search was insufficient and/or biased, and the Final EIR must include these additional research papers.

<sup>32</sup> Cátia A.L. Graça, Filipe Rocha, Filipa O. Gomes, M. Rosário Rocha, Vera Homem, Arminda Alves, Nuno Ratola, Presence of metals and metalloids in crumb rubber used as infill of worldwide synthetic turf pitches: Exposure and risk assessment, *Chemosphere*, Volume 299 (2022)

<sup>33</sup> Gryniewicz-Bylina, B., Rakwic, B. & Słomka-Słupik, B. Tests of rubber granules used as artificial turf for football fields in terms of toxicity to human health and the environment. *Sci Rep* 12, 6683 (2022)

<sup>34</sup> Tian, Z. et al., A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon, *Science*, Volume 371, 185-189 (2021).

## Response No. ORG 8-11

The comment asserts that the Draft EIR fails to address impacts of PFAS in artificial turf by relying on outdated studies from before PFAS were discovered in artificial turf.

The comment states that the EIR must discuss additional available articles on PFAS and cites to three listed reports which were not in the Draft EIR analysis. The first report (Graça *et al.*)<sup>196</sup> cited by the commenter identified that some metals present in crumb rubber may be above safe European levels, primarily zinc and lead. The report went on to conclude that a multi-pathway human exposure study was also performed, and the risk assessment showed that non-carcinogenic and carcinogenic risks were above the acceptable values. The DEIR did not include the Graça *et al.* study, due to the authors' flawed calculations, which were contradicted elsewhere in the article and altered its conclusions. Graça *et al.* stated that "some metals present in crumb rubber may be above safe levels," and that "zinc accounted for 66%, on average, of the total metal concentrations in all samples."<sup>197</sup> However, the zinc concentrations in Graça *et al.* ranged from 2,989 to 5,246 mg/kg, well below USEPA's Regional Screening Level (RSL) for zinc of 23,000 mg/kg, which is designed to be health-protective for even daily residential exposures.<sup>198</sup> <sup>199</sup> Additionally, based on their flawed cancer risk calculations, Graça *et al.* erroneously concluded that "[c]rumb rubber accidental ingestion could lead to chronic effects and cancer risks."<sup>200</sup> Later in the same article, the authors contradict that conclusion, stating that "[r]egarding cancer risks from ingestion of crumb rubber, these are within the acceptable values for all receptors, being Pb and Cr the major contributors. The authors would like to apologize for any inconvenience caused."<sup>201</sup> <sup>202</sup> Based on these flaws, the Graça *et al.* study does not add to the body of evidence from past and

<sup>196</sup> Graça, CAL; Rocha, F; Gomes, FO; Rocha, MR; Homem, V; Alves, A; Ratola, N. 2022. "Presence of metals and metalloids in crumb rubber used as infill of worldwide synthetic turf pitches: Exposure and risk assessment." *Chemosphere* 299:134379. doi: 10.1016/j.chemosphere.2022.134379. Accessed December 2022.

<sup>197</sup> Graça, CAL; Rocha, F; Gomes, FO; Rocha, MR; Homem, V; Alves, A; Ratola, N. 2022. "Presence of metals and metalloids in crumb rubber used as infill of worldwide synthetic turf pitches: Exposure and risk assessment." *Chemosphere* 299:134379. doi: 10.1016/j.chemosphere.2022.134379. Accessed December 2022.

<sup>198</sup> US EPA. 2022b. "Regional Screening Level (RSL) Composite Summary Table (TR=1E-06, HQ=1.0)." 97p., May. Accessed on July 27, 2022 at <https://semspub.epa.gov/src/document/HQ/402397>

<sup>199</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>200</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>201</sup> Graça, CAL; Rocha, F; Gomes, FO; Rocha, MR; Homem, V; Alves, A; Ratola, N. 2022. "Presence of metals and metalloids in crumb rubber used as infill of worldwide synthetic turf pitches: Exposure and risk assessment." *Chemosphere* 299:134379. doi: 10.1016/j.chemosphere.2022.134379. Accessed December 2022.

<sup>202</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

recent studies that found no evidence of a public health concern from exposure to chemicals in recycled crumb rubber infill.<sup>203</sup>

The second report cited by the commenter<sup>204</sup> stated that 80 percent of their samples came from tire recyclers and the other 20 percent from the surface of sports fields. Polycyclic aromatic hydrocarbons (PAHs) were found in 56 percent of the samples, 34 percent of which were supplied by the recyclers.<sup>205</sup> The granules supplied by the recyclers also had the highest values of PAHs. The lower values were obtained from granules collected from the sports fields. As detailed in the article, the PAH content in rubber granules depends on many factors; quality of recycled waste, duration of use of the granules on the pitch, frequency of replacement and type of material used. The report concluded that “[o]n the basis of the obtained test results, it was found that the rubber granules do not pose a threat to the natural environment due to the leaching of PAHs and elements.”<sup>206</sup>

The third article cited in the comment<sup>207 208</sup> relating to the coho salmon refers to a tire rubber antioxidant, quinone transformation product, from roadway runoff and stormwater affecting creeks of the U.S West Coast. The quinone transformation product was N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD). This article is specific to coho salmon and stormwater and does not relate to the Project as the measurements were taken from road runoff and immediate receiving waters that the road runoff goes into. Since these measurements were taken from actual tire wear and not crumb rubber samples, they cannot be assumed to be the same.

There are several other recent reports which support the conclusions reached in the Draft EIR. One is a recent study of plastic- and rubber-containing artificial turf fields in

<sup>203</sup> Gradient, 2022. Memorandum to Mike Harden, ESA, from Julie C. Lemay, M.P.H., Senior Environmental Health Scientist, Gradient, December 18. Appendix E.2 to the Final EIR.

<sup>204</sup> Gryniewicz-Bylina, B., et al., 2022. Test of rubber granules used as artificial turf for football fields in terms of toxicity to human health and the environment, April 23. Nature Briefing Newsletter Scientific Report. <https://www.nature.com/articles/s41598-022-10691-1#Sec8>, Accessed August 29, 2022.

<sup>205</sup> Gryniewicz-Bylina, B., et al., 2022. Test of rubber granules used as artificial turf for football fields in terms of toxicity to human health and the environment, April 23. Nature Briefing Newsletter Scientific Report. <https://www.nature.com/articles/s41598-022-10691-1#Sec8>, Accessed August 29, 2022.

<sup>206</sup> Gryniewicz-Bylina, B., et al., 2022. Test of rubber granules used as artificial turf for football fields in terms of toxicity to human health and the environment, April 23. Nature Briefing Newsletter Scientific Report. <https://www.nature.com/articles/s41598-022-10691-1#Sec8>, Accessed August 29, 2022.

<sup>207</sup> Tian, Z., *et al.*, 2020. A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon, December 2020. A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon | Science. Accessed December 2022.

<sup>208</sup> Tian, *et al.*, 2022. 6PPD-Wuinone: Revised Toxicity assessment and Quantification with a Commercial Standard. 6PPD-Quinone: Revised Toxicity Assessment and Quantification with a Commercial Standard | Environmental Science & Technology Letters (acs.org), Accessed December 2022.

Stockholm, Sweden,<sup>209</sup> where samples were subjected to total fluorine (TF), extractable organic fluorine (EOF) and target PFAS analysis. TF was observed in all 51 artificial turf samples,<sup>210</sup> while EOF and target PFAS occurred in less than 42 percent of all samples.<sup>211,212</sup> A subset of samples extracted with water confirmed the absence of fluoride. Moreover, additional analysis revealed negligible perfluoroalkyl acid (PFAA) formation.<sup>213</sup> Collectively, the results indicated the plastic- and rubber-containing artificial turf field materials have a combination of poor extractability and recalcitrance towards advanced oxidation suggesting that the fluorine in artificial turf does not pose an imminent risk to users.<sup>214</sup> Another risk assessment study<sup>215</sup> collected rubber granular samples from 100 Dutch synthetic fields, which were analyzed for 45 (all samples) or 79 (a subset) substances. A subset of samples was additionally analyzed for PAHs, phthalates, and metals into sweat and the gastrointestinal tract, and for evaporation of volatile substances into air. There was no concern for phthalates, benzothiazoles, bisphenol A and the metals cadmium, cobalt, and lead as their exposures were below the levels associated with adverse effects on health.<sup>216</sup> PAHs were the substance of highest concern, but they did not present an appreciable health risk with exposures resulting in *de minimis* cancer risks.<sup>217</sup> Thus, the risk assessment concluded that there was no elevated health risk from playing sports on synthetic turf pitches with recycled rubber granulate and there is no reason to advise people against playing sports on such pitches.<sup>218</sup>

Thus, as described above, even very recent studies show that recycled rubber granulate poses no elevated health risk to people playing on artificial turf. Therefore, the Draft EIR

<sup>209</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>210</sup> 1 µg/g = 1 mg/kg = 1 ppm

<sup>211</sup> 1 ng/g = 0.001 mg/kg, 1 ng/g = 1 ppm

<sup>212</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>213</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>214</sup> Lauria M, Naim A, Plassmann M, Fäldt J, Sühring R, Benskin J. Widespread Occurrence of Non-Extractable Fluorine in Artificial Turfs from Stockholm, Sweden. ChemRxiv. Cambridge: Cambridge Open Engage; 2022. Available: <https://chemrxiv.org/engage/chemrxiv/article-details/624ea1cd5ab8df6c8d8cc8b3>. Accessed June 2022.

<sup>215</sup> Pronk MEJ, Woutersen M, Herremans JMM. Synthetic turf pitches with rubber granulate infill: are there health risks for people playing sports on such pitches? J Expo Sci Environ Epidemiol. 2020 May;30(3):567-584. <https://pubmed.ncbi.nlm.nih.gov/30568187/>, Accessed August 29, 2022.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

presented the most reliable evidence available, which is supported by more recent studies, and a preponderance of the evidence makes clear that there is no elevated health risk from artificial turf fields.

### Comment No. ORG 8-12

**The DEIR does not comprehensively discuss the issue of microplastics.** Both the grass blades of the plastic turf and the crumb rubber infill migrate off the field and get into adjoining waters. Hundreds of pounds of microplastics shed off these fields each year, despite industry’s claims that they do not break.<sup>35</sup> In fact, research from Sweden indicates that microplastics coming off artificial turf fields is the second largest source of microplastics in the environment.<sup>36</sup> The Final EIR must discuss this issue, and include information regarding the PFAS and other toxic chemicals that will migrate with these microplastics.

<sup>35</sup> <https://www.youtube.com/watch?v=A8OLBfWmt7g&t=2s>

<sup>36</sup> <https://www.diva-portal.org/smash/get/diva2:1549783/FULLTEXT01.pdf>

### Response No. ORG 8-12

The comment asserts that the Draft EIR fails to address microplastics and the impacts of PFAS in artificial turf. Although the Draft EIR does not call out a discussion of microplastics, the Draft EIR does discuss the health effects of artificial turf consisting of polyethylene fibers that are shaped into small, green artificial grass blades and crumb rubber, which are the microplastics to which the commenter is referring. However, the comment does not present substantial evidence that the Project’s artificial turf would cause a health risk through migration of microplastics. The first YouTube video that the commenter refers to is Dr. Green discussing artificial turf crumb rubber. Dr. Green does state that the “crumb rubber is a microplastic”, but she also adds immediately after that, “and by the way it is safe for players, it is safe for players.” The second reference the commenter refers to is a 2016 report titled *Swedish sources and pathways for microplastics in the environment*. This report states that the “[m]ost important emissions for microplastics were found to be from road wear and abrasion of tyres.”<sup>219,220</sup> This report also mentions the rubber infill from artificial turf as the second largest source of microplastics, but lists many other sources as well, including wear from boat hulls, laundry, industrial production, protective and decorative coatings on buildings, wear from floating devices, and personal care products.<sup>221</sup> Additionally, this report says “[h]owever, it is not necessarily the sources with the largest microplastic emissions that contribute the

<sup>219</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>220</sup> “Tyre” is the British English spelling of “tire”.

<sup>221</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

most to the microplastic loads in the sea.”<sup>222</sup> In fact, the report has no data for the quantity of microplastics that reach the sea from tire wear, artificial turfs, and many other sources.<sup>223</sup> The report further states “[r]oad wear and tyres was pointed out . . . as the source where the largest amount of particles are emitted. Still, very little is known about whether these particles also make up a substantial part of marine microplastics.”<sup>224</sup> The same can be said for artificial turf, and the report authors indicate as a “knowledge gap” that “the study would be more complete with studies of actual spill of granulates.”<sup>225</sup> Since the report acknowledges incomplete data and lack of data concerning the amount of microplastics from artificial turf that are in the sea and its relative contribution compared to all sources of microplastics, the issue of artificial turf fields’ contribution to microplastics is unknown. Therefore, any analysis of the potential of microplastics which may migrate from the Project Site to the Los Angeles River would be speculative and, as such, not required by CEQA.

Regarding the comment that microplastics will lead to the migration of PFAS and other toxic chemicals, microplastics in the environment from artificial turf could potentially collect in storm water drains and get mixed with stormwater. The study cited by the commenter, *Swedish sources and pathways for microplastics to the marine environment*, discussed migration from plastic litter on beaches, which exposes plastics to fragmentation into smaller pieces due to abrasion, wave-action and turbulence, and that such weathering of plastic litter in the beach environment is a likely mechanism for generation of a majority of microplastics.<sup>226</sup> However, studies have yet to be conducted to quantify the movement of infill granules and artificial grass blades from artificial turf fields to the surrounding environment. Nonetheless, health effects from compounds in artificial turf fields have been conducted. Refer to Response No. ORG 1B-75 and Response No. ORG 7A-76, which discuss PFAS, the pathways of exposure, and results from a recent HHRA on PFAS from artificial turf that suggest that artificial turf does not pose a health risk to users based on the level of PFAS and/or fluorine found in the artificial turf samples. Also, see Response No. ORG 8-5, above, for a discussion of PFAS ability to leach into surface water and groundwater. Additionally, as outlined in Topical

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<sup>222</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>223</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>224</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>225</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March, page 33. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

<sup>226</sup> Magnusson, Kiersten, *et al.*, 2017. Swedish sources and pathways for microplastics to the marine environment A review of existing data, March, page 33. Swedish sources and pathways for microplastics to the marine environment (diva-portal.org), Accessed December 2022.

Response 7 and the discussions in the responses listed above, the leaching of chemicals from crumb rubber or other microplastics associated with artificial turf is unlikely to cause health effects according to the studies, even from PFAS. Therefore, the Draft and Final EIR analyzed the issue of microplastics and included information regarding the health effects of PFAS and other toxic chemicals that are associated with microplastics.

### **Comment No. ORG 8-13**

**Artificial turf cannot currently be recycled.** The only section of the DEIR that discusses end of life issues for the artificial turf is in Section IV.H-45. Indeed, the DEIR concludes, “Compliance with applicable regulatory requirements would ensure that Project impacts related to disposal of artificial turf would be less than significant.” This is not true. The DEIR fails to mention that there are no recycling facilities in the United States, and old fields are being unceremoniously dumped all over the country.<sup>37</sup> The Final EIR must specifically disclose what will happen to the tons of PFAS-laden plastic at the end of the field’s life.

<sup>37</sup> <https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>

### **Response No. ORG 8-13**

The comment claims that the Draft EIR does not provide evidence that recycling or safe disposal is possible. Refer to Topical Response No. 7 Section (2)(c) for a discussion on possible disposal and/or recycling options for the artificial turf. Additionally, refer to Response No. ORG 7A-36 for a discussion on artificial turf recycling and disposal.

### **Comment No. ORG 8-14**

**Conclusion.** It is somewhat ironic that the DEIR states that, “[t]he Project would install artificial turf fields designed to simulate the experience of practicing and playing on grass fields.”<sup>38</sup> Given the PFAS that leaches off artificial turf, the microplastics, the toxic chemicals associated with crumb rubber, the inability to recycle the fields at end of life, the contribution to climate change, and the intense water use, it seems logical that if Harvard-Westlake wants to “simulate the experience of practicing and playing on grass fields,” they should simply install grass fields.

<sup>38</sup> See DEIR, IV. H-28

### **Response No. ORG 8-14**

The comment summarizes the points addressed in the comment letter and suggests that the Project use grass rather than artificial turf to avoid the alleged problems created by use of artificial turf. Refer to Topical Response No. 7 Section (2)(a) for additional detail regarding the human health-related risks from PFAS in artificial turf, which the Draft EIR found to be less than significant based on HHRA’s conducted on compounds in artificial

turf, including PFAS. Refer to Topical Response No. 7 Section (2)(a)(iii)(e) for a discussion on the results of metals and PFAS testing performed for the Final EIR on FieldTurf artificial turf, which show that the levels that were detected are significantly lower than proposed regulatory limits for PFAS content in products, and lower than residential soil screening levels for any form of PFAS issued by the USEPA and currently proposed by the State of California. Moreover, see Final EIR Appendices E.1, E.2, and E.3 for the FieldTurf testing results and analyses. Additionally, see Response No. ORG 1B-75 and Response No. ORG 7A-76, which discuss PFAS, the pathways of exposure, and results from a recent HHRA on PFAS from artificial turf that suggest that artificial turf does not pose an imminent risk to users based on the level of PFAS and/or fluorine found in the artificial turf samples. Also, see Responses No. ORG 8-3, ORG 8-4, ORG 8-5, ORG 8-6, ORG 8-11, and ORG 8-12, above regarding the various issues summarized in this comment.

### **Comment No. ORG 8-15**

It appears that all artificial turf contains PFAS, including one of the most toxic (PFOA). Because we only discovered PFAS in artificial turf three years ago, there have been no studies investigating health impacts to athletes using the fields from these PFAS. This absence of evidence does not mean that it is safe for people to use the fields; it merely means it has not yet been studied. However, we do know that even minute quantities of PFAS are dangerous to human health; and we do know that the PFAS in the fields leaches off into groundwater, soils, and drinking water. The DEIR is deeply and fatally flawed given its failure to address the aforementioned issues, and in order to adequately assess impacts from the proposed project, the Final EIR must be significantly amended.

### **Response No. ORG 8-15**

The comment asserts that the Draft EIR is flawed because of its failure to address PFAS, and further asserts that all artificial turf contains PFAS (including PFOA). Refer to Topical Response No. 7 Section (2)(a) for additional detail regarding the human health-related risks from PFAS in artificial turf, which the Draft EIR found to be less than significant based on HHRA's conducted on compounds in artificial turf, including PFAS. Refer to Topical Response No. 7 Section (2)(a)(iii)(e) for a discussion on the results of metals and PFAS testing performed for the Final EIR on FieldTurf artificial turf, which show that the levels that were detected are significantly lower than proposed regulatory limits for PFAS content in products, and lower than residential soil screening levels for any form of PFAS issued by the USEPA and currently proposed by the State of California. Moreover, see Final EIR Appendices E.1, E.2, and E.3 for the FieldTurf testing results and analyses. Additionally, see Response No. ORG 1B-75 and Response No. ORG 7A-76, which discuss PFAS, the pathways of exposure, and results from a recent HHRA on PFAS from artificial turf that suggest that artificial turf does not pose an imminent risk to users based on the level of PFAS and/or fluorine found in the artificial turf samples. Also, see Responses Nos. ORG 8-3, ORG 8-4, ORG 8-5, ORG 8-6, ORG 8-11, and ORG 8-12, above regarding PFAS.

**Comment No. ORG 8-16**

Thank you for your consideration of these comments.

**Response No. ORG 8-16**

The comment closes the comment letter but does not address the adequacy of the evaluation provided in the Draft EIR. As such, no further response is necessary.

## Comment Letter No. ORG 9

Heidi MacKay  
President

Save Coldwater Canyon!

Received May 10, 2022 (via e-mail and duplicated in an attached letter)

### Comment No. ORG 9-1

Save Coldwater Canyon! Inc is a neighborhood group fighting to preserve and protect the scenic beauty, natural environment, health, safety and welfare of Coldwater Canyon and its neighboring communities. We are a California nonprofit public benefit corporation. We work to protect open space, natural habitat, wildlife, and wildlife corridors in the Santa Monica Mountains and actively support other community groups in these efforts.

### Response No. ORG 9-1

This comment introduces the commenter and provides additional information as to the mission of the organization. The comment, which is introductory, does not address the adequacy of the Draft EIR. As such no further response is necessary.

### Comment No. ORG 9-2

Some History: In 2017, HW succumbed to overwhelming community opposition and abandoned the egregious and dangerous Harvard-Westlake Parking Improvement Plan in Coldwater Canyon. However, just as the community took a well-earned breath of relief, we learned that the school had purchased Weddington Golf & Tennis, a Los Angeles Historical Cultural Landmark and green open space, beloved by Angelenos for generations. Councilman Krekorian assured our community that Harvard-Westlake had made a promise of ***“maintaining the tranquility of Weddington and preserving as much open space as possible.”***

The plan for the Harvard Westlake River Park [Campus] Project shatters these promises. If this out of character, out of scale Project is approved, there will never again be tranquility at Weddington.

### Response No. ORG 9-2

The comment expresses the commenter’s opinion regarding Harvard-Westlake’s former proposed parking structure at the Coldwater Canyon (Upper School) campus, which was proposed at a wholly different project site and is unrelated to the current Project. The comment further expresses a general opposition to the Project stating that it will be out of character and out of scale, and will destroy the tranquility of the area. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Moreover, CEQA Guidelines Section 15131 states that economic and social effects of a project are not appropriate CEQA considerations unless they would lead to a

physical impact on the environment. . As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is necessary.

Nonetheless, see Topical Response No. 6 – Historic Resources, which addresses direct and indirect impacts on historical resources resulting from the Project. As discussed therein, the Project would retain the character-defining features as required under the Historic Cultural Monument (HCM) designation.

As also discussed in Section IV.D, *Cultural Resources*, of the Draft EIR, the use of the Project Site as proposed by the Project for athletic and recreational purposes is consistent with its historic use; the historic character of the Project Site overall would be retained; the identified character-defining features would be retained and rehabilitated; and the proposed new construction would not destroy historic materials, features, or spatial relationships that characterize the Project Site. Accordingly, the Project would not result in a substantial adverse change in the significance of a historical resource, the Project Site would retain sufficient historic integrity to remain eligible as an HCM, and the Project would not have a significant impact on the environment as defined by CEQA.

Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site. As discussed therein, the School would provide public access and shared use of recreational facilities on the Project Site as set forth in the Draft EIR.

### **Comment No. ORG 9-3**

**We oppose the proposed Harvard-Westlake River Park Project for the following reasons:**

**The Harvard-Westlake River Park Project would negatively transform Weddington Golf & Tennis** – 17 acres of heavily utilized, river-adjacent and tree-canopied, green open space – enjoyed by the public for nearly 70 years – into a gigantic and intrusive Sports Event Facility for Harvard-Westlake, a private high school. Harvard-Westlake would continue to occupy its 22-acre upper school campus facility in Studio City, located .6 miles from Weddington.

### **Response No. ORG 9-3**

The comment expresses opposition to the Project due to the transformation of the Weddington Golf & Tennis Project Site to a private “Sports Event Facility” for Harvard-Westlake School. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is needed.

Nonetheless, for clarification of the private ownership and permitted public use of the Project Site, it is noted that the land that currently comprises Weddington Golf & Tennis has been privately owned since the late 1800s. The Project Site was first purchased by

the Weddington/Becker families and then sold to Harvard-Westlake in late 2017. Currently, no public access to the Project Site is supported, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners, is not generally considered a public facility open to the public as implied by the comment, and, unlike public property, may be closed at the property owner's discretion.

Additionally, the comment mischaracterizes the Project as development of a private sports event facility. See Topical Response No. 3 – Enforcement of Public Access. As discussed in Topical Response No. 3, public access to portions of the Project Site is an integral part of the Project and could result in the Project Site being used by the public more often than by the School. The commenter is also referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

### **Comment No. ORG 9-4**

**One look at the Plan for the Proposed facility leaves one asking, “where is the park?”**

With four “arenas” – two full-size artificial turf sports fields, one Olympic-size pool, and an 80,249-square foot gym, each with spectator bleachers and a total of 45 light poles (up to 80 feet in height), there is simply no room left for a park. As environmentalists and advocates of open space, we can recognize a “greenwashed” development proposal and do not believe a narrow track around a walled facility and interstitial bits of space between venues is an appropriate trade-off for what exists today. The adjacent Zev Yaroslavsky Los Angeles River Greenway would remain, but that is a public asset and should not be appropriated by reference.

### **Response No. ORG 9-4**

The comment expresses the commenter's opposition to the Project and generally implies that adequate open space would not be provided on the Project Site compared to what exists today. Opposition to the Project is noted. However, the commenter does not provide any substantive facts or support for these concerns or opinions. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is necessary.

Nonetheless, the commenter is referred to Response Nos. ORG 9-2 and ORG 9-3 which address the existing private on-site uses and the Project's proposed publicly-accessible open space characteristics. Also, the Project does not “appropriate” the Zev Greenway, but would provide for public access through the Project Site to the Zev Greenway (which does not currently exist), and would install a RIO-compliant planting program at the Project and Zev Greenway interface for public enjoyment (see Figures IV.C-4 and IV.C-5 of the Draft EIR). Moreover, the Project would result in a 36 percent net increase in trees

compared to existing conditions, which would contribute to the Project Site's park-like setting.

### **Comment No. ORG 9-5**

**Impacts of the potential loss of the existing recreational, green open space would be broadly felt through the Los Angeles region.** The loss of 17 acres of River-adjacent, forested, green open space would eliminate recreational opportunities for thousands of Angelenos if replaced by the proposed Sports Event facility. Moreover, the opportunity to create an environmentally superior, public LA River recreational facility with aquifer recharging would be irrevocably lost. Living with the reality of the Climate Emergency, the loss of living green open space, biological diversity, and hundreds of mature trees is something we can ill afford.

### **Response No. ORG 9-5**

The comment states that the Project would cause the loss of 17 acres of forested, green open space and would eliminate recreational opportunities that would be broadly felt throughout the Los Angeles region. Opposition to the Project is noted. However, the commenter does not provide any substantive facts or support for these concerns or opinions. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is necessary.

Nonetheless, the comment mischaracterizes the Project Site as consisting of "17 acres of River-adjacent, forested, green open space..." The Project Site includes a mix of various plant communities, developed areas (associated with the existing golf and tennis facilities), and disturbed areas, which also includes 421 trees located both on the Project Site and off-site in surrounding areas (e.g., within portions of the public right-of-way). **Table IV.C-1, *Plant Communities***, in Section IV. C, *Biological Resources*, of the Draft EIR, lists each of the plant communities observed, as well as the acreage, within the Biological Study Area (includes the Property and County Leased Property). Of the roughly 17-acres, nearly five acres are developed and/or disturbed areas, with roughly 12 acres being ornamental landscaped area.

Refer to Response No. ORG 9-3 for a discussion of the mischaracterization of the Project Site as a Sports Event Facility in the comment letter.

With regard to recreational opportunities, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, of this Final EIR. As discussed therein, the Project would provide public use of tennis facilities at a capacity similar to existing conditions. See also Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access to the Project's available recreational facilities and amenities for public use. Topical Response No. 3 also includes the rationale and mechanism by which public groups may be pre-approved, and use of the Project Site, including tennis facility use. As discussed therein, the School would provide public access and shared use of recreational facilities on the Project Site as set forth in the Draft EIR.

Although removal of the existing golf course and reduction in tennis facilities would increase demand on off-site public tennis and golf facilities, the Project itself, would not increase demand for recreational facilities and parks since it does not propose residential uses that would generate a population increase. In addition, the Project would provide recreational facilities to the public that would off-set some of the replaced recreational facilities. Upon completion, the Project would have adequate capacity to accommodate the same number of weekly tennis court sessions as the current tennis facilities on the Project Site. In addition, are there numerous tennis facilities in the local vicinity with capacity to accommodate players from the Project Site during the week if they are unable to use the eight new onsite courts. Further, because existing municipal and private golf courses have available capacity to accommodate the relocated golfers from the Project Site, the Draft EIR concluded on page V.L.3-27 that the relocation of golfers would not increase the usage of other golf facilities to a level that would foreseeably require the provision of new or reconstructed golf courses. Therefore, the Draft EIR correctly determined that the Project would not cause the substantial or accelerated physical deterioration of public park and recreational facilities or require the construction or expansion of recreational facilities that could have an adverse physical effect on the environment.

With regard to biological diversity and impacts to trees, see Topical Response No. 5 – Biological Resources/Trees. The analysis of impacts to biological resources in the Draft EIR is based on the impact threshold questions provided in Appendix G of the CEQA Guidelines. The commenter is referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

Also, as discussed in Chapter II, *Project Description*, on page II-8, and Section IV.J, *Land Use and Planning*, on pages IV.J-11 through IV.J-13 and IV.J-26 through IV.J-28 of the Draft EIR, the Project would comply with the requirements of the RIO District's "Inner Core," which would support the goals of the Los Angeles River Revitalization Master Plan (LARRMP) to restore the natural habitat and bio-diversity along the river. The RIO District Ordinance subjects the Project Site to specific development regulations related to landscaping, fencing, river access, and lighting. As stated above, the Project would remove many invasive tree and plant specimens, which would be replaced with RIO-compliant species, and provide direct access to the Zev Greenway from the Project Site where none currently exists.

With regard to groundwater recharge, while temporary dewatering could theoretically occur during construction activities (though Project Site borings indicate groundwater measurements below the depth of Project grading), long-term groundwater pumping/extraction would not occur with the Project. No groundwater extraction wells are proposed by the Project. As discussed in Sections IV.F, *Geology and Soils* on page IV.F-24, and the Preliminary Geotechnical Report (Geotechnical Engineering Investigation (PDF page 63 of 299 provided in Appendix G of the Draft EIR) the use of

groundwater recharge mechanisms is not feasible given the likelihood of water remaining perched above the underlying layer of bedrock. The Los Angeles Department of Building and Safety (LADBS) has concurred with the findings of the Project's geotechnical study regarding the perched groundwater, the groundwater levels, and the recommendation that infiltration at this site is not feasible. In addition, the Project's geotechnical study was peer-reviewed by Byer Geotechnical, Inc. on August 17, 2022, who further concurred with the findings that infiltration at this site is not feasible. The Byer peer review of the Project's geotechnical study is provided as Appendix G, Geotechnical Peer Review of the Groundwater Recharge, in this Final EIR. In addition, as discussed in Section IV.I, *Hydrology and Water Quality*, on pages IV.I-33 through IV.I-35 of the Draft EIR, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Fernando Valley (SFV) Groundwater Basin, and groundwater recharge impacts would be less than significant. Therefore, contrary to the implication in the comment, implementation of the Project would not result in the loss of groundwater recharge.

The Project would implement a stormwater capture and treatment system in compliance with the City of Los Angeles LID Ordinance. The Project as analyzed in the Draft EIR proposed to capture 1 million gallons of stormwater runoff from the Project Site and a 39-acre residential neighborhood to the north of the Project site, as discussed on page II-61, as well as on pages IV.I-18 and IV.I-34 of the Draft EIR. Based on public and agency comments received on the Draft EIR, design modifications have been made to the Project as discussed in Topical Response No. 2 - Modifications to the Project Design. In addition, corrections to the Draft EIR with the Project design modifications are included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. As part of the Project design modifications, the stormwater capture and reuse system would be reduced to approximately 350,000 gallons. The reduction in the size of the system is because the Project would no longer capture and treat stormwater from the 39-acre off-site area, but rather only capture and treat stormwater from the 17.2 acre Project Site. Thus, water from the 39-acre off-site area would flow into the Los Angeles River as it does currently under existing conditions.

On-site stormwater that currently flows untreated to the Los Angeles River from the Project Site would be treated before entering the Los Angeles River, resulting in improved water quality. Captured and treated stormwater would also be used for on-site irrigation to reduce water demand on LADWP water resources. Refer to Response Nos. AG 4-15 and AG 4-16 for additional details on the Project's capture and re-use system and impacts to flows within the River. As discussed therein, there would be no potentially significant impact on downstream wildlife habitat or beneficial uses resulting from the Project.

### **Comment No. ORG 9-6**

**Impacts on Residents in Studio City would be stunning.** The elimination of 246 trees, loss of wildlife and the excavation of **250,000 cubic yards of largely undisturbed soil**

would leave a 21-foot-deep pit – a barren wasteland in the heart of Studio City. Neighbors would immediately experience the urban heat island effect from the construction site, as well as years of exposure to dangerous dust, harmful GHGs, particulates and contaminants, along with constant noise and vibration during the 30-plus month construction period. Residents would be exposed to safety hazards, including dangerous traffic, 300-plus daily haul trucks on neighborhood streets included in the Vision Zero HIN (High-Injury Network). During operation, the Project would bring continued unacceptable levels of noise, light, air quality contaminants, and runoff from artificial turf that would introduce new PFAS, otherwise known as “forever chemicals,” to surrounding neighborhoods and the LA River. Traffic would remain congested and dangerous in all adjacent neighborhoods. The number of trips would be vastly increased, and traffic made dangerous for drivers, cyclists, and pedestrians, due to the unnecessary addition of 503 subterranean parking spaces, along with 29 surface parking spots. At a time when calls to transition away from our heavy reliance on cars are growing louder, the Project proposes a total of 532 parking spaces.

### **Response No. ORG 9-6**

The comment expresses a range of construction-related concerns regarding loss of trees, wildlife, heat island effects, health affects (particulates and contaminants), greenhouse gas (GHG) emissions, noise, vibrations, traffic, and traffic hazards on neighborhood streets. The comment also expresses a range of operational concerns regarding noise, light, air quality contaminants, runoff from artificial turf that would introduce new PFAS, traffic, traffic hazards, and excess parking. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Refer to Response No. ORG 9-5 regarding the loss of trees and biological resources. The comment indicates concern for heat island effects during construction without providing any substantive facts or support for this concern or opinion. Currently, the Project Site has extensive paving for surface parking, the 16 tennis courts, and the on-site structures. Generally, during construction, exposed soils would retain less heat and therefore produce less of a heat island effect when compared to solid, paved, or building surface areas, which continue to radiate heat well into the evening and are considered the primary contributor to urban heat islands. As such, it can be expected that heat island effects during construction would be negligible, if not reduced, when compared to existing conditions. Additionally, contrary to the assertion in the comment, construction would not cause a 21-foot barren wasteland in the heart of Studio City. Excavation for Project construction would be temporary as the excavated area would be covered with construction of the underground water reclamation cistern, parking and footings for Project parking structure and gymnasium building. Moreover, the excavated area would not be visible from the public right of way as the Project requires the installation of sound barriers during construction pursuant to Mitigation Measures NOI-MM-1 and NOI-MM-2 and the construction site would be secured with fencing as required by Project Design Feature POL-PDF-1, which would largely block views of the excavation from public view.

The Draft EIR addressed air quality impacts in Section IV.B, *Air Quality*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant. Refer to Response Nos. ORG 1B-77 through 1B-79 for a discussion of health risks associated with emissions from construction activities. As discussed therein, toxic air contaminant (TAC) emissions from construction activities would not expose sensitive receptors to substantial TAC concentrations.

With regard to noise, see Topical Response No. 8 – Noise: Construction and Operation Impacts. As discussed in Topical Response No. 8, the Project's potentially significant and unavoidable construction and less than significant operational noise and vibration impacts were fully analyzed in Section IV.K, *Noise*, and Appendix J, Noise and Vibration Technical Study, of the Draft EIR. The Draft EIR's noise analysis identified the area's noise and vibration sensitive receptors, existing ambient noise levels, maximum construction noise and vibration levels and duration, and peak operation noise levels. Operational noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts. As analyzed in Section IV.K, *Noise*, of the Draft EIR, the Project's construction activities would result in the generation of temporary noise increases over ambient noise levels in the vicinity of the Project Site in excess of standards established by the City of Los Angeles and impacts would be potentially significant. While the Project would implement all feasible mitigation measures to reduce construction noise levels (Mitigation Measures NOI-MM-1 [sound barriers], NOI-MM-2 [construction equipment locations and screening] and NOI-MM-3 [construction equipment requirements and sound curtains]), during various phases of construction, even with the required mitigation measures, construction-related noise levels would exceed applicable noise impact thresholds at some of the nearby sensitive receptor locations. As such, construction noise impacts associated with on-site noise sources would be temporarily significant and unavoidable. Operational noise impacts, including a conservative analysis of all athletic facilities being used simultaneously (and including spectators), would not exceed noise impact standards established by the City of Los Angeles and would be less than significant.

Topical Response No. 8 also addresses noise impacts associated with the Project design modifications included in Topical Response No. 2 – Modifications to the Project Design. As discussed therein, the Project with design modifications would not substantially increase the severity of noise or vibration impacts evaluated in the Draft EIR and the noise/vibration impact conclusions in the Draft EIR would remain unchanged.

See Topical Response No. 4 – Aesthetics, regarding the impact of the Project's field lights and other outdoor lighting, as well as impacts related to scenic resources and visual character of surrounding land uses. Topical Response No. 4 also evaluates the changes in the Project's lighting program under the Project with design modifications (see Topical Response No. 2), which includes updates to the Project's lighting system. As discussed therein, the Project with design modifications to the lighting program would also reduce the existing ambient light and glare conditions. All light and glare levels under the Project

with design modifications would be below regulatory standards. Therefore, the Project with design modifications would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. As such, the Project with the design modifications would not result in significant new or substantially increased environmental impacts as evaluated in the Draft EIR.

With regard to transportation/traffic impacts, see Topical Response No. 9 – Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project’s less-than-significant construction and operational transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, which was primarily based on the Transportation Assessment (TA) prepared for the Project, included in Appendix M of the Draft EIR. The TA was reviewed and approved by LADOT in June 2021. In accordance with LADOT’s Transportation Assessment Guidelines (TAG) adopted in July 2019 (updated in July 2020), the CEQA-required analysis to be included within the Draft EIR section includes an assessment of whether the Project would result in: 1) potential conflicts with transportation-related plans, ordinances, or policies; 2) a substantial increase in vehicle miles traveled (VMT); or 3) increased hazards due to a geometric design feature or incompatible use. In addition, in accordance with Appendix G of the CEQA Guidelines, an assessment of whether the Project would result in inadequate emergency access is included.

As evaluated in Section IV.M, *Transportation*, Table IV.M-4, page IV.40 of the Draft EIR, the Project would generate an estimated total daily VMT of 3,932. However, when taking into account the existing uses, which would be eliminated, the Project would generate an estimated net decrease of 2,098 daily VMT. As such the Project would not result in a substantial increase in VMT.

The TAG also requires assessment of “non-CEQA” transportation issues, which include: 1) pedestrian, bicycle, and transit access;<sup>227</sup> 2) project access, safety, and circulation; 3) construction traffic; and 4) residential street cut-through analysis. The analyses of these “non-CEQA” issues are included in the TA. However, since they are non-CEQA issues, they are not analyzed in the Draft EIR, unless they relate to the assessment of potential conflicts with transportation-related plans, ordinances, or policies mentioned above.

In addition, an analysis of intersection levels of service (LOS) is included as appendices to the TA for informational purposes only and is similarly a non-CEQA issue. Table 10 (PDF page 67 of 217 in Appendix M of the Draft EIR) of the TA included trip generation estimates for the Project as analyzed in the Draft EIR, which included a maximum of 550 total (50 inbound and 500 outbound) trips during the 5:00 to 6:00 P.M. peak hour under the Special Events Scenario. Table 11 (PDF pages 75 and 76 of 217 in Appendix M of

<sup>227</sup> In addition to the non-CEQA pedestrian, bicycle, and transit access topics identified in the TAG, the Draft EIR considered any environmental impacts that the Project could have related to potential conflicts with a program, plan, ordinance or policy addressing transit, roadway, bicycle, and pedestrian facilities as required in the CEQA analysis of potential conflicts with relevant plans, regulations and policies.

the Draft EIR) of the TA shows the levels of service (LOS) and vehicle queues for the study area intersections in 2025 (Project Opening Year) during non-events and Special Events. As shown in Table 11, per the City's criteria, no instances were found of the Project where its vehicle trips were projected to cause or substantially contribute to unacceptable queuing at nearby signalized intersections. As the Project with the design modifications (described in Topical Response No. 2 – Modifications to the Project Design) would reduce the outbound trips to 403 or below, there would be a proportionate reduction in Project trips during the 5:00 to 6:00 P.M. peak hour Special Event scenario in Year 2025. Thus, there would be a decrease in traffic and queuing compared to that analyzed in the TA. The resulting LOS would be similar to the Project as analyzed in the TA, there would be no unacceptable queuing at nearby signalized intersections.

Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. As discussed in Section IV.M, *Transportation*, on page IV.M-26 of the Draft EIR, pursuant to Project Design Feature TRAF-PDF-1, a Construction Management Plan (CMP) would be implemented during construction. Under TRAF-PDF-1, adequate access would remain for land uses in proximity to the Project Site during Project construction and the Project contractors would be required to coordinate with the City Department of Building and Safety and emergency service providers, such as the LAFD to ensure that adequate access, including emergency access, is maintained to the Project Site and neighboring uses. Hauling and truck activity would be relegated to Whitsett Avenue adjacent to the Project Site, a four-lane arterial highway and would not need to enter neighborhood streets. Furthermore, the City Department of Building and Safety would issue permits, as applicable, and would review and approve the CMP, which would list the approved haul routes. Failure to follow the prescribe routes would result in fees/penalties. The claims of the commenter that truck traffic would use neighborhood streets is conjecture and is not correct.

Regarding hazards and local safety during operation, Section IV.M, *Transportation*, pages IV.M-41 through IV.M-43 of the Draft EIR, determined that the Project, overall, would not substantially increase hazards, pedestrian/vehicle or bicycle/vehicle conflicts, and would contribute to overall walkability and bike-ability around the Project Site through enhancements to the Project Site. The Project would not substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Impacts on local safety were determined to be less than significant.

Topical Response No. 9 also addresses transportation impacts associated with the Project design modifications included in Topical Response No. 2 – Modifications to the Project Design. As discussed therein, the Project with design modifications would not substantially increase the severity of transportation impacts evaluated in the Draft EIR and the transportation impact conclusions in the Draft EIR would remain unchanged.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The

intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

With regard to impacts from artificial turf and PFAS, see Topical Response No. 7- Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields.

The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial turf as a sustainable alternative to natural turf, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts would be less than significant. Refer to Response No. ORG 8-5 regarding additional discussion of PFAS.

With regard to parking, as discussed on page II-56 in Chapter II, *Project Description*, of the Draft EIR, the Project as analyzed in the Draft EIR would provide 88 more parking spaces than required by the LAMC to accommodate the parking needs of students, employees, and visitors in order to ensure that they do not park in the surrounding community.

Note that modifications to the Project design would reduce the capacity of the underground parking structure from 503 spaces to 386 spaces and the capacity of the above grade parking lot from 29 spaces to 17 spaces for a total of 403 spaces. Thus, the Project with design modifications would provide two more parking spaces than required by the LAMC. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 9-7**

Wildlife, from insects to mammals, currently living on the property, would be lost, destroyed, or displaced. Opportunities for recreation would vanish. Health benefits attributable to exposure to natural green open space, including better physical and mental health, general well-being, and even increased longevity, would instantly disappear.

### **Response No. ORG 9-7**

The comment contends that wildlife would be lost, destroyed, or displaced; that opportunities for recreation would vanish, and that health benefits from exposure to natural green open space would instantly disappear. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Please refer to Section IV.C, *Biological Resources*, of the Draft EIR, pages IV.C-32, IV.C-35, IV.C-36 through IV.C-42, and IV.C-45 through IV.C-49 regarding impacts on wildlife species. As

evaluated therein, with implementation of Mitigation Measure BIO-MM-1 and Project Design Feature BIO-PDF-1, the Project would not result in direct or indirect significant impacts on wildlife species.

Please refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of continued use of on-site recreational facilities by public groups and the community, as well as the Project’s 0.75-mile landscaped pathway and putting green. As discussed therein, the public could continue to use the Project’s tennis facilities, would have daily (7:00 a.m. to 9:00 p.m., seven days a week) access to the walking path, and would be able to use other recreational facilities as an approved community group. The comment does not discuss the adequacy of the Draft EIR and does not provide any factual evidence to support such health claims. Therefore, no further response is necessary. Nonetheless, refer to pages II-28 through II-31 in Chapter II, *Project Description*, of the Draft EIR for a discussion of the increased public open space and extensive landscaping that are part of the Project.

### **Comment No. ORG 9-8**

**Impacts to Hillside Residents have been largely unconsidered in the DEIR. Residents living in the foothills of the Santa Monica Mountains**, just south of the Project, would experience intensified impacts in the categories of Aesthetics, Noise and Geology:

- **Esthetics** [sic] would be inescapably degraded, when viewed from above the Proposed Project. Views of forested green space would be replaced by artificial turf and brightly lit fields, all with bleachers.
- **Light and glare** from 45 light poles up to 80-feet high, many directed toward hillsides. Three large electronic billboards add to this light intrusion, which is detrimental to human health, disrupting circadian rhythms of residents.
- **Excessive light hurts wildlife**, interrupts connectivity and interferes with migration patterns of various species.
- **Impacts of sustained vibration** on hillside homes, especially on unstable north facing foothills of Santa Monica Mountains (Sunswept, Laurel Terrace, Rhodes, Vanetta, Viewcrest) have not been considered.
- **Noise, including amplified noise** from sports practices, games, and frequent special events with hundreds or thousands of spectators, would result in **exacerbated impacts** to hillside residents, due to noise effects in hillside terrain, including echo. The Public Address system and bleachers would be directed toward southern hillside residents. These neighbors already experience severe, debilitating noise from well-documented relocated flight paths from BUR and VNY airports, which was not considered in the DEIR as a cumulative noise impact. Health impacts from excessive noise are well- documented and include heart disease, stress/inflammation related diseases, including Alzheimer’s. **A**

**comprehensive Health Assessment, including these noise impacts, must be included in a revised and recirculated RDEIR.**

### **Response No. ORG 9-8**

The comment lists a variety of environmental concerns related to aesthetics, light and glare, wildlife, vibration, and amplified noise on hillside residents. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Hillside residents are separated from the Project Site by the channelized Los Angeles River and the high-glare Ventura Boulevard, and depending on the location, separated by the intervening hillsides. Refer to Topical Response No. 4 – Aesthetics, regarding aesthetics and lighting. As discussed therein, aesthetics impacts, including lighting, would be less than significant. Topical Response No. 4 also evaluates the changes in the Project’s lighting program under the Project with design modifications (see Topical Response No. 2), which includes updates to the Project’s lighting system. As discussed therein, the Project with design modifications to the lighting program would also reduce the existing ambient light and glare conditions. All light and glare levels under the Project with design modifications would be below regulatory standards. Therefore, the Project with design modifications would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. As such, the Project with the design modifications would not result in significant new or substantially increased environmental impacts as evaluated in the Draft EIR.

Section IV.C, *Biological Resources*, pages IV.C-36, IV.C-39 and IV.C- 40 of the Draft EIR provided a detailed discussion of the impact of the Project’s light levels on wildlife. As evaluated therein, on-site light and glare levels would not adversely impact wildlife.

Vibration impacts were analyzed in Section IV.K, *Noise*, of the Draft EIR. As evaluated therein, vibration impacts were analyzed at the nearest vibration sensitive receptors, which included adjacent residential uses. Structural vibration impacts at the nearest vibration sensitive receptors were concluded to be less than significant. Human annoyance vibration impacts would be less than significant at the vibration sensitive receptors adjacent to the Project Site, but were found to be significant and unavoidable for construction activities at the residential uses immediately adjacent to off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp. As the construction vibration level would not adversely impact the nearest residential uses to the Project Site, there would be no significant vibration impacts to hillside residences to the south of the Los Angeles River, which are located further from the Project Site than the adjacent residential uses. In addition, as operational vibration impacts would be less than significant at the adjacent residential uses, it can be concluded that more distant residential uses in the hillsides would not be subject to significant vibration impacts because vibrations rapidly diminish with distance from the source.

With regard to noise impacts, see Topical Response No. 8 – Noise: Construction and Operation Impacts. As discussed in Topical Response No. 8, the Project’s construction and operation noise were fully analyzed in Section IV.K, *Noise*, and Appendix J, Noise and Vibration Technical Study, of the Draft EIR. The Draft EIR’s noise analysis identified the area’s noise and vibration sensitive receptors, existing ambient noise levels, maximum construction noise and vibration levels and duration, and peak operation noise levels. Receptor Location R7, which represents the single-family residential uses on Sunswep Drive, approximately 800 feet south of the Project Site, was included in the Draft EIR analysis. Receptor R7 is representative of the hillside residences further south of the Project Site. Operation noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts. As analyzed in Section IV.K, *Noise*, of the Draft EIR, the Project’s construction activities would result in the generation of temporary noise increases over ambient noise levels in the vicinity of the Project Site in excess of standards established by the City of Los Angeles and impacts would be potentially significant. While the Project would implement all feasible mitigation measures to reduce construction noise levels (Mitigation Measures NOI-MM-1 [sound barriers], NOI-MM-2 [construction equipment locations and screening] and NOI-MM-3 [construction equipment requirements and sound curtains]), during various phases of construction construction-related noise levels would exceed applicable noise impact thresholds at some of the nearby sensitive receptor locations even with the required mitigation measures. As such, construction noise impacts associated with on-site noise sources would be temporarily significant and unavoidable. However, as explained in Section IV.K, Project-level noise from on-site construction equipment would be less than significant with implementation of Mitigation Measures NOI-MM-1, NOI-MM-2 and NOI-MM-3 at Receptor Location R7. Additionally, cumulative on-site construction equipment noise levels at Receptor Location R7 would only be significant and unavoidable in the event of concurrent construction activities at the Project and at Related Projects Nos. 2, 3 or 4 since those related projects are located approximately 150 feet to 400 feet from Receptor Location R7.

Operational noise levels, which conservatively included noise levels generated by the simultaneous use of all athletic facilities, would not exceed noise impact standards established by the City of Los Angeles at the noise sensitive receptors immediately adjacent to the Project Site, or at Receptor location R7, and impacts would be less than significant. As the Project’s operational noise levels would not adversely impact the nearest residential uses to the Project Site, nor at R7, there would be no significant noise impacts to hillside residences further south of R7. In addition, the nearest residential neighborhoods to the south of Ventura Boulevard are located over 800 feet from the Project’s noise source and, as such, unobstructed noise levels would be virtually imperceptible (3.0 dBA). It is correct that hillsides can generate an echo; however, an echo requires the presence of noise waves to reflect. With nearly imperceptible noise reaching this distance, significant echoes would not occur. As such, it is not necessary to identify additional hillside residences as potential noise-sensitive receptors that would be

impacted by the Project-related noise. Further, a recirculated Draft EIR with a comprehensive Health Assessment is not necessary or required.

With regard to background airport noise, as stated on page IV.K-69, of the Draft EIR, the nearest airport is the Hollywood Burbank Airport (BUR), located approximately 4.5 miles northeast of the Project Site. As per the CEQA Guidelines Appendix G thresholds, the Project Site is not located within two miles of a public airport or private airstrip and is not within the boundaries of an airport land use plan. Per the Appendix G threshold, the Project would not expose people residing or working in the Project Site area to excessive noise levels for a project within the vicinity of a public use airport or private airstrip. Furthermore, ambient noise measurements were taken as part of the noise analysis in the Draft EIR. The aircraft noise from relocated flight paths from BUR and Van Nuys Airport (VNY) were included in the existing conditions noise measurements. Thus, the existing airports' jet noise was included as part of the ambient noise in the Project vicinity. Intermittent aircraft noise is common throughout the City; however, such temporary noise instances would not materially change the noise impact analysis as aircraft noise is already included within the existing baseline conditions. Furthermore, the Project would not exacerbate any existing noise issues that the community may have with airport noise; therefore, no additional analysis of the existing noise sources is required by CEQA .

Topical Response No. 8 also addresses noise impacts associated with the Project design modifications included in Topical Response No. 2 – Modifications to the Project Design. As discussed therein, the Project with design modifications would not substantially increase the severity of noise or vibration impacts evaluated in the Draft EIR and the noise/vibration impact conclusions in the Draft EIR would remain unchanged.

### **Comment No. ORG 9-9**

**The omission of a Comprehensive Health Risk Assessment, on its own, demonstrates the need for a Revised and Recirculated DEIR (RDEIR).** Applicant must produce a Comprehensive Health Risk Assessment, to include Cumulative Health Risks. The HRA (Health Risk Assessment) must include all categories, including air quality, noise, light and sleep disturbance; reduced access to public safety – fire and police; unsafe traffic conditions and congestion that cannot be mitigated, and others as applicable. Any Project that proposes to remove 17 acres of green space and tree canopy to excavate and haul 250,000 cubic yards of earth will certainly have health impacts on the residential neighborhoods that surround it. The construction and operations of a MultiSport Day and Night Events Center will create further new and unforeseen impacts to health, transforming the health of the entire community.

### **Response No. ORG 9-9**

The comment claims that a Comprehensive Health Risk Assessment is necessary based on the Project's proposed construction and excavation activities, as well as Project operations. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Furthermore, the statement that the Project is a MultiSport

Day and Night Events Center is inconsistent with information provided in the Draft EIR. Historical and existing tennis and golf uses terminate at 10:00 p.m. and 11:00 p.m., respectively. As described in Chapter II, *Project Description*, Table II-3 (Public Use and Hours), page II-34 of the Draft EIR, the Project's field activity would terminate at 8:00 p.m. and tennis and gymnasium activities would end at 9:00 p.m. These ending times are earlier than existing and historical uses. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is necessary.

Nonetheless, regarding the commenter's concerns about air quality/health risk, noise, lighting and traffic impacts, refer to Response No. ORG 9-6.

In addition, the Draft EIR addressed impacts to public services, including police and fire services, in Section IV.L.1, *Public Services – Fire Protection* and Section IV.L.2, *Public Services – Police Protection*, with supporting data provided in Appendix L, Public Service Provider Correspondence, of the Draft EIR. As analyzed therein, impacts to fire and police public services would be less than significant.

With regard to health risk, in addition to the construction related HRA information provided in Responses No. ORG 1B-77 through 1B-79, Section IV.H, *Hazards and Hazardous Materials*, of the Draft EIR, evaluated potential impacts to the environment and the public from hazards/hazardous materials. Mitigation Measure HAZ-MM-1, which requires a Soils Management Plan (SMP), would ensure short-term construction activities, as well as long-term operation of the Project, does not result in the exposure of hazardous materials to construction workers, the environment or the public from contaminated soils or soil vapors potentially underlying the Project Site. Mitigation Measure HAZ-MM-2, which requires a Health and Safety Plan (HASP), would further protect construction workers from exposure to hazardous materials and conditions. With implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts to the public or the environment from the release of hazardous materials released during constructed-related upset and/or accident conditions would be reduced to a less-than-significant level.

## **Comment No. ORG 9-10**

**Alternatives presented in the DEIR are insufficient and do not represent an earnest attempt** to weigh the concerns of the community with the desires of the Applicant, Harvard-Westlake. There is no Alternative that removes any one of the four “arenas” – 2 fields, 1 pool, and 1 gym. There is no Alternative that eliminates or meaningfully reduces the number of parking spaces on-site. If the Applicant was serious about presenting Alternatives that would represent compromise and a better outcome for the community, the Applicant would have submitted at least one Alternative with no events, no spectators or outdoor bleachers, a reduced-size gym, just one field, no pool, no underground parking, no lights, no amplified noise, and enough public, green, open space (40% of the property, half of it contiguous), to warrant the label of “Park.” The Project has exploded

far beyond the initial concept into an oversized, intrusive public nuisance that will destroy the quality of life for far too many for the benefit of only a privileged few.

### **Response No. ORG 9-10**

The comment claims that the Alternatives presented in the DEIR are insufficient and do not represent an earnest attempt to weigh the concerns of the community with the desires of the School.

Regarding alternatives, which are required under the CEQA Guidelines, the CEQA Guidelines Section 15126.6.6(a) state: “An EIR shall describe a range of reasonable alternatives to the Project, or the location of the Project, which would feasibly attain most of the objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” Under the Project, the only significant and unavoidable impacts not feasibly reduced to a less-than-significant level were construction-related noise and vibration impacts resulting primarily from the Project’s grading and excavation activities. Thus, the primary goal for the selection of alternatives to the Project was to reduce these construction-related significant and unavoidable impacts. A feasible way to reduce these impacts was to reduce the need for excavation required for the subterranean parking structure and the stormwater capture and filtration system. As contemplated, the alternatives would each reduce construction noise and vibration impacts when compared to the Project. The alternatives would meet the primary purpose of an alternative to avoid or substantially lessen any of the significant effects of the project. Furthermore, CEQA Guidelines Section 15126.6 (c), states: “Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.” The alternatives were selected because they met or partially met most (but not all) of the basic objectives of the Project. Because the Project would not result in multiple environmental impacts that would need to be addressed through a specific change of use or additional modifications of Project components to generally meet the Project Objectives, there were no required reasons to evaluate more extreme diversions from the Project in the alternatives analysis.

For additional discussion of the Project’s adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-105, ORG 1B-106 and ORG 7A-146 to ORG 7A-176.

### **Comment No. ORG 9-11**

**Removing events would eliminate the most damaging features** of the Project. Without events, meaning **use as practice facility only**, as was the intent of the earlier Parking Improvement Project, there can be no justification of necessity for:

- **Underground parking or surface parking of no more than 100. It should be noted that LAMC requirements for parking are based on the number of fixed seats, thus removal of outdoor fixed bleachers and bleacher seating in the gym**

**would argue against allowing any more than a minimal number of parking spaces. Perhaps parking spaces were the incentive for great number of bleacher seats. [Note existing Public Parking Structure, Lot 690 at 12225 Ventura Blvd., with 393 parking spaces, an easy 5-minute walk from the Project, is available to the public.]**

- Extraordinary volume of 250,000 cubic yards of grading
- Prolonged exposure to undisturbed soils on Haul Route impacting Transportation, Air Quality, Noise, Green House Gases, and Human Health
- Extended construction schedule (overlapping phases of at least 30 month)
- Night use and lighting
- Bleachers
- Public Address System and amplified sound, lessening operational noise impacts
- Electronic scoreboards
- Note that water recapture takes up a very small part of the Project planned excavated area and could be accomplished without subterranean parking in all Alternatives.
- Alternatives should provide a much wider, green buffer along the entire perimeter, to protect neighborhoods, including eastern and southern hillside residential neighborhoods.

## **Response No. ORG 9-11**

The comment claims that removing events would eliminate the “most damaging features of the Project.” However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Furthermore, removing interscholastic games and events would not be consistent with the purpose and need for the Project. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale for its proposed facilities.

The Weddington Golf & Tennis parcel was purchased by Harvard-Westlake School in December 2017, and the School has continued to operate it primarily for private golf and tennis uses, open to the public. However, the current Weddington Golf and Tennis operations are not consistent with the School’s educational mission or financially sustainable. The underlying purpose of the Project is to supplement the School’s athletic and recreational facilities, and to provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future. The Project Objectives, included in Chapter II, *Project Description*, pages II-13 and II-14 of the Draft EIR, list the Project’s Objectives which support the underlying purpose of the Project, including the provision of public access.

Regarding the commenter's concerns about air quality/health risk, noise, lighting and traffic impacts, refer to Response No. ORG 9-6.

With regard to parking, refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how on-site and off-site parking restrictions would be enforced. Also, the commenter is referred to Response Nos. ORG 1B-90 and 1B-92 to 1B-93, which further discusses the required parking for the Project Site.

Refer to Response No. ORG 9-10 for a discussion of the alternatives selected for evaluation in the Draft EIR. The Project Alternatives were selected because they would reduce the Project's volume of excavated materials, number of haul trips, and duration of construction activity and would potentially reduce the Project's significant and unavoidable construction noise and vibration impacts identified in the Draft EIR. As evaluated in the Draft EIR, other impacts related to parking, transportation, air quality, noise, GHGs, human health, lighting, bleachers (outdoor noise), amplified noise, and electronic scoreboards were either determined to be less than significant or reduced to less than significant levels through mitigation. Because hillside neighborhoods to the east and south would not be adversely impacted by operational air emissions, operational noise, light and glare, or aesthetically impacted, the evaluation of an alternative with a wider "green buffer" to protect neighborhoods, including eastern and southern hillside residential neighborhoods, would not serve the purpose of reducing an adverse environmental impact.

### **Comment No. ORG 9-12**

**In consideration of the Conditional Use Permit (CUP)**, the Permit must be made Comprehensive of all three of the School's Campuses – the middle school campus in Holmby Hills, upper school campus in Studio City, and the proposed "River Park" campus in Studio City – to prevent constant shifting of operations and overuse, including events and parking. The operations of all Harvard-Westlake facilities would be undeniably linked and must be required to conform to the Comprehensive CUP. If this project is approved in any form, the school must be required to deliver a Master Plan to the City within 1 year and agree to a Moratorium on Growth for 25 years from the date of approval of this project.

Furthermore, any approval of this project should not assume agreement with usages suggested, assumed or outlined in this DEIR. The Conditional Use Permit must require detailed usages for **all three facilities/campuses** and must include detailed Transportation Demand Management (TDM) Plans for each school, covering daily use, weekend use, night use, and Event use.

### **Response No. ORG 9-12**

The comment states that the CUP should include the Upper School and Middle School campuses, as well as the Project Site, to avoid a "constant" shifting of operations and overuse. This comment does not address the adequacy of the Draft EIR and, as such,

no further response is necessary. The issues raised in this comment are similar to those included in Comment No. ORG 1C-58. Refer to Response No. ORG 1C-58, which addresses these concerns.

### **Comment No. ORG 9-13**

**STORY POLES:** We request that Harvard-Westlake be required to hire a professional company to install Story Poles on the Project Site. These poles should describe the dimensions of the gym, all 45 light poles, the 3 scoreboards, pool, pool canopy, Field A, Field B, all bleachers, perimeter walls, and any other structures over 500 square feet. Story poles should also indicate clearly the "public elements" of the perimeter path and interior spaces. The poles must be required to stay in place for at least 30 days, once completed.

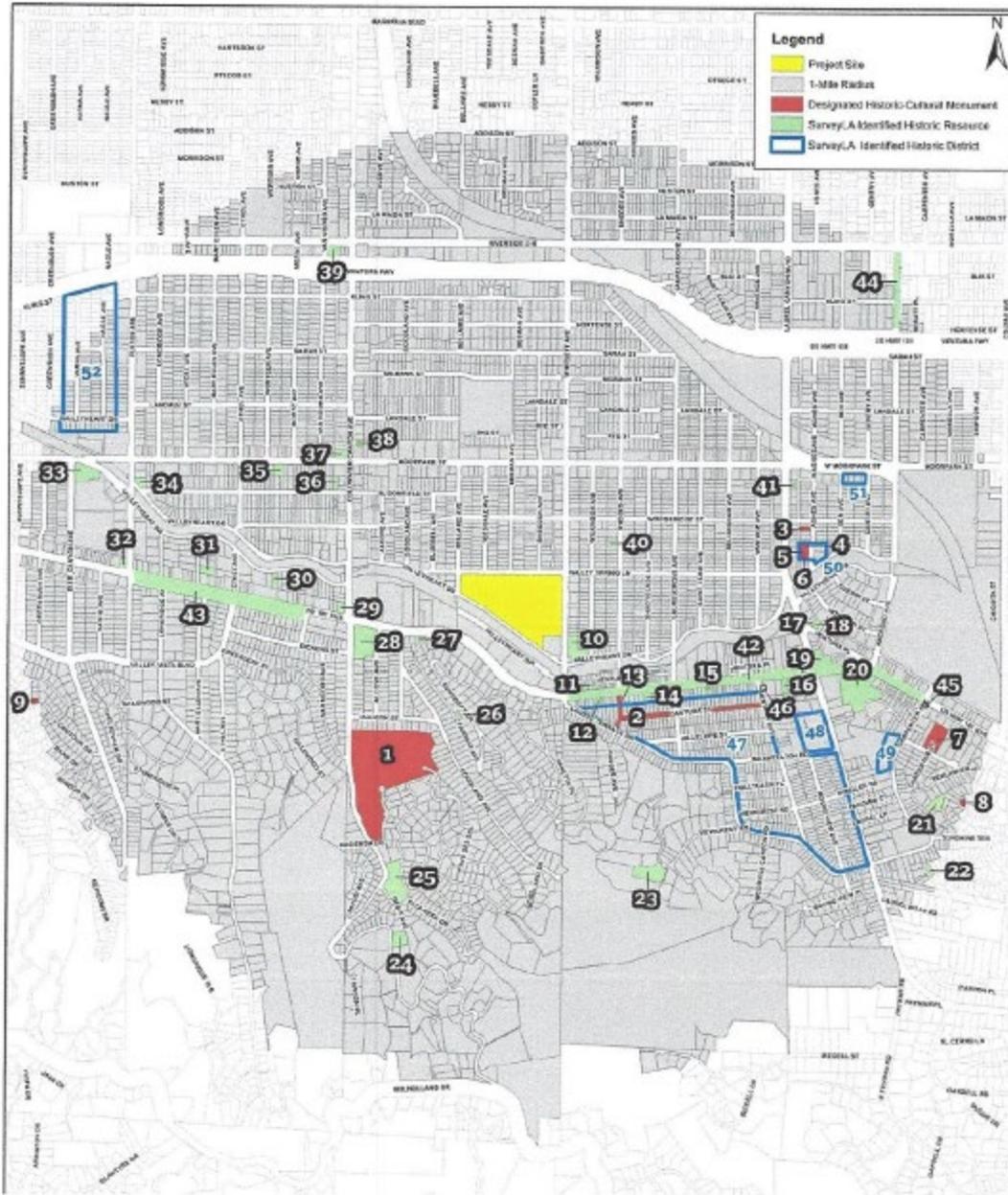
### **Response No. ORG 9-13**

The comment requests that the School hire a professional company to install "story poles" prior to construction. The proposed "story poles" could be requested at the discretion of the Project's decision makers but are not a part of the Project evaluated in the Draft EIR, nor are they required by or related to any impacts evaluated in the Draft EIR. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. ORG 9-14**

**STUDY AREA:** We request an increase in the size of the Project Study Area. The size of the Project Study Area is inadequate and appears to be measured as a radius of .5 miles from an unmarked center point within this extremely large 17-acre project. This area cannot possibly capture the wide range of severe impacts. This metric disadvantages communities to the east and south of the Project, including hillside residences that receive intensified impacts from light and noise, as well as destruction of views, an esthetic concern. City of Los Angeles has allowed for project study areas of 1 mile, which would be more appropriate for a job of this unprecedented scale, and one that involves an astronomical 250,000 cubic yards of grading. Increasing the Project Study Area would more accurately capture the impacts of grading and hauling along heavily populated streets, as it would include the haul route between the Project and the 101. By confining study to such a tiny area of impact, the environmental review also **fails to capture a great number of sensitive receptors, including elderly and children**, in several nearby neighborhoods, including the Silver Triangle and Sunswept neighborhoods east of Whitsett. Studio City neighborhoods have a very high rate of respiratory disease, which is well documented. Attached is a the HCM map showing a 1-mile radius, page 65 of *Historical Resources Technical Report*. This should be the area of study for **all DEIR categories**, including air quality, transportation.

**FIGURE 3. MAP OF HISTORICAL RESOURCES WITHIN ONE-MILE RADIUS OF PROJECT SITE**



**LEASES & LOANOUTS:** We request clarification of opportunities for financial gain by Harvard-Westlake. Will the School be permitted to accept compensation of any kind for lease, loanout, or usage of this “public-private” facility, either by direct compensation, reimbursement or other quid pro

PROPOSED STUDY AREA FOR ALL CATEGORIES OF DEIR below:

## Response No. ORG 9-14

This comment raises concerns regarding the “study area” similar to those included in Comment No. ORG 1C-45. As discussed in Response No. ORG 1C-45, cumulative study areas are defined based on an analysis of the geographical scope relevant to each particular environmental issue. The Project’s related project’s list is determined by the City of Los Angeles according to procedures set forth in the LADOT TAG. According to TAG, the Draft EIR Study Area for major projects in the City is based on a one-half mile radius of the Project Site plus one-quarter mile from the farthest outlying intersection, which is defined by the LADOT as Coldwater Canyon Avenue at Ventura Boulevard.

## Comment No. ORG 9-15

**LEASES & LOANOUTS: We request clarification of opportunities for financial gain by Harvard-Westlake.** Will the School be permitted to accept compensation of any kind for lease, loanout, or usage of this “public-private” facility, either by direct compensation, reimbursement or other quid pro quo? Further, we request that such compensation be forbidden and that the Applicant, Harvard-Westlake, be required to guarantee that they will not be compensated for usage by the public, or any other party.

Furthermore, increased negative impacts surrounding neighborhoods from such increased uses must be considered and balanced with benefit to the Applicant.

## Response No. ORG 9-15

The comment requests clarification of opportunities for financial gain by Harvard-Westlake. This comment does not address the adequacy of the Draft EIR and, as such, no further response is necessary. However, as stated in CEQA Section 15131, economic or social issues are not topics for EIR consideration unless they lead to a physical change in the environment.

The Project would be further limited to potential conditions of approval based on the Description of the Project provided in Chapter II, *Project Description*, of the Draft EIR. Since there is no intention to expand use of the Project in ways not described in the Project Description or evaluated in the Draft EIR, there is no purpose to evaluate impacts related to such speculative uses.

The commenter is also referred to Responses No. ORG 1B-14 and ORG 1B-17 for further discussion of public use of the Project facilities.

## Comment No. ORG 9-16

**SAFETY: We request consideration of ALL Safety Impacts included In Aperture Expert Report,** submitted by Save Weddington, including public safety, emergency services, traffic safety, pedestrian and transit user safety, High Injury Network, and neighborhood protections from a wide range of human health hazards that would be

introduced by the Project. How would the Applicant propose to eliminate the possibility of students and visitors running across busy Whitsett or Ventura Blvd? The danger will be even worse after dark and multiplied at events, when there will be hundreds or thousands of people entering and exiting the facility. Most visitors will be unfamiliar with the neighborhood. Even students will not always patiently wait and will instead, dash into traffic, in the dark. This risk to students was noted in the 2016 Wexco Safety report for the earlier Parking Improvement Project. There have been many vehicle and pedestrian accidents and some pedestrian fatalities crossing both of these streets. Pedestrian safety is one extremely important reason to ELIMINATE events and night use.

We also support all safety concerns regarding human health: Air Quality, Green House Gases, Noise, Cumulative Noise with consideration required for Jet Noise, and Light Intrusion.

### **Response No. ORG 9-16**

The comment requests consideration of all safety impacts included in the Aperture Expert Report. Refer to Responses to Comment Nos. ORG 1B-171 through 1B-195, which provide responses to the comments prepared by Aperture.

In addition, the comment speculates that people will park off-site and illegally cross into streets resulting in pedestrian safety issues, particularly after dark and either use a street intersection or jaywalk to enter or exit the Project Site. This speculation does not raise any issues with respect to the content or adequacy of the Draft EIR. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of how on-site and off-site parking restrictions would be enforced.

The commenter's concerns about pedestrian safety are noted, given that Project-generated vehicle activity will increase with implementation of the Project and that increases in pedestrian crossings would occur as residents of the neighborhood to the east utilize the community and recreational spaces in the Project. There is no specific threshold regarding when an increase in pedestrian volumes at a location with a very limited history of pedestrian collisions would be significant. Additionally, given the lack of a history of pedestrian-related collisions, the fact that the City of Los Angeles has not identified Whitsett Avenue or Valley Spring Lane as part of its high injury network, the very low volume of existing pedestrian crossings, and that the number of residential users of the Project Site would be relatively low at any given time, the increase, appropriately, was not identified as a potentially significant impact.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the

intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

For discussion of other concerns regarding human health, air quality, GHGs, noise, cumulative noise and light intrusion, refer to Response Nos. ORG 9-6, ORG 9-8, and ORG 9-9. With regard to cumulative noise impacts for jet noise, as stated on page IV.K-69, of the Draft EIR, the nearest airport is the Hollywood Burbank Airport (BUR), located approximately 4.5 miles northeast of the Project Site. Per the CEQA Guidelines Appendix G thresholds, the Project Site is not located within two miles of a public airport or private airstrip and is not within the boundaries of an airport land use plan. Per the Appendix G threshold, the Project would not expose people residing or working in the Project Site area to excessive noise levels for a project within the vicinity of a public use airport or private airstrip. Furthermore, ambient noise measurements were taken as part of the noise analysis in the Draft EIR. The aircraft noise from relocated flight paths from BUR and Van Nuys Airport (VNY) were included in the existing conditions noise measurements. Thus, the existing airports' jet noise was included as part of the ambient noise in the Project vicinity. Intermittent aircraft noise is common throughout the City; however, such temporary noise instances would not materially change the cumulative noise impact analysis as aircraft noise is already included within the existing baseline conditions. Furthermore, the Project would not exacerbate any existing noise issues that the community may have with airport noise; therefore, no additional analysis of the existing noise sources is required by CEQA.

### **Comment No. ORG 9-17**

Furthermore, the Study Area for Safety Impacts and all Impacts from the Project, must be expanded to one mile. **PLEASE note that residents at and south of Ventura Blvd. are living in the VHFHSZ (Very High Fire Hazard Severity Zone) and are at extreme risk of fire. Any loss of fire-fighting capability to these residents could result in catastrophic wildfire that would spread rapidly through the Santa Monica Mountains.**

### **Response No. ORG 9-17**

The comment requests that the study area for safety impacts and all impacts from the Project to be expanded to one mile and provides concerns regarding fire-fighting capabilities during wildfires. The comment does not provide any facts substantiating the need for or purpose of expanding the study area to one mile with respect to the analyses provided in the Draft EIR. Furthermore, as discussed in Response No. ORG 9-14, it is unclear which study area the comment is referring to since there are multiple study areas analyzed in the Draft EIR. Also, the comment is not specific as to the "safety" impacts referenced in the Draft EIR. However, the Project's Initial Study, included in Appendix A of the Draft EIR, evaluated wildfire impacts on pages 104 to 106. As analyzed therein, the Project would not exacerbate wildfire risks within the Santa Monica Mountains VHFHSZ in part because: the Project Site is not located adjacent to, and would not cause an

impediment along, a City-designated emergency evacuation route; the Project would not impair implementation of the City of Los Angeles emergency response plan; construction traffic would be managed through a Construction Management Plan (which is included in Project Design Feature TRA-PDF-1); no wildlands are present on the Project Site, nor immediately adjacent to the Project Site; the Project Site is not located within a hillside area.

Although the Very High Fire Hazard Severity Zone (VHFHSZ) mapping includes the Santa Monica Mountains and reaches to the south edge of the Los Angeles River, the Project Site is not located within the designated VHFHSZ.<sup>228</sup> This mostly applies to areas south of the river and primarily contiguous to the hillside area. However, the Ventura Boulevard corridor and a narrow edge along the north side of the Los Angeles River between approximately Fulton Avenue and Laurel Canyon Drive (including the Project Site) are designated as Fire Buffer Zones. Because the Project Site is not within the designated wildland area, the Project would not expose people or structures to a significant risk involving wildland fires. However, it is noted that wildland fires can reach into urban areas. The Project would comply with Fire Code requirements. As also discussed in Section IV.M, *Transportation*, of this Draft EIR, pursuant to Project Design Feature TRAF-PDF-1, the Project would implement a Construction Management Plan that would include measures to ensure emergency access to the Project Site and adjacent properties. Project Design Feature TRAF-PDF-1 would minimize impacts to vehicular and other forms of circulation during construction. The discussion of fire safety in Section IV.L.1, *Fire Protection Services*, pages IV.L.1-22 through IV.L.1-24 states that the compliance with applicable Los Angeles Building Code and Fire Code requirements would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as required under LAMC Section 57.118, prior to the issuance of a building permit. With such compliance with code requirements and LAFD review of the Project's building plans, the Project would not be at an inordinate risk of fire.

Also, since the Project Site is not located within the VHFHSZ, enlarging the Study Area would not change the findings of the Draft EIR. For instance, the Draft EIR evaluates emergency access at the LAFD Fire Station 78, which is adjacent to the Project Site. Any potential obstruction of emergency access at LAFD Fire Station 78 would affect the broader area, including the ability to respond to fire hazards within the nearby VHFHSZ. Emergency access at LAFD Fire Station 78 is evaluated in Section IV.L.1, *Fire Protection*, pages IV.L.1-19 through IV.L.1-21 and IV.L.1-24 through IV.L.1-26, and Section IV.M, *Transportation*, pages IV.M- 44 and IV.M-45 of the Draft EIR and in Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR. As discussed therein, with the implementation of the proposed project design features (PDFs), including TRAF-PDF-1 and TRAF-PDF-2, the Project would not exceed CEQA

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<sup>228</sup> LAFD website, Fire Zone Map, <https://www.lafd.org/fire-prevention/brush/fire-zone/fire-zone-map>, accessed February 2, 2023.

threshold standards or result in a significant emergency access impact. This would not change if the VHFHSZ was further evaluated.

## Comment No. ORG 9-18

**NOISE IMPACTS: We request correction of the ERROR of omission of “JET NOISE from relocated Burbank Airport flight paths” from Cumulative Noise Impacts.** These impacts are well documented, the subject of public controversy, and have resulted in two City of Los Angeles lawsuits. Noise impacts are concentrated in southern Studio City, primarily over and south of the project area. CEQA requires an EIR to include consideration of such cumulative impacts to which the project would contribute, and the importance of that contribution in the context of the cumulative impact. Therefore, please provide thorough examination of Aircraft Noise and health impacts from noise, as part of the requirement to study noise cumulative impacts. **(See Citation below)**

**CITATION NOISE:** Noise as a Public Health Hazard, American Public Health Association, Policy Number 202115, October 26, 2021. <https://apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2022/01/07/Noise-as-a-Public-Health-Hazard>

### Abstract

Noise is unwanted and/or harmful sound, first recognized as a public health hazard in 1968. The Noise Control Act of 1972 declared that “it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare.” The promise of that legislation remains unfulfilled 50 years later. Human exposure to harmful noise levels is widespread. Major sources include transportation, military aircraft and combat operations, noisy recreational vehicles, industrial machinery, recreational and leisure activities, outdoor power equipment, consumer products, and, possibly, wind turbines. Loud noise causes hearing loss and tinnitus and can contribute to non-auditory health problems. **Chronic noise, even at low levels, can cause annoyance, sleep disruption, and stress that contribute to cardiovascular disease, cerebrovascular disease, metabolic disturbances, exacerbation of psychological disorders, and premature mortality. Noise interferes with cognition and learning, contributes to behavior problems, and reduces achievement and productivity. The health of more than 100 million Americans is at risk, with children among the most vulnerable.** Noise-related costs range in the hundreds of billions of dollars per year. Yet, the United States has no federal standards for non-occupational noise exposure. Federal standards for occupational noise exposure from the 1970s address only hearing loss as an adverse health effect and do not apply to all workers (e.g., those in agriculture and construction). Calls for action have gone largely unheeded. This policy calls for national noise standards, enforcement, education, outreach, and action on noise as a public health hazard. They are long overdue

## Response No. ORG 9-18

The comment requests that jet noise from the Hollywood Burbank Airport be considered in the evaluation of cumulative noise impacts. Refer to Response No. ORG 9-16 for a discussion of aircraft noise. As discussed therein, the noise analysis included evaluation of the Project's contribution of ambient noise to determine if the Project's noise would exceed the thresholds of significance. Ambient noise measurements were taken as part of the noise analysis in the Draft EIR in 2020 and after. Aircraft noise from relocated flight paths from BUR and VNY airports were included in the existing conditions noise measurements. Thus, the existing airport's jet noise was included as part of the ambient noise in the Project vicinity. The Project does not exacerbate any existing noise issues that the community may have with airport noise and, therefore, no analysis of the existing noise sources is required by CEQA.

## Comment No. ORG 9-19

Furthermore, the Project's **Noise Study methodology** of measuring two 15-minute increments of noise, to represent day and night levels, at such short distances from the multiple sources of noise within the Project, is woefully inadequate to measure baseline existing noise. In addition, impacts of significant **noise effects** such as echo and sustain in surrounding hillside neighborhoods, is omitted, and ignored. **The Study Area is too small and must be expanded to a minimum of 1 mile from noise sources.**

## Response No. ORG 9-19

The comment states that the Project's Noise Study methodology of measuring two 15-minute increments of noise, to represent day and night levels, at such short distances from the multiple sources of noise within the Project is inadequate. The ambient noise measurements at all measurement locations meet or exceed the City of Los Angeles' requirements for ambient noise as established in LAMC Sections 111.01(a) and 111.03. LAMC Section 111.01 states, "Ambient Noise" is the composite of noise from all sources near and far in a given environment, exclusive of occasional and transient intrusive noise sources and of the particular noise source or sources to be measured. Ambient noise shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured." Thus, the measured environmental noise levels at receptors R1 through R8 correctly represent the ambient noise levels in the vicinity of the Project Site.

In addition, refer to Response No. ORG 9-8 regarding noise echo in the surrounding hillside areas. Refer to Response Nos. ORG 9-14 and ORG 9-17 for a discussion of the adequacy of Draft EIR's study area.

## Comment No. ORG 9-20

### BIOLOGICAL IMPACTS

The Project would create an extreme event in the ecological and biological life of Studio City. We would like to include by reference all comments on biological impacts included in the comment from Save Weddington. The project threatens survival of special-status western yellow bat and creates a vast hole in the tree canopy that cannot be reproduced for at least 3 decades. Sudden urban heat island effect, glare and contamination of water resources from artificial turf would bring new and severe hazards to our community and to the greater Los Angeles community, via the LA River. Changes and impacts to the public asset, Zev Yaroslavsky Greenbelt and to leased County land must also be closely examined. Details of County lease contracts must be revealed.

### Response No. ORG 9-20

The comment references the comments on biological resources in the Save Weddington letter. Other issues raised in the comment pertain to impacts to western yellow bat, trees, urban heat island effect, artificial turf and the Zev Yaroslavsky “Greenbelt” and to leased County land. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Responses to comments prepared by the Channel Law Group for Save Weddington are provided in Responses No. ORG 1B-1 to 1B-197. The commenter is specifically referred to Response Nos. ORG 1B-24, 1B-25, and 1B-42 to 1B-52 for responses addressing biological resources impacts. Impacts to western yellow bat are addressed in Response Nos. ORG 1B-45 to ORG 1B-48, ORG and 1B-141 and 1B-142. In addition, further discussion of impacts to the western yellow bat, can be found in Response Nos. ORG 10-3 to 10-9. Also, responses to comments provided by Kim Tashman, President of Save Weddington, are provided in Responses Nos. ORG 1C-1 to ORG 1C-77.

For a discussion of impacts related to trees and tree canopy, refer to Responses No. ORG 6A-1 and ORG 6B-5.

Refer to Response to Comment No. 7 – Artificial Turf and Effects on Localized Heat and Health for a discussion of impacts related to artificial turf.

The comment also states that changes and impacts to public assets, i.e., the Zev Greenway and to leased County land, must also be closely examined and that details of County lease contracts must be revealed. With regard to biological resources impacts, all areas within the Zev Greenway and leased County land were included in the Biological Study Area evaluated in Section IV.C, *Biological Resources*, of the Draft EIR. Refer to Figure IV.C-1, Plan Communities, in the Section IV.C of the Draft EIR for an illustration of the Biological Study Area. Accordingly, the Draft EIR’s analysis of biological impacts did evaluate impacts within the Zev Greenway and to leased County land. The Draft’s EIR’s evaluation of biological resources is based on the thresholds included in Appendix G of

the CEQA Guidelines, as well as those applicable plans, policies, ordinances, and regulations protecting, as applicable, biological resources. The provisions of the County lease contract would not affect the Draft EIR's analysis of impacts to biological resources beyond that included in the Draft EIR.

### **Comment No. ORG 9-21**

#### **We request the correction of Transportation errors and consideration of Transportation omissions:**

- No measured intersection traffic counts included, and baseline counts calculated by reaching back to 2017.
- Grading export miscalculation due to swelling of undisturbed soil, underestimated by up to 25% and will thus increase number of export vehicles by 25%.
- Does not incorporate changes since Sportsman's Landing and other developments.
- Does not incorporate substantive street, signal, and traffic calming improvements that would be necessitated by trips/traffic generated by construction and operations of the Project.
- Inadequate protections for neighborhoods surrounding the project. No mention of southern neighborhoods, Sunswept and Silver Triangle, or of Laurel Terrace Drive, which is not an extension of Whitsett but rather, a narrow Hillside Connector Street, impacted by the congested Ventura Blvd & Whitsett intersection.

### **Response No. ORG 9-21**

This comment expresses that various transportation-related errors and omissions need to be corrected. First, the comment states no measured intersections were included as part of the transportation analysis. This comment is incorrect. Count data was included in Appendix F of the TA, which is included as Appendix M in the Draft EIR. Refer to Response No. ORG 5-3 for additional discussion of the traffic count data included in the TA.

With regard to swelling of soils, refer to Response No. ORG 1B-6. As described in Response No. ORG 1B-6 regarding bulking of soils, a conservative bulking factor of 20 percent was assumed in order to arrive at the 250,000 estimated cubic yards of grading (in excess of the more typical 15 percent bulking factor). Therefore, even with bulking, the export trips would be within the estimated number for Project construction activities.

Also, as discussed in Topical Response No. 2 – Modifications to the Project Design, updates to the Project would reduce the parking capacity of the underground structure from 503 spaces to 386 spaces. With this reduction, the amount of grading would be reduced from 250,000 cubic yards to 197,000 cubic yards, a reduction of approximately 53,000 cubic yards. This reduction in grading would reduce the duration of grading from

approximately 7 months to 5.5 months, and reduce the number of grading haul truck trips from 35,714 trips to 28,142 trips. See Topical Response No. 2 and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

The analysis of transportation-related impacts was included in Section IV.M, *Transportation*, of the Draft EIR. The section assessed potential Project impacts based on the TA prepared by Fehr & Peers, dated April 2020 and included as Appendix M of the Draft EIR. The TA was prepared in accordance with LADOT's TAG adopted in July 2019 (updated in July 2020). The TA was approved by LADOT on June 10, 2021, with an updated approval on June 11, 2021.

In accordance with the TAG and consistent with the Department of City Planning CEQA Transportation Thresholds (adopted July 30, 2019), the TA includes an analysis of intersection levels of service (LOS), which is a non-CEQA issue. "Non-CEQA" issues are not required to be included in the Draft EIR, but are included in the TA (Appendix M of the Draft EIR) for informational purposes only. Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for additional information on CEQA and non-CEQA issues that are included in the TA and Draft EIR Section IV.M, *Transportation*.

With regard to the LOS traffic analysis, traffic from all related projects, including Sportsmen's Lodge, which are listed in Chapter III, *Environmental Setting*, of the Draft EIR, was accounted for in the traffic analysis.<sup>229</sup> The Sportsmen's Lodge shopping center with gym and retail uses was recently constructed but is not yet fully operational (Related Project No. 1). The Sportsmen's Lodge apartments and restaurant/retail uses are not yet constructed and is in the entitlement phase (Related Project No. 5). Based on the proposed uses of the related projects, the TA calculated trips from these projects and included them in the future (2025) Project buildout traffic analyses using LADOT-required assumptions about future traffic growth. In addition, an ambient growth factor of 0.6 percent per year was applied to adjust the baseline year (2020) traffic volumes to reflect the effects of regional growth and development. This adjustment was applied to the baseline year (2020) traffic volume data to reflect the effect of ambient growth by the year 2025. This methodology is consistent with standard practices and TAG methodology for transportation assessments in the City of Los Angeles, which was approved by LADOT. Furthermore, the methodology to analyze cumulative transportation impacts was consistent with the applicable requirements of CEQA Guidelines Section 15130 in determining cumulative impacts. Refer to Topical Response No. 12 – Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses, for additional detail regarding the Project's cumulative traffic impacts.

The comment states that the transportation analysis does not incorporate substantive street, signal, and traffic calming improvements that would be necessitated by trips/traffic

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<sup>229</sup> The list of related projects was provided by LADOT.

generated by construction and operations of the Project. With regard to construction and operational traffic, refer to Response No. ORG 9-6. As discussed therein, the Project's TA was prepared in accordance with the LADOT's TAG, and the TA was reviewed and approved by LADOT.

With regard to protections of neighborhood streets, during construction of the Project, as discussed in Response No. ORG 9-6, a CMP would be prepared, which would include measures to ensure that adequate access would remain for land uses in proximity to the Project Site during project construction. Project contractors would also coordinate with City departments (e.g., the Department of Building and Safety and the Department of Building and Safety) and emergency service providers, such as the LAFD, to ensure that adequate access, including emergency access, is maintained to the Project Site and neighboring uses. Also, the non-CEQA portion of the TA included a Residential Street Cut-Through Analysis on PDF pages 88 to 90 of 217 in Appendix M of the Draft EIR. As analyzed therein, the analyzed neighborhood street segments are not projected to be subject to an excessive burden on any of the street segments in neither the Non-Event Scenario nor the Special Event Scenario. The list of potentially impacted street segments analyzed were reviewed and approved by LADOT. In addition, the list intersections selected as part of the non-CEQA traffic analysis considers those intersections affected by Project traffic. Refer to Section 4.2 of the TA on PDF pages 56 to 76 of 217 for a discussion of intersections selected for analysis in the TA and impacts to intersections in the local Project vicinity. As shown in Tables 11A and 11B, PDF pages 75 and 76 of 217 of the TA, per the LADOT's TAG criteria, the Project would not cause or substantially contribute to unacceptable queuing at nearby signalized intersections, including the intersection of Ventura Boulevard and Whitsett Avenue. Laurel Terrace Drive, Sunswept Drive, and Silver Terrace are all located in residential areas to the south of Ventura Boulevard. The heaviest Project traffic would occur along main arterials between the Upper School campus and the Project Site. As discussed in Section IV.M, *Transportation*, of the Draft EIR, the primary impacted streets would be Whitsett Avenue, Ventura Boulevard, Moorpark Street, and Coldwater Canyon Avenue. These streets, which would support commuting traffic, would accommodate the bulk of Project traffic. Since Laurel Terrace Drive, Sunswept Drive, and Silver Terrace do not provide direct access between the Upper School campus on Coldwater Canyon and the entrance to and exit from the Project Site at Whitsett Street, or between the Project Site and Laurel Canyon Boulevard, or between the Project Site and any primary destinations, these streets were not included in the analysis of the Project's transportation impacts.

## **Comment No. ORG 9-22**

### **PLANNING AND ENTITLEMENTS**

**The project violates** the Los Angeles General Plan, the Open Space element of the General Plan, the Sherman Oaks Studio City Toluca Lake Cahuenga Pass Community plan, and the RIO Specific Plan.

**CUP criteria. SEC. 12.24. CONDITIONAL USE PERMITS AND OTHER SIMILAR QUASI-JUDICIAL APPROVALS.**

***Findings for Approval. (Amended by Ord. No. 182,095, Eff. 5/7/12.) A decision-maker shall not grant a conditional use or other approval specified in Subsections U., V., W., or X. of this Section without finding:***

1. *that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;*

The project will degrade the community on multiple criteria including esthetics, including light, glare, and views; air quality during construction and operations; loss of open space; loss of urban tree canopy; loss of irreplaceable biological resources including wildlife, natural habitat; increase in greenhouse gases, and introduction of serious public health risks health risks including heart disease, cancer, diabetes, asthma and brain injury/dementia from massive increase in noise and air pollution contaminants; introduces health impacts from excessive and constant lighting that will disrupt sleep patterns and cause inflammatory disease; PFCS contamination of water; traffic safety issues that cannot be mitigated without a massive reduction in scope and use that removes the option of events, lights, amplified noise, and spectators.

2. *that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and*

The massive and extraordinary scale of this project in the midst of quiet, residential neighborhoods will destroy the character of the community and divide it, creating a giant Harvard-Westlake occupied island that overwhelms and excludes the neighboring community. The overwhelming demand on public resources, including public safety resources, police and fire, will damage our community. The Very High Fire Hazard Risk Zone begins on the south side for Ventura Blvd. and needs instantaneous access to fire services. The Project puts the public at risk.

3. *that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.*

The Project does not conform to the General or Community Plan and in fact, divides the Community, in both a physical and socioeconomic sense. Open space is irreparably lost.

**Response No. ORG 9-22**

The comment suggests that the Project would not meet the required findings for approval of the CUP and, as such, the comment does not address the adequacy of the Draft EIR. Therefore, no further response is necessary. Nonetheless, regarding the commenter's Finding 1, the comment contains no substantial evidence to support its contentions and

conflicts with the evaluations and conclusions of the Draft EIR with respect to the listed issues. The Draft EIR concluded after detailed analysis that impacts related to light, glare (view impacts were concluded to be less than significant in the Initial Study); air quality during construction and operation; open space; tree replacement; biological resources; natural habitat; greenhouse gases, health risks (as discussed in Sections IV.B, *Air Quality*, and IV. *Hazards and Hazardous Materials*, of the Draft EIR), operational noise; water quality; and transportation would not exceed CEQA thresholds and impacts would be less than significant or would be mitigated to less-than-significant levels. In addition, regarding disrupted sleep patterns from lighting, the Project would utilize advanced, shielded LED lighting technology that would be turned off earlier than the existing high-glare lighting on the Project Site. As discussed in Topical Response No. 4 – Aesthetics, because of improvements in lighting technology, precision placement and angulation of source lights, as well as precise site planning, with the exception of a light level increase equivalent to a single candle flame at one location, the Project's lighting program would reduce the Project Site's existing ambient light and glare conditions as compared to existing conditions.

Topical Response No. 4 also discusses the reduction in the Project's lighting program under the Project's design modifications (See Topical Response No. 2 – Modifications to the Project Design). All light and glare levels would be below regulatory standards for both the Project and the Project with design modifications. Therefore, the Project would not create a new source of substantial light or glare that would adversely affect sleeping patterns.

Regarding the commenter's Finding 2, the comment conflicts with the findings of the Draft EIR and does not substantiate the claim that the Project would degrade the community with respect to location, size, height, operations and other significant features or that the Project would not be compatible with and would degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The comment speculates that the playing fields, swimming pool, tennis courts, and gymnasium within the 17-acre Project Site are too massive for the scale of the surrounding residential neighborhood, and that the Project would destroy the character of the community, divide it, and exclude it (contrary to the objectives of the Project as cited in the Project Description) are speculative and do not contain any facts which contradict the findings of the Draft EIR. Refer to Topical Response No. 4 – Aesthetics, which discusses the aesthetics impacts of the Project. The statement that the Project would overwhelm public resources is not supported by substantial evidence and is contrary to the findings of the Draft EIR (See Section IV.L, Public Services, of the Draft EIR). The claim that the Project would imperil the Very High Fire Hazard Severity Zone to the south of Ventura Boulevard due to obstruction of Fire Station 78 or traffic is similarly devoid of supporting evidence, contrary to the conclusions of the Draft EIR, and not supported by fact or analysis. Refer to Response No. ORG 9-17 for a discussion of impacts related to wildland fires, as well as impacts to the referenced Very High Fire Hazard Severity Zone.

Regarding the Commenter's Finding 3, the claim that the Project does not conform to the General or Community Plan is not supported by substantial evidence and is inconsistent with the Draft EIR's land use evaluation, as detailed in Tables LU-1 through LU-6 contained in Appendix J and summarized in Section IV.J of the Draft EIR. Regarding the statement that open space would be irreparably lost, it is noted the Weddington Golf & Tennis facility provided fee-only use of its golf and tennis facilities to the public, while the Project would provide public access to approximately seven acres (304,920 square feet) of walking paths, wooded areas, and tennis courts. The Project would also provide direct public access through the Project Site to the Zev Greenway (direct access from the Project Site does not currently exist), landscape improvements along the Zev Greenway, and access to the River Overlook. In addition, access to the putting green, café, and clubhouse would be provided to the public for no charge and would be available from 7:00 a.m. to 9:00 p.m., seven days a week. Visitors would check in at the clubhouse for tennis court reservations, to use the putting green, or to purchase a snack or meal at the café. The Project would also allow public use of its active recreational facilities during periods of the day when facilities are not already in use by the School (Monday through Saturday) and all day on Sundays. In essence, with open space, landscaped pathways and other amenities, the Project would increase public access to the Project Site compared to existing conditions. The conclusions of the comment that the Project would not meet the required findings for the CUP are not substantiated by facts.

### **Comment No. ORG 9-23**

**Our conclusion, much to the community's disadvantage, Harvard-Westlake School is again asking for too much – to remove a resource that provides opportunities to over 50,000 Angelenos each year, for the benefit of a small population of students. References to extremely limited and strictly discretionary “public use” or “community use,” within the perimeter walls, as proposed by the Applicant, do not outweigh the innumerable and severe negative impacts of the proposed Project. The uncalculated damage to Studio City neighborhoods that would be forced to bear the impacts of destruction, construction, operational use, and overuse, including loan outs and leases, coupled with the loss of recreational opportunities and natural resources to the entire region, which has relied on Weddington Golf & Tennis for decades, lead to the conclusion that **this project is indefensibly destructive and disruptive and must now be rejected.****

### **Response No. ORG 9-23**

The comment provides general opposition to the Project with references to the loss of recreational resources and natural resources. Responses to the concerns expressed in the comment have been included in Response Nos. ORG 9-1 to ORG 9-22. The opposition to the Project is noted. However, the commenter does not provide any substantive facts or support for these concerns or opinions. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is necessary.

## **Comment Letter No. ORG 10**

SoCal Bat Working Group  
Received May 10, 2022

### **Comment No. ORG 10-1**

Please see attached a letter prepared by members of the SoCal Bat Working Group with comments on the Harvard Westlake River Park DEIR.

Thank you in advance for considering our comments during the public comment period.

### **Response No. ORG 10-1**

The comment directs the reader to the attached letter prepared by SoCal Bat Working Group and expresses appreciation for the consideration of comments. The comment does not discuss the adequacy of the Draft EIR and, as such, no further response is necessary.

### **Comment No. ORG 10-2**

This letter was prepared by the SoCal Bat Working Group, an organization comprising bat biologists/ecologists, licensed wildlife rehabilitators, and members of the public who are interested in bat ecology and conservation in Southern California (including Los Angeles County). Our group has the following comments with regard to how potential impacts to bats are discussed in the Draft Environmental Impact Report (DEIR) for the proposed Harvard-Westlake River Park Project (project):

### **Response No. ORG 10-2**

The comment introduces the purpose and participants of the SoCal Bat Working Group and its interest in the Harvard-Westlake River Park Project and associated Draft EIR. This introductory comment is noted. The comment does not discuss the adequacy of the Draft EIR and, as such, no further response is necessary.

### **Comment No. ORG 10-3**

- 1) No focused surveys for bats were performed during the preparation of this environmental document. Without performing focused surveys, it is not possible to know what bat species are present, how these bats are using the site, or the approximate number of bats using the site, and therefore what potential impacts to bats may occur from the project. Due the high level of roost site fidelity by bats (particularly for maternity/nursery sites), coupled with the logistics and level of planning necessary to design appropriate mitigation and minimization measures for bat roosts, focused surveys for bats are best performed during the environmental review phase of a proposed project. This approach is consistent with guidelines developed by the California Bat Working Group (please see

<https://www.calbatwg.org/resources/>). In addition, the DEIR mentions that the adjacent Los Angeles River may provide suitable foraging habitat for bats but completely fails to mention that the proposed project site itself may provide foraging habitat for bats, particularly given its undeveloped nature relative to the surrounding heavily urbanized area. Bats roosting in trees at the north end of the site may also travel through the proposed project site to access the Los Angeles River. At a minimum, a biologist experienced in conducting bat habitat assessments and acoustic surveys should have performed these surveys at the project site to obtain basic information about potential bat use for impacts analysis.

### **Response No. ORG 10-3**

The comment states that the on-site bat population was not adequately surveyed in the preparation of the Draft EIR. As a special status species, the Western yellow bat was evaluated in greater detail in the Draft EIR in accordance with CEQA thresholds. The Western yellow bat is typically found in desert regions of southwestern United States and their roosting habitat is often within the “skirt” of dead fronds of native or non-native palm trees. It is noted that the majority of the Mexican fan palms occurring within the Project Site have had their skirt of dead fronds removed during routine maintenance, limiting the potential for roosting of western yellow bat on the Project Site. A surveyor with bat expertise conducted a wildlife survey in November 2016. As discussed in Section IV.C of the Draft EIR, the western yellow bat was not detected at that time. Similarly, no western yellow bat was observed during the more recent ESA wildlife surveys undertaken for the current Project, which was general in nature (i.e., for the purpose of broadly examining and inventorying onsite plant and animal species, including bats) and not focused exclusively on the potential existence of bats. There is only one California Natural Diversity Database (CNDDDB) occurrence record of this bat species within the vicinity of the Project Site, which was recorded in 1984 approximately 8.5 miles to the east in a developed area of Glendale. Closer in proximity to the Glendale record, bat surveys were conducted between April and November 2008 in Griffith Park, and the results of the surveys found no individual of western yellow bat to be present.<sup>230</sup> During operation, as stated above, while the Project would remove invasive Mexican fan palms, the Project’s native landscaping would help to enhance the existing off-site native habitat, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas, which may benefit special-status bat species by providing enhanced foraging opportunities (Draft EIR page IV.C-35).

It is acknowledged that the loss of suitable roosting habitat is a threat to the western yellow bat species. As indicated above, that threat is primarily in desert areas within the species’ largest recorded distribution and the Project Site is at the far periphery of the recorded range for the species. While the non-native Mexican fan palm trees provide potential roosting habitat, there is yet to be a confirmed observation of the species in

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<sup>230</sup> Remington, S. and D.S. Cooper. 2009. Bat Survey of Griffith Park, Los Angeles, California, Draft Report. February 20, 2009.

close proximity to the Project Site. With the existing routine maintenance of the onsite palm trees and the removal of dead palm fronds, the potential for western yellow roosting habitat to occur is reduced. As such, the quality of the potential habitat currently onsite is marginal and is not considered to be able to support a substantial population of this species. In addition, not all palm trees would be eliminated in the Project area as clusters of the palm trees exist on the south side of the Los Angeles River and along Ventura Boulevard.

Based on the Draft EIR analysis included in Section IV.C, *Biological Resources*, the Draft EIR adequately analyzed impacts to the western yellow bat. Nonetheless, because there is some potential for western yellow bat to occur, even if unlikely, Mitigation Measure BIO-MM-1 has been included to address impacts if a roosting colony were to be detected or observed. Nonetheless, this comment is noted for the record.

Refer also to Response No. AG 4-30 for additional requirements recommended by CDFW that have been added to Mitigation Measure BIO-MM-1 on pages IV.C-42 to IV.C-43 of the Draft EIR. These additions have been made per coordination with CDFW to include additional requirements if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed may provide suitable bat roosting habitat. This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

#### **Comment No. ORG 10-4**

- 2) Only one species-status bat species, the western yellow bat (*Lasiurus xanthinus*), was mentioned as having potential to occur within the project site. The rationale given for this potential occurrence seems to be a California Natural Diversity Database (CNDDDB) record; however, all species occurrences shown in the CNDDDB are opportunistic records of presence and should not be interpreted as records of absence to prepare species lists for sites. Rather, an assessment of the habitat present combined with knowledge of species' ranges should be used to determine what bat species may occur within a given area. For example, the use of palm trees as bat roosts has been documented in at least seven bat species (in addition to western yellow bat) that occur in Southern California. We see no evidence that any other special-status bat species with potential to occur within the site were considered in the DEIR analysis. In addition, bat maternity roosts of all species are native wildlife nursery sites and potential impacts to these should be addressed as such under the California Environmental Quality Act (CEQA). We also do not see any evidence that the potential presence of bat maternity roosts of other species were considered in the DEIR analysis.

#### **Response No. ORG 10-4**

The comment states that the CNDDDB provides opportunistic records that are not comprehensive, and an assessment of the habitat and knowledge of species' ranges should be used to determine what bat species may occur. The comment also states that

no other special-status bat species (besides western yellow bat) were considered in the DEIR analysis. The comment states that bat maternity roosts of all species are native wildlife nursery sites and potential impacts to these should be addressed.

As stated on page IV.C-13 in Section IV.C, *Biological Resources*, of the Draft EIR, “a literature review was conducted, which included a review of the CDFW CNDDDB and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants (see Appendix D of this Draft EIR, Biological Resources Documentation). Both of the databases are sensitive resource databases for special-status species known to occur in the vicinity of the Biological Study Area.” Appendix D is comprised of the Biological Resources Technical Report prepared by ESA. The Biological Resources Technical Report describes the literature review conducted (on page 15), which includes multiple sources, such as “species data provided by the United States Fish and Wildlife Service (USFWS) (USFWS 2020a), CNDDDB,” and “Western Working Bat Group (2017)”.

The Biological Resources Technical Report contains a table of special-status wildlife species analyzed (Appendix D, Special-Status Wildlife Species), including six special-status bat species, one of which is the western yellow bat. The table also includes an analysis of each species’ potential to occur based on preferred habitat, species ranges, and occurrence data compiled from the literature review. Since western yellow bat was the only special-status bat species that has a moderate potential to roost or forage on-site (and all other five special-status bat species are not expected to occur due to lack of suitable roosting and foraging habitat on-site), only western yellow bat was discussed in detail in Section IV.C, *Biological Resources*, of the Draft EIR.

As stated on page IV.C-48 under the heading *Migratory Species and Native Wildlife Nursery Sites* in Section IV.C, *Biological Resources*, of the Draft EIR, bat roosts are analyzed and Mitigation Measure BIO-MM-1 is prescribed to reduce direct impacts to roosting bat species to a less-than-significant level.

### **Comment No. ORG 10-5**

- 3) Potential impacts to bats from an increase in artificial light at night (ALAN) from the proposed project do not appear to be adequately addressed in the DEIR. It is our understanding that the existing condition of the site includes darkness in the interior portion of the golf course, and that this condition exists because the golf course closes shortly after dusk. In addition, tall trees throughout the site serve as effective barriers to light trespass into the site interior from lights that do remain on later into the evening. Multiple studies indicate that ongoing night lighting in particular can be very disruptive to foraging and roosting behaviors. Various studies (e.g., Boldogh et al. 2007; Rydell et al. 2017; Voigt et al. 2018) have concluded that because bright artificial lighting at or near roost sites has significant negative effects on bats, including the potential for reduced survivorship in a maternity colony, the addition of lighting near roosts should be evaluated and actions taken to minimize potential adverse effects. While some species may opportunistically forage around streetlights, some bat species avoid them entirely,

and recent research has indicated that even species that forage around streetlights are negatively affected by increases in ALAN near roost sites or along commuting corridors between roost sites and foraging areas (Seewagen and Adams 2021; Voigt et al. 2018). Consequently, increases and/or changes in light use at the project site has potential to negatively affect bat roost sites or movement corridors, and this potential should be addressed in the DEIR.

### **Response No. ORG 10-5**

The comment states that an increase in ALAN from the Project are not adequately addressed in the Draft EIR, that increases and/or changes in light use at the Project Site has potential to negatively affect bat roost sites or movement corridors, and that this potential should be addressed in the Draft EIR. Potential lighting effects on bats are analyzed on page IV.C-48 under the heading *Migratory Species and Native Wildlife Nursery Sites* in Section IV.C, *Biological Resources*, of the Draft EIR. As evaluated in Final EIR Appendices B.1, Supplemental Lighting Report Memorandum, and B-1 Supplemental Lighting Report Appendices, the Project with design modifications would reduce the total number of outdoor light poles from 39 to 22 poles. Although some of the poles would be taller than the original design, the reduction in total lighting would generally reduce overall ambient light levels (see Topical Response No. 4 - Aesthetics). Note also that that under the Project, the field lights would be turned off at 8:00 p.m. and tennis court lights would be turned off at 9:00 p.m. Under existing conditions, tennis court lights, which generate higher glare and illuminance levels than under the Project's total lighting program are turned off at 10:00 p.m. and existing driving range lights are turned off at 11:00 p.m. Although portions of the Biological Study Area would have an increase in lighting during hours of outdoor athletic activities that would be focused on fields and tennis courts, these areas do not contain vegetation or have suitable habitat for nesting bird and roosting bat species, and such lighting would be precisely-controlled and result in substantially less off-site illumination and glare as compared to existing conditions. Additional lighting, particularly given the tightly controlled and focused nature of the Project's lighting, also has the potential to attract more insects on which bat species forage, which could be a benefit. Outside of the field lighting, other areas of the Biological Study Area would have lighting conditions similar to or less than the existing condition, field lights and building lights would be shut off each night, and the duration of lighting would be shorter every day of the year than existing conditions except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. If present on-site, the roosting bat species are already adapted to living in an urbanized setting with the existing night floodlighting on-site, as well as from the adjacent residential and commercial areas and traffic along roads. Thus, indirect impacts from lighting during Project operation would not diminish long-term survival of nesting birds or roosting bat species and, therefore, would not be significant.

### **Comment No. ORG 10-6**

- 4) BIO-MM-1 states that tree removal during the period outside the bat maternity season would avoid potential impacts to special-status bat species. This is false.

While tree removal during that period will avoid impacts to bat maternity colonies (including maternity-roosting special-status species), it does not eliminate potential impacts to special-status bat species because these species can roost year-round in palm trees in Southern California. Bats are occasionally injured during palm tree trimming or felling, and some records of special-status bat species in Southern California come from bats injured or killed during these activities. As the measure is currently written, surveys would only be performed at trees if they are removed during the bat maternity season. This measure does not specify how the proposed project will avoid mortality or injury of special-status bats that may roost in the trees if the trees are removed during the period outside of the maternity season.

### **Response No. ORG 10-6**

The comment states that Mitigation Measure BIO-MM-1 is incorrect in stating that tree removal during the period outside the bat maternity season would avoid potential impacts to special-status bat species as it does not eliminate potential impacts to special-status bat species that can roost year-round in palm trees in Southern California. Refer to Response No. AG 4-30 for additional requirements recommended by the CDFW that have been added to Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR. CDFW is the wildlife agency responsible for classifying western yellow bat as a species of special concern, and Mitigation Measure BIO-MM-1 was revised in coordination with CDFW based on their recommended language to include additional requirements (i.e., pushing trees using heavy machinery prior to tree removal, allowing a period of at least 24 hours for special-status bats to escape the construction area) if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed may provide suitable bat roosting habitat at any time of year. This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 10-7**

- 5) Measure BIO-MM-1 describes establishing buffers if active roost sites are found during preconstruction surveys, and specifies that “suitable buffers could include netting, canvas, or similar materials.” The use of netting is inappropriate near bat roosts because it presents an entanglement hazard for bats as well as for other wildlife (e.g., birds).

### **Response No. ORG 10-7**

The comment states that the use of netting is inappropriate near bat roosts because it presents an entanglement hazard for bats as well as for other wildlife (e.g., birds). Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR has been revised to remove the statement “Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist.” The removal of the use of netting, canvas, or similar materials to establish a buffer around a bat maternity roost is consistent with current mitigation techniques for bat protection, as the comment contends. This update

has been incorporated into Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR.

### **Comment No. ORG 10-8**

- 6) The only measure addressing potential impacts to bats described in the DEIR (BIO-MM-1) describes take avoidance strategies, but not mitigation. We also do not see any discussion of the effects from net loss of roosting habitat, nor do we see any discussion of potential mitigation for loss of roosting habitat, should bat roosts be present and subsequently removed as part of the proposed project. Because no focused surveys were done, the extent of bat use of the site is currently unknown; therefore, the extent of potential bat roosting and potential habitat loss also unknown.

### **Response No. ORG 10-8**

The comment states that the Draft EIR does not discuss the effects from loss of roosting habitat or potential mitigation for loss of roosting habitat. Refer to Response No. ORG 1B-45. It is acknowledged that the loss of suitable roosting habitat is a threat to bats, including the western yellow bat (a special status species). That threat is primarily in desert areas within the species' largest recorded distribution and the Project Site is at the far periphery of the recorded range for the species. While the non-native Mexican fan palm trees provide potential roosting habitat, there is yet to be a confirmed observation of these species in close proximity to the Project Site. With the existing routine maintenance of the onsite palm trees and the removal of dead palm fronds, the potential for bat roosting habitat, including western yellow bat, to occur is reduced. As such, the quality of the potential habitat onsite is marginal and is not considered to be able to support a substantial population of this species. In addition, not all palm trees would be eliminated in the Project area as clusters of the palm trees exist on the south side of the Los Angeles River and along Ventura Boulevard.

Refer also to Response No. AG 4-30 for additional requirements recommended by CDFW that have been added to Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR. Mitigation Measure BIO-MM-1 was revised in coordination with CDFW based on their recommended language to include additional requirements (i.e., "Mitigation may include avoidance through postponing or temporarily halting construction until maternal roost use is completed, use of construction buffers of no less than 100-feet, or the installation of bat boxes in proximity to detected maternal roosts"). This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

### **Comment No. ORG 10-9**

- 7) Measures for tree removal include nighttime surveys performed using "sonic bat detectors (e.g., Anabat or Sonobat [sic])" to determine whether bats are present prior to tree removal. There are a few issues with this approach. First, "SonoBat"

is a software program for analyzing bat echolocation call data, and is not a type of bat detector. Second, in order to have a reasonable expectation of actually knowing whether bats are roosting in the trees, any surveys should include a component in which the trees are watched for emerging bats for at least an hour after sunset using night vision goggles. Otherwise, it is not possible to know whether bat activity recorded on a bat detector is associated with a roost or foraging/passing through the areas. Given the large number of trees proposed for removal, how does the project proponent anticipate adequately surveying the trees to confirm absence of bats before those trees are removed?

## Response No. ORG 10-9

The comment clarifies that SonoBat is not a type of bat detector but is a software program for analyzing bat echolocation call data. The comment also states that any surveys should include a component in which the trees are watched for emerging bats for at least an hour after sunset using night vision goggles to determine whether bat activity recorded on a bat detector is associated with a roost or foraging/passing through the areas. The comment questions how the Project proponent anticipates adequately surveying the large number of trees to confirm absence of bats before those trees are removed.

Refer to Response No. AG 4-30 for additional requirements recommended by CDFW that have been added to Mitigation Measure BIO-MM-1 on pages IV.C-41 to IV.C-42 of the Draft EIR. Mitigation Measure BIO-MM-1 was revised in coordination with CDFW based on their recommended language to include additional requirements (i.e., pushing trees using heavy machinery prior to tree removal, allowing a period of at least 24 hours for special-status bats to escape the construction area) if a qualified bat specialist determines that special-status bats are present, or that bats are absent but trees to be removed may provide suitable bat roosting habitat at any time of year. This update has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Based on the comment's recommended changes, Mitigation Measure BIO-MM-1 is modified below.

BIO-MM-1: Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species during breeding season.
2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct

- a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) and night vision goggles for an emergence survey (for at least one-hour after sunset) to determine whether special status bat species are roosting within trees that would be removed. A qualified biologist is a biologist with specialized bat experience including the familiarity with bat roost biology (i.e., a professional biologist with a minimum of two years of bat survey experience, inclusive of acoustic survey experience). The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. ~~Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist.~~ A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions, prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats. If special-status bats are detected during the survey, a qualified bat specialist shall prepare species specific mitigation measures to reduce or avoid impacts to each special-status species detected. Mitigation may include avoidance through postponing or temporarily halting construction until maternal roost use is completed, use of construction buffers of no less than 100-feet, or the installation of bat boxes in proximity to detected maternal roosts. Avoidance measures shall be based on site-specific factors to prevent roost disturbances; including but not limited to numbers and locations of bats, proposed construction activities, height and distance of bat roosts from proposed construction activities, the presence of visual and/or acoustic barriers between the roost and proposed activities, and the pre-existing level of human activities (e.g., ambient noise, potential movement, etc.) to which the bats may already tolerate.
3. If special-status bats are not detected, but the bat specialist nonetheless determines that roosting bats may be present at any time of year and could roost in trees at a given location, tree removal activities shall be initiated by pushing trees using heavy machinery prior to using a chainsaw to remove the tree. In order to provide the optimum warning to any roosting special-status bats that may be present, trees shall be pushed lightly two or three times, with an approximately 30-second pause between each nudge/push to allow bats to become active. A period of at least 24 hours shall elapse between such operations to allow special-status bats to escape the construction area.

## Comment No. ORG 10-10

- 8) The concept of habitat connectivity is not adequately addressed in the DEIR. The authors argue that the study area is not a movement corridor as it “does not support habitat that connects two or more habitat patches that would otherwise be fragmented or isolated from one another”. This presents a view of wildlife corridors focused on physically joined areas, rather than ecologically joined areas, that has

been out of date for decades (Bennett, 1999). Connectivity needs to be considered in terms of the habitat features that enable movement (including dispersal) of the plants and animals that inhabit an area, including those that fly. This has not been done.

### **Response No. ORG 10-10**

The comment states that habitat connectivity and wildlife corridors are not adequately addressed in the Draft EIR. This issue is addressed in Response No. ORG 1C-43, which states that the Project Site is not identified as a regionally important dispersal or seasonal migration corridor. The rationale for characterizing the Biological Study Area as having limited potential live-in and marginal movement habitat for species on a local scale is the lack of native food sources, non-native ornamental trees, and the fact that the area is subject to frequent human disturbance due to operation of the golf course and tennis facilities. Refer also to Response No. ORG 10-3, that mentions additional human disturbance due to existing routine maintenance of the onsite palm trees and the removal of dead palm fronds, thus limiting the potential for roosting.

### **Comment No. ORG 10-11**

- 9) The value of the study area as a wildlife corridor is further dismissed on the basis that: “the Biological Study Area supports limited resources for wildlife habitat and foraging due to the surrounding existing development; automobile traffic on adjacent roadways; a lack of nuts, berries, and other native food sources that results from the current mix of non-native, ornamental trees; and because the Biological Study Area is subjected to frequent human disturbance due to operation of the golf course and tennis courts.” This, again, is an outdated concept, given science is showing us that megacities like Los Angeles, where a high level of human disturbance is a fact of life, can still be biodiversity hotspots. Furthermore, non-native species, including the majority of Los Angeles’ incredibly diverse urban forest (200 tree species), can provide year-round resources for a variety of native animals (Shaffer, 2018).

### **Response No. ORG 10-11**

The comment states that the value of the study area as a wildlife corridor is dismissed, and megacities like Los Angeles can be biodiversity hotspots and provide year-round resources for a variety of native animals. The comment is correct in stating that biodiversity and native wildlife can persist in urbanized settings; however, that does not necessarily make such an area a wildlife corridor. As stated on page IV.C-45 under the heading of *Wildlife Movement and Corridors* of the Draft EIR, the adjacent Los Angeles River likely supports some regional wildlife movement. Even though it is channelized, lacks vegetation, and is surrounded by chain-linked fencing, there is also native vegetation planted along the southwestern-facing slope north of the channel that is part of a half-mile stretch of native habitat restored along the Zev Greenway and a row of mature western sycamore and ornamental trees planted along the top of the southern

bank of the Los Angeles River. For a more in-depth discussion of the *Wildlife Movement and Corridors* analysis, see Appendix D of Draft EIR, Biological Resources Documentation, which includes the Biological Resources Technical Report prepared by ESA that describes the rationale for characterizing the Biological Study Area as having limited potential live-in and marginal movement habitat for species on a local scale (page 28). Also, although there are limited habitat areas within the surrounding densely developed area except for the native habitat restored along the Zev Greenway and mature western sycamore and ornamental trees planted along the top of the southern bank of the Los Angeles River, the Biological Resources Technical Report acknowledges that given its immediate adjacency to the Los Angeles River and because it contains a portion of the Zev Greenway, the Biological Study Area could serve as patch habitat<sup>231</sup> along the river and provide some habitat value to urban-adapted wildlife species.

### **Comment No. ORG 10-12**

We appreciate your consideration of all of the above comments for the DEIR.

### **Response No. ORG 10-12**

The comment expresses the commenter's appreciation for consideration of the comment and does not address the adequacy of the Draft EIR. As such, no further response is necessary.

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<sup>231</sup> A habitat patch is an area that can be used by a species for breeding or obtaining other resources.

## **Comment Letter No. ORG 11**

Lisa Karajian  
Studio City Neighborhood Council Board Member  
Studio City Neighborhood Council  
Received May 10, 2022

### **Comment No. ORG 11-1**

Hope you're well.

Wanted to make sure that Harvard Westlake has a plan set in place in removing the animals that reside at Weddington Golf to sanctuaries. These animals must not be overlooked as they have been living there for many years.

### **Response No. ORG 11-1**

The comment expresses concern and an interest in ensuring that wildlife from the Project Site would be relocated to sanctuary locations. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is needed.

Nonetheless, for the purpose of the Draft EIR, the CEQA Guidelines are concerned with whether a project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. As evaluated in the Section IV.C, *Biological Resources*, pages IV.C-32 through IV.C-35 and IV.C-39 through IV.C-42, of the Draft EIR, with implementation of mitigation, the Project would not result in a significant impact on sensitive wildlife species. Please also refer to the Draft EIR Section IV.C, pages IV.C-13 and IV.C-14, regarding existing biological conditions; pages IV.C-20 through IV.C-23 regarding existing wildlife movement corridors; and page IV.C-27 regarding special status species and migratory birds and raptors.

### **Comment No. ORG 11-2**

Also, community benefits is key. It should be suggested that they pay for the installation of a street light at Valley Spring Lane and Whitsett.

### **Response No. ORG 11-2**

This comment states that the Harvard-Westlake School should pay for the installation of a street light at Valley Spring Lane and Whitsett Avenue. The need for new street lights at Valley Spring Lane and Whitsett Avenue would be determined by the Los Angeles Bureau of Street Lighting and/or Department of Building and Safety during the plan check and permitting process. The School will be required, as a condition to the issuance of a building permit, to pay any fees, as applicable, if the Bureau of Street Lights or Department of Building and Safety determines that new streets lights are necessary. The

comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

**Comment No. ORG 11-3**

HW should also consider opening the pool for public community use.

Thank you so much.

**Response No. ORG 11-3**

The comment requests the pool be open for community use. As discussed in Chapter II, *Project Description*, Table II-3, *Public Use and Hours*, on page II-34 of the Draft EIR, the swimming pool would be open to approved public swim programs. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

## Comment Letter No. ORG 12

Melanie Winter  
Director  
The River Project  
Received May 10, 2022

### Comment No. ORG 12-1

Regarding the proposed Harvard-Westlake River Park Project, The River Project has the following concerns with flood risk, increased runoff, heat island, groundwater pumping, liquefaction, and redundancy of the proposed stormwater component.

### Response No. ORG 12-1

The comment introduces several concerns with the Harvard-Westlake River Park Project. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is needed. The listed concerns are addressed in Response Nos. ORG 12-2 through ORG 12-7 below.

### Comment No. ORG 12-2

**Flood risk:** The project site is part of the historic and natural floodplain of the Los Angeles River. While the subject property is not located within a FEMA-identified flood hazard zone, the existing FEMA maps are decades old and do not reflect current—much less future—flood risk. Maps provided by Flood Factor assign areas of the property a Severe risk rating (7/10), with an 87% likelihood of experiencing floodwaters of 6 inches at least once in the next 30 years. This rating assumes no overtopping of the channel walls, and notes the risk may substantially increase in the event of the channel being overtopped or breached in the course of a highly likely extreme precipitation event. Development in such properties is as ill-advised as development in high fire risk zones. Moreover, preserving or reclaiming natural floodplain lands not only helps attenuate downstream flood risk, it also helps reduce temperatures, supports habitat and biodiversity, and facilitates groundwater recharge for local water supply.

### Response No. ORG 12-2

The comment states that the Project Site is subject to flood hazard not reflected in current FEMA flood maps. The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. For purposes of analyzing impacts under CEQA, page IV.I-24 of the Draft EIR sets forth the thresholds of significance with regard to hydrology and water quality impacts. Thresholds (c) and (d) address flooding. The thresholds do not preclude development in flood prone areas, but address whether a Project would increase runoff that could cause flooding, impede or

redirect flood flows or, risk release of pollutants in flood zones. As discussed in Section IV.I of the Draft EIR, the Project would result in less than significant impacts in these regards. Therefore, despite stating that the Flood Factor website, a private non-profit website, identifies the Project Site with a certain risk rating, the commenter does not provide substantial evidence that contradicts the CEQA analysis included in Section IV.I of the Draft EIR. That is, whether or not this organization believes that the Project Site has a significant flood risk does not constitute evidence that the Project would increase runoff that would cause flooding, impede or redirect flood flows, or risk release of pollutants in flood zone.

### **Comment No. ORG 12-3**

**Increased runoff & Heat island:** Transforming ~60% of the site from pervious and living open space to structures and other impervious elements will significantly alter the existing drainage patterns and substantially increase site runoff.

### **Response No. ORG 12-3**

The comment assert that transforming approximately 60 percent of the Project Site from pervious and living open space to structures and other impervious elements will significantly alter the existing drainage patterns and substantially increase site runoff. The comment does not provide substantiated facts to support the claims of increased runoff.

The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. This comment does not take into account the City of Los Angeles LID requirements discussed in Section IV.I, *Hydrology and Water Quality*, pages IV.34 and IV.35 of the Draft EIR. As discussed therein, the existing Project Site has 30 percent impermeability which would increase to 59 percent upon Project buildout. However, the Project as analyzed in the Draft EIR would capture, treat, and store up to 1 million gallons of stormwater at a time from the developed portions of the Project Site through the stormwater LID capture and reuse cistern system. With regard to the Project's capture and reuse system as analyzed in the Draft EIR, the 1-million gallon system as evaluated would capture and treat water from the Project Site as well as from a 39-acre off-site area to the north of the Project Site. As discussed in Topical Response No. 2 – Modifications to the Project Design, the Project's 1-million-gallon stormwater capture and reuse system was reduced in size (down to approximately 350,000 gallons pending final design) and scale so as to capture and treat stormwater only from within the Project Site, and not from the 39-acre area to the north. The Project would still similarly comply with all applicable water quality regulations as analyzed in the Draft EIR (see section IV.I, Hydrology and Water Quality, of the Draft EIR). All hydrology and water quality impacts from the Project would continue to be less than significant without the need for mitigation. Refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, which

includes updates to the EIR to reflect the removal of the off-site water collection from the Project's capture and reuse system with the Project design modifications.

This Project's capture and reuse system would use the captured and treated stormwater up to the cistern capacity for irrigation on the Project Site (refer to Project Design Feature WS-PDF-2: Capture and Reuse System, in Section IV.O.1, *Utilities and Service Systems - Water Supply*, page IV.O.1-24 of the Draft EIR). During heavy or sustained rain events when the cistern storage tanks are at capacity, treated water would bypass the storage cisterns and discharge to the Los Angeles River. As stated on page IV.I-38 of the Draft EIR, during the 50-year frequency design storm event peak flow rate, the peak flow rate of stormwater runoff from the Project Site would incrementally change from 60.93 cubic feet per second (cfs) to 60.94 cfs (a 0.01 cfs or a 0.01 percent increase). This incremental change would not alter the existing drainage patterns or increase site runoff.

### **Comment No. ORG 12-4**

Further, the construction of these structures, the removal of existing mature trees, and the installation of the proposed synthetic turf will significantly increase temperatures on site and within the surrounding neighborhood, negatively impacting public health.

### **Response No. ORG 12-4**

The comment states that construction of the Project facilities, the removal of trees and installation of synthetic turf will increase temperatures on the site and within the surrounding neighborhood, which would impact public health. The comment does not provide any evidence to support the assertion. Section IV. G, *Greenhouse Gas Emissions*, of the Draft EIR, included an analysis of urban heat island effects from Project implementation. As discussed in Chapter IV.G, page IV.G-73 of the Draft EIR, the Project Site is located in an already developed urban area with an asphalt roadway grid, and nearby commercial parking lots and commercial and residential buildings, which are general urban features that can potentially contribute to the urban heat island effect. However, as shown in Figure IV.G-2 of the Draft EIR, the urban area in which the Project Site is located is rated with the lowest Urban Heat Island (UHII) score of 0 to 10 degree-hours per day (Celsius scale) – equivalent to an average temperature difference between rural and urban in that area of approximately 0 to 0.75°F. Thus, the Project's structures or impermeable surfaces would not substantially contribute to an increase in the urban heat island effect for the area given that the totality of the urbanized development in the area already yields the lowest UHII score.

The Project would replace the existing Project Site uses with new athletic and recreational facilities, including outdoor athletic fields utilizing artificial grass as a sustainable alternative to turf grass, thereby reducing irrigation water demand and avoiding the use of pesticides associated with the turf grass. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, *Artificial Turf Technical Memorandum*, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the

analysis, the Draft EIR determined that health-related impacts would be less than significant.

Please also see Topical Response – No. 7 - Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields.

For a discussion of impacts related to trees, see Topical Response No. 5 – Biological Resources/Trees. Also, refer to Response Nos. ORG 6A-1 and ORG 6B-2, which discuss how the Project would result in an increased tree canopy after nearly 10 years and long-term carbon sequestration increases compared to existing conditions, which support the fact that the Project would not result in increased temperatures on the Project Site and within the surrounding neighborhood, that could impact public health.

### **Comment No. 12-5**

**Groundwater pumping:** The project proposes to excavate most of the eastern third of the project site to depths of up to 21 feet. California Water Board data from December 2005 indicate show the depths to groundwater at the two closest wells—12456 Ventura Blvd. & 12500 Ventura Blvd. —at 21 ft. and 21.46 ft respectively. While the current depth to groundwater may be below the proposed grading required to construct the parking structure and water storage tank, groundwater depths in the vicinity of the project site can raise by several feet as the result of a single large storm event. Furthermore, the region is strongly committed to an aggressive program of groundwater recharge to secure water supply for the City. We can expect to see groundwater levels rise continually over the coming decades. This will logically result in continuous groundwater pumping to protect the parking structure and water tank. As pumped groundwater must be beneficially repurposed on site, it is unclear whether or not the entirety of these daily volumes could be put to beneficial reuse.

### **Response No. 12-5**

The comment maintains that the Project would result in continuous groundwater pumping and impact groundwater recharge. The comment further states groundwater levels will rise continually over the coming decades. However, the comment does not provide substantiated facts to support this claim of higher future groundwater levels. While temporary dewatering could theoretically occur during construction activities (though Project Site borings indicate groundwater measurements below the depth of Project grading), long-term groundwater pumping/extraction would not occur with the Project. No groundwater extraction wells are proposed by the Project. Since groundwater pumping would not occur, a discussion of beneficial reuse is not necessary.

In addition, As discussed in Sections IV.F, *Geology and Soils*, page IV.F-24, and the Preliminary Geotechnical Report (PDF page 63 of 299 provided in Appendix G of the Draft EIR) the use of groundwater recharge mechanisms is not feasible given the likelihood of water remaining perched above the underlying layer of bedrock. The LADBS has

concluded with the findings of the Project's geotechnical study regarding perched groundwater and groundwater levels and the recommendation that infiltration at this site is not feasible. In addition, the Project's geotechnical study was peer-reviewed by Byer Geotechnical, Inc. on August 17, 2022, who further concurred with the findings that infiltration at this site is not feasible. The Byer Geotechnical peer review of the Project's geotechnical study is provided as Appendix G of this Final EIR. In addition, as discussed in Section IV.I, *Hydrology and Water Quality*, pages IV.I-33 through IV.I-35 of the Draft EIR, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the SFV Groundwater Basin, and groundwater recharge impacts would be less than significant.

### **Comment No. 12-6**

**Liquefaction:** The project proposes to construct an underground parking structure within the proximate bounds of a liquefaction zone which may render it unsafe in the highly likely event of tectonic activity.

### **Response No. 12-6**

The Draft EIR addressed geology and soils impacts in Section IV.F, *Geology and Soils*, with supporting data provided in Appendix G, Geotechnical and Paleontological Resources Documentation, of the Draft EIR. As analyzed therein, geology and soils impacts, including liquefaction hazards, would be less than significant. Refer to Response No. ORG 1B-195 for additional discussion of potential liquefaction impacts.

### **Comment No. 12-7**

**Stormwater capture component:** The neighborhood stormwater capture project is proposed as an amenity to address offsite neighborhood flooding and pollutant runoff, and as necessary to providing water supply for site irrigation. This component appears to be a remnant of an earlier proposal designed to suit the requirements of a specific state bond measure. With respect to the neighborhood issues, there are numerous less expensive and material-intensive alternatives available to address localized flooding and runoff. Such alternative approaches would not require extensive grading and would result in substantially lower construction impacts to the surrounding community. With respect to repurposing the captured and treated stormwater for on-site irrigation, it is unclear how stormwater runoff from this small subdrainage area could be a reliable or consistent source of supply for the proposed project. Our region is facing extended drought periods punctuated by extreme storm events. During long drought periods, rainfall would not produce sufficient runoff to provide irrigation supplies or for ongoing maintenance of the proposed artificial turf. Further, it is unclear how decisions might be made over whether to use the stored runoff or to beneficially use the pumped groundwater. The system is over-engineered and unnecessary.

## Response No. 12-7

The comment states that the Project's repurposing of the captured and treated stormwater for on-site irrigation is over-engineered and unnecessary and that it would not be reliable during dry periods. The comment also maintains that numerous less expensive and material-intensive alternatives to address localized flooding and runoff are available. The comment, however, does not cite the nature of the alternatives that would collect and reuse stormwater runoff from the surrounding neighborhood. In addition, the comment cites extended drought conditions but does not explain how the on-going maintenance of the existing Project Site's turf grass and higher water demand plant and tree species would be more beneficial. The Project's stormwater capture and reuse system is specific to the needs of the Project and the intent of the Project to reduce overall water demand. The purpose of the stormwater capture and reuse system is to provide a reliable longer-term supply balancing wet and dry weather conditions and would not be limited to the collection of stormwater flows during a rainfall event. While that would certainly be a collection source, the Project would comply with the City of Los Angeles LID Ordinance which would result in the capture and reuse of general water sources on the Project Site, including water that is applied for Project Site landscaping during dry weather conditions. The replacement of the existing golf course's grass turf and existing invasive or exotic plant and tree species with native plants and trees would result in a lower water demand than existing conditions. Also, the Project's stormwater capture and reuse system would reduce water demand from LADWP consistent with numerous local and state policies and ordinances pertaining to water conservation, especially during drought conditions. Furthermore, stormwater that is not captured, stored and re-used on the Project Site would be discharged after treatment to the Los Angeles River, resulting in improved water quality conditions with the river.

As discussed in Response No. ORG 12-3, as part of the Project design modifications included in this Final EIR, the stormwater capture and reuse system would be reduced to approximately 350,000 gallons. The reduction in the size of the system is because the Project would no longer capture and treat stormwater from the 39-acre off-site area, but rather only capture and treat stormwater from the 17.2 acre Project Site.

Overall, because of the beneficial effects of the stormwater capture and reuse system in reducing water demand and improving water quality in the Los Angeles River, the system is not considered to be "over-engineered or unnecessary."

## **Comment Letter No. ORG 13**

Eliot Cohen  
President  
Homeowners of Encino  
Received May 3, 2022

### **Comment No. ORG 13-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. ORG 13-1**

The comment expresses opposition to the Project and states that the Draft EIR's analysis is inadequate to address the Project's most serious impacts, but provides no substantial evidence regarding the adequacy of the Draft EIR. These comments are similar to those included in Form Letter No. 3. Refer to Responses Nos. Form 3-1 to Form 3-5.

## Comment Letter No. ORG 14A

Joanne D'Antonio

LA Community Forest Advisory Committee (CFAC) Representative

LA CFAC

Received May 9, 2022

### Comment No. ORG 14A-1

Please note that the comment period for this draft EIR, even at two months, was short to get through both document analysis and go through the process of neighborhood council committee agenda/vote to full board agenda/vote for most neighborhood councils.

The individual comments I am making in this email are informed by my having spent the last 8 years studying and understanding the tree and tree canopy environmental issues in the City of Los Angeles. I serve on the Community Forest Advisory Committee (at the Board of Public Works); I am the Founder and Chair of the Neighborhood Council Sustainability Alliance Trees Committee (since 2016) which has over 100 members from throughout the city of Los Angeles. I am the Sustainability Representative for the Greater Valley Glen neighborhood council. I also served on the Working Group for First Step Developing an Urban Forest Management Plan for the City of Los Angeles "the Dudek Report": [https://www.cityplants.org/wp-content/uploads/2018/12/10939\\_LA-City-Plants\\_FirstStep\\_Report\\_FINAL\\_rev12-7-18.pdf](https://www.cityplants.org/wp-content/uploads/2018/12/10939_LA-City-Plants_FirstStep_Report_FINAL_rev12-7-18.pdf)

I have observed truly great concern for the preservation of our City's trees by our stakeholders. Our challenge in the City of Los Angeles is holding on to the existing tree canopy provided by large mature trees, 90% of which are on private property (Dudek Report p. 10). Our canopy is diminishing as the state is requiring the building of housing under SB9 and SB10. And there is very little municipal code to preserve private property trees, though there are council file motions that have passed awaiting report back to protect non-native significant trees. These are CF 03-1459-S3 and CF 20-0720. I have been participating in these report backs, and soon municipal code will be created for the retention of such important trees.

### Response No. ORG 14A-1

The comment introduces the background of the commenter and expresses concern regarding the preservation of mature trees throughout the City of Los Angeles. The comment does not discuss the content or adequacy of the Draft EIR and no further response is necessary.

### Comment No. ORG 14A-2

My specific comments are below. The text from the Harvard Westlake River Park Project Draft EIR is cited in italics, and my comments follow without italics:

## Response No. ORG 14A-2

The comment introduces the formatting used for the comments on the Draft EIR. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is needed.

## Comment No. ORG 14A-3

*2. Reasons Why the Project is Being Proposed, Notwithstanding Significant Unavoidable Impacts p. 5/12*

*(1) the Project would convert a former private golf and tennis club to provide access to landscaped open space, trails, and recreational opportunities to the public and the School in an area with a shortage of neighborhood parks;*

**Comment:** The existing golf course, though privately-owned, is not private insofar as it is and has always been open to anyone for walk-in use. It is in fact utilized by the public, and it provides very inexpensive recreation in a park-like green setting. Yes, the San Fernando Valley is quite park poor, and this large open space is of value to the quality of life. Anyone can come in and enjoy it.

## Response No. ORG 14A-3

The comment states that the Weddington Golf & Tennis use is not private since it is available for walk-in use. The comment fails to state that the Weddington Golf & Tennis uses are limited to golf and tennis, that it was a commercial enterprise since its opening in the 1950s to its sale in 2017, and that the golf and tennis uses are available for a fee. The comment does not discuss the content or adequacy of the Draft EIR and no further response is necessary.

## Comment No. ORG 14A-4

Substituting a much more narrow walkway with slow-growing saplings along on a paved river does not have the same feel as the current open space setting that is home to what Assemblyman Adrin Nazarian described to me as some of the oldest trees in the San Fernando Valley: valuable tall trees that date back over a hundred years to when this site was the Weddington Estate. These trees were vetted as Historic Cultural Monuments by the HCM commission . . . even though former City Councilman for this District for whatever reasons did not support the HCM designation and pushed the City Council to support his amendment to eliminate the trees and golf area from the designation received by the clubhouse and golf ball stanchions.

## Response No. ORG 14A-4

The comment states that the Project would substitute the Project Site's mature trees and open space with slow growing saplings and a narrower pathway. The Project would not

alter the Zev Greenway to a more narrow trail along the river. Although the Project would provide an ADA-compliant pedestrian ramp between the Project Site and the Zev Greenway, this ramp would not change the character or dimensions of the Zev Greenway. The statement regarding “slow growing saplings” is not consistent with the replacement trees illustrated in Section IV.C, *Biological Resources*, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR or with the 2:1 replacement ratio or the saving of mature street trees and trees along the Zev Greenway interface described in Section IV.C and in Topical Response No. 5 - Biological Resources/Trees, in this Final EIR. The majority of replacement trees would be 48-inch boxed, which already have several years of growth to enhance maturity rates and street replacement trees would be fast growing velvet ash trees.

In addition, see Topical Response No. 6 – Historic Resources, which addresses direct and indirect impacts on historical resources resulting from the Project. In 2021, the Project Site was designated by the City of Los Angeles as a Historic-Cultural Monument (HCM) under the name Studio City Golf and Tennis Club. As discussed in Topical Response No. 6, existing, on-site trees were not identified as character-defining features of the HCM.

### **Comment No. ORG 14A-5**

The City Open Space Element has not been updated since the era of Richard Nixon. The San Fernando Valley has been losing its open space, which is important for the wellbeing of the community, and this is important open space that should not be filled with huge heat-attracting elements like a football stadium with lifeless heat-attracting artificial turf, that hardly fulfills the definition of open space according to the EPA’s definition: “Open space is any open piece of land that is **undeveloped (has no buildings** or other built structures) and is accessible to the public. Open space can include:

Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation). Green space includes parks, community gardens, and cemeteries.

- Schoolyards
- Playgrounds
- Public seating areas
- Public plazas
- Vacant lots

Open space provides recreational areas for residents and helps to enhance the beauty and environmental quality of neighborhoods. But with this broad range of recreational sites comes an equally broad range of environmental issues. Just as in any other land uses, the way parks are managed can have good or bad environmental impacts, from pesticide runoff, siltation from overused hiking and logging trails, and destruction of habitat. Lack of community and public access to safe open and green space is a critical

area of concern for urban residents” ([https://www3.epa.gov/region1/eco/uep/open\\_space.html](https://www3.epa.gov/region1/eco/uep/open_space.html))

### **Response No. ORG 14A-5**

The comment states that the City’s Open Space Element has not been updated since the Richard Nixon era and that the San Fernando Valley has been losing open space. The Project’s open space and recreational features are consistent with the City of Los Angeles Department of Recreation and Park’s current Citywide Community Needs Assessment for the South San Fernando Valley geographic area and would provide expanded open space and recreational opportunities for the public when compared to existing conditions. The comment, however, does not address the content or adequacy of the Draft EIR and no further response is necessary.

### **Comment No. ORG 14A-6**

Ten San Fernando Valley neighborhood councils voted to support this golf course as a designated Historic Cultural Monument because its loss would be the disappearance of a longstanding community amenity. Disadvantaged kids learn to play golf here and then play on teams at schools like North Hollywood High School. Knowledge of golf helps youth become upwardly mobile later in life when knowing how to play will get them included in circles they might not otherwise easily enter. If the owners do not want to run the facility, it should be purchased by the city and operated as a public park. Funds could be raised to do this -- just as the land near the Hollywood sign was purchased and turned into parkland. The community needs amenities that are open throughout daylight hours, and the Harvard Westlake sports complex would be limited in its public use since the school would have priority for usage times.

### **Response No. ORG 14A-6**

The comment maintains that the golf course has historical importance and that it serves the purpose of providing golf training to disadvantaged youth. Refer to Topical Response No. 6 – Historic Resources, regarding the retention of the Project Site’s character-defining historic features required under the HCM. As noted therein, character-defining features do not include the golf course.

Refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, regarding the continued use of the Project for public recreational activities and the availability of off-site public golf courses. The Project would provide use of on-site recreational facilities by approved community groups and would not preclude the use of the Project for disadvantaged youth and similar organizations. The daytime and evening use of the Project is outlined in Chapter II, *Project Description*, Table II-3, Public Use Days and Hours, page II-34 of the Draft EIR.

## Comment No. ORG 14A-7

The riverside walkway would not be a haven for birds as they would be frightened by the lighting and crowds at the football stadium. Birds don't like to fly over lighted areas. Yet the new oak trees would attract the birds, so the result would be a harmful situation for birds trying to get sustenance from the oaks and scared away when crowds arrive.

## Response No. ORG 14A-7

The comment claims that birds will be adversely impacted by the Project's lighting and crowds at the football stadium (assumed to be the athletic fields, as the Project does not include a football stadium). However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Section IV.C, *Biological Resources*, of the Draft EIR, evaluates impacts to biological resources. The thresholds of significance to determine if impacts to biological resources would occur are shown on pages IV.C-28 and IV.C-29 of the Draft EIR. As shown therein, CEQA requires an analysis of impacts to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (Threshold (a)). No sensitive bird species are known to inhabit the Project Site. Under Threshold (d), a project would result in a significant impact if it interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. This analysis is included on pages IV.C-45 to IV.C-49 of the Draft EIR. Since the Biological Study Area primarily supports ornamental trees and turfgrass, as well as a thin strip of native California brittlebush scrub that was recently restored, the quality of foraging habitat is low. Higher quality foraging habitat occurs in less developed areas with larger expanses of open space. The loss of a limited and isolated area of low quality foraging habitat as a result of the Project would not be expected to impact the foraging of any species. The Project's native landscaping would help to enhance the existing off-site native habitat, as well as the surrounding area, by expanding the habitat, which may benefit wildlife by providing enhanced foraging opportunities; however, this would be for urban adapted species (e.g., that are already tolerant of human activity, lighting, noise associated with urban areas) that are likely to inhabit a limited patch of habitat within a developed area. This includes bird species trying to get sustenance from the oaks. The analysis concluded that Project impacts would be less than significant.

As stated on page IV.C-48, in Section IV.C, *Biological Resources*, under the heading Migratory Species and Native Wildlife Nursery Sites, of the Draft EIR, although portions of the Biological Study Area would have an increase in lighting during hours of outdoor athletic activities that would be focused on fields and tennis courts, these areas do not contain vegetation or have suitable habitat for nesting bird species, and such lighting would be precisely-controlled and result in substantially less off-site illumination and glare as compared to existing conditions. Outside of the field lighting, other areas of the Biological

Study Area would have lighting conditions similar to or less than the existing condition, and field lights and building lights would be shut off each night and the duration of lighting would be shorter every day of the year than existing conditions except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. If present on-site, bird species are already adapted to living in an urbanized setting with the existing night floodlighting on-site, as well as from the adjacent residential and commercial areas and traffic along roads. Thus, indirect impacts to birds from lighting during Project operation would not be significant.

### **Comment No. ORG 14A-8**

*2. Reasons Why the Project is Being Proposed, Notwithstanding Significant Unavoidable Impacts p. VI-5*

*(5) the Project would install a 1-million-gallon stormwater capture and reuse system that would help conserve the City's potable water supply and improve water quality received by the Los Angeles River from VI. Other CEQA Considerations Harvard-Westlake River Park Project City of Los Angeles Draft Environmental Impact Report March 2022 VI-6 the Project Site and a 39-acre, off-site drainage area consisting of single- and multi-family residential uses to the north of the Project Site*

#### **Comment:**

Mature trees provide hydrology as delineated by the forest service: [https://www.fs.fed.us/nrs/pubs/jrnl/2020/nrs\\_2020\\_coville\\_001.pdf](https://www.fs.fed.us/nrs/pubs/jrnl/2020/nrs_2020_coville_001.pdf) Robert Coville, Ted Endreny, and David J. Nowak In fact, as they point out in this white paper, if the new sports artificial turf facility did not install stormwater capture, the result would be flooding, or at best runoff into the river to the ocean. This is the result from the removal of this large number of trees and greenway that absorb rainwater as groundwater. So there really is no benefit to the stormwater capture, just the removal of mature trees that not only already produce hydrology, but according to this paper, also remove air pollution and produce shade.

### **Response No. ORG 14A-8**

The comment claims that the Project's stormwater capture and reuse system would provide no benefit, but presents no facts or credible evidence to justify this claim. Based on comments received by the City, the Project's 1-million gallon stormwater treatment system as analyzed in the Draft EIR has been reduced in capacity to approximately 350,000 gallons to only capture and treat stormwater originating from the Project Site. It will no longer capture water from the 39-acre off site area to the north. See Topical Response No. 2 - Modifications to the Project Design, and corrections to the Draft EIR with the Project design modifications in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, for further details of the modified stormwater treatment system.

Under existing conditions, stormwater discharges from the Project Site flows untreated to an inlet(s) that directs water into the Los Angeles River. Because there is no existing treatment system in place at the Project Site, upon Project buildout, fewer contaminants would be transported into the Los Angeles River, which flows to the Pacific Ocean. Since there are currently no existing on-site best management practices (BMPs), stormwater runoff during post-Project conditions would result in improved surface water quality.

Also, as discussed in Section IV.O.1, *Utilities and Service Systems - Water Supply*, of the Draft EIR, per Project Design Feature WS-PDF-2, stormwater and other urban runoff would be captured and treated, where the treated water would be used for on-site irrigation in compliance with the City's LID Ordinance. The Project's stormwater capture and reuse system would reduce water demand from LADWP consistent with numerous local and state policies and ordinances pertaining to water conservation, especially during drought conditions. As the stormwater water capture and reuse system would improve the water quality of stormwater runoff into the Los Angeles River and reduce water demand on LADWP water supplies, the system provides clear environmental benefits.

Furthermore, in addition to replacing many of the exotic or invasive tree species with lower water-demand native species, the Project would retain the majority of mature trees along the edges of the Project Site and the Zev Greenway. The Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 inventoried on- and off-site trees (four of which are deemed dead and, therefore, excluded from mitigation requirements), and plant 393 RIO-compliant trees, resulting in a net increase of 153 trees beyond existing conditions (or a 36 percent increase). Refer to Topical Response No. 5 - Biological Resources/Trees, for additional details on the Project's tree replacement program.

### **Comment No. ORG 14A-9**

*p. VI-6 reduce water demand and the use of pesticides by eliminating ornamental turfgrass in favor of artificial grass*

#### **Comment:**

**“Artificial turf has a negative impact on invertebrates as it cuts off the supply of nutrients into the ground below, effectively creating a desert devoid of worms, centipedes and all the other soil dwellers.”** We are making a deadzone with artificial turf. The existing golf course is habitat for wildlife and can be converted to be irrigated with non-potable water similar to the Griffith Park golf course. This wildlife will die during construction because it will have no open natural space to re-locate to.

### **Response No. ORG 14A-9**

This comment states that wildlife will die during construction and use of the artificial turf fields. The comment does not discuss the content or adequacy of the Draft EIR and, therefore, no further response is necessary.

Nonetheless, as discussed in Section IV.C, *Biological Resources*, of the Draft EIR, CEQA requires an analysis of impacts to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (Threshold (a)). As evaluated in the Section IV.C, pages IV.C-32 through IV.C-35 and IV.C.39 through IV.C.42, of the Draft EIR, with implementation of mitigation, the Project would not result in a significant impact on sensitive wildlife species. Common wildlife (i.e., squirrels, rabbits, skunks, worms, centipedes, etc.) that may inhabit at the Project Site are generally adapted to urban environments and would typically temporarily move/relocate to nearby areas, as is common for construction projects in urban areas. Note also that the artificial turf is permeable and would continue to allow moisture into the underlying soil that would support below ground dwelling organisms. With the presence of moisture, the artificial turf athletic fields would not create a “dead zone.” It is possible that some common wildlife species would perish during the construction and operation. However, impacts to common and non-indigenous wildlife species do not meet the significance threshold defined above, as they do not constitute candidate, sensitive, or special-status wildlife species.

### **Comment No. ORG 14A-10**

This EIR assumes pesticides are necessary at the golf course, but the City of Los Angeles does not allow pesticide weedkiller and still manages a successful golf course at Griffith Park.

### **Response No. ORG 14A-10**

The comment states that the Draft EIR incorrectly assumes the advantage of artificial turf as it relates to the disuse of pesticides. Pesticides have been used historically at the Weddington Golf & Tennis facility. Not only is the disuse of pesticides a benefit of artificial turf, but the use of artificial turf would further reduce water demand compared to existing conditions (golf course grass). The reference to no pesticide use at the Griffith Park does not reflect the historical use of pesticides at the Project Site and is not relevant to the Draft EIR analysis.

### **Comment No. ORG 14A-11**

p. VI -6

*The Project would promote compatibility with the surrounding neighborhood through a design that includes mature trees and extensive landscaping along the northern edge of the Project Site; reduces off-site noise effects through placement of recreational facilities internal to the Project Site; installs landscaped walls and berms, and use of canopy structures.*

**Comment:**

The surrounding residential neighborhood does not want the impact of construction – the noise and traffic that will continue once the project is operational. Walls and berms just create heat, and landscape has a harder time surviving in the Valley when it is next to hardscape.

**Response No. ORG 14A-11**

The comment states that the construction of the Project and the Project's operational noise and traffic are unwanted by the surrounding community. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response to address this comment is needed. Nonetheless, the commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for additional discussion of the Project's significant and unavoidable construction noise impacts and less-than-significant operational noise impacts. Also, with regard to transportation/traffic impacts, see Topical Response No. 9 – Transportation and Parking During Construction and Operations. As noted therein, the Project would not result in any significant transportation impacts associated with VMT, transportation plans and policies, hazards, or emergency access or result in non-CEQA required intersection service level (traffic) impacts.

The comment also maintains that walls and berms just create heat, and landscape has a harder time surviving in the Valley when it is next to hardscape. The comment does not provide substantiated facts or evidence to support this claim. The comment also does not acknowledge that the Draft EIR project description states that walls and berms would be landscaped (see page II-28 of the Draft EIR) and, as such, would be less heat generating compared to non-landscaped walls/berms. Regardless, the comment also overestimates the use of hardscape within the Project Site to the extent that it would interfere with the vigor and health of proposed landscaping. It is common for landscaping to be near hardscape, as this occurs under existing conditions on the Project Site and throughout the Project vicinity. Regardless, the comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary.

**Comment No. ORG 14A-12**

*p. VI-7*

*The No Project/No Build Alternative would avoid the Project's significant and unavoidable construction noise impact, but would result in a dormant site and not achieve any of the Project Objectives, including public access.*

**Comment:**

This is not a dormant site as long it continues to operate as a community golf and tennis facility. The current owners have done nothing to promote and attract clientele, yet it is the preferred usage of the community. There are already public swimming pools at Valley

College and Van Nuys/Sherman Oaks Recreational Center, and the usage time for the public at Harvard Westlake would be limited hours, likely not at the time people desire since the school has first rights to it. Not sure what the public would do with the football stadium except pay money to Harvard Westlake to hold high school football games. Do we need such a big complex to have a rock climbing wall for the community? Harvard Westlake already has swimming pools, a football field, and parking on its campuses. That should satisfy their need without overbuilding away from their campus.

## **Response No. ORG 14A-12**

The comment claims that the Project Site would not be a dormant site under the No Project/No Build Alternative and expresses the commenter's opinions on the use of the Project Site. Please refer to Topical Response No. 13 - Need for Project (Non-CEQA), for additional discussion of the School's purpose for the Project. Additionally, as the owner of the property, the School has the right to request a use of its choice and has chosen to develop its private property with public use facilities. The comment does not discuss the content or adequacy of the Draft EIR and no further response is necessary.

## **Comment No. ORG 14A-13**

*pp VI-7,8*

*The Project would necessarily consume limited, slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction would require the consumption of resources that are nonreplenishable or may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, VI. Other CEQA Considerations Harvard-Westlake River Park Project City of Los Angeles Draft Environmental Impact Report March 2022 VI-8 gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.*

### **Comment:**

The world is having a building sand shortage because as this article explains desert sand is not usable for building, only beach sand. <https://www.bbc.com/future/article/20191108-why-the-world-is-running-out-of-sand>

Sand is needed for building cement, and we should reserve it for needed housing, not discretionary building. We cannot sacrifice beaches and allow oceans to rise so kids can

have an extra football stadium and swimming pool. We as citizens of the world have to live within our means, environmentally.

### **Response No. ORG 14A-13**

The comment claims a shortage of sand and that available beach sand should be reserved for housing, not discretionary building. The comment does not provide facts or substantial evidence to dismiss the need or value of the Project or show the environmental consequences of the use of sand in Project construction. Further, the comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 14A-14**

*p. VI-8*

*At the same time, as a result of the School's mandatory student and employee shuttle bus program, and use of shuttle buses for large gatherings that would potentially exceed on-site parking, the Project would reduce reliance on private automobiles, vehicle miles traveled, and the consumption of non-renewable resources when considered in a larger context. Most notably, the Project would reduce the vehicle miles generated by the existing golf and tennis club and, thus, reduce the related consumption of renewable resources, among other goals.*

#### **Comment:**

Soon all future vehicles sold in California will be electric and the City is on its way to 100% renewable energy, private cars will have not the same sort of impact in coming years. Plus the patronage at the golf and tennis facility will be far fewer than the number of people that attend a sporting event.

### **Response No. ORG 14A-14**

The comment states that the City of Los Angeles will have 100 percent renewable energy and that private cars will not have the same sort of impact in the upcoming years. While the City of Los Angeles is shifting to renewable energy sources and cars are becoming less gasoline based, and more electric, the comment does not provide facts or substantial evidence to support the assertion that the City of Los Angeles will soon be 100 percent renewable energy nor facts that address the adequacy of the Draft EIR analysis. Therefore, no further response is needed.

### **Comment No. ORG 14A-15**

*pp. VI-10, 11*

*b) Biological Resources Mitigation Measures BIO-MM-1 through BIO-MM-3 require the restoration or protection of sensitive plant and animal species and habitat, including nesting birds, the western yellow bat, and City-protected and non-protected significant*

*trees and shrubs. These VI. Other CEQA Considerations Harvard-Westlake River Park Project City of Los Angeles Draft Environmental Impact Report March 2022 VI-11 mitigation measures would reduce impacts on species to a level of less than significant. Because these requirements would apply only to plant and animal habitat and trees within the Project Site, within the public street right-of-way adjacent to the Project Site, or adjacent to the Zev Greenway, the implementation of these mitigation measures would not result in secondary environmental effects at neighboring residential properties or within the broader community.*

**Comment:**

Construction will scare the existing wildlife and it will not have anywhere to go during construction. Tall trees attract raptors and these larger birds do not nest in the smaller trees. Two other nearby construction projects at the Sportsman's Lodge and the Sunkist Building have removed hundreds of very tall trees. This project adds a nail to the coffin of these species for this area. Three billion birds have been lost in North America between 1970 and 2019, much of it due to habitat loss ([https://www. Nationalgeographic.com /animals/article/three-billion-birds-lost-north-america](https://www.Nationalgeographic.com/animals/article/three-billion-birds-lost-north-america)). This project would make a new contribution.

**Response No. ORG 14A-15**

The comment claims that construction will scare the existing wildlife and wildlife will not have anywhere to go during construction. Refer to Response No. ORG 14A-9 for a discussion of impacts to wildlife during construction.

In addition, impacts to wildlife movement and corridors and nesting birds are analyzed on pages IV.C-45 to IV.C-49 of the Draft EIR. As discussed therein, any on-site species affected by construction are already adapted to urban environments from the development, disturbances, and human activities currently existing on-site and in the vicinity of the Biological Study Area. On-site species have mobility and would have access to forage in open space areas adjacent to the Los Angeles River or nearby neighborhoods with abundant trees. Although implementation of the Project would result in temporary disturbances associated with construction to local wildlife movement within the Biological Study Area, such as the daily foraging of resident wildlife on-site, those species adapted to urban areas would be expected to persist on-site following construction. Higher quality foraging habitat occurs in less developed areas with larger expanses of open space to which some highly mobile species would have access. The loss of a limited and isolated area of low-quality foraging habitat as a result of the Project would not be expected to impact the foraging of any species. It should also be noted that Project landscaping would consist entirely of native tree and plant species that would provide greater foraging opportunities for animal species after construction. For raptors, 181 mature trees would be retained. Although indirect impacts to nesting birds and roosting bats during construction and tree removal may result in behavioral changes and could cause unsuccessful breeding opportunities, construction activities would be temporary and

intermittent. In addition, Project Design Feature BIO-PDF-1 (see page IV.C-30 and IV.C-31 of the Draft EIR) would provide protection for nesting birds and the implementation of Mitigation Measure BIO-MM-1 would address potential impacts to western yellow bat roosting habitat. As discussed in Section IV.C, *Biological Resources*, of the Draft EIR, with the implementation of the project design feature and mitigation measure, impacts to on-site wildlife during construction would not be significant.

### **Comment No. ORG 14A-16**

In conclusion, this project is not what the community needs but what a privileged private school wants to impose. They are trying to mitigate by planting trees at the river in a plan questioned by horticultural environmental planting experts and LA Audubon board members. Does purchasing land, not even adjacent to one's existing facility, allow whatever development they choose?

### **Response No. ORG 14A-16**

The comment claims that the Project is trying to mitigate the effect of the Project by planting trees at the Los Angeles River. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary. Nonetheless, the proposed tree planting program is not a mitigation measure but an implementation of enforceable LAMC and RIO District Ordinance requirements. As the property owner, the School is entitled to request the use of the Project Site for a needed expansion of its own athletic and recreational uses within the parameters set by the LAMC. Refer to Topical Response No. 13, Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

### **Comment No. ORG 14A-17**

This is a residential community that saw the golf and tennis as more of a playground with welcome open space. They did not envision a monster facility that draws heat, traffic and noise, plus removed the existing trees and vegetation that were cleaning the air, providing wildlife habitat and mitigating heat island effect. Even after the trauma of building, what the community will be left with is far worse than what was sacrificed. A successful realtor once told me that people want to come home to peace and quiet. Would you want a big walled sports complex built next to you, or would you prefer to have trees growing in a relatively quiet golf course with a few tennis courts that you knew were there when you moved to the neighborhood? This draft EIR misses a lot of import issues. Let's do the right thing for the environment and not approve this unnecessary detrimental project.

### **Response No. ORG 14A-17**

The comment provided general opposition to the Project, citing impacts regarding traffic noise, heat island effects, and loss of trees. The commenter's opposition to the project is noted. The environmental issues regarding trees and the heat island effects are addressed in Topical Response No. 5 – Biological Resources/Trees, and the issues

regarding traffic and noise are addressed in Topical Response No. 8 – Noise: Construction and Operation Impacts, and Topical Response No. 9 – Transportation and Parking During Construction and Operations. As described in these topical responses, the Project would not result in significant heat island or operational traffic and noise impacts. Because the comment does not raise any specific comments on the adequacy or content of the Draft EIR, no further responses is necessary.

## **Comment Letter No. ORG 14B**

Shelley Billik  
Chair  
LA Community Forest Advisory Committee (CFAC)  
Received May 10, 2022

### **Comment No. ORG 14B-1**

We strongly oppose Harvard-Westlake School's planned project and destruction of Weddington Golf & Tennis, which would include the destruction of hundreds of trees. In these times when climate change is already promising more frequent and intense heat waves coupled with a state of extreme drought, it is more critical than ever to be protecting, better caring for, and growing our existing urban tree canopy - for our health and our very existence.

### **Response No. ORG 14B-1**

The comment expresses opposition to the Project based on the removal of trees. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is needed. However, see Topical Response No.5 – Biological Resources/Trees, for a discussion of impacts to on-site trees. Also, refer to Response Nos. ORG 6A-1 and ORG 6B-2, which discuss how the Project would result in an increased tree canopy after nearly 10 years and long-term carbon sequestration increases compared to existing conditions, which support the fact that the Project would not result in increased temperatures on the site and within the surrounding neighborhood.

### **Comment No. ORG 14B-2**

Any promise of planting new trees paints a picture of small saplings that take decades to grow, require a lot more irrigation and maintenance, and are not guaranteed to survive. We don't have 20-30 years to wait until we "replace" the shade, clean air and carbon sequestration. And where does the wildlife go in the meantime??

### **Response No. ORG 14B-2**

The comment raises concerns over the time the replacement trees will take to mature, and related air quality and carbon sequestration effects as well as impacts to wildlife. For a discussion of the Project's tree replacement program refer to refer to Topical Response No. 5 – Biological Resources/Trees. See Response No. 14B-1 which discusses the Project's tree canopy and carbon sequestration benefits. Also, refer to Section IV.C, *Biological Resources*, of the Draft EIR for the analysis of the Project's impacts on wildlife. As described therein, the implementation of Mitigation Measure BIO-MM-1 and Project Design Feature BIO-PDF-1 (as provided in Chapter 4, *Mitigation Monitoring Program*, of this Final EIR) would reduce impacts to wildlife or prevent adverse impacts on wildlife.

### **Comment No. ORG 14B-3**

Building 12-foot walls, installing artificial turf and towering light poles guarantees that all the ecosystem services currently provided by this historical, cultural, and environmental haven, will be gone forever.

### **Response No. ORG 14B-3**

The comment states that the Project's walls, artificial turf, and light poles would cause the permanent loss in the property's ecosystem. The commenter is not clear as to what specific issues would be impacted pertaining to "ecosystem services". The comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary.

Nonetheless, the commenter is referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts from the whole of the Project, including its use of walls, artificial turf and its proposed lighting program, would be less than significant with mitigation, where applicable.

Note that modifications to the Project design would update the Project's lighting program. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, for a detailed discussion and analysis of these Project design modifications. As evaluated in Final EIR Appendices B.1, Supplemental Lighting Report Memorandum, and B-1 Supplemental Lighting Report Appendices, the Project with design modifications would reduce the total number of outdoor light poles from 39 to 22 poles. Although some of the poles would be taller than the original design, the reduction in total lighting would generally reduce overall ambient light levels (see Topical Response No. 4 - Aesthetics). Note also that under the Project, the field lights would be turned off at 8:00 p.m. and tennis court lights would be turned off at 9:00 p.m. Under existing conditions, tennis court lights, which generate higher glare and illuminance levels than under the Project's total lighting program are turned off at 10:00 p.m. and existing driving range lights are turned off at 11:00 p.m.

### **Comment No. ORG 14B-4**

This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted.

### **Response No. Form 14-B4**

The statement that the Project does not satisfy "necessary conditions" to grant a CUP is not founded in substantiated facts cited and represents the opinion of the commenter. Also, please note that most public and private schools in the City of Los Angeles operate under a CUP in accordance with LAMC Sec. 12.24.T.3(b), which allows school uses in residential and agricultural zones. The comment, however, is primarily a request for

project disapproval. The comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary.

### **Comment No. ORG 14B-5**

It's shocking that Harvard-Westlake would consider spending \$100 million on a sports complex for a privileged few, when hundreds of thousands of students citywide are lacking the most basic tools needed to succeed. Therefore, we urge Harvard-Westlake to move its proposed complex to a more cost-effective alternative site, like the nearby Los Angeles Valley College, which the School has previously used for its tennis operations – even recently refurbishing the College's tennis courts. With this good neighbor gesture, Harvard-Westlake would not destroy a beloved community asset, but rather, provide for the community and service a much wider area by improving facilities at Los Angeles Valley College.

We join more than 14,000 community members who have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. These individuals are counting on you to deny approval of the CUP and certification of the DEIR.

Thank you for your time and consideration of this most important matter.

### **Response No. ORG 14B-5**

The comment requests Harvard-Westlake to develop the Project on alternative site locations, such as nearby Los Angeles Valley College. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR nor present any facts to establish that the use of an alternative site is feasible, would meet most of the Project's objectives, or would avoid the Project's significant and unavoidable temporary construction impacts. As such, no further response is necessary.

Nonetheless, refer to Response No. Form 4-6 regarding the comment's mischaracterization of the nature of the Project as a "sports complex" intended only for Harvard-Westlake students.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The commenter is also referred to Subsection 4, Alternatives Considered and Rejected, on pages V-5 to V-7, in Section V, *Alternatives*, of the Draft EIR. This subsection includes an evaluation of alternative project site locations that were considered and rejected for additional study in the Draft EIR's evaluation of Project alternatives. As analyzed therein, no feasible off-site locations were identified that would allow significant effects of the Project to be avoided or substantially lessened. For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-105, ORG 1B-106 and ORG 7A-146 to ORG 7A-176.

## **Comment Letter No. ORG 14C**

Katherine Pakradouni  
Council District 4 Representative  
Community Forest Advisory Committee  
Received May 5, 2022

### **Comment No. ORG 14C-1**

I'm the CD4 representative on the Community Forestry Advisory Board and I am writing in opposition to Harvard Westlake's plans to demolish Weddington Golf and Tennis.

This project will be detrimental to the quality of life of the many Angelenos who enjoy it and reside near it. This area is a gem for being an inexpensive, open-to-the-public recreation area, a quality that will be lost if the project moves forward.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The reduction of open space and destruction of old heritage trees in the area will worsen our climate crisis and is the exact opposite of the pressing environmental needs of this city.

Please deny permission to build this project.

### **Response No. ORG 14C-1**

This comment provides similar comments presented in Form Letter 3. Please refer to Response Nos. FORM 3-1 to 3-4.

## **Comment Letter No. ORG 15**

Eric Dodson  
President  
Los Angeles Tennis Association  
Received May 7, 2022

### **Comment No. ORG 15-1**

Please accept and review the attached letter from the LOS ANGELES TENNIS ASSOCIATION as our organization's official position on the above listed report.

This matter is very near and dear to our collective hearts, and extremely vital to the future of our organization; when you have time to respond, we would love to hear from you.

### **Response No. ORG 15-1**

The comment introduces an attached letter but does not comment on the adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. ORG 15-2**

My name is Eric Dodson. I am the current President of the Los Angeles Tennis Association and I, myself, have been a member of this amazing and necessary organization since 1994. We are the locally organized club of LGBTQ+ and LGBTQ+ friendly tennis players who live in and around the greater metropolitan Los Angeles area. Our organization has been in existence since 1978. As of today, we have 358 members registered for 2022, a number that renews and grows each year as our yearlong roster of seasonal activities take place. I anticipate we will be well above 450 members and climbing by the Summer.

### **Response No. ORG 15-2**

The comment introduces the Los Angeles Tennis Association with a description of its membership. The comment does not discuss the adequacy or content of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 15-3**

Last year at this time we were 225 members. I attribute the burgeoning of our membership in 2022 to the Covid-19 LA County shutdown of all sports activities for most of 2020 and 2021, which included literal padlocks put on county-wide tennis facilities private and public. Tennis was one of the first sports whereupon the restrictions got lifted slowly in Spring of 2021. From that benchmark forward, what we've witnessed is former non-tennis folks recognizing that tennis is one of the safest sports around when it comes to preventing the spread of a virus, and so the greater LA community suddenly "discovered" the sport like I have never seen before. Initially it was our established members coming

back and looking for our tennis leagues and tournaments they have become accustomed to, but then we saw this large influx of new members by Summer's end 2021. At that time, me and my fellow Board Directors scrambled like crazy to bring organized tennis up to the level of the newfound demand for it. We were half successful, thanks to the Burbank Tennis Center and the Weddington Golf & Tennis Center. Our biggest stumbling block in this endeavor was--and still is--finding available courts. LATA has been around a long time, we have relationships with many tennis facilities in LA (including the City court system), but there are only a handful that can accommodate our need for more than 4 courts per day at an event for our tennis leagues and tournament play. Throughout the year LATA organizes 4 to 6 leagues on different days and evenings of every week (at different sites including Weddington depending on their ability to accommodate our numbers), ranging from 16 to 48 players in each league; tournament play is on top of that.

### **Response No. ORG 15-3**

The comment contains background information on the LATA and discusses its challenges finding available tennis courts to meet its needs. The comment does not discuss the adequacy or content of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 15-4**

LATA just hosted in April a National "Open" Tournament (we have this event every year and have had this event since the '80s utilizing Weddington Golf & Tennis); "open" in this case means open to players worldwide. So this year's tournament drew more than 230 LGBTQ+ participants (up from the expected 150) coming from cities such as San Diego, Vancouver, Houston, Dallas, Washington D.C, New York, London, Dublin, Sydney, etc. We were able to host this wonderful event, because Studio City has a beautiful (and historic) tennis facility to accommodate half of it. The out-of-town guests are always amused by--and readily identify our cool LA tournament by--the signature Weddington mid-century modern golf ball light posts. (I remember those giant golf balls from when I was 14 being taught to play golf there in 1975 by my grandfather.) We would not have been able to have the tournament this year if Weddington were not available to us.

### **Response No. ORG 15-4**

The comment contains background information on the LATA and discusses its tournament held at Weddington this past year. The comment does not discuss the adequacy or content of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 15-5**

One more relevant anecdote from my past year: around September-October every year a collection of Pacific Coast cities organize four different levels (meaning four events) of a fun yet very meaningful LGBTQ+ friendly competition that pits the likes of teams from San Francisco, Portland, Seattle, Vancouver, San Diego and Los Angeles to play against each other for bragging rights and the year's trophy. LATA was in rotation to host two of

the four events in 2021. I went on my search for courts; mind you this is five months prior to September. My first go-to sites for such events are Burbank Tennis Center and Weddington, not just because these two sites can provide the 8 courts per day we would need, but because these facilities have the best layout for team and fan viewing. Burbank was booked (LATA has had to scratch and claw for our piece of the LA court allotment with tennis pros, USTA, and other tennis organizations who are also seeing the incredible uptick in tennis popularity); even Burbank's high school courts were booked. Weddington was also booked solid for the same reason. I scrambled, negotiating with Glendale, Beverly Hills (La Cienega), Arroyo Seco, even trying to parcel the events into separate locations with LA City. Nothing available. I finally had to rely on El Dorado Park in Long Beach. Our two "LA hosted" events were exported to Long Beach, which is not the end of the world, but because of the inconvenience and the lack of accessibility to all the uniqueness that LA city offers guests, this will result in less interest the next time we host, if any interest at all.

### **Response No. ORG 15-5**

The comment contains background information on the LATA and discusses its challenges finding available tennis courts to meet their needs. The comment does not discuss the adequacy or content of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 15-6**

Ms. Henry, these are the major problems our long running community service organization sees with the Harvard Westlake proposal as described in the recent DEIR:

1) The stated reduction from 16 to 8 of publicly-available tennis courts. As a ground zero participant, LATA recognizes that there is a larger community of tennis organizers and teaching pros in the LA area beyond our membership that share the Weddington courts. It is my understanding that nearly 100,000 Angelinos of all backgrounds and from across the San Fernando Valley and City of Los Angeles use the site each year. Common sense from our own recent significant rise in new member tennis players indicates that that number will have increased by year-end 2022. If the proposed development is approved for the primary benefit of say ~900+ Harvard-Westlake School students, there is no comparison to the loss of court hours to the tens of thousands of community members who are making use of them now, some of whom (like our organization) have been relying on them since the 70s. From a larger community standpoint, LATA does not believe this transference of benefit is in the best interest of community sports organizations, the general public and even the neighboring residents; it quite frankly doesn't make good planning sense.

### **Response No. ORG 15-6**

The comment maintains that with the reduction from sixteen courts to eight courts, the Project would not be in the best interest of community sports organizations, the general public or even the neighboring residents.

Refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, which addresses tennis activities on the Project Site. As discussed therein, the Project would have adequate capacity to accommodate the same weekly number of tennis court sessions as the current Weddington Golf & Tennis facility.

In addition, use of the tennis courts would be by reservation when they are not in use by the School. The reservation system would ensure no conflicts with the School's use and would ensure the availability of the tennis courts to the public. Furthermore, the School has indicated that it would continue, as it does at present, to make blocks of eight courts available for league or tournament play. It is noted that the existing facilities are not used to their capacity throughout much of the week. Because the Project's tennis courts would not be a commercial enterprise through which the School receives its financial support, the School has the option to book the entire eight courts to a public organization, such as LATA.

### **Comment No. ORG 15-7**

2) Although the DEIR lists alternate "tennis courts in the East San Fernando Valley available to the public," the average number of courts at those facilities is 4.4. As stated above, organizations like ours provide larger, unique, socially-formatted tennis opportunities for our LGBTQ+ members who benefit and need that kind of community bond, who have sought us out for these larger activities, which also provide-most importantly-that safe haven our community relies on. I have demonstrated above that 4 courts per event does not work for our tournaments and for the larger scale leagues we produce. We use the LA City facilities as best we can for pretty much all of our events that can fit into their limited court availabilities (severely reduced by teaching pro concessions and a minimum of courts blocked to organizations for single reservation seekers). But for our moderately grander tennis competitions, events LATA has been organizing regularly for over 40 years now in LA, we rely on the 8-court-block facilities of which there are only three remaining in our commutable area that will let us reserve, Weddington is one of the three (and with the other two-just like with Weddington-we have to fight to get those court hours with so many other organizers).

### **Response No. ORG 15-7**

The comment states that the LATA organization needs an 8-court-block facility to conduct its tournaments and that there are insufficient other facilities that would accommodate their needs. These concerns appear to be related to the specific needs of LATA and do not address the adequacy of the Draft EIR. Nonetheless, the Draft EIR does analyze the availability of other tennis courts and the Project's impact on recreational facilities. Moreover, as discussed in Response No. ORG 15-6, upon Project completion, LATA would have access the tennis courts by using the reservation system, including the ability to book all eight courts.

### **Comment No. ORG 15-8**

3) The DEIR claims the proposed high school sports complex would be able to continue to host league matches "as under existing conditions". Simple common sense says that is misleading and in practice is not possible. A reduction from 16 to 8 courts available to the public means that organizations would never be able to book an 8-court-block for an event. Historical precedent has shown that facilities would never allow reservation of their entire inventory to one organization on a given day or weekend. The 16 courts that Weddington has now allows for an 8-court booking with room to spare for the city residents, teaching pros, and the like.

### **Response No. ORG 15-8**

The comment speculates that organizations have not in the past and would not under the Project, be able to book all eight of the Project's tennis courts. As discussed in Topical Response No. 11 - Recreation: Golf and Tennis Facilities, the eight new courts, would be able to accommodate the same number of weekly tennis sessions as under existing conditions. See also Response No. ORG 15-6, which indicates that block reservations for all eight courts would continue to be available through the use of the reservation system. The comment does not discuss the adequacy or content of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 15-9**

4) Finally, in the DEIR, there are multiple disclaimers and pre-conditions for use of the proposed project's "facilities" for the non-Harvard Westlake users, more specifically there is wording regarding access to facilities that says "when not in use by School" and "for pre-approved organizations." These limitations are in stark contrast to the publicly available amenities at Weddington Golf & Tennis which have always been open to all community members without restrictions of any kind at any time. Beyond the hoops we believe we will have to jump through to secure the use of their courts, this leads us to believe that Harvard Westlake is truly not open to the use of these facilities to outside organizations, and would use each and every tiny disclaimer as a reason to deny access, or deny a court booking. This, furthermore, alerts us to the insincerity behind their stated intentions: that they want to preserve the community's access to a well-utilized, thriving, beneficial and vital sporting complex which--by the way--we have had and have used for half a century now.

### **Response No. ORG 15-9**

The comment speculates that the requirements for use of the tennis courts would make it difficult for the commenter's organization to use the facilities and states that there are currently no restrictions on their use of the tennis courts. This assertion does not present any facts to support a contention that the Draft EIR's analysis of Project impacts to recreational facilities is inadequate; therefore, no further response is necessary. Nonetheless, see Response No. ORG 15-8 which indicates that the Project would have

adequate capacity to accommodate the current weekly number of tennis court sessions as the existing Weddington Golf & Tennis facility. In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access, the rationale and mechanism by which public groups may be pre-approved, and use of the Project Site, including tennis facility use, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. ORG 15-10**

Ms. Henry, the bottom line is there are just not enough tennis facilities in LA (facilities uniquely set up for the larger scale tennis designs of a massive multi-cultural metropolis which has impeccable tennis weather like LA) for all the newfound tennis enthusiasm going on (which is here to stay), for us to lose the accessibility to this reliable and iconic (especially to us) site that is the Weddington Golf & Tennis Center. Right now as it is our League Director has to cut our leagues back in numbers because we cannot accommodate everyone who signs up, and that is with Weddington still at our disposal. I don't know what we will do without it. Honestly, we have wait lists for leagues longer than our acceptance lists. LATA (and many of the other non-LGBTQ+ organizations with court needs) will lose the ability to host tournaments in the LA area, and ultimately anywhere, without Weddington's courts.

On behalf of our entire membership, please, Please, PLEASE do what you can to keep at least the tennis sector of the Weddington Golf & Tennis Center "as is" and accessible "as is" to our community.

Thanks for listening.

### **Response No. ORG 15-10**

The comment expresses opposition to the Project and requests that the tennis courts remain as is and accessible to the LATA community. The comment does not discuss the adequacy or content of the Draft EIR, as such, no further response is necessary.

However, the comment that future use of the Project Site by LATA would be severely curtailed under the Project is not demonstrated by fact and is counter to the findings in Section IV.L.3, *Public Services - Parks and Recreation*, of the Draft EIR. Refer to Responses No. ORG 15-6 to ORG 15-9 above for a discussion of the Project's proposed tennis facilities, which demonstrates that the Project would accommodate existing tennis demand through its proposed tennis facilities and reservation system.

## **Comment Letter No. ORG 16**

Kenji Thielstrom  
Area League Coordinator – San Fernando Valley  
United States Tennis Association, Southern California  
Received May 9, 2022 (attached letter dated May 8, 2022)

### **Comment No. ORG 16-1**

Please find attached my concerns regarding the Harvard-Westlake River Park Project.  
Thank you!

### **Response No. ORG 16-1**

The comment introduces an attached letter but does not comment on the adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. ORG 16-2**

We respect the fact that Harvard-Westlake has purchased and now owns the Weddington Golf & Tennis property in Studio City, and that they intend to convert it into a recreational and athletic facility for use by both Harvard-Westlake and the public.

We are not opposed to this idea, however we are alarmingly concerned about two significant aspects of their plan:

1. The 50% reduction in the number of tennis courts (from 16 to 8).
2. The FAQ statement that the courts will only be available to the public "when they are not in use by Harvard-Westlake."

### **Response No. ORG 16-2**

The comment introduces two concerns, the reduction in tennis courts and the caveat that public use would be restricted to when the facilities are not in use by Harvard-Westlake. Regarding the reduction in the number of courts, please refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, which states that the Project would have adequate capacity to accommodate the same number of weekly tennis court sessions as the existing Weddington Golf & Tennis facility. See also Response No. ORG 15-6, which indicates the Project's reservation system would also accommodate use of the tennis courts when they are not in use by the School. This includes concurrent use with the School when any courts are free, similar to existing conditions.

### **Comment No. ORG 16-3**

While we understand the need to prioritize use by Harvard-Westlake, the even further restriction of public access due to the 50% reduction of courts will strike a debilitating blow to the San Fernando Valley tennis community.

For a bit of perspective, it should be noted that the Weddington Tennis Center is the only major public tennis facility in the core San Fernando Valley area (within the 4-mile radius west to the 405 and east to the I-5) that includes the communities of Sherman Oaks, Van Nuys, Studio City, North Hollywood, West Burbank, and Toluca Lake.

Weddington is the central tennis hub for this core area, where the public can reserve courts for a nominal fee, where tennis pros conduct lessons, and where the USTA (U.S. Tennis Association) uses it as their home court for 7 teams currently active in league play.

### **Response No. ORG 16-3**

The comment expresses the concern that the reduction in courts would strike a debilitating blow to the San Fernando Valley tennis community. Since the comment does not discuss the adequacy or content of the Draft EIR, no further response is necessary. Nonetheless, refer to Response No. ORG 16-2, which discusses how the tennis courts will continue to accommodate public use and demand.

### **Comment No. ORG 16-4**

Harvard-Westlake's testimonial that "Tennis will still be open to the public in the manner that it is now" disingenuously ignores the severe consequences of what will actually result, specifically:

- Far less public access due to the 50% reduction in the number of courts, and restricted hours for use of the courts.
- Elimination of the facility as an option for tennis pros to teach, because priority will be given to individual players for the limited number of courts.
- Elimination of the facility as a home court for USTA teams, who require 3 to 5 courts at a time for their league matches, which is probably too big of an "ask" considering there would only be 8 total courts.

### **Response No. ORG 16-4**

The comment expresses concern that the 50 percent reduction in courts would restrict tennis use, that the option as a facility for tennis pros to teach would be reduced, and that the facility could not function as a home court for USTA teams. Since the comment does not discuss the adequacy or content of the Draft EIR, no further response is necessary. Nonetheless, refer to Response No. ORG 16-2, which discusses how the tennis courts will continue to accommodate public use and demand.

### **Comment No. ORG 16-5**

Harvard-Westlake's Environmental Impact Report (Table IV.L.3-4) suggests there are plenty of other courts in the area to accommodate the spillover from displaced Weddington players, pros and leagues; but closer scrutiny reveals the following:

They cite 16 options, which include high schools, recreation centers, and parks. However 14 of those 16 facilities are very small, with only 2-5 courts, and our own site visits have revealed these courts to be either already operating at full capacity, or inconveniently distant, or simply in poor condition and uninviting.

The Van Nuys / Sherman Oaks Tennis Center has 8 courts, but it is also constantly booked and abundantly used by local private schools; and the Balboa Tennis Center in Encino (with 16 courts) is also heavily used, and indeed is already the home court for 10 of our USTA league teams, not to mention being west of the 405 and therefore not a nearby “neighborhood” hub for those accustomed to the convenience of the Weddington courts.

Other large public tennis facilities in the Valley that are NOT cited in the Environmental Impact Report include the Warner Tennis Center, but that is quite distant in Woodland Hills; and then there’s the Burbank Tennis Center, but that’s a bit distant too – east of the I-5 – and is also already at capacity with little room for additional spillover from Weddington refugees.

On top of all this, we have seen an explosion of interest in tennis since the Covid pandemic (tennis is one sport where you stand at a distance from your opponent), further exacerbating our need for MORE courts, not less.

### **Response No. ORG 16-5**

The comment states that many of the referenced tennis facilities in the Draft EIR Table IV.L.3-4 are either already operating at full capacity, inconveniently distant, or in poor condition and uninviting. The list of facilities in Table IV.3-4 is provided to describe the tennis facilities in the San Fernando Valley with public access. The commenter’s experiences and sentiments of the various court facilities are noted. However, the comment does not provide any substantive facts or evidence that affect the analysis or conclusions in the Draft EIR. Refer to Response No. ORG 16-2 which discusses how the Project would meet the weekly demand experienced in recent years for the existing sixteen tennis courts.

### **Comment No. ORG 16-6**

In conclusion, we ask only that the number of tennis courts NOT be reduced from 16 to 8, and that they find a way to modify their plans to accommodate this need. One suggestion... do they really need two soccer fields, when their football field at their home campus on Coldwater Canyon is also marked off as a soccer field, giving them 3 total soccer fields?

### **Response No. ORG 16-6**

The comment expresses opposition to the Project’s reduction in tennis courts, requests that the 16 existing tennis courts remain, and questions the need for two soccer fields on

the Project Site (as well as a third field at the Upper School campus). The comment does not discuss the adequacy or content of the Draft EIR and, as such, no further response is necessary.

Nonetheless, the fields would be versatile and would accommodate a range of field sports, including field hockey, lacrosse, soccer, other field activities and, at Field B, which includes a running track, the field would accommodate track and field sports. These sports are not specifically seasonal and the fields would include simultaneous use associated with games, practices and intramural events.

As also discussed in Topical Response No. 11 - Recreation: Golf and Tennis Facilities, the existing public demand for tennis is 638 sessions per week. As evaluated in detail in Topical Response No. 11, the Project with eight tennis courts would be able to provide 664 tennis sessions per week to accommodate the same number of existing sessions. In addition, the commenter is also referred to Topical Response No. 13 – Need for Project, for a discussion of the rationale as to why the School is proposing the Project.

## **Comment Letter No. ORG 17**

Craig Kessler  
Director of Public Affairs  
Southern California Golf Association  
Received May 9, 2022

### **Comment No. ORG 17-1**

Attached please find a set of comments that the Southern California Golf Association (SCGA) is filing re (DEIR) ENV- 2020-1512-EIR Harvard Westlake Riverpark Project. If you could simply confirm that you have received and included them in the file accompanying the DEIR, it would be much appreciated.

### **Response No. ORG 17-1**

The comment introduces the SCGA's comments on the Draft EIR. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

### **Comment No. ORG 17-2**

#### **Identity of Commenter:**

The Southern California Golf Association (SCGA) is a 123-year-old non-charitable nonprofit corporation incorporated under the laws of the State of California to provide certain public benefits to 446 golf courses, 1,250 member clubs and 187,000 individual members. While the Association's offices are in the Studio City neighborhood of Los Angeles, the SCGA is very much a region-wide organization. The following comments are submitted on behalf of the entire organization.

### **Response No. ORG 17-2**

The comment introduces the SCGA and provides a brief description of the organization. The comment introduces the SCGA's comments on the Draft EIR on behalf of the SCGA organization but does not discuss the adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. ORG 17-3**

#### **Section IV.L.3 – Public Services/ Parks and Recreation**

(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate project description, as well as an inaccurate and incomplete picture of the potential environmental impacts of the proposed project as it relates to "public services/parks and recreation." The DEIR requires augmentation by credible 3<sup>rd</sup> party expertise capable of accurately assessing the environmental impacts thereof and recirculated.

## Response No. ORG 17-3

The comment states that the Project description and impacts analysis related to parks and recreational facilities in the Draft EIR are inadequate and that 3<sup>rd</sup> party review and recirculation of the Draft EIR are required. Contrary to the comment, 3<sup>rd</sup> party review is not required by CEQA. The City of Los Angeles Planning Department worked with qualified environmental professionals on the City's approved consultant list to prepare the Draft EIR. The Draft EIR was prepared in accordance with applicable CEQA and City requirements. The Draft EIR provides a very detailed Project description in Chapter II, *Project Description*, as well as a detailed analysis of potential impacts to parks and recreational facilities in Section IV.L.3, *Public Services – Parks and Recreation*. Since the comment does not provide any substantive facts to support the claim that the Project description and impact analysis are inadequate, no further response is warranted. Moreover, recirculation of the Draft EIR is not necessary.

Nonetheless, see Topical Response No. 11 - Recreation: Golf and Tennis Facilities. As discussed in Topical Response No. 11, the displacement of golfers is fully evaluated in Section IV.L.3, *Parks and Recreation*, of the Draft EIR. Section IV.L.3 evaluated the effects of the removal of the golf course with respect to secondary impacts on off-site, existing public parks and recreational facilities and the availability of other off-site recreational facilities for users. The CEQA Thresholds related to parks and recreational facilities are provided in Section IV.L.3, *Parks and Recreation*, page IV.L.3-19 of the Draft EIR. The claim in the comment that the Draft EIR does not meet the requirements of CEQA because the evaluation is inaccurate and incomplete is unfounded.

## Comment No. ORG 17-4

The National Golf Foundation (NGF) reports that more rounds of golf were played in 2021 than any other year in American history – a particularly impressive statistic given that there were fewer golf courses in 2021 than in 2000. Nationwide, the strongest growth since 2019 was seen among youth (+22%), African Americans (+18%), women (+11%) and Latinos (+9%). In California, which also reported more rounds of golf in 2021 than in any previous year, the increases in youth and African American participation were roughly the same, while the number of women and Latinos significantly higher.

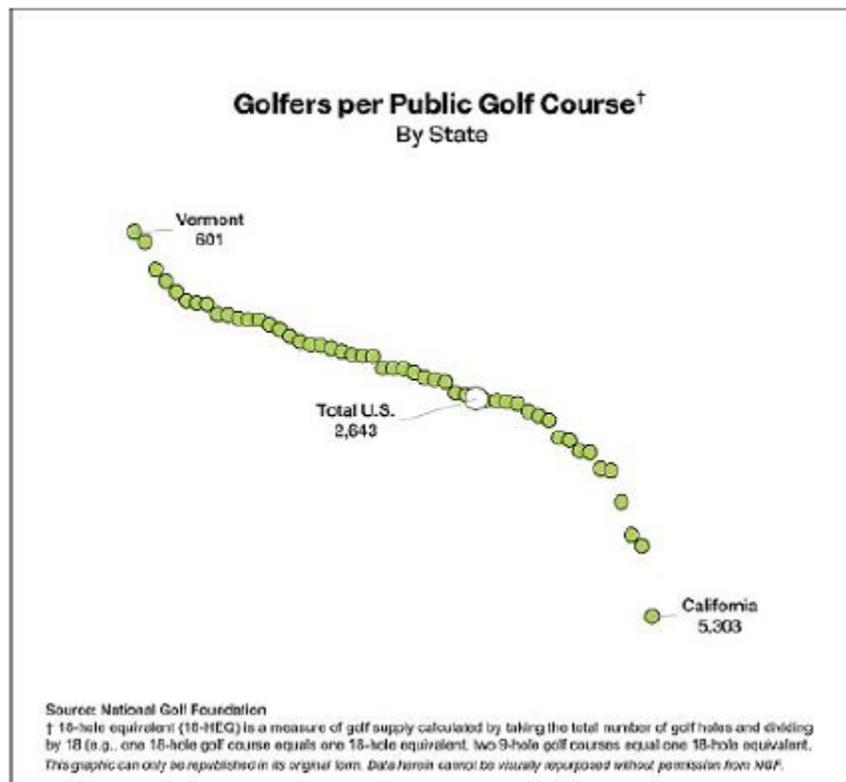
3.2 million people took up the sport for the first time in 2020 and 2021, the most ever over a 2-year period, and those numbers have only increased in 2022, an indicator that contrary to the conclusion suggested in the Draft EIR that the restoration of other outdoor recreational activities post COVID would lead to these participation numbers dropping. They have not dropped in response to competition from all other outdoor recreational activities; they have gone up even more and show every sign of continuing upward, as evidenced by the reality that Los Angeles' Recreation and Park's 13-facility golf Internet reservation system sells out in less than one minute each and every day. The system is fully booked 9 days in advance year-round.

## Response No. ORG 17-4

The comment provides various data regarding increasing golfing demand in the nation and in California in recent years. Further the commenter claims that the Department of Recreation and Park's (RAP's) internet reservation system is fully booked 9 days in advance year around. The comment primarily establishes that the demand for golf is high in the U.S and in the City of Los Angeles. However, the comment also states that the Draft EIR suggests that the restoration of other outdoor recreational activities post COVID would lead to golf participation numbers dropping. This comment is incorrect. The Draft EIR does not make this conclusion and does not state that future golf participation numbers would be dropping.

## Comment No. ORG 17-5

Despite the large number of courses in California, the state is woefully undersupplied when taking into consideration the state's huge population, ranking at the bottom in per capita public golf supply. (See NGF Graphic below.) The state would need 533 more public golf courses for it to pull even with the national golfers-per-public-golf-course average. California would need to add a public golf course a day for the next year and a half just to reach the U.S. 'average' level of public golf supply. In a state dead last in terms of golf hole per golfer, Los Angeles is dead last in that metric in the state.



**Response No. ORG 17-5**

The comment states that the State is last in terms of golf holes per golfer. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is necessary.

**Comment No. ORG 17-6**

The National Golf Foundation has identified the Los Angeles Basin as the most golf starved region of the United States. Given that Studio City Golf & Tennis is the ONLY publicly available golf facility and ONLY publicly available golf practice facility (driving range) between Griffith Park and the Sepulveda Basin, a region of high and dense population, the loss of both (golf and driving range) in favor of a facility containing zero golf, not to mention zero other PUBLICLY available recreational functions, cannot be characterized as anything other than the loss of recreational functionality incapable of mitigation or absorption by remnant facilities. The remnant facilities, all many miles from Studio City Golf & Tennis, are already overflowing with users, and there is no public land available in the 8 miles between Griffith Park and the Sepulveda Basin where a private entity or the city's Recreation and Park Department could construct either a 9-hole 3-par golf course replacement or even so much as a driving range the size of the current one at Studio City Golf & Tennis.

**Response No. ORG 17-6**

The comment contends that there are insufficient golf courses in the City of Los Angeles, that there is inadequate golf capacity at existing City facilities, that there is no public land available for the City of Los Angeles to build additional facilities in the Project area, and that the Project would include no publicly available recreational functions. The comment provides no evidence that addresses the adequacy of the Draft EIR and makes unsupported and incorrect assertions. As discussed in the previous responses, CEQA is concerned with the physical effects to the environment that result from a project causing the need for new or expanded facilities or accelerating the deterioration of an existing facility. The comment appears to focus on a general social issue of a need for additional golf courses and not on the impacts of the Project or the adequacy of the Draft EIR. Such issues are not CEQA issues pursuant to CEQA Guidelines Section 15131. Moreover, the commenter's assertion that a need exists for new golf courses in the City of Los Angeles is not supported by the RAP's statement of availability of tee times at existing public 9-hole golf courses. As stated in the Draft EIR, available space at existing public (as supplemented by private courses, such as Van Nuys) are available to accommodate displaced users of Weddington Golf and Tennis. The commenter does not provide any evidence from the RAP or other sources that contradicts this finding. As such, new facilities are not needed and the alleged lack of public land available for new golf courses is not a relevant CEQA issue for analysis in this Project's EIR. Refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for discussion of current availability of golf facilities.

Additionally, contrary to the assertion in the comment that the Project would provide zero publicly available recreational functions, as described in Chapter II, *Project Description*, of the Draft EIR and outlined on Table II-3, Public Use Days and Hours, page II-34 of the Draft EIR, the Project would provide daily public use of the putting green (a golf use), the tennis courts, the gymnasium courts, and the athletic fields, and weekday public use of the swimming pool. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. ORG 17-7**

The drafters of the Draft EIR cherry picked a few unrelated statistics, made a few phone calls, and cited some E-mails in support of a conclusion about a “less than significant impact” re loss of golf play/practice functionality in the most golf starved region of the United States – a conclusion that anyone with the slightest knowledge of the golf market in Los Angeles finds laughable. The drafters could have and should have engaged credible 3rd party expertise like the National Golf Foundation or one of many golf consulting firms governments routinely use in drafting RFP’s and strategic plans. Instead, they chose to employ the shoddiest of methodologies to come to what can only be charitably called a pre-determined conclusion. Terms like “insufficient” or “inadequate” hardly suffice to describe the analysis of the mid-San Fernando Valley golf market/community they produced.

### **Response No. ORG 17-7**

The comment states that the Draft EIR “cherry picked” a few unrelated statistics to determine the availability of tee times at the region’s par three golf courses. However, the commenter does not provide any substantive facts or evidence to support these concerns or opinions. Thus, no further response is necessary. Also, please note the loss of golf plan/practice functionality is not a CEQA threshold that requires evaluation in the Draft EIR.

Nonetheless, as an example of the information provided in the Draft EIR, a review of the available tee times for the Van Nuys golf course shows available tee times throughout the day all day, every day over that following week (see page IV.L.3-26 of the Draft EIR). Several prior discussions with the Van Nuys Golf Course during the preparation of the Draft EIR and the more recent review of tee times indicated the availability of this golf course on the same day as the request. In the Draft EIR evaluation, the availability of the Van Nuys Golf Course was not factored into the demand for public recreational facilities. However, the availability of this facility would both relieve demand on public facilities and demonstrate the availability of a three par golf course within the local area. The ongoing availability of tee times at the Van Nuys Golf Course supports the information provided by the RAP and included in the Draft EIR as representative of existing conditions. As discussed in the Draft EIR, page IV.L.3-22, according to RAP, existing public courses in

the region were not at full capacity. The information was provided during Covid 19, during which the RAP indicated that demand was higher than during non-Covid periods. The commenter has not provided evidence from RAP that contradicts this conclusion.

The comment also maintains a 3<sup>rd</sup> party reviewer should have been involved in the Draft EIR preparation. Refer to Response No. ORG 17-3 for a discussion of the City's preparation of the Draft EIR, which indicates the Draft EIR was prepared in accordance with applicable CEQA and City requirements.

### **Comment No. ORG 17-8**

(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate project description, as well as an inaccurate and incomplete picture of the potential environmental impacts of the proposed project as it relates to “public services/parks and recreation.” The DEIR requires augmentation by credible 3<sup>rd</sup> party expertise capable of accurately assessing the environmental impacts thereof and recirculated.

### **Response No. ORG 17-8**

This comment reiterates the assertions made in Comment No. ORG 17-3. Refer to Response No. ORG 17-3. The comment also states that the Project description is inaccurate and inadequate but provides no facts to support a contention of any deficiency in the Project description. As such, no further response is necessary.

## **Comment Letter No. ORG 18**

Charley Mims  
President

The Federation of Hillside and Canyon Associations, Inc.  
Received May 10, 2022

### **Comment No. ORG 18-1**

Attached is the letter from the Hillside Federation opposing the Harvard-Westlake River Park Project. Please see that it is added to the file. Thank you very much.

### **Response No. ORG 18-1**

The comment introduces the attached letter but does not discuss the adequacy of the Draft EIR. Therefore, no further response is necessary.

### **Comment No. ORG 18-2**

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 46 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains, including the Studio City Residents Association. The Federation's mission is to protect the property and the quality of life of the residents of the Santa Monica Mountains and other hillside areas of Los Angeles and its environs, and to encourage and promote those policies and programs which will best preserve the natural topography and wildlife and of the mountains and hillside for the benefit of all the people of Los Angeles.

### **Response No. ORG 18-2**

The comment describes the membership and purpose of the Federation of Hillside and Canyon Associations, Inc. The comment does not discuss the adequacy of the Draft EIR. Therefore, no further response is necessary.

### **Comment No. ORG 18-3**

The Federation voted to oppose the proposed Harvard-Westlake River Park Project at its April 19, 2022 meeting for the following reasons:

**The Harvard-Westlake River Park Project would transform Weddington Golf & Tennis** – 17 acres of heavily utilized, river-adjacent and heavily canopied, open space – enjoyed by the public for nearly 70 years – into a gigantic and intrusive Sports Event Facility for Harvard-Westlake, a private high school. Harvard-Westlake would continue to occupy their 22-acre campus facility in Studio City, located 0.6 miles away from the project site.

### **Response No. ORG 18-3**

The comment expresses opposition to the Project due to the transformation of the publicly used Weddington Golf & Tennis Project Site to a private “Sports Event Facility” for Harvard-Westlake School. The comment does not discuss the adequacy of the Draft EIR and, therefore, no further response is needed. However, this comment is the same as Comment No. ORG 9-3. Refer to Response No. ORG 9-3 which addresses this comment.

### **Comment No. ORG 18-4**

**One look at the plan for the proposed facility leaves one asking, “Where is the park?”**

With four “arenas” – two full size sports fields, one Olympic-size pool, and an 80,249-square foot gym, each with spectator bleachers and 45, up to 80-foot-tall field lights, there is simply no room left for a park. As environmentalists and advocates of open space, we do not believe a narrow track around a walled facility and interstitial bits of space between venues is an appropriate trade-off for the public recreational facility that exists today. The adjacent Zev Yaroslavsky Los Angeles River Greenway would remain, but that is a public asset and should not be appropriated by reference.

### **Response No. ORG 18-4**

The comment expresses the commenter’s opposition to the Project and generally implies that adequate open space would not be provided on the Project Site compared to what exists today. Opposition to the Project is noted. However, the commenter does not provide any substantive facts or support for these concerns or opinions. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is necessary. However, this comment is generally the same as Comment No. ORG 9-4. Refer to Response No. ORG 9-4 which addresses this comment.

### **Comment No. ORG 18-5**

**Impacts of the potential loss of the existing recreational, green space would be broadly felt throughout the Valley.** The loss of 17 acres of river-adjacent, forested, open space would eliminate recreational opportunities for thousands if replaced by this private sports event facility. The opportunity to create an environmentally superior, public LA River recreational facility with aquifer recharging would be irrevocably lost. Living with the reality of climate change emergency, destruction of living green space and hundreds of mature trees is something we can ill afford.

### **Response No. ORG 18-5**

The comment states that the Project would cause the loss of 17 acres of forested, green open space and would eliminate recreational opportunities that would be broadly felt throughout the Los Angeles region. Opposition to the Project is noted. However, the

commenter does not provide any substantive facts or support for these concerns or opinions. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted. However, this comment is generally the same as Comment No. ORG 9-5. Refer to Response No. ORG 9-5 which addresses this comment.

### **Comment No. ORG 18-6**

**Impacts on residents in Los Angeles would be stunning.** The loss of Weddington Golf and Tennis impacts not only the residents of Studio City but residents throughout the city who lack access to green open space.

### **Response No. ORG 18-6**

The comment states that the impacts on residents would be stunning for those who lack access to green open space. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, no further response is necessary..

### **Comment No. ORG 18-7**

Local residents established Save LA River Open Space which developed a plan over ten years ago that would have created the LA River Natural River Park to capture stormwater and clean contaminated run-off from city streets. It would have truly been a park for all and complemented the LA River Revitalization plan.

### **Response No. ORG 18-7**

The comment describes the LA River Natural River Park, which was designed to capture stormwater and clean contaminated runoff from City streets. Because the comment does not raise any specific comments on the adequacy or content of the Draft EIR, no further responses is necessary.

### **Comment No. ORG 18-8**

The elimination of trees and wildlife and the excavation of 250,000 cubic yards of soil would leave a 21- foot-deep pit – a barren wasteland in the heart of Studio City. Neighbors would immediately experience a heat island effect from the construction site, as well as years of exposure to dangerous dust, harmful GHGs, particulates and contaminants, along with constant noise and vibration during the 30-plus month construction period.

### **Response No. ORG 18-8**

The comment expresses a range of construction-related concerns regarding heat island effects, health affects (particulates and contaminants), GHGs, and noise. However, the commenter does not provide any substantive facts or support for these concerns or opinions. This comment is raised within Comment No. ORG 9-6. Refer to Response No. ORG 9-6 which addresses this comment.

**Comment No. ORG 18-9**

Residents would be exposed to safety hazards, including dangerous traffic, 300-plus daily haul trucks on neighborhood streets included in the Vision Zero HIN (high incidence network).

**Response No. ORG 18-9**

This comment raises traffic safety concerns during Project construction activities. However, the commenter does not provide any substantive facts or support for these concerns or opinions. This comment is raised within Comment No. ORG 9-6. Refer to Response No. ORG 9-6 which addresses this comment.

**Comment No. ORG 18-10**

During operation, the Project would bring continued unacceptable levels of noise, light, air quality contaminants, and runoff from artificial turf that would introduce new “forever chemicals,” PFAS, to surrounding neighborhoods and the River. Traffic would remain congested and dangerous in all adjacent neighborhoods.

**Response No. ORG 18-10**

The comment maintains that the Project would result in continued unacceptable levels of noise, light and air quality emissions, PFAS runoff and contamination, and traffic in all adjacent neighborhoods. However, the commenter does not provide any substantive facts or support for these concerns or opinions. This comment is raised within Comment No. ORG 9-6. Refer to Response No. ORG 9-6 which addresses this comment.

**Comment No. ORG 18-11**

Vehicle trips would be vastly increased and traffic made dangerous for drivers, cyclists, and pedestrians, due to the unnecessary addition of 503 subterranean parking spaces, along with 29 surface parking spots.

**Response No. ORG 18-11**

The comment states that the Project would vastly increase traffic causing dangerous traffic conditions for drivers, cyclists, and pedestrians. However, the commenter does not provide any substantive facts or support for these concerns or opinions. This comment is raised within Comment No. ORG 9-6. Refer to Response No. ORG 9-6 which addresses this comment.

**Comment No. ORG 18-12**

Wildlife, from insects to mammals, currently living on the property, would be lost, destroyed, or displaced. Friends of Griffith Park’s Raptor Study has identified a Cooper’s hawk at Weddington.

## Response No. ORG 18-12

The comment claims that wildlife currently living on the property would be lost, destroyed, or displaced. The comment also states that a Cooper's hawk was identified at the Project Site. Page IV.C-27 in Section IV. C, *Biological Resources*, of the Draft EIR, acknowledges that a Cooper's hawk was observed in the off-site portion of the Biological Study Area along Zev Greenway. As such, this bird species was accounted for in the analysis of impacts to biological resources Refer to Section IV.C, pages IV.C-32, IV.C-35, IV.C-36 through IV.C-42, and IV.C-45 through IV.C-49 regarding impacts on wildlife species. As evaluated therein, with implementation of Mitigation Measure BIO-MM-1 and Project Design Feature BIO-PDF-1, as provided in Chapter 4, *Mitigation Monitoring Program*, of this Final EIR, the Project would not result in direct or indirect significant impacts on wildlife species.

## Comment No. ORG 18-13

Opportunities for recreation would vanish. Health benefits attributable to exposure to natural green space, including better physical and mental health, general well-being, and even increased longevity, would instantly disappear.

## Response No. ORG 18-13

The comment claims that opportunities for recreation would vanish and that health benefits from exposure to natural green open space would instantly disappear. The Project, however, would provide recreational amenities for use by the community. These include a 0.75-mile landscaped pathway that would lead through the Project Site to the Zev Greenway and would be available for public use seven days a week from 7:00 a.m. to 9:00 p.m. The Project would also provide public access to the new tennis courts, the putting green, and the rehabilitated clubhouse/café. The Project would also allow approved community groups to use the Project's fields, swimming pool, and gymnasium. Also, note that the Project Site is not currently, nor in the past, a natural green space open for free, public use. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, no further response is necessary.

## Comment No. ORG 18-14

**Impacts to hillside residents living in the foothills of the Santa Monica Mountains**, just south of the Project, would experience special impacts including Aesthetics and Noise: Aesthetics would be degraded. Views of forested green space would be replaced by artificial turf and brightly lit fields, all with bleachers, and glare from 45 light poles up to 80-feet high, many directed toward hillsides. This light intrusion is detrimental to hillside wildlife, disrupts connectivity and interferes with migration patterns.

## Response No. ORG 18-14

The comment lists a variety of environmental concerns related to aesthetics, light and glare, wildlife, and amplified noise on hillside residents. However, the commenter does not provide any substantive facts or support for these concerns or opinions. However, this similar comment is raised within Comment No. ORG 9-8. Refer to Response No. ORG 9-8 which addresses this comment.

## Comment No. ORG 18-15

Noise from practice and frequent events and noise effects such as echo, exacerbate impacts to hillside residents. The public address system would be directed to the south, toward hillsides. These neighbors are already experiencing debilitating noise from well-documented relocated flight paths from BUR and VNY airports, which was not considered in DEIR as a cumulative noise impact. Health impacts from excessive noise are well-documented and include heart disease, and all stress/inflammation related disease, including Alzheimer's. A comprehensive Health Assessment, including these noise impacts, must be included in a revised and recirculated RDEIR.

## Response No. ORG 18-15

The comment claims that noise from practice and events [which would not be frequent] and noise effects such as echo, would exacerbate impacts to hillside residents. The comment also states that aircraft noise was not considered as a cumulative impact in the Draft EIR and that a comprehensive health risk assessment should be included in a revised and recirculated Draft EIR. However, the commenter does not provide any substantive facts or support for these concerns or opinions. This similar comment is raised within Comment No. ORG 9-8. Refer to Response No. ORG 9-8 which addresses this comment.

## Comment No. ORG 18-16

**Alternatives presented in the DEIR are insufficient** and do not represent an earnest attempt to weigh the concerns of the community with the desires of Applicant, Harvard-Westlake. There is no Alternative that removes any one of the four "arenas" – two fields, pool, and gym. There is no Alternative that eliminates or meaningfully reduces parking. The Project has exploded far beyond the initial concept into an oversized, disruptive public nuisance that will destroy quality of life for far too many.

## Response No. ORG 18-16

The comment claims that the Alternatives presented in the DEIR are insufficient and do not represent an earnest attempt to weigh the concerns of the community with the desires of the School. This similar comment is raised within Comment No. ORG 9-10. Refer to Response No. ORG 9-10 which addresses this comment. As discussed therein, the Draft EIR provided an adequate assessment of Alternatives to the Project.

### **Comment No. ORG 18-17**

The Conditional Use Permit, it must be made comprehensive to include both campuses – Coldwater Canyon and the Harvard-Westlake River Park, to prevent constant shifting of operations. The operations of both facilities would be undeniably linked. If this project is approved the School must deliver a master plan to the City and agree to a moratorium on growth for 20 years.

### **Response No. ORG 18-17**

The comment states that the CUP should include the Upper School and Lower School campuses, as well as the Project Site, to avoid a “constant” shifting of operations and overuse. This comment does not address the adequacy of the Draft EIR and, therefore, no further response is warranted. Nonetheless, refer to Response No. ORG 9-12 which discusses the CUP required for the Project and reasons why a master plan is not needed for the Project.

### **Comment No. ORG 18-18**

Alternatives 2, 3, and 4 all would eliminate the stormwater capture and reuse system. Stormwater capture and reuse is the only environmentally friendly aspect of the Applicant’s entire proposal. To consider eliminating it is unconscionable and flies in the face of the reality of shrinking water supplies for California. We need to capture every drop of water we can.

### **Response No. ORG 18-18**

The comment expresses opposition to the alternatives analyzed in the Draft EIR that would eliminate the stormwater capture and reuse system because of its sustainability benefits. Refer to Response No. 9-10 for a discussion on the rationale behind the alternatives selections.

Further, although intended for the Project, the stormwater capture and reuse system is not the only environmentally beneficial component of the Project’s alternatives. The alternatives would include sustainability features that are largely similar to the features proposed for the Project, which are discussed in Chapter II, *Project Description*, Subsection g, *Sustainability Features*, of the Draft EIR. These include: (i) the RIO-compliant native California trees with less water demand; (ii) the installation of 426 rooftop solar panels on the gymnasium building, energy from which would be stored and used to reduce reliance on electricity; (iii) free electric vehicle charging stations; (iv) use of energy-efficient LED fixtures; (v) harvesting of natural light for the main spaces in the gymnasium building using large expanses of glass and skylights; (vi) daylighting systems to coordinate the levels of artificial lighting; (vii) use of high efficiency variable capacity air volume heating, ventilation, and air conditioning (HVAC); and (viii) use of artificial grass to reduce water demand and avoid the use of pesticides. The alternatives would also comply with the LID Ordinance and implement the required system for stormwater management.

### **Comment No. ORG 18-19**

Given the lack of reasonable alternatives proposed by the Applicant, the only option that is environmentally superior is Alternative 1 - No Project. However the Applicant adds that “The current Weddington Golf and Tennis facility would discontinue operation.” That is simply mean spirited. It demonstrates the Applicant’s lack of concern for the community. The loss of natural resources to the entire region who have relied on Weddington for decades, leads to the conclusion that this project as proposed is indefensibly disruptive and must be rejected.

### **Response No. ORG 18-19**

The comment states that the closure of operation under the No Project Alternative would be mean spirited and demonstrates the Applicant’s lack of concern for the community. Based on the criteria of the CEQA Guidelines in the selection of alternatives (see Response to Comment No. ORG 18-16, above), this comment and prior comments do not provide any evidence supporting the contention that the selections of alternatives evaluated in the Draft EIR are not “reasonable.” Also, the closure would be inevitable given that the School is not in the business of operating a golf and tennis enterprise and has maintained the facility since its purchase as a signal of goodwill while the Project was under consideration. This comment and prior comments also do not provide any facts or substantial evidence regarding the adequacy of the Draft EIR that show a “loss of natural resources to the entire region.” In fact, the RIO-compliant tree planting program, improved and less obtrusive lighting program, reduction in VMT and other features of the Project would support environmental interests and improve existing environmental conditions at the Project Site. The link between the assertion that the School is “mean spirited” and that, thus, the Project is indefensibly disruptive and must be rejected is highly subjective and is not supported by the merits of the Project or the evaluation in the Draft EIR.

### **Comment No. ORG 18-20**

The Hillside Federation strongly urges the Department of City Planning to reject outright the Harvard- Westlake River Park Project as currently proposed.

### **Response No. ORG 18-20**

The comment expresses opposition to the Project. The comment does not address the adequacy or content of the Draft EIR and, therefore, no further response is necessary.

## Comment Letter No. ORG 19

Darin Spillman  
Planning & Land Use Chair  
Encino Neighborhood Council  
Received May 10, 2022

### Comment No. ORG 19-1

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons.

1. With LA's green open space disappearing, Harvard-Westlake plans to service a privileged, select few by replacing 16 irreplaceable acres with artificial turf and concrete buildings, as well as by exerting their influence to secure variances to Weddington Golf & Tennis' A1 Agricultural Open Space zone allowances from the City.
2. By destroying the property's significant existing urban tree canopy along the LA River and replacing it with 12-foot walls, artificial turf, saplings, and towering light poles, the end result allows practices, games, and special events that will generate increased noise and traffic, which does not conform to the surrounding community.
3. Weddington Golf & Tennis is often referred to as "the gem of Studio City" and considered a local landmark for nearly 70 years. The LA Cultural Heritage Commission (CHC) supported Historic-Cultural Monument (HCM) designation for the ENTIRE 16-acre Weddington Golf & Tennis subject property. For that reason, we strongly support the mysterious, last-minute revisions be reversed and the designation restored to the CHC's original recommendation: preserving the subject property, which encompasses the golf course, driving range, and a majority of the site's green open space and tree canopy.
4. Millions of Angelenos from all over the City and San Fernando Valley have experienced Weddington Golf & Tennis since its opening in 1956. It is incumbent upon the City to protect precious affordable public spaces from developers and special interests, like Harvard-Westlake, who only serve a privileged few.
5. Traffic and congestion continue to grow at an alarming rate in LA. If allowed to proceed, Harvard-Westlake will spend the next four to five years building a massive \$100 million dollar sports complex for its students, while the rest of the community grapples with the plan's significant impact on our roads, traffic, and commutes to work and school.

This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted.

It's shocking that Harvard-Westlake would consider spending \$100 million on a sports complex for a privileged few, when hundreds of thousands of students citywide are lacking the most basic tools needed to succeed. Therefore, we urge Harvard-Westlake to move its proposed complex to a more cost-effective alternative site, like the nearby Los Angeles Valley College, which the School has previously used for its tennis operations – even recently refurbishing the College's tennis courts. With this good neighbor gesture, Harvard-Westlake would not destroy a beloved community asset, but rather, provide for the community and service a much wider area by improving facilities at Los Angeles Valley College. Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. These individuals are counting on you to subscribe to a higher standard, support the public's interests, stand firm against Harvard-Westlake's lobbyists and moneyed special interests, and deny approval of the CUP and certification of the DEIR.

Thank you for your time and consideration of this most important matter.

### **Response No. ORG 19-1**

The comment expresses opposition to the Project and list a series of reasons why the Project should not be approved. However, these comments are the same as included in Form Letter No. 4. Refer to Responses No. Form 4-1 to Form 4-9.

## **Comment Letter No. FORM 1 – Request for 90-Day Extension of EIR Review**

Louis Sanford (Received March 10, 2022)  
Adele Slaughter (Received March 14, 2022)  
Jamie York (Received March 15, 2022)  
Shepherd Stevenson (Received March 15, 2022)  
Abbie Phillips (Received March 16, 2022)  
Allen Clement (Received March 16, 2022)  
Andrea Sher (Received March 16, 2022)  
Ann R. Hall (Received March 16, 2022)  
Anthony Braunagel (Received March 16, 2022)  
Anthony Lucente (Received March 16, 2022)  
Brian Keligian (Received March 16, 2022)  
Charlotte J. Koppe (Received March 16, 2022)  
Christopher and Deborah Rachman Nibley (Received March 16, 2022)  
Cynthia Glazar (Received March 16, 2022)  
Dr. Tony Knight (Received March 16, 2022)  
Janet Loeb (Received March 16, 2022)  
Janis Maslyk (Received March 16, 2022)  
Laurie Cohn (Received March 16, 2022)  
Martha Bissell (Received March 16, 2022)  
Meg LeFauve (Received March 16, 2022)  
Pamela Friedman (Received March 16, 2022)  
Rochelle Staab (Received March 16, 2022)  
Stacy Behlmer (Received March 16, 2022)  
Paul Kerkorian (Received March 16, 2022)  
Burke Gumbiner (Received March 17, 2022)  
Mashaël Majid (Received March 15, 2022)  
Christopher Kendrick (Received March 17, 2022)  
Gail V. Phillips (Received March 17, 2022)  
Gail Wunsch (Received March 17, 2022)  
Jeanne McConnell (Received March 17, 2022)  
Nancy Mehagian (Received March 17, 2022)  
Richard Leivenberg (Received March 17, 2022)  
Veronique Vowell (Received March 17, 2022)  
William and Susane Gordon (Received March 17, 2022)  
Alonzo Hill (Received March 18, 2022)

Gerald Silverman (Received March 18, 2022)  
Steve Hirsh (Received March 18, 2022)  
Allyson Taylor (received March 19, 2022)  
Ashley Davis (Received March 19, 2022)  
Bob Moore (Received March 19, 2022)  
Camilla Bravo (Received March 19, 2022)  
Daniela Aldrich (Received March 19, 2022)  
Jodi Grossgold (Received March 19, 2022)  
Joel Krejmas (Received March 19, 2022)  
Lauren Olivares (Received March 19, 2022)  
Michael Polis (Received March 19, 2022)  
Stacy Desilets (Received March 19, 2022)  
Stuart Lichtman and Gloria Walther (Received March 19, 2022)  
Victoria Skinner (Received March 19, 2022)  
Marphant@yahoo.com (Received March 19, 2022)  
Alison Tavoularis (Received March 19, 2022)  
Andrea Valverde (Received March 20, 2022)  
Ani G (Received March 20, 2022)  
Anne Wright (Received March 20, 2022)  
Barbara Hobbs (Received March 20, 2022)  
Beata Kharkovsky (Received March 20, 2022)  
Brad Smith (Received March 20, 2022)  
Brian M. Still (Received March 20, 2022)  
Carol Weiler (Received March 20, 2022)  
Cindy Sanders (Received March 20, 2022)  
Drew Cobb (Received March 20, 2022)  
Elizabeth O'Brien (Received March 20, 2022)  
Eric Rollman (Received March 20, 2022)  
Gerald Silverman (Received March 20, 2022)  
Hannah Jones (Received March 20, 2022)  
Helen R. Giroux (Received March 20, 2022)  
Howard L. Ekerling (Received March 20, 2022)  
Jane Hunt (Received March 20, 2022)  
Jasper Hansen (Received March 20, 2022)  
Jennifer Bowman (Received March 20, 2022)  
John Newby (Received March 20, 2022)  
Julian Siminski (Received March 20, 2022)  
Kara Carvalho (Received March 20, 2022)

Karen Haber (Received March 20, 2022)  
Kent Hatch (Received March 20, 2022)  
Kim Shlesinger (Received March 20, 2022)  
Lauren White (Received March 20, 2022)  
Lina Roletti (Received March 20, 2022)  
Lisa Polis (Received March 20, 2022)  
Lori A. Sullivan (Received March 20, 2022)  
Lorna Clark (Received March 20, 2022)  
Maria Blum (Received March 20, 2022)  
Michael Barzman (Received March 20, 2022)  
Nancy Kirhoffer (Received March 20, 2022)  
Rachel Maslyk (Received March 20, 2022)  
Robin Shippy (Received March 20, 2022)  
Ron Opaleski (Received March 20, 2022)  
Ryan Ayanian (Received March 20, 2022)  
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Sarah Lambert (Received March 20, 2022)  
Schmied17@aol.com (Received March 20, 2022)  
Sean Blair (Received March 20, 2022)  
Stacy Keppler (Received March 20, 2022)  
Stephanie Carney (Received March 20, 2022)  
Sue Brooks (Received March 20, 2022)  
Suellen Wagner (Received March 20, 2022)  
Suzanne Edmonson (Received March 20, 2022)  
Suzanne Robinson (Received March 20, 2022)  
Valerie Eads (Received March 20, 2022)  
Celeste Nameth (Received March 21, 2022)  
Cheryl Sousa (Received March 21, 2022)  
Heath Goldman (Received March 21, 2022)  
Josh Bednarsky (Received March 21, 2022)  
Julian Fort (Received March 21, 2022)  
Laurie Cousins (Received March 21, 2022)  
Lisa Battista (Received March 21, 2022)  
Lori Stayton (Received March 21, 2022)  
Tracy Blum (Received March 21, 2022)  
Vanessa Canley (Received March 21, 2022)  
Andrew Magarian (Received March 22, 2022)  
Barbara Foley Ferreira (Received March 22, 2022)

James Metzger (Received March 22, 2022)  
Jan Nance (Received March 22, 2022)  
Joshua Kelfer (Received March 22, 2022)  
Laura Garciaros (Received March 22, 2022)  
Linda Ohmstede (Received March 22, 2022)  
Max Specter (Received March 22, 2022)  
David Thomas (Received March 23, 2022)  
Kenneth Jacobs (Received March 23, 2022)  
Kyler England (Received March 23, 2022)  
Laura Danielson (Received March 23, 2022)  
Michael Clouse (Received March 23, 2022)  
Matousek Design (Received March 23, 2022)  
Nadia Marina (Received March 23, 2022)  
Patty Kirby (Received March 23, 2022)  
Karen Cease (Received March 24, 2022)  
Kim Turner (Received March 24, 2022)  
Mary Coffin (Received March 24, 2022)  
Tricia Kiley (Received March 24, 2022)  
Howard Ekerling (Received March 25, 2022)  
Julie Pernworth (Received March 25, 2022)  
Jeffrey Hull (Received March 26, 2022)  
John Ruffner (Received March 26, 2022)  
Mary Coffin (Received March 26, 2022)  
Michelle Bastien (Received March 26, 2022)  
Robert A. Hackl (Received March 26, 2022)  
Sean Alvarez (Received March 26, 2022)  
Alison Devette (Received March 27, 2022)  
Alissa Zito Cruz (Received March 27, 2022)  
Daysun Perkins (Received March 27, 2022)  
Gloria Waither (Received March 27, 2022)  
Jentle “Red” Phoenix (Received March 27, 2022)  
Sadie Phillips (Received March 28, 2022)  
Emily Braff (Received March 29, 2022)  
Lauren Pacheco (Received March 29, 2022)  
Lucy Schouweiler (Received March 29, 2022)  
Sidney Meyers (Received March 29, 2022)  
Caryn Adams (Received March 30, 2022)  
Chris Specht (Received March 30, 2022)

Sharon Flannery (Received March 30, 2022)  
Sheila Hall (Received March 30, 2022)  
Steve Garrett (Received March 30, 2022)  
Tamara Sobel (Received March 30, 2022)  
Mary Coffin (Received March 30, 2022)  
Andy Siegel (Received March 31, 2022)  
David Kimball (Received April 1, 2022)  
Linda Roletti (Received April 1, 2022)  
Maria Olimpia Feig (Received April 1, 2022)  
Rachel Tonisson (Received April 1, 2022)  
Tom Imai (Received April 1, 2022)  
Audrey Cords (Received April 3, 2022)  
Brett Schneider (Received April 3, 2022)  
Diaz-Jones family (Received April 3, 2022)  
Eicher555@gmail.com (Received April 3, 2022)  
Linda Reusser (Received April 3, 2022)  
Nicolette del Barrio (Received April 3, 2022)  
Patrick Kearney (Received April 3, 2022)  
Alexander Johnston (Received April 4, 2022)  
Anthony Cotroneo (Received April 4, 2022)  
Asher Hardt (Received April 4, 2022)  
Burke Gumbiner (Received April 4, 2022)  
Josh Roemer (Received April 4, 2022)  
Karina Sulzer (Received April 4, 2022)  
Madeline Smith (Received April 4, 2022)  
Megan Paspalis (Received April 4, 2022)  
Sam Stafford (Received April 4, 2022)  
Susan Ware (Received April 4, 2022)  
Wellbalanced Bootcamp@gmail (Received April 4, 2022)  
Aurora Corona (Received April 4, 2022)  
Constance Mellors (Received April 5, 2022)  
Robert Lerman (Received April 5, 2022)  
Leslye (Received April 6, 2022)  
Erik Steffens (Received April 6, 2022)  
Patricia Caserio (Received April 6, 2022)  
Stephanie Montoto (Received April 6, 2022)  
Teryne Dorret (Received April 6, 2022)  
Jasper Gadi (Received April 7, 2022)

Robin Meyer (Received April 7, 2022)  
 Sheila O'Connell (Received April 7, 2022)  
 Guru Ann Ologies (Received April 7, 2022)  
 Bruce Lagnese (Received April 7, 2022)  
 Gay Crooks (Received April 12, 2022)

*Per Section 15132(d) of the CEQA Guidelines, a Final EIR shall include, "The Responses of the Lead Agency to significant environmental points raised in the review and consultation process." Therefore, responses to comments, by the Lead Agency, in the Final EIR are not required to respond to non-significant environmental points/comments or other non-environmental related comments on the Project. Consistent with the CEQA Guidelines, the following form letter responses to Comment Letter No. FORM-1 address the relevant significant environmental points raised by the above listed commenters (192 total), which primarily regard a request for an extension of the Draft EIR review period. The comments listed below are representative of the issues and comments provided by the commenters, with the recognition that variations in presentation and/or other non-significant environmental points exist within the individual comment letters. To the extent that these comment letters contain comments that do not address the content or adequacy of the Draft EIR, no further response is necessary. Nonetheless, all comment letters are provided to the City decision-makers for their review and consideration as part of the Project review process. Copies of the original individual letters are included in Appendix A of this Final EIR.*

### **Comment No. FORM 1-1**

I am writing to request that the public comment period for DEIR case number ENV-2020-1512-EIR for Weddington Golf and Tennis be extended from 45 days to 90 days with the end date being June 9th, 2022.

This report was compiled over two years and encompasses over 6,000 pages. It is unfair and unrealistic to expect your constituents and community at large to not only read this DEIR but then research and find the experts needed to create a comprehensive reply for Public Comment in a mere 45 days.

- In addition, our neighborhood councils require at least a 30 day notice to agendaize for different committees.
- The current public notice period March 10th to April 25th includes both the Easter and Passover holidays.
- The NOCA states, " The Dept. of City Planning recognizes the unprecedented nature of COVID-19 " as an impediment to the usual methods of gathering and disseminating information to our community.

We respectfully ask you to use your authority to have the Public Comment period extended until JUNE 9, 2022. We also are requesting an in-person hearing after the comment period closes.

### **Response No. FORM 1-1**

The comment states that additional time for review of the Draft EIR is necessary due to the length of the Draft EIR, time needed for neighborhood councils to agendaize discussion of the Project for different committees, holiday time, and special circumstances pertaining to COVID-19. The comment requests that the City extend the Project's 47-day public review period to 90 days. CEQA Guidelines Section 15105(a) states: "The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse." The City extended the review period to 62 days from March 10, 2022 to May 10, 2022. The extended public review period exceeded the minimum required timeframe, even with inclusion of the listed holidays by the commenter. The City determined that public review conditions did not rise to an "unusual circumstance" in providing for access to the Draft EIR. The length of the Project's EIR does not constitute an unusual circumstance and while the City understands the time needed by neighborhood councils to formulate agendas will vary by neighborhood council, this timing is not a determining factor as to the length of a Draft EIR public review period. For additional details regarding the City's determination to extend the Draft EIR comment period to 62 days, the commenter is referred to Topical Response No. 1 – Public Participation and Review, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

Also, the City prefers for hearings to be held in person, however, all future meetings will be held consistent with applicable City and State guidelines and regulations at the time of the hearings, including those related to COVID-19.

### **Comment No. FORM 1-2**

Please grant a 90-day extension to the public comment period to respond to the Harvard-Westlake River Park Project ENV-2020-1512-EIR.

The community needs at least 90 days to read through the lengthy Draft Environmental Impact Report (DEIR). If this project is approved, it will have significant, unmitigatable impacts on our community. On this basis alone, the City could grant extra time for community members to comment and make their voices heard.

Additionally, the extenuating circumstances are extraordinary. Not only are we still facing the impacts of COVID-19, but we are also in the middle of tax season. For these reasons, our community needs additional time to read and respond to a project that, if approved, will have lasting impacts on our future and future generations.

It has taken the applicant and City Planning almost 2 years to gather this data; we think 90 days is a reasonable extension request. Please allow the community time to offer a cogent, informed, and intelligent response to the ENV- 2020-1512-EIR.

### **Response No. FORM 1-2**

The comment states that additional time for review of the Draft EIR is required due to the length of the Draft EIR, because the Project would result in significant, unmitigated impacts, COVID-19 special circumstances, and timing of the tax season. See Response No. FORM 1-1 above and Topical Response No. 1 – Public Participation and Review, which address the Project’s Draft EIR circulation period. In addition, it is acknowledged that the Project would result in significant and unavoidable construction-related noise and vibration impacts only. Based upon the analyses contained in the Draft EIR, which were compiled conservatively and according to applicable thresholds and accepted methodologies, the Project would not result in any other significant environmental impacts following the implementation of Project Design Features and Mitigation Measures. However, the identification of construction noise and vibration as significant and unavoidable impacts does not warrant additional review time. It is common for significant and unavoidable impacts to be disclosed within a project’s Draft EIR. Also, the comment states that additional time for review would be required because the Draft EIR was released during tax season. The time of year including tax season does not constitute an unusual circumstance as defined by CEQA and is not identified in the CEQA Guidelines as cause for an extension of the Draft EIR public review period.

## **Comment Letter No. FORM 2 – General Support Letter**

Lisa Shapiro (Received March 16, 2022)  
Shauna Altieri (Received March 16, 2022)  
Ann-Marie Whitman (Received March 17, 2022)  
Victoria Farber (Received March 17, 2022)  
Lee Ann Snyder (Received March 18, 2022)  
Yvonne Gerencher (Received March 18, 2002)  
Theresa Thao Ta and Joseph Hung Do (Received March 18, 2022)  
Conrad Cuda (Received March 18, 2022)  
Jocelyn Medawar (Received March 18, 2022)  
Kathy H. Fattahi (Received March 18, 2022)  
Laura Schuman (Received March 18, 2022)  
Liz Skulsky (Received March 18, 2022)  
Patrick Roscoe (Received March 18, 2022)  
Richard Rosen (Received March 18, 2022)  
Terry O'Neal (Received March 18, 2022)  
Luke Schaeffer (Received March 19, 2022)  
Monica Kandavel (Received March 19, 2022)  
Carolina Sitnisky-Cole (Received March 20, 2022)  
Adam Josephs (Received March 21, 2022)  
Adam Stern (Received March 21, 2022)  
Amy Egan (Received March 21, 2022)  
Dr. Beverly Woss (Received March 21, 2022)  
Catherine and Anthony Chanin (Received March 21, 2022)  
Jasmine Delawalla (Received March 21, 2022)  
Jeff Kleeman (Received March 21, 2022)  
Marina Efremova (Received March 21, 2022)  
Matt LaCour (Received March 21, 2022)  
Rob Levin (March 21, 2022)  
Robyn Fener (Received March 21, 2022)  
Damaris B. Saenz (Received March 22, 2022)  
Yeu S. Hong and Carol Yeo (Received March 22, 2022)  
Tom Stillwell (Received March 23, 2022)  
David Pagel (Received March 23, 2022)  
Jie Cheng (Received March 24, 2022)  
Calvin Liu (Received March 25, 2022)  
Jennifer Hilton (Received March 25, 2022)  
Erica Edelman-Benadon (Received March 21, 2022)

Ivy Tan and Family (Received March 21, 2022)  
 Josh Rodine (Received March 25, 2022)  
 Joshua D. and Yun Helston (Received March 25, 2022)  
 Kristine and Edward Stieg (Received March 25, 2022)  
 Lori Aramian (Received March 25, 2022)  
 Meredith Salenger (Received March 25, 2022)  
 Nick Morton and Marie Schley (Received March 25, 2022)  
 Philip & Kearran Ambrosino (Received March 25, 2022)  
 Samuel de Castro Abegar (Received March 25, 2022)  
 Julie Lynn and Doug Smith (Received March 26, 2022)  
 Betty Serafin (Received March 28, 2022)  
 Sheryl Lyons (Received March 28, 2022)  
 Eric Esrailian (Received March 29, 2022)  
 Andrew and Amanda Wizenberg (Received March 30, 2022)  
 Kendall Bass (Received April 4, 2022)  
 Janice Miller (Received April 4, 2022)  
 Nikki Davis (Received April 12, 2022)  
 Steve Chung (Received April 12, 2022)  
 John & Taylor O'Herron (Received April 13, 2022)  
 Laura Ross (Received April 14, 2022)  
 Marc Lebovitz (Received April 20, 2022)

*Per Section 15132(d) of the CEQA Guidelines, a Final EIR shall include, "The Responses of the Lead Agency to significant environmental points raised in the review and consultation process." Therefore, responses to comments, by the Lead Agency, in the Final EIR are not required to respond to non-significant environmental points/comments or other non-environmental related comments on the Project. The 57 commenters included as part of the Form-2 response provide general support for the Project, and do not raise issues with respect to the content and adequacy of the Draft EIR. The comment listed below is representative of the support comments provided by the commenters, with the recognition that variations in presentation and/or other non-significant environmental points exist within the individual comment letters. To the extent that these comment letters contain other comments that do not address the content or adequacy of the Draft EIR, no further response is necessary. Nonetheless, all comment letters are provided to the City decision-makers for their review and consideration as part of the Project review process. Copies of the individual letters are included in Appendix A of this Final EIR.*

## **Comment No. FORM 2-1**

I live at [cited address] in the Fourth Council District and I strongly support the Harvard-Westlake River Park. I urge you to support this project because it is good for the school, good for the environment, and good for the Studio City community. The River Park will

preserve urban open space and provide more recreational options than already available onsite. I think it will be a wonderful place for community members to spend time together in the fresh air. Thank you so much for your help.

### **Response No. FORM 2-1**

The comment expresses support for the Project. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. FORM 3 – General Opposition Letter 1**

Briana Elzey (Received April 8, 2022)  
Debbie Reissman (Received April 8, 2022)  
Amira Ahmed (Received April 9, 2022)  
Barbara Tranchito (Received April 9, 2022)  
John Porterfield (Received April 9, 2022)  
Marina K (Received April 9, 2022)  
Davis Burns (Received April 10, 2022)  
Frankie Manes (Received April 10, 2022)  
Ryan Born (Received April 10, 2022)  
Shannon Goldberg (Received April 10, 2022 & April 11, 2022 & April 22, 2022)  
Maria Cina Harrison (Received April 11, 2022)  
Deborah Adri (Received April 11, 2022)  
Haik Nazaryan (Received April 11, 2022)  
Jennifer Marie Poole (Received April 11, 2022)  
Laura S. Garciaros (Received April 11, 2022)  
Michael Palmer (Received April 11, 2022)  
Periel Kaczmarek (Received April 13, 2022)  
Nathaniel Bryan (Received April 12, 2022)  
Ellen Little (Received April 13, 2022)  
Milena Garcia (Received April 13, 2022)  
Timothy Marx (Received April 13, 2022)  
Gabriel Abikasis (Received April 14, 2022)  
Gail Wunsch (Received April 14 & April 15, 2022)  
Paul Wunsch (Received April 14, 2022)  
Susan Levin (Received April 14, 2022)  
Blake Mills (Received April 15, 2022)  
Frank Sinton (Received April 15, 2022)  
Gail & Paul Wunsch (Received April 15, 2022)  
Kimberly Mills (Received April 15, 2022)  
Deanna Infantino (Received April 16, 2022)  
Kayde Johnston (Received April 16, 2022)  
Linda Branca (Received April 16, 2022)  
Stryder Douglas (Received April 16, 2022)  
Ben Mastruserio (Received April 17, 2022)  
Derek Whitacre (Received April 17, 2022)  
Ronald Saltman (Received April 17, 2022)  
Alex Dwyer (Received April 18, 2022)

Angelina Wong (Received April 18, 2022)  
Jake Leslie (Received April 18, 2022)  
Karen Gerst (Received April 18, 2022)  
Lauren Zax Rose (Received April 18, 2022)  
Tiffany Arrington (Received April 18, 2022)  
Trevor Kirschner (Received April 18, 2022)  
Eddie Simon (Received April 19, 2022)  
Erica Fox (Received April 19, 2022)  
Erin Barela (Received April 19, 2022)  
Kimberly Tegio (Received April 19, 2022)  
Kurt Heydle (Received April 19, 2022)  
Laura Sala (Received April 20, 2022)  
Austin Diament (Received April 20, 2022)  
Linda Hoffman (Received April 20, 2022)  
Sue; Susu@dsextreme.com (Received April 20, 2022)  
Zach Felber (Received April 20, 2022)  
Darin Spillman (Received April 21 & April 29, 2022)  
Jaclyn Morse (Received April 21, 2022)  
Ken Lavet (Received April 21, 2022)  
Leone Heinold (Received April 21, 2022)  
Robin Meyer (Received April 21, 2022)  
Susan Mikiel (Received April 21, 2022)  
Andrea Anderson (Received April 22, 2022)  
Andy Lotts (Received April 22, 2022)  
Justin Houck (Received April 22, 2022)  
Katie Seja (Received April 22, 2022)  
Katrina Sullivan (Received April 22, 2022)  
Amani & Laila Abou-Zamzam (Received April 22 & April 29, 2022)  
Michael Ziegler (Received April 22, 2022)  
Sari Tracht (Received April 22, 2022)  
Philip Auproux (Received April 22, 2022)  
Barbara Taylor (Received April 23, 2022)  
Bob McKenney (Received April 23 & April 29, 2022)  
Rhonda Casale (Received April 23, 2022)  
Robert Nathan (Received April 23, 2022)  
Robin Lev (Received April 23, 2022)  
Shelley Burbo (Received April 23, 2022)  
Suzanne Roberts (Received April 23, April 25 & April 29, 2022)

Barbara Garner (Received April 23, 2022)  
Barbara Hoke (Received April 23, 2022)  
Cathy Susan Pyles (Received April 23, 2022)  
Cheryl Casey Ross (Received April 23, 2022)  
Dalia Charbel (Received April 23, 2022)  
David Duarte (Received April 23, 2022)  
Steve Clark (Received April 23, 2022)  
Jean Kauffman (Received April 23, 2022)  
Joan C Thompson (Received April 23, 2022)  
Judith Broder, MD (Received April 23, 2022)  
Len Winderman (Received April 23, 2022)  
Marne Verzino (Received April 23, 2022)  
Martin Thorpe (Received April 23 & April 25, 2022)  
Neda Nikkhoo (Received April 23 & April 25, 2022)  
Paula Trattner (Received April 23, 2022)  
Rob Spera (Received April 23, 2022)  
Samantha Harris (Received April 23, 2022)  
Shannon Louwsma (Received April 23, 2022)  
J.L. Phillips (Received April 23, 2022)  
Allison Wallendorf (Received April 24, 2022)  
Chris Nelson (Received April 24, 2022)  
Cindy Sanders (Received April 24 & April 30, 2022)  
Elsy Peralta (Received April 24, 2022)  
Erica Fox & John Newby (Received April 24, 2022)  
Heba Thorisdottir (Received April 24, 2022)  
Howard Ekerling (Received April 24 & April 29, 2022)  
James Wagner (Received April 24, 2022)  
Jenna Miller (Received April 24, 2022)  
John Bauman (Received April 24 & April 25, 2022)  
John Unsinn (Received April 24, 2022)  
Jude Wright (Received April 24, 2022)  
Kendall Errair (Received April 24, 2022)  
Laura Marcias (Received April 24, 2022)  
Lukas Costas (Received April 24, 2022)  
Rick Roberts & family (Received April 24, 2022)  
Robbie Troy (April 24, 2022)  
Skinology Skin Care (Received April 24, 2022)  
Stevie M. Post (Received April 24, 2022)

Terry Herkner (Received April 24, 2022)  
Thor Fienberg (Received April 24, 2022)  
Anika Rod (Received April 24, 2022)  
Carole Jean Willis (Received April 25 & April 27, 2022)  
Erik Scoggan (Received April 25, 2022)  
Harolyn Sacks (Received April 25, 2022)  
Jan Kelley (Received April 25, 2022)  
Jeff Allen (Received April 25, 2022)  
Linda Ohmstede (Received April 25, 2022)  
Louis Finkleberg (Received April 25, 2022)  
Mala (Received April 25, 2022)  
Nathan Travers (Received April 25, 2022)  
Penny Alpert (Received April 25, 2022)  
Roger Gorog (Received April 25, 2022)  
Sally Stevens (Received April 25, 2022)  
Sara McGowan (Received April 25, 2022)  
Sea Bee (Received April 25, 2022)  
Shari Herman (Received April 25, 2022)  
Andrea Pantaleo (Received April 26, 2022)  
Brianna Shaul (Received April 26, 2022)  
David Kaufman (Received April 26, 2022)  
Greg Wolf (Received April 26, 2022)  
Issa E. Serna (Received April 26, 2022)  
Jenny McIlraith (Received April 26, 2022)  
Joe Dea (Received April 26, 2022)  
Lorenzo Narciso (Received April 26, 2022)  
Mahalia Flanagan (Received April 26, 2022)  
Matt Duran (Received April 26, 2022)  
Minh Thu Than (Received April 26, 2022)  
Sara Zabih (Received April 26, 2022)  
Todd Nagler (Received April 26, 2022)  
Becky Dab (Received April 27, 2022)  
Elaine J. Conway (Received April 27, 2022)  
Kay Hartranft (Received April 27, 2022)  
Leah Caruana (Received April 27, 2022)  
Mark Flanagan (Received April 27, 2022)  
Melissa Sloan (Received April 27, 2022)  
Roger E. Keller (Received April 27, 2022)

Theresa Marth (Received April 27, 2022)  
Tom Hensley (Received April 27, 2022)  
Angel Reed (Received April 28, 2022)  
Brandon Bennett (Received April 28, 2022)  
Conor Evans (Received April 28, 2022)  
David Stone (Received April 28, 2022)  
Frank Epinger (Received April 28, 2022)  
Karen Hearn-Abbott (Received April 28, 2022)  
Karen Palmquist (Received April 28, 2022)  
Kerri Brautigam (Received April 28, 2022)  
Kimberly Brook (Received April 28, 2022)  
Michael Costigan (Received April 28, 2022)  
Priscilla Ahn (April 28, 2022)  
Stefan Eric Sacks (Received April 28, 2022)  
Adam Asherson (Received April 29, 2022)  
Adam Dehrey (Received April 29, 2022)  
Adelita Lopez (Received April 29, 2022)  
Alex Tonisson (Received April 29, 2022)  
Aline Antaramian (Received April 29, 2022)  
Allison Martin (Received April 29, 2022)  
Andrea (Received April 29, 2022)  
Ani Gumuryan (Received April 29, 2022)  
Ara Kebabjian (Received April 29, 2022)  
Arstar (Received April 29, 2022)  
April L. Snyder (Received April 29, 2022)  
Audrey Wauchope Lieberstein (Received April 29, 2022)  
The Auproux family (Received April 29, 2022)  
Butch Kaplan (Received April 29, 2022)  
Barbara and Richard Granatt (Received April 29, 2022)  
Barbara Goodhill (Received April 29, 2022)  
Boni Gellis (Received April 29, 2022)  
Camilla Pasiche Wolf (Received April 29, 2022)  
Carolyn Crotty (Received April 29, 2022)  
Charlotte Larsen (Received April 29, 2022)  
Chris Marble (Received April 29, 2022)  
Cindy Kahn (Received April 29, 2022)  
coderplustech@gmail.com (Received April 29, 2022)  
Connor Laux (Received April 29, 2022)

Craig Kramer (Received April 29, 2022)  
Craig Nicholls (Received April 29, 2022)  
Craig Rousselot (Received April 29, 2022)  
Dalla Bergmann (Received April 29, 2022)  
Daniel Douer (Received April 29, 2022)  
Daniela Aldrich (Received April 29, 2022)  
Daron Moore (Received April 29, 2022)  
Davina Bar and Yaniv Bar (Received April 29, 2022)  
Deborah Puette (Received April 29, 2022)  
Diana Warshawsky (Received April 29, 2022)  
Dinah Eng (Received April 29, 2022)  
Don Croutch (Received April 29, 2022)  
Elizabeth Wiehe (Received April 29, 2022)  
Erica Roberts (Received April 29, 2022)  
Ed Chapman (Received April 29, 2022)  
Erica Weis (Received April 29, 2022)  
Erik Steffens (Received April 29, 2022)  
Ester Poberezhskaya (Received April 29, 2022)  
ForeRed (Received April 29, 2022)  
Francesca L Fartaj (Received April 29, 2022)  
Frankie Manes (Received April 29, 2022)  
Gary Rose (Received April 29, 2022)  
Greg Kichaven (Received April 29, 2022)  
Greg Orloff (Received April 29, 2022)  
Heath Goldman (Received April 29, 2022)  
Ilyanne Kichaven (Received April 29, 2022)  
Inessa Oganezova (Received April 29, 2022)  
James Krug (Received April 29, 2022)  
Jan Kikumoto (Received April 29, 2022)  
Janet Loeb (Received April 29, 2022)  
Jeff Rechner (Received April 29, 2022)  
Jennifer Vannoy-Rounsaville (Received April 29, 2022)  
Joanne Brenner (Received April 29, 2022)  
Jodi Teti (Received April 29, 2022)  
John Stuckmeyer (Received April 29, 2022)  
Jonathan Jacoby (Received April 29, 2022)  
Jordan & Dilyn Murphy (Received April 29, 2022)  
John Bednarsky (Received April 29, 2022)

Josh Roemer (Received April 29, 2022)  
Judy Scheer (Received April 29, 2022)  
Julian Siminski (Received April 29, 2022)  
Judy Robbins (Received April 29, 2022)  
Julie Alpert (Received April 29, 2022)  
Julie Seyberth (Received April 29, 2022)  
Julie Yanow (Received April 29, 2022)  
Karen Romano (Received April 29, 2022)  
Kim Bumacod (Received April 29, 2022)  
Kristen Stavola (Received April 29, 2022)  
Lana Kebabjian (Received April 29, 2022)  
Libby Goldstein (Received April 29, 2022)  
Linda Salvin (Received April 29, 2022)  
Lisa DiSante-Frank (Received April 29, 2022)  
Lissa Morrow Christian (Received April 29, 2022)  
Lulu Richards (Received April 29, 2022)  
Marilouise Morgan (Received April 29, 2022)  
Mark Borinstein (Received April 29, 2022)  
Marlene Gerson (Received April 29, 2022)  
Marsha Thomason-Sykes (Received April 29, 2022)  
Martha Bissell (Received April 29, 2022)  
Martin Monti (Received April 29, 2022)  
Matt Ember (Received April 29, 2022)  
Matt Poyer (Received April 29, 2022)  
Me; wbensussen@gmail.com (Received April 29, 2022)  
Michael Barzman (Received April 29, 2022)  
Michael Camp (Received April 29, 2022)  
Michelle Mcilwain (Received April 29, 2022)  
Mike Kichaven (Received April 29, 2022)  
Mike Polis (Received April 29, 2022)  
Mike Pryor (Received April 29, 2022)  
Mona Molayem (Received April 29, 2022)  
Nancy Lidamore (Received April 29, 2022)  
Naomi Kaplan (Received April 29, 2022)  
Orly Vinai (Received April 29, 2022)  
Paige Wilds Kern (Received April 29, 2022)  
Pamela Paul (Received April 29, 2022)  
Paul Moshay (Received April 29, 2022)

Phuong Vance (Received April 29, 2022)  
Pierce Gardner (Received April 29, 2022)  
Rachel Allen (Received April 29, 2022)  
Richard Berger (Received April 29, 2022)  
Richard Granatt (Received April 29, 2022)  
Richard Leivenberg (Received April 29, 2022)  
Henri Rick Schuller, Esq. (Received April 29, 2022)  
Robert Perez (Received April 29, 2022)  
Robert Rubinfeld (Received April 29, 2022)  
Robin & Judith Armstrong (Received April 29, 2022)  
Ryan Okum (Received April 29, 2022)  
Sabrina Z. Guzy (Received April 29, 2022)  
Sallie Phelps (Received April 29, 2022)  
Samantha Corbin-Miller (Received April 29, 2022)  
Samvel Kapukchyan (Received April 29, 2022)  
Sandy O. (Received April 29, 2022)  
Sarah Scougal (Received April 29, 2022)  
Scott Glasgow (Received April 29, 2022)  
Shan Albert (Received April 29, 2022)  
Sharon Braufman (Received April 29, 2022)  
Shepherd Stevenson (Received April 29, 2022)  
Sonny Dyon (Received April 29, 2022)  
Stephen Bender (Received April 29, 2022)  
Steve & Jodi West (Received April 29, 2022)  
Steve Joudi (Received April 29, 2022)  
S. Forthal (Received April 29, 2022)  
Steven (Received April 29, 2022)  
Suzanne Kiechle (Received April 29, 2022)  
Tara Jones (Received April 29, 2022)  
Tess Bunch Batesole (Received April 29, 2022)  
Thekla Hutyrova (Received April 29, 2022)  
Timothy Sullivan (Received April 29, 2022)  
Todd Stevenson (Received April 29, 2022)  
Tom Maltese (Received April 29, 2022)  
Tom McNulty (Received April 29, 2022)  
Thomas Rusch (Received April 29, 2022)  
Victoria Levanovich (Received April 29, 2022)  
Victoria Shmakova (Received April 29, 2022)

Yuval Ron (Received April 29, 2022)  
Zoanne Sager (Received April 29, 2022)  
Adriana Alexander (Received April 30, 2022)  
Alex Dardashty (Received April 30, 2022)  
Anna Sollaccio (Received April 30, 2022)  
Apple Musni (Received April 30, 2022)  
Beth Einhorn (Received April 30, 2022)  
Bill and Pat Ritter (Received April 30, 2022)  
Bill Madden (Received April 30, 2022)  
Bill Wolfe (Received April 30, 2022)  
Brett Schneider (Received April 30, 2022)  
Burke Gumbiner (Received April 30, 2022)  
Cathy Kraus (Received April 30, 2022)  
Christopher Bowen (Received April 30, 2022)  
Cindy Sanders (Received April 30, 2022)  
Cosima Stephenson (Received April 30, 2022)  
Craig Kodish (Received April 30, 2022)  
Cree Francks (Received April 30, 2022)  
David R. Sollaccio, MD (Received April 30, 2022)  
Deborah Laub (Received April 30, 2022)  
Edson Miller (Received April 30, 2022)  
Evan Ghigliotty (Received April 30, 2022)  
Frank Soria (Received April 30, 2022)  
Gail and Paul Wunsch (Received April 30, 2022)  
Hugh Keleher (Received April 30, 2022)  
Jeff Azer (Received April 30, 2022)  
Jody Dunn (Received April 30, 2022)  
Jordyn Grohl (Received April 30, 2022)  
Joy Prefer Cohen (Received April 30, 2022)  
Justin Cummins (Received April 30, 2022)  
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*Per Section 15132(d) of the CEQA Guidelines, a Final EIR shall include, “The Responses of the Lead Agency to significant environmental points raised in the review and consultation process.” Therefore, responses to comments, by the Lead Agency, in the Final EIR are not required to respond to non-significant environmental points/comments or other non-environmental related comments on the Project. Consistent with the CEQA Guidelines, the following form letter responses to Comment Letter No. FORM-3 address the relevant significant environmental points raised by the above listed commenters (749 total), which primarily provide opposition to the Project. The comments listed below are representative of the issues and comments provided by the commenters, with the recognition that variations in presentation and/or other non-significant environmental*

*points exist within the individual comment letters. To the extent that these comment letters contain other comments that do not address the content or adequacy of the Draft EIR, no further response is necessary. Nonetheless, all comment letters are provided to the City decision-makers for their review and consideration as part of the Project review process. Copies of the original individual letters are included in Appendix A of this Final EIR.*

### **Comment No. FORM 3-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response to Comment No. Form 3-1**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. Form 3-2**

Trees are beneficial to our area for so many reasons and I do not want to see the trees on this property killed for a development project that will detract from and not enhance the beauty of Studio City.

### **Response No. Form 3-2**

See Topical Response No.5 – Biological Resources/Trees, for a discussion of impacts to on-site trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The Project's landscaping program is consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, and consists entirely of native trees that would require significantly less water as compared to the ornamental or invasive species that currently exist on the Project Site.

The majority of street trees would remain and removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan*, of the Draft EIR). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR) and an overall

increase in trees of 36 percent. The majority of trees would be provided in 48-inch containers to balance the desire for an immediate, attractive aesthetic with long-term growth potential and health of the trees and replacement trees on Valley Spring Lane in the two sections discussed above, would be planted to include fast growing Velvet Ash to contribute to the dense canopy of street trees. Existing RIO-compliant trees along the Zev Greenway would remain, while non-RIO-compliant trees (such as fan palms) would be removed from the Property, and a RIO-compliant planting program would be implemented along the Project and Zev Greenway interface (see Figures IV.C-4 and IV.C-5 of the Draft EIR), thereby adding to the visual landscape and providing increased habitat and foraging opportunities for wildlife.<sup>1</sup>

As discussed in Section IV.C, *Biological Resources*, of the Draft EIR, and Topical Response No. 5, the Project with mitigation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant.

Furthermore, as discussed in Topical Response No. 5, the loss of trees would not be considered a significant aesthetic impact under the CEQA Guidelines since the Project Site is located in an urbanized area and the Project would not conflict with applicable zoning and other regulations governing scenic quality. As such, aesthetic impacts in this regard would be less than significant.

### **Comment No. Form 3-3**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. Form 3-3**

This comment expresses the commenter's opinion that the Project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

While the commenter does not provide any substantive facts or support for these concerns or opinions, the Draft EIR considered and analyzed the evidence regarding potential environmental impacts of the Project. Additionally, economic and social effects of a project are not treated as significant effects on the environment under CEQA unless they would lead to a physical impact on the environment. See CEQA Guidelines Section 15131.

With regard to public access of recreational facilities, see Topical Response No. 3 – Enforcement of Public Access. As discussed in Topical Response No. 3, public access to the Project Site is an integral part of the Project and would result in the Project Site

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<sup>1</sup> The "RIO" designation indicates a River Improvement Overlay (RIO) District<sup>1</sup> related to the Project's location in proximity to the Los Angeles River.

being regularly accessible by the public. The Project has been designed to include approximately seven acres (304,920 square feet) of the Project Site for open space for public use and tennis recreation, daily from 7:00 a.m. to 9:00 p.m. Public use of the tennis courts and other athletic facilities would be by reservation and would be available for public use when they are not in use by the School. An extensively planted, three-quarter mile long pedestrian pathway would be created to circumnavigate the perimeter of the Project Site, including adding a connection to the Zev Greenway via an Americans with Disability Act (ADA)-compliant pedestrian ramp. The Project's gymnasium would include a ground-level community room available for public use by organizations through a reservation system. In addition, to facilitate public uses of the Project Site, the Project preserves the existing clubhouse structure and café to function as a visitor center, where members of the public would check in for tennis court reservations, use of the putting green, and for other information. The putting green would also be preserved for public use. Additionally, the public would have access to Field A or the gymnasium for various indoor activities, such as performances, lectures, or community meetings, with outdoor events on Field A including such activities as "Movies in the Park," local concerts, or other public community events (collectively referred to as Public Special Events in the Draft EIR). Public Special Events would be scheduled so they do not occur concurrently with School events or School athletics uses. Refer to Topical Response No. 3 for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

In addition, please see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, which indicates the Project Site's golf course users can be accommodated at other golf facilities without exceeding their capacity. Also, tennis players can be accommodated at the Project Site after construction with the use of the eight (8) courts which are a part of the Project. Furthermore, the proximity of the Project Site to the surrounding residential neighborhood and the offering of recreational opportunities and park uses that do not currently exist in the area would reduce demand on other local park facilities (excluding public tennis and golf facilities).

Also, see Topical Response No. 4 – Aesthetics, regarding the impact of the Project's field lights and other outdoor lighting, as well as impacts relating to scenic resources and visual character of surrounding land uses. As discussed in Topical Response No. 4, the Project's light and glare impacts were fully analyzed in the Draft EIR's Section IV.A, *Aesthetics*, which were based on the Lighting Technical Study contained in Appendix B of the Draft EIR. As discussed therein, the Project would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance pertinent to locations near the Los Angeles River. Moreover, the Project's lighting system would generally represent an improvement for surrounding residential uses, with less offsite glare and spillover, than existing conditions. The analysis in Section IV.A, *Aesthetics*, of the Draft EIR, concluded that the Project's light and glare impacts would be less than significant. Impacts related to views, scenic resources and visual character were

evaluated in the Initial Study (Appendix A of the Draft EIR) and also determined to be less than significant.

As discussed in Topical Response No. 2 – Modifications to the Project Design, and Topical Response No. 4, design modifications, including a change in the Project's field lighting program, would be implemented for the Project based on public comments. Although light and glare impacts under the Project would be less than significant, lighting impacts would be further reduced at some receptor locations with the design modifications and a reduction in the number of light poles. The modified lighting program and effects of the design modifications are evaluated in detail in Appendix B.1, Supplemental Lighting Report Memorandum, and in Appendix B.2, Supplemental Lighting Report Appendix, of this Final EIR. As discussed therein the lighting program would be modified as follows:

- The Project's three 70-foot field lights on the west sideline of Field A and three 70-foot-tall light poles on the east sideline of Field A (a total of six field lights at Field A) would be changed under the Project with design modifications to a total of four 80-foot-tall light poles on the east and west sidelines of the field (two on each sideline).
- The Project's three 80-foot-tall field lights on the north side of Field B, one 60-foot-tall field light on the east side of Field B, two 60-foot-tall field lights on the south side of Field B, and one 70-foot-tall field light on the south side of Field B (a total of seven field lights at Field B) would be changed under the Project design modifications to two 80-foot-tall field lights on the north side of Field B, and two 80-foot-tall field lights on the south side of Field B (for a total of four field lights at Field B). The 60-foot-tall light pole on the east side of Field B and 70-foot-tall field light on the south side of Field B would be eliminated under the Project with design modifications.
- The Project's 14 light poles located at the swimming pool with varying heights between 21 feet and 60 feet would be changed under the Project's design modifications to four 55-foot-tall lights.<sup>2</sup>
- The Project's twelve 40-foot-tall court lights located on all four sides of the tennis courts would be changed under the Project's design modifications to a total ten court light poles at 40-feet-tall.<sup>3</sup>

The changes in field lights are illustrated in revised Figure II-27, *Light and Signage Plan for the Project*, in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. The total change in the number of light poles would be reduced from 39 poles under the Project to 22 poles under the Project with design modifications (a reduction of 17 poles). As discussed in Topical Response No. 4, the modified sports

<sup>2</sup> Two of the four poles in the pool area (i.e., the two poles on the eastern side of the pool) will have luminaires mounted such that they serve both the pool area and the adjacent tennis courts.

<sup>3</sup> The reduction of two poles at the tennis courts was accomplished by relocating those luminaires to nearby poles at the eastern side of the swimming pool.

lighting system continues to be an improvement over existing conditions which produce higher levels of off-site glare at adjacent residences and along the Zev Greenway given the imprecise optics and shallow orientation of the existing driving range and tennis court lights.

Thus, while not a CEQA environmental impact issue, the Project would enhance the quality of life of the community by, without limitation, increasing public recreational uses, reducing light impacts from the existing facilities, increasing the landscaping available for enjoyment of the community, and increasing the public's access to the Zev Greenway.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. Please see below for additional discussion related to this comment.

### **Comment No. Form 3-4**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

### **Response No. Form 3-4**

This comment expresses the commenter's opinion that the Project's technical studies do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. Also, the comment states that the Project's mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans. This is assumed to refer to the alternatives presented in Chapter 5, *Alternatives*, of the Draft EIR. The commenter does not provide any substantive facts or support for these concerns or opinions. While the Draft EIR technical studies were paid for by Harvard-Westlake, the Project Applicant, this is standard practice for all development projects in the City that require the preparation of an environmental impact report. The Draft EIR was prepared under the City's supervision, authority, and input and is the City's document, as the Lead Agency. The City, using its independent judgment, reviewed all technical studies associated with the Draft EIR, prepared by licensed and highly qualified experts in their respective fields of work, and determined they met the requirements of CEQA, as applicable.

Regarding alternatives, which are required under the CEQA Guidelines, the CEQA Guidelines Section 15126.6.6(a) state: "An EIR shall describe a range of reasonable alternatives to the Project, or the location of the Project, which would feasibly attain most of the objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the Alternatives." Under the Project, the only significant and unavoidable impacts not feasibly reduced to a less-than-significant level were construction-related noise and vibration impacts resulting primarily

from the Project's grading and excavation activities. Thus, a primary goal for the selection of alternatives to the Project was to reduce these construction-related significant and unavoidable impacts. A feasible way to reduce these impacts was to reduce the need for excavation required for the subterranean parking structure. As contemplated, the alternatives would each reduce construction noise and vibration impacts when compared to the Project. The alternatives would meet the primary purpose of an Alternative to avoid or substantially lessen any of the significant effects of the project. Furthermore, CEQA Guidelines Section 15126.6 (c), states: "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts." The alternatives were selected because they met or partially met most (but not all) of the basic objectives of the Project. Because the Project will not result in multiple environmental impacts that would need to be addressed through a specific change of use or additional modifications of Project components to generally meet the Project Objectives, there were no required reasons to evaluate more extreme diversions from the Project in the alternatives analysis.

For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-105, ORG 1B-106 and ORG 7A-146 to ORG 7A-176.

### **Comment No. Form 3-5**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annually and deny permission to build this project.

### **Response No. Form 3-5**

This comment states that the property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit." The comment requests the local councilmember to deny permission to build this project.

It is common for development projects undergoing CEQA review as part of a Draft EIR to include various entitlement requests. Such requests are subject to review and approval by the City's decision-makers as part of any project review process. Also, the Agricultural zone is not limited to "open space" or "agricultural" uses. It is noted that LAMC Section 12.24 T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a conditional use permit (CUP). Most private schools in the City operate under a CUP (public schools are not subject to the City's zoning code). Therefore, the Project's application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site's existing zoning or the City's Zoning Code.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. FORM 4 – General Opposition Letter 2**

Alex Wrenn (Received May 10, 2022)  
Amanda Garrett (Received May 10, 2022)  
Bonnie Kurnick (Received May 10, 2022)  
Norman Kurnick (Received May 10, 2022)  
Talia Weintraub (Received May 10, 2022)  
Eli Weintraub (Received May 10, 2022)  
Brianna Stimpson (Received May 10, 2022)  
Erica Santoyo (Received May 10, 2022)  
Francie Kaplan (Received May 10, 2022)  
Howard Ekerling (Received May 10, 2022)  
Io Bottoms (Received May 10, 2022)  
Marian Yamashita (Received May 10, 2022)  
Matt Shuman (Received May 10, 2022)  
Maureen Cairns (Received May 10, 2022)  
Michael Polis (Received May 10, 2022)  
Mona Molayem (Received May 10, 2022)  
Nicole West (Received May 10, 2022)  
Rob Feinstein (Received May 10, 2022)  
Robert Perez (Received May 10, 2022)  
Robert Sherman (Received May 10, 2022)  
Sandra Lucchesi (Received May 10, 2022)  
Tracy St. Martin (Received May 10, 2022)  
William & Gianina (Received May 10, 2022)  
Aga Mazur (Received May 10, 2022)  
Alex Satnick (Received May 10, 2022)  
Alex Tonisson (Received May 10, 2022)  
Alexander Slanger (Received May 10, 2022)  
Amy Galaudet & Thomas Challener (Received May 10, 2022)  
Amy Levine Clayton (Received May 10, 2022)  
Ann Harris (Received May 10, 2022)  
Annie Goodman (Received May 10, 2022)  
Anthony Braunagel (Received May 10, 2022)  
Ashley Davis (Received May 10, 2022)  
Barbara Goodhill (Received May 10, 2022)  
Ben de Ayora (Received May 10, 2022)  
Beth Einhorn (Received May 10, 2022)  
Bill Madden (Received May 10, 2022)

Bob Kaufman (Received May 10, 2022)  
Bob McKenney (Received May 10, 2022)  
Brett Schneider (Received May 10, 2022)  
Brittany Belt (Received May 10, 2022)  
Camilla Bravo (Received May 10, 2022)  
Cara Maiman Hilfer (Received May 10, 2022)  
Cara Rule (Received May 10, 2022)  
Carl Ceder (Received May 10, 2022)  
Carolyn Crotty (Received May 10, 2022)  
Cheyanne Gustason (Received May 10, 2022)  
Clara Bottoms (Received May 10, 2022)  
Dale K. Rose (Received May 10, 2022)  
Dan Grodник (Received May 10, 2022)  
Daphneleah Schneider (Received May 10, 2022)  
Darren Richardson (Received May 10, 2022)  
David Kellen (Received May 10, 2022)  
Dorothy Apple (Received May 10, 2022)  
Eva Charney (Received May 10, 2022)  
Folmer Wiesinger (Received May 10, 2022)  
Frieda Maiman (Received May 10, 2022)  
Gabe Hilfer (Received May 10, 2022)  
Gail & Paul Wunsch (Received May 10, 2022)  
Garrett Schiff (Received May 10, 2022)  
Grace K (Received May 10, 2022)  
Gregg Sulkin (Received May 10, 2022)  
Guido Muzzarelli (Received May 10, 2022)  
Hannah Jones (Received May 10, 2022)  
James Hoff (Received May 10, 2022)  
James Krug (Received May 10, 2022)  
Jane Mangan (Received May 10, 2022)  
Janine Milne (Received May 10, 2022)  
JB Hunter (Received May 10, 2022)  
Jentle "Red" Phoenix (Received May 10, 2022)  
Jim Bissell (Received May 10, 2022)  
Jim Davis (Received May 10, 2022)  
John Postava (Received May 10, 2022)  
Jonny Bowden (Received May 10, 2022)  
Joshua Kelfer (Received May 10, 2022)

Julie Alpert (Received May 10, 2022)  
Karen Romano (Received May 10, 2022)  
Karma McCain (Received May 10, 2022)  
Kyle Caldwell (Received May 10, 2022)  
Lisa Bourne (Received May 10, 2022)  
Lora Witty (Received May 10, 2022)  
Luscious Lucas (Received May 10, 2022)  
Mark Glassock (Received May 10, 2022)  
Marsella Allen (Received May 10, 2022)  
Marsha Clark (Received May 10, 2022)  
Marshall Mcgehee (Received May 10, 2022)  
Michael & Emily Laskin (Received May 10, 2022)  
Michael Barzman (Received May 10, 2022)  
Mike Pryor (Received May 10, 2022)  
Michael Maiman (Received May 10, 2022)  
Nancy B (Received May 10, 2022)  
Natalie Cadoch (Received May 10, 2022)  
Nathaniel Bryan (Received May 10, 2022)  
Naveed Irfani (Received May 10, 2022)  
Nick Benseman (Received May 10, 2022)  
Nick Paonessa (Received May 10, 2022)  
Patrick Skelton (Received May 10, 2022)  
Paula Goodman (Received May 10, 2022)  
Renne & Bruce Bilson (Received May 10, 2022)  
Shelley Zimmerman (Received May 10, 2022)  
Roe Astuto (Received May 10, 2022)  
Russel Sher (Received May 10, 2022)  
Sandy Fox & Lex Lang (Received May 10, 2022)  
Scott Sorrentino (Received May 10, 2022)  
Seraphine Geismar Segal (Received May 10, 2022)  
Sheri Hooper Gross (Received May 10, 2022)  
Sheri Herman (Received May 10, 2022)  
Staci Foster (Received May 10, 2022)  
Stacy Milne (Received May 10, 2022)  
Stephanie Noel (Received May 10, 2022)  
Steve and Ashley Jenner (Received May 10, 2022)  
Steve Freedman (Received May 10, 2022)  
Steven Moloney (Received May 10, 2022)

Sue Forthal (Received May 10, 2022)  
Suzanne Rush (Received May 10, 2022)  
Suzie Hunter (Received May 10, 2022)  
Theodore Peszynski (Received May 10, 2022)  
Thomas McLemore (Received May 10, 2022)  
Tony Lin (Received May 10, 2022)  
Yvonne Wilder (Received May 10, 2022)  
Timothy Marx (Received May 10, 2022)  
Vicki Haller (Received May 10, 2022)  
Victoria Goodman (Received May 10, 2022)  
Wendy Schwartz (Received May 10, 2022)  
Zach Kleiman (Received May 10, 2022)  
Alison Sieh (Received May 10, 2022)  
Anthony Rodol (Received May 10, 2022)  
Arcy Perez (Received May 10, 2022)  
Ben Waller (Received May 10, 2022)  
Carolyn Uhri (Received May 10, 2022)  
Carrie Sanford (Received May 10, 2022)  
Casey Kasemeier (Received May 10, 2022)  
Chris Marble (Received May 10, 2022)  
Claudia Del Viscovo (Received May 10, 2022)  
Daniel Slucki (Received May 10, 2022)  
David Belzer (Received May 10, 2022)  
Dennis McFadden (Received May 10, 2022)  
Diane Davis (Received May 10, 2022)  
Don Spielvogel (Received May 10, 2022)  
Dustin Louie (Received May 10, 2022)  
Ellen Taylor (Received May 10, 2022)  
Erica Roberts (Received May 10, 2022)  
Esther Feldman (Received May 10, 2022)  
Estrella Monteros (Received May 10, 2022)  
Evan Biren (Received May 10, 2022)  
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Francesca L. Fartai (Received May 10, 2022)  
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Gaetane Cohen (Received May 10, 2022)  
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Harvey L. Myman (Received May 10, 2022)

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Maureen Toth (Received May 10, 2022)  
Max Eisenberg (Received May 10, 2022)  
Meg LeFauye (Received May 10, 2022)  
Melanie Holland Greco (Received May 10, 2022)  
M G (Received May 10, 2022)  
Michael Zimbrich (Received May 10, 2022)  
Mildred Gomez (Received May 10, 2022)  
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ynotcookit@aol.com (Received May 10, 2022)  
Orson Rhienfurth (Received May 10, 2022)  
Steve & Pat Fenton (Received May 10, 2022)  
Robert Magee (Received May 10, 2022)  
Patrick Kearney (Received May 10, 2022)  
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Rosa Ferrera (Received May 10, 2022)  
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Rudy Gonzalez (Received May 10, 2022)  
Samantha Powell (Received May 10, 2022)  
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Sark Antaramian (Received May 10, 2022)  
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Mike P. and Victoria Shulem (Received May 10, 2022)  
Virginia Alexander (Received May 10, 2022)  
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Gwen Gary (Received May 10, 2022)  
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Joe Forte (Received May 10, 2022)  
Josie Rosen (Received May 10, 2022)  
Karen Kardan (Received May 10, 2022)  
Kevin West (Received May 10, 2022)  
Los Angeles Beach Weddings (Received May 10, 2022)  
Linda Silverman (Received May 10, 2022)  
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Paul Mayersohn (Received May 10, 2022)  
Richard Rabins (Received May 10, 2022)  
Roger Johnson (Received May 10, 2022)  
Shan Albert (Received May 10, 2022)  
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Susan Rosen (Received May 10, 2022)  
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Jeffrey L. Ross (Received May 11, 2022)  
Judy Kahn (Received May 11, 2022)  
Lisa Battista (Received May 11, 2022)  
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Maria Speidel (Received May 11, 2022)  
Marna Shulberg (Received May 11, 2022)  
Mitchell Kenney (Received May 11, 2022)  
Pamela Kalmus (Received May 11, 2022)  
Roxana Benseman (Received May 11, 2022)

Sheila O'Connell (Received May 11, 2022)

George W. Borthwick (Received May 11, 2022)

Todd Nagler (Received May 11, 2022)

*Per Section 15132(d) of the CEQA Guidelines, a Final EIR shall include, "The Responses of the Lead Agency to significant environmental points raised in the review and consultation process." Therefore, responses to comments, by the Lead Agency, in the Final EIR are not required to respond to non-significant environmental points/comments or other non-environmental related comments on the Project. Consistent with the CEQA Guidelines, the following form letter responses to Comment Letter No. FORM-4 address the relevant significant environmental points raised by the above listed commenters (268 total), which primarily provide opposition to the Project. The comments listed below are representative of the issues and comments provided by the commenters, with the recognition that variations in presentation and/or other non-significant environmental points exist within the individual comment letters. To the extent that these i comment letters contain other comments that do not address the content or adequacy of the Draft EIR, no further response is necessary. Nonetheless, all comment letters are provided to the City decision-makers for their review and consideration as part of the Project review process. Copies of the original individual letters are included in Appendix A of this Final EIR.*

### **Comment No. FORM 4-1**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons.

### **Response to Comment No. Form 4-1**

The comment in opposition to the removal of Harvard-Westlake's existing golf and tennis facilities and conversion of the property to a recreational and athletic facility for the School and available for public use is noted. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. Form 4-2**

1. With LA's green open space disappearing, Harvard-Westlake plans to service a privileged, select few by replacing 16 irreplaceable acres with artificial turf and concrete buildings, as well as by exerting their influence to secure variances to Weddington Golf & Tennis' A1 Agricultural Open Space zone allowances from the City.

## Response No. Form 4-2

This comment expresses the commenter's opinion that the Project Site will be replaced with artificial turf and concrete buildings, and that Project variances will be secured by the influence of Harvard-Westlake.

The Project as expressed in the comment does not reflect the Project characteristics as included in Chapter II, *Project Description*, of the Draft EIR. The commenter is referred to Chapter II of the Draft EIR for a detailed description of the Project's proposed recreational facilities, tree planting and landscaping program (representing a 36% increase in the number of trees), and publicly-accessible open space areas (which would comprise more than five acres of the Project Site). Also, the Project would retain the existing original, on-site Weddington Golf & Tennis clubhouse, including its café, the putting green to the northeast of the clubhouse, the six existing golf ball-shaped light standards and poles, and the low brick retaining wall along the northeastern edge of the Property. Please also refer to Topical Response No. 2 – Modifications to the Project Design, for a discussion of modifications to the Project design relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, stormwater capture and reuse system, and water features that were made to the Project in response to comments received on the Draft EIR. The proposed Project design modifications are intended to address public comments and generally have the effect of reducing environmental less-than-significant and significant and unavoidable impacts as analyzed in the Draft EIR and would not result in higher activity, new impacts, or substantial increases in the severity of impacts evaluated in the Draft EIR.

The comment also makes unfounded claims regarding the Project's requested permitting process. School uses are permitted in the A1 (Agricultural) zone under LAMC Sec. 12.24.T.3(b) through a Conditional Use Permit (CUP). Most private schools in the City operate under a CUP (public schools are not subject to the City's zoning code).

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. Form 4-3

2. By destroying the property's significant existing urban tree canopy along the LA River and replacing it with 12-foot walls, artificial turf, saplings, and towering light poles, the end result allows practices, games, and special events that will generate increased noise and traffic, which does not conform to the surrounding community.

## Response No. Form 4-3

This comment expresses the commenter's opinion that the Project will destroy the Project Site's tree canopy and replace it with 12-foot walls, artificial turf, saplings, and towering light poles, with the end result allowing practices, games, and special events to generate

increased noise and traffic, which does not conform to the surrounding community. While the commenter does not provide any substantive facts or support for these concerns or opinions, the Draft EIR considered and analyzed the evidence regarding potential environmental impacts of the Project.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The Draft EIR also describes that the majority of existing, onsite trees are fan palms that the City has identified as not to be planted along the Los Angeles River.

The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan*, of the Draft EIR). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR), with an overall increase in trees of 36 percent. The majority of trees would be provided in 48-inch containers to balance the desire for an immediate, attractive aesthetic with long-term growth potential and health of the trees and replacement trees on Valley Spring Lane in the two sections discussed above, would be planted to include fast growing Velvet Ash to contribute to the dense canopy of street trees. Existing RIO-compliant trees along the Zev Greenway would remain, non-RIO-compliant trees (such as fan palms) would be removed from the Property, and a RIO-compliant planting program would be implemented along the Project and Zev Greenway interface (see Figures IV.C-4 and IV.C-5 of the Draft EIR), thereby adding to the visual landscape and providing increased habitat and foraging opportunities for wildlife.<sup>4</sup>

A supplemental analysis of the Project's tree canopy is provided within Appendix C, Carbon Sequestration and Tree Canopy Study, of this Final EIR. All existing trees were included in the calculation of canopy coverage in order to appropriately characterize current conditions on the Project Site. Similarly, existing trees that would be preserved by the Project were included in the calculation of the Project's canopy coverage. As discussed in detail in Appendix C, pages 3 through 5 of the study, approximately 20 percent of the Project Site is currently covered by tree canopy. Absent development of the Project, that level will not significantly increase further given the relative maturity of

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<sup>4</sup> The "RIO" designation indicates a River Improvement Overlay (RIO) District<sup>4</sup> related to the Project's location in proximity to the Los Angeles River.

existing trees. The Project's canopy coverage will reach a similar level between Years five and 10 of operation (Year 5 the canopy coverage would be approximately 15 percent, Year 10 the canopy cover would be approximately 28 percent) (see Figure 10, Year 5 Canopy Coverage of Project Trees, and Figure 11, Year 10 Canopy Coverage of Project Trees, in the Carbon Sequestration and Tree Canopy Study).

Given the diverse range of species in the Project's tree replacement program and their respective growth rates, tree maturation points vary from 10 to 50 years, with a weighted average of 25 years. At Year 25 of Project operation (following construction), 53 percent of the Project Site would be under canopy coverage, or approximately 2.5 times more coverage than existing conditions (see Figure 12, Year 25 Canopy Coverage of Project Trees, of the Carbon Sequestration and Tree Canopy Study). The Project's favorable points of comparison are largely the result of the biological characteristics of the existing tree mix. Notably, the prevalence of Mexican fan palms on the Project Site, which are comprised of fibrous strands, lack branches and extensive leaf systems, and provide nominal canopy coverage. Refer to the Carbon Sequestration and Tree Canopy Study in Appendix C of this Final EIR for additional details on the methodologies and modeling conducted to determine the Project's projected future tree canopy coverage on the Project Site.

As discussed in Section IV.C, *Biological Resources*, of the Draft EIR, and Topical Response No. 5, the Project with mitigation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant.

Furthermore, as discussed in Topical Response No. 5, the loss of trees would not be considered a significant aesthetic impact under the CEQA Guidelines since the Project Site is located in an urbanized area and the Project would not conflict with applicable zoning and other regulations governing scenic quality. As such, aesthetic impacts in this regard would be less than significant.

Also, see Topical Response No. 4 – Aesthetics, regarding the impact of the Project's field lights and other outdoor lighting, as well as impacts relating to scenic resources and visual character of surrounding land uses. As discussed in Topical Response No. 4, the Project's light and glare impacts were fully analyzed in the Draft EIR's Section IV.A, *Aesthetics*, which were based on the Lighting Technical Study contained in Appendix B of the Draft EIR. As discussed therein, the Project would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance pertinent to locations near the Los Angeles River. Moreover, the Project's lighting system would generally represent an improvement for surrounding residential uses, with less off-site glare and spillover, than existing conditions. The analysis in Section IV.A. *Aesthetics*, of the Draft EIR, concluded that the Project's light and glare impacts would be less than significant. Impacts related to views, scenic resources and visual character were

evaluated in the Initial Study (Appendix A of the Draft EIR) and also determined to be less than significant.

As discussed in Topical Response No. 2 – Modifications to the Project Design, and Topical Response No. 4, design modifications, including a change in the Project's field lighting program, would be implemented for the Project based on public comments. Although light and glare impacts under the Project would be less than significant, lighting impacts would be further reduced at some receptor locations with the design modifications and a reduction in the number of light poles. The modified lighting program and effects of the design modifications are evaluated in detail in Appendix B.1, Supplemental Lighting Report Memorandum, and in Appendix B.2, Supplemental Lighting Report Appendix, of this Final EIR. As discussed therein the lighting program would be modified as follows:

- The Project's three 70-foot field lights on the west sideline of Field A and three 70-foot-tall light poles on the east sideline of Field A (a total of six field lights at Field A) would be changed under the Project with design modifications to a total of four 80-foot-tall light poles on the east and west sidelines of the field (two on each sideline).
- The Project's three 80-foot-tall field lights on the north side of Field B, one 60-foot-tall field light on the east side of Field B, two 60-foot-tall field lights on the south side of Field B, and one 70-foot-tall field light on the south side of Field B (a total of seven field lights at Field B) would be changed under the Project design modifications to two 80-foot-tall field lights on the north side of Field B, and two 80-foot-tall field lights on the south side of Field B (for a total of four field lights at Field B). The 60-foot-tall light pole on the east side of Field B and 70-foot-tall field light on the south side of Field B would be eliminated under the Project with design modifications.
- The Project's 14 light poles located at the swimming pool with varying heights between 21 feet and 60 feet would be changed under the Project's design modifications to four 55-foot-tall lights.<sup>5</sup>
- The Project's twelve 40-foot-tall court lights located on all four sides of the tennis courts would be changed under the Project's design modifications to a total ten court light poles at 40-feet-tall.<sup>6</sup>

The changes in field lights are illustrated in revised Figure II-27, *Light and Signage Plan for the Project*, in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. The total change in the number of light poles would be reduced from 39 poles under the Project to 22 poles under the Project with design modifications (a reduction of 17 poles). As discussed in Topical Response No. 4, the modified sports

<sup>5</sup> Two of the four poles in the pool area (i.e., the two poles on the eastern side of the pool) will have luminaires mounted such that they serve both the pool area and the adjacent tennis courts.

<sup>6</sup> The reduction of two poles at the tennis courts was accomplished by relocating those luminaires to nearby poles at the eastern side of the swimming pool.

lighting system continues to be an improvement over existing conditions which produce higher levels of off-site glare at adjacent residences and along the Zev Greenway given the imprecise optics and shallow orientation of the existing driving range and tennis court lights.

Regarding walls, as discussed in Chapter II, *Project Description*, pages II-27 and II-28 of the Draft EIR, the public use area would be separated from the athletic facilities by interior walls and fencing that would direct pedestrian access to the athletic facilities through the main entrance located along Whitsett Avenue. The walls would also serve as a sound attenuation feature and a screen/buffer between the athletic facilities and the surrounding neighborhood. Walls would vary in height between eight feet and 11 feet at different points. None of the higher wall sections would be constructed near the Los Angeles River. Walls include a maximum 10-foot-height wall section along Whitsett Avenue (adjacent to Field A) and a maximum 11-foot-height wall section along Valley Spring Lane (adjacent to the Project's tennis courts and consistent with common tennis court design, including the tennis courts that currently exist on the Project Site), and Bellaire Avenue. Perimeter walls are designed to have variation in scale, opacity, and material to ensure they are attractive and located at appropriate points to allow views into the Project Site interior. The walls would be designed and constructed of an organic stacked stone material and heavily landscaped. Vegetation growing on and around the fences and walls would help mask the built elements, complement the trees that would be maintained and planted on-site.

With regard to noise, see Topical Response No. 8 – Noise: Construction and Operation Impacts. As discussed in Topical Response No. 8, the Project's construction and operation noise and vibration impacts were fully analyzed in Section IV.K, *Noise*, and Appendix J, *Noise and Vibration Technical Study*, of the Draft EIR. The Draft EIR's noise analysis identified the area's noise and vibration sensitive receptors, existing ambient noise levels, maximum construction noise and vibration levels and duration, and peak operation noise levels. Operation noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts. As analyzed in Section IV.K, *Noise*, of the Draft EIR, the Project's construction activities would result in the generation of temporary noise increases over ambient noise levels in the vicinity of the Project Site in excess of standards established by the City and impacts would be potentially significant. While the Project would implement all feasible mitigation measures to reduce construction noise levels [Mitigation Measures NOI-MM-1 (sound barriers), NOI-MM-2 (construction equipment locations and screening) and NOI-MM-3 (construction equipment requirements and sound curtains)], during various phases of construction, even with the required mitigation measures, construction-related noise levels would exceed applicable noise impact thresholds. As such, construction noise impacts associated with on-site noise sources would be temporarily significant and unavoidable.

As discussed in Topical Response No. 2 – Modifications to the Project Design, the subterranean parking structure would be reduced from 503 spaces to 386 spaces. This modification would result in a reduction of 53,000 cubic yards of excavation materials, which would reduce the overall amount of excavation from 250,000 cubic yards to 197,000 cubic yards. The reduction in excavation under the Project with design modifications would reduce the number of haul truck trips from 35,714 trips to 28,142 trips, a reduction of 7,572 truck trips (each trip is one way [an inbound trip is one trip and an outbound trip is one trip]). With the modification, the excavation and hauling (dirt export) would be reduced from seven months to 5.5 months. Although noise impacts during construction-related excavation activities would still be significant and unavoidable, the modification would reduce the duration of excavation activities. See Topical Response No. 2 and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

Operation noise impacts, including a conservative analysis of all athletic facilities being used simultaneously (and including spectators), would not exceed noise impact standards established by the City and would be less than significant. With the Project design modifications as discussed in Topical Response No. 2, the overall composite operational noise levels from all on-site activities at the adjacent noise sensitive receptors would be similar as analyzed in the Draft EIR. Thus, no new significant noise impact would occur and operational noise impacts would be substantially similar to those evaluated in the Draft EIR. Refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of the noise levels resulting from the Project with design modifications.

With regard to transportation/traffic impacts, see Topical Response No. 9 Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, which was primarily based on the *Transportation Assessment for the Harvard-Westlake River Park Project (TA)*<sup>7</sup> prepared for the Project, included in Appendix M of the Draft EIR. In accordance with the Los Angeles Department of Transportation's (LADOT's) Transportation Assessment Guidelines (TAG) adopted in July 2019 (updated in July 2020), the CEQA-required analysis to be included within the Draft EIR section includes an assessment of whether the Project would result in: 1) potential conflicts with transportation-related plans, ordinances, or policies; 2) a substantial increase in vehicle miles traveled (VMT); or 3) increased hazards due to a geometric design feature or incompatible use. In addition, in accordance with Appendix G of the CEQA Guidelines, an assessment of whether the Project would result in inadequate emergency access is included.

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<sup>7</sup> Fehr & Peers, Transportation Assessment – Harvard-Westlake River Park Project for Assessor Parcel Numbers 2375-018-020 and portion of APN 2375-018-903 Los Angeles River Parcel 276,4141 Whitsett Avenue, Studio City, CA 91604, April 2021.

The TAG also requires assessment of “non-CEQA” transportation issues, which include: 1) pedestrian, bicycle, and transit access;<sup>8</sup> 2) project access, safety, and circulation; 3) construction traffic; and 4) residential street cut-through analysis. The analyses of these “non-CEQA” issues are included in the TA. However, since they are non-CEQA issues, they are not analyzed in the Draft EIR, unless they relate to the assessment of potential conflicts with transportation-related plans, ordinances, or policies mentioned above. In addition, an analysis of intersection levels of service (LOS) is included as appendices to the TA for informational purposes only and is similarly a non-CEQA issue.

Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Refer to Topical Response No. 9 for additional discussion of the Project’s transportation impacts.

As discussed in Topical Response No. 9, the Project design modifications detailed in Topical Response No. 2, relating to seating, lighting, building design (swimming pool area and gymnasium), parking, grading, stormwater capture and reuse system, and water features that were made to the Project in response to comments received on the Draft EIR would not result in significant new or substantially increased transportation-related environmental impacts as evaluated in the Draft EIR.

In addition, refer to Topical Response No. 9 for a discussion of the Project’s proposed parking program, with and without the Project design modifications. The Project’s proposed parking would meet applicable LAMC requirements.

### **Comment No. Form 4-4**

3. Weddington Golf & Tennis is often referred to as “the gem of Studio City” and considered a local landmark for nearly 70 years. The LA Cultural Heritage Commission (CHC) supported Historic-Cultural Monument (HCM) designation for the ENTIRE 16-acre Weddington Golf & Tennis subject property. For that reason, we strongly support the mysterious, last-minute revisions be reversed and the designation restored to the CHC’s original recommendation: preserving the subject property, which encompasses the golf course, driving range, and a majority of the site’s green open space and tree canopy.

### **Response No. Form 4-4**

This comment supports preservation of the Project’s Site’s historic resources as well as the golf course and driving range. See Topical Response No. 6 – Historic Resources. Topical Response No. 6 addresses direct and indirect impacts on historical resources resulting from the Project. In 2021, the Project Site was designated by the City of Los

<sup>8</sup> In addition to the non-CEQA pedestrian, bicycle, and transit access topics identified in the TAG, the Draft EIR considered any environmental impacts that the Project could have related to potential conflicts with a program, plan, ordinance or policy addressing transit, roadway, bicycle, and pedestrian facilities as required in the CEQA analysis of potential conflicts with relevant plans, regulations and policies.

Angeles as a Historic-Cultural Monument (HCM) under the name Studio City Golf and Tennis Club. According to the designation as adopted by the City Council, identified character-defining features include:

- Private recreational facility open for public use
- Clubhouse
- Golf ball [-shaped] light standards
- Putting green
- Brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property<sup>9</sup>

The City of Los Angeles Cultural Heritage Ordinance requires compliance with the Secretary of the Interior's Standards for Rehabilitation for properties that are designated HCMs (Los Angeles Administrative Code, Section 22.171.14).

As reflected in Chapter II, *Project Description*, and in Project Design Feature CUL-PDF-1: Rehabilitation Plan, in Section IV.D, *Cultural Resources*, of the Draft EIR, the distinctive character-defining features of the Project Site as identified in the HCM designation would be retained consistent with applicable City requirements. The historical resources analysis in Section IV.D, *Cultural Resources*, of the Draft EIR, concluded that use of the Project Site as proposed by the Project for athletic and recreational purposes is consistent with its historic use; the historic character of the Project Site overall would be retained; the identified character-defining features would be retained and rehabilitated; and the proposed new construction would not destroy historic materials, features, or spatial relationships that characterize the Project Site. Accordingly, the Project would not result in a substantial adverse change in the significance of a historical resource, the Project Site would retain sufficient historic integrity to remain eligible as an HCM, and the Project would not have a significant impact on the environment as defined by CEQA. Refer to Topical Response No. 6 for additional detail regarding the Project's direct and indirect impacts to historical resources.

### **Comment No. Form 4-5**

4. Millions of Angelenos from all over the City and San Fernando Valley have experienced Weddington Golf & Tennis since its opening in 1956. It is incumbent upon the City to protect precious affordable public spaces from developers and special interests, like Harvard-Westlake, who only serve a privileged few.

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<sup>9</sup> Studio City Golf and Tennis Club Historic-Cultural Monument Application, Council File: 21-0470, Revised Findings, as modified by the PLUM Committee, September 14, 2021, adopted by City Council, September 29, 2021.

## Response No. Form 4-5

This comment expresses the commenter's opinion that the Project Site should be protected public space and not be developed for a privileged few.

As discussed in Topical Response No. 6 – Historic Resources, the historical components of the Project Site would be retained in accordance with the requirements of the HCM and include retaining the Project Site as a private recreational facility open for public use. See Topical Response No. 3 – Enforcement of Public Access, for a discussion of the Project's proposed public access features. As discussed in Topical Response No. 3, the Project has been designed to include approximately seven acres (304,920 square feet) of the Project Site for open space for public use and tennis recreation, daily from 7:00 a.m. to 9:00 p.m. Public use of the tennis courts and other athletic facilities would be by reservation and would be available for public use when they are not in use by the School. An extensively planted, three-quarter mile long pedestrian pathway would be created to circumnavigate the perimeter of the Project Site, including adding a connection to the Zev Greenway via an Americans with Disability Act (ADA)-compliant pedestrian ramp. The Project's gymnasium would include a ground-level community room available for public use by organizations through a reservation system. In addition, to facilitate public uses of the Project Site, the Project preserves the existing clubhouse structure and café to function as a visitor center, where members of the public would check in for tennis court reservations, use of the putting green, and for other information. The putting green would also be preserved for public use. Additionally, the public would have access to Field A or the gymnasium for various indoor activities, such as performances, lectures, or community meetings, with outdoor events on Field A including such activities as "Movies in the Park," local concerts, or other public community events (collectively referred to as Public Special Events in the Draft EIR). Public Special Events would be scheduled so they do not occur concurrently with School events or School athletics uses. Refer to Topical Response No. 3 for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR..

Moreover, the Project Site is not public property. To clarify the existing property rights and on-site uses, the Project Site is not a public property. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. Form 4-6**

5. Traffic and congestion continue to grow at an alarming rate in LA. If allowed to proceed, Harvard-Westlake will spend the next four to five years building a massive \$100 million dollar sports complex for its students, while the rest of the community grapples with the plan's significant impact on our roads, traffic, and commutes to work and school.

### **Response No. Form 4-6**

The comment mischaracterizes the nature of the Project as a “sports complex” intended only for Harvard-Westlake students. Please refer to Chapter II, *Project Description*, Objectives 4 and 5, of the Draft EIR. These objectives specifically state purposes of the Project to: (4) Create new publicly accessible open space with a broad array of recreational facilities in a safe and secure environment for the surrounding community and public to use like a City-owned park, while also providing a community room, café, and indoor and outdoor areas for public gatherings, performances, and occasional special events; and (5) Increase public access to and enhance the adjacent Los Angeles River and Zev Greenway through a network of publicly-accessible pathways, a new direct connection to the Zev Greenway, and a landscape plan that would restore native plant communities, create habitat for various species, and support the goals of the Los Angeles River Improvement Overlay District Ordinance, the Los Angeles River Revitalization Master Plan, and the Los Angeles River Master Plan Landscaping Guidelines.

Refer to Response No. FORM 4-3 for a discussion of transportation/traffic impacts evaluated in the Draft EIR. As stated therein, Section IV.M, *Transportation*, of the Draft EIR determined that the Project's CEQA-required transportation impacts would be less than significant without mitigation.

### **Comment No. Form 4-7**

This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted.

### **Response No. Form 4-7**

This comment states that the Project hinges upon a CUP and that a CUP should not be granted for the Project. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. Form 4-8**

It's shocking that Harvard-Westlake would consider spending \$100 million on a sports complex for a privileged few, when hundreds of thousands of students citywide are

lacking the most basic tools needed to succeed. Therefore, we urge Harvard-Westlake to move its proposed complex to a more cost-effective alternative site, like the nearby Los Angeles Valley College, which the School has previously used for its tennis operations – even recently refurbishing the College’s tennis courts. With this good neighbor gesture, Harvard-Westlake would not destroy a beloved community asset, but rather, provide for the community and service a much wider area by improving facilities at Los Angeles Valley College.

### **Response No. Form 4-8**

The comment requests Harvard-Westlake to develop the Project on alternative site locations, such as nearby Los Angeles Valley College.

The comment does not present any facts to establish that the use of an alternative site is feasible, would meet most of the Project’s objectives, or would avoid the Project’s significant and unavoidable temporary construction impacts.

Refer to Response No. Form 4-6 regarding the comment’s mischaracterization of the nature of the Project as a “sports complex” intended only for Harvard-Westlake students.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location. The Weddington Golf & Tennis parcel was purchased by Harvard-Westlake School in December 2017, and the School has continued to operate it primarily for public golf and tennis uses. However, the current Weddington Golf and Tennis operations are not consistent with the School’s educational mission or financially sustainable. The underlying purpose of the Project is to supplement the School’s athletic and recreational facilities, and to provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future. The Project Objectives, included on pages II-13 and II-14, in Chapter II, *Project Description*, of the Draft EIR, list the Project’s Objectives which support the underlying purpose of the of the Project.

The commenter is also referred to Subsection 4, Alternatives Considered and Rejected, on paged V-5 to V-7, in Section V, *Alternatives*, of the Draft EIR. This subsection includes an evaluation of alternative project site locations that were considered and rejected for additional study in the Draft EIR’s evaluation of Project alternatives. As analyzed therein, no feasible off-site locations were identified that would allow significant effects of the project to be avoided or substantially lessened. For additional discussion of the Project’s adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-105, ORG 1B-106 and ORG 7A-146 to ORG 7A-176.

Refer to Response No. Form 4-5 for a discussion of the Project’s proposed public access features.

In addition, please see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, which indicates the Project Site's golf course users can be accommodated at other golf facilities without exceeding their capacities. Also, tennis players can be accommodated at the Project Site after construction with the use of the eight (8) courts which are a part of the Project. Furthermore, the proximity of the Project Site to the surrounding residential neighborhood and the offering of recreational opportunities and park uses that do not currently exist in the area would reduce demand on other local park facilities (excluding public tennis and golf facilities).

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. Form 4-9**

Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. These individuals are counting on you to subscribe to a higher standard, support the public's interests, stand firm against Harvard-Westlake's lobbyists and moneyed special interests, and deny approval of the CUP and certification of the DEIR.

### **Response No. Form 4-9**

The comment states that 14,000 community members are in support of preserving the Project Site in its existing condition. Additionally, the comments states the Project is supported by "lobbyists and moneyed special interests" without substantiated fact. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. FORM 5 – General Opposition Letter Los Angeles Tennis Association**

Andy Knuth (Received May 7, 2022)  
Brett Leonard (Received May 7, 2022)  
John Bowditch (Received May 7, 2022)  
Paul Wong (Received May 7, 2022)  
Ralph Gorgoglione (Received May 7, 2022)  
Adam Dworkin (Received May 8, 2022)  
Dalibor Banović (Received May 8, 2022)  
Daniel Feder (Received May 8, 2022)  
Eldred Nichols (Received May 8, 2022)  
Glenn Wagner (Received May 8, 2022)  
Jessie C. Lance (Received May 8, 2022)  
John Moreno (Received May 8, 2022)  
Larry Lawrence (Received May 8, 2022)  
Nick Ellis (Received May 8, 2022)  
Scott Gregory (Received May 8, 2022)  
Ignacio Plascencia (Received May 8, 2022)  
Tu Nguyen (Received May 8, 2022)  
Chris Ota (Received May 9, 2022)  
George Benitez (Received May 9, 2022)  
Khoi Pham (Received May 9, 2022)  
Steven Fisher (Received May 9, 2022)  
Thomas Wong (Received May 9, 2022)  
Travis Siems (Received May 9, 2022)  
Chris D. Olsen (Received May 10, 2022)  
Navan Nguyen (Received May 10, 2022)  
Brent Hall (Received May 10, 2022)  
Kwock Koe (Received May 12, 2022)  
Peter Jacobson (Received May 16, 2022)  
Fernando Bonilla (Received May 16, 2022)

*Per Section 15132(d) of the CEQA Guidelines, a Final EIR shall include, “The Responses of the Lead Agency to significant environmental points raised in the review and consultation process.” Therefore, responses to comments, by the Lead Agency, in the Final EIR are not required to respond to non-significant environmental points/comments or other non-environmental related comments on the Project. Consistent with the CEQA Guidelines, the following form letter responses to Comment Letter No. FORM-4 address the relevant significant environmental points raised by the above listed commenters (29*

*total), which primarily provide opposition to the Project. The comments listed below are representative of the issues and comments provided by the commenters, with the recognition that variations in presentation and/or other non-significant environmental points exist within the individual comment letters. To the extent that these comment letters contain other comments that do not address the content or adequacy of the Draft EIR, no further response is necessary. Nonetheless, all comment letters are provided to the City decision-makers for their review and consideration as part of the Project review process. Copies of the original individual letters are included in Appendix A of this Final EIR.*

### **Comment No. FORM 5-1**

My name is \_\_\_\_\_. I am a recreational tennis player and a member of the LOS ANGELES TENNIS ASSOCIATION, and have been a member for \_\_\_\_ years.

### **Response to Comment No. Form 5-1**

The comment introduces the persons listed above. Individually received letters attached to this Final EIR list both the member and the number of years each commenter has been a member of the Los Angeles Tennis Association. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. Form 5-2**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex by the School is concerning for a number of reasons.

### **Response No. Form 5-2**

The comment expresses the commenter's opposition to the Project and refers to the removal of existing facilities in order to convert the property to what the commenter describes as "private use".

The comment mischaracterizes the current use of the Project Site as a public facility. To clarify the existing property rights and on-site uses, the Project Site is not a public property. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

Additionally, the comment mischaracterizes the Project as development of a private high school sports complex. See Topical Response No. 3 – Enforcement of Public Access. As discussed in Topical Response No. 3, public access to portions of the Project Site is an integral part of the Project and could result in the Project Site being used by the public more often than the School’s uses. The Project has been designed to include approximately seven acres (304,920 square feet) of the Project Site for open space for public use and tennis recreation, daily from 7:00 a.m. to 9:00 p.m. Public use of the tennis courts and other athletic facilities would be by reservation and would be available for public use when they are not in use by the School. An extensively planted, three-quarter mile long pedestrian pathway would be created to circumnavigate the perimeter of the Project Site, including adding a connection to the Zev Greenway via an Americans with Disability Act (ADA)-compliant pedestrian ramp. The Project’s gymnasium would include a ground-level community room available for public use by organizations through a reservation system. In addition, to facilitate public uses of the Project Site, the Project preserves the existing clubhouse structure and café to function as a visitor center, where members of the public would check in for tennis court reservations, use of the putting green, and for other information. The putting green would also be retained and preserved, and available for public use. Additionally, the public would have access to Field A or the gymnasium for various indoor activities, such as performances, lectures, or community meetings, with outdoor events on Field A including such activities as “Movies in the Park,” local concerts, or other public community events (collectively referred to as Public Special Events in the Draft EIR). Public Special Events would be scheduled so they do not occur concurrently with School events or School athletics uses. Refer to Topical Response No. 3 for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The commenter is also referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location. The Weddington Golf & Tennis parcel was purchased by Harvard-Westlake School in December 2017, and the School has continued to operate it primarily for public golf and tennis uses. However, the current Weddington Golf and Tennis operations are not consistent with the School’s educational mission or financially sustainable. The underlying purpose of the Project is to supplement the School’s athletic and recreational facilities, and to provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future. The Project Objectives, included on pages II-13 and II-14, in Chapter II, *Project Description*, of the Draft EIR, list the Project’s Objectives which support the underlying purpose of the of the Project.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. Form 5-3**

I am particularly concerned with the proposed reduction (16 to 8) of publicly-available tennis courts, since this will restrict the ability of Southern California community members to learn and play tennis. Since the early 1970s, the tennis courts at Weddington have served as a teaching hub, with pros offering instruction to beginners and experienced players, alike. Nearly 100,000 Angelinos of all backgrounds and from across the San Fernando Valley and City of Los Angeles use Weddington Golf & Tennis each year. If the proposed development is approved (for the primary benefit of ~900+ Harvard- Westlake School students), tens of thousands of community members will be forced to relocate to continue playing tennis or may simply stop playing tennis altogether. Our organization, LATA, relies heavily on these courts for our weekly leagues, tournaments and visiting city tennis competitions.

### **Response No. Form 5-3**

This comment expresses opposition to the Project based on the potential reduction of tennis court availability. Please see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, which indicates tennis players can be accommodated at the Project Site after construction with the use of the eight (8) courts which are a part of the Project.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. Please see below for additional discussion related to this comment.

### **Comment No. Form 5-4**

Although the DEIR lists alternate "tennis courts in the East San Fernando Valley available to the public," the average number of courts at those facilities is 4.4. LATA provides larger, unique, socially-formatted tennis opportunities for our LGBTQ+ members who benefit and need that kind of community bond, who have sought us out for these larger activities, which also provide—most importantly—that safe haven our community relies on. Four courts per event does not work for our tournaments and for the larger scale leagues we produce. We use the LA City facilities as best we can for pretty much all of our events that can fit into their limited court availability (severely reduced by teaching pro concessions and a minimum of courts blocked to organizations for single reservation seekers). But for our moderately grander tennis competitions, events LATA has been organizing regularly for over 40 years now in LA, we rely on the 8-court-block facilities of which there are only three remaining in our commutable area that will let us reserve, Weddington is one of the three (and with the other two—just like with Weddington—we have to fight to get those court hours with so many other organizers).

## Response No. Form 5-4

The comment alleges that the LATA organization needs an 8-court-block facility to conduct its tournaments and that there are insufficient other facilities that would accommodate their needs. While this concern appears to be related to the specific needs of a current user of the current facility and not address the adequacy of the Draft EIR, the Draft EIR does analyze the availability of other tennis courts and the Project's impact on recreational facilities. See Section IV. L.3, *Public Services, Parks and Recreation*, of the Draft EIR. Additionally, the Project would include eight tennis courts and would continue to provide blocks of eight courts for public use, throughout the week as well as on Sundays when no School use of the tennis courts would be permitted. Please refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, in this Final EIR. As discussed therein, the tennis courts would be available for public use by reservation. The reservation system would ensure no conflicts with the School's use and would ensure the availability of the tennis courts to the public.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. Please see below for additional discussion related to this comment.

## Comment No. Form 5-5

The DEIR claims the proposed high school sports complex would be able to continue to host league matches "as under existing conditions". Simple common sense says that is misleading and in practice is not possible. A reduction from 16 to 8 courts available to the public means that organizations would never be able to book an 8-court-block for an event. Historical precedent has shown that facilities would never allow reservation of their entire inventory to one organization on a given day or weekend. The 16 courts that Weddington has now allows for an 8-court booking with room to spare for the city residents, teaching pros, and the like.

## Response No. Form 5-5

The comment speculates that the commenter's organization would not be able to book all eight of the Project's tennis courts. The Project's reservation program for use of the eight courts and the availability, discussed in Topical Response No. 11 - Recreation: Golf and Tennis Facilities, would accommodate the same number of users as under existing conditions. It is noted that the existing facilities are not used to their capacity throughout much of the week. Because the Project's tennis courts would not be a commercial enterprise through which the School receives its financial support, the School has the option to book the entire eight courts to a public organization.

## Comment No. Form 5-6

Finally, in the DEIR, there are multiple disclaimers and pre-conditions for use of the proposed project's "facilities" for the non-Harvard Westlake users, more specifically there is wording regarding access to facilities that says "when not in use by School" and "for pre-approved organizations." These limitations are in stark contrast to the publicly available amenities at Weddington Golf & Tennis which have always been open to all community members without restrictions of any kind at any time. Beyond the hoops we believe we will have to jump through to secure the use of their courts, this leads us to believe that Harvard Westlake is truly not open to the use of these facilities to outside organizations, and would use each and every tiny disclaimer as a reason to deny access, or deny a court booking. This, furthermore, alerts us to the insincerity behind their stated intentions: that they want to preserve the community's access to a well-utilized, thriving, beneficial and vital sporting complex which--by the way--we have had and have used for half a century now.

## Response No. Form 5-6

The comment alleges that the requirements for use of the tennis courts would make it difficult for the commenter's organization to use the facilities and states that there are currently no restrictions on their use of the tennis courts. This comment does not present any facts to support a contention that the Draft EIR's analysis of Project impacts to recreational facilities is inadequate. The evaluation of Project impacts on tennis activities is discussed in detail in Section IV.L.3, *Public Services - Parks and Recreation*, of the Draft EIR and in Topical Response No. 11 - Recreation: Golf and Tennis Facilities, provided in this Final EIR. The evaluation of impacts takes into account the use by the School during certain hours of the day. As noted in Section IV.L.3, Table IV.L.3-6 on page IV.L.3-25 of the Draft EIR and in Topical Response No. 11, the existing tennis courts are used, on average, for 96 sessions during a single weekday and 78 sessions during a weekend day, for a total week average of 636 sessions per week. The future tennis courts would have the capacity to accommodate 88 sessions per weekday and 112 sessions per weekend day, for a total week capacity of 664 sessions per week. The weekly sessions totals in Table IV.3-6 of the Draft EIR have been corrected in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, to reflect the above weekly sessions totals. Table IV.L.3-6 reflects the School's use of the tennis courts on weekdays between 3:00 p.m. and 6:00 p.m., which is a conservative assumption since the School would not use all eight courts every weekday, during the entire period from 3:00 p.m. to 6:00 p.m. and throughout the year, particularly over summer months and School breaks. In addition, outside the hours of 8:00 a.m. to 11:00 a.m. and 4:00 p.m. to 8:00 p.m., the Project's eight tennis courts would have capacity to accommodate the existing demand for those blocks of time. On weekends, there would be adequate capacity offered by the Project's eight courts. Although the weekday capacity would be eight sessions less than the existing average daily use, the weekend, during which the School would generally not conduct School-associated tennis, has a capacity of 34 sessions more than the current average use. As such, over a period of a week, the Project

would have adequate capacity to accommodate the same number of sessions on the new tennis court sessions as the Project Site's current facilities, even under the conservative assumptions included in the Draft EIR.

Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, including tennis facility use, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. Form 5-7**

The sport of tennis has grown exponentially during the COVID-19 pandemic and the City should be preserving facilities available for public use, like Weddington, and denying proposed projects that are clearly not in the best interest of the community and would severely curtail public access. In conclusion, I strongly oppose the Harvard-Westlake "River Park" plan and encourage City Planning to deny approval for ENV-2020-1512-EIR.

### **Response No. Form 5-7**

The comment expresses opposition to the Project and requests that the City maintain public use of private property.

The comment that future use of the Project Site by the public would be severely curtailed under the Project is not demonstrated by fact and is counter to the findings in Section IV.L.3, *Public Services - Parks and Recreation*, of the Draft EIR. Refer to Response Nos. Form 5-3 to Form 5-6 above for a discussion of impacts related to the Project's proposed tennis facilities, which demonstrate the Project would accommodate existing tennis demand through its proposed tennis facilities and reservation system and Response No. Form 5-2 regarding the fact that the Project Site is not public property.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 1**

Arthur Salter

Received March 10, 2022

### **Comment No. IND 1-1**

I have read HARVARD WESTLAKE proposal and I have some serious concerns about the scope of this monstrous project. I live at 4243 Wilkinson Ave, just one block from this project.

### **Response No. IND 1-1**

This comment introduces the commenter and expresses general concerns over the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 1-2**

It is unacceptable to have such a big project in one of the few open areas in our neighborhood. It is not about the noise from construction but the lights, noise, parking, traffic in our quiet neighborhood when it is completed.

### **Response No. IND 1-2**

The comment expresses opposition to the Project based on the location of the Project in an “open area” and expresses concern over operational lighting, noise, parking, and traffic. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The Draft EIR thoroughly analyzed the Project’s potential operational lighting, noise, parking, and traffic impacts.

The commenter is referred to the following topical responses of this Final EIR: Topical Response No. 4 – Aesthetics, regarding operational light and glare impacts; Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding operational noise impacts; and Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding operational parking and traffic activity. As discussed in the Draft EIR and described in detail in these topical responses, the Project would result in less than significant lighting, noise, parking, and traffic impacts during operation. It is further noted that the Project Site is not an “open area”, but has operated since the 1950’s as a privately owned and operated commercial golf and tennis facility with paved tennis courts, exterior lighting to 10:00 p.m. at the tennis courts and up to 11:00 p.m. at the existing driving range. The Project’s outdoor lighting would be in use from dusk to no later than 8:00 p.m. daily (9:00 p.m. for the tennis courts).

### Comment No. IND 1-3

The school will have very little access to cite [sic] during school hours which leaves pretty much nighttime available for the neighborhood, plus removing many mature trees and replacing them by smaller ones.

### Response No. IND 1-3

The comment expresses concern related to the availability of public access to the site during school hours and the removal of trees. See Topical Response No. 3 – Enforcement of Public Access, of this Final EIR. As discussed in Topical Response No. 3, public access to portions of the Project Site is an integral part of the Project. The Project has been designed to include approximately seven acres (304,920 square feet) of the Project Site for open space for public use and tennis recreation, daily from 7:00 a.m. to 9:00 p.m. An extensively planted, three-quarter mile long pathway would be created to circumnavigate the perimeter of the Project Site, including adding a ramp connection to the Zev Greenway via an Americans with Disability Act (ADA)-compliant pedestrian ramp. In addition, to facilitate public uses of the Project Site, the Project preserves the existing clubhouse structure and café to function as a visitor center, where members of the public would check in for tennis court reservations, use of the putting green, fields, and gymnasium, and for other information. The putting green would also be preserved for public use. Additionally, the public would have access to Field A or the gymnasium for up to five Public Special Events per year, involving up to 500 attendees and for activities such as community events, lectures, “Movies in the Park,” or local concerts. Public Special Events would be scheduled so they do not occur concurrently with School events. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The comment also expresses concern regarding tree removal and replacement. Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project’s tree removal and replanting program was fully analyzed in the Draft EIR’s Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain, and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree*

*Planting Plan*, of the Draft EIR). Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Furthermore, as discussed in Response No. ORG 7A-29, the great majority of replacement trees would be in 48-inch boxes with 3 to 7 years of growth prior to installation, with an average height of 12 to 15 feet, and would be located primarily at the interior and south edge of the Project Site.

### **Comment No. IND 1-4**

Harvard Westlake already has a sports field at their school on Coldwater Canyon. Studio City HOA has stated that Harvard Westlake has not been 100 percent truthful, so I am very concerned. This is no place for this huge project.

### **Response No. IND 1-4**

The comment expresses concern that the School already has a sports field at the Upper School campus. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. The commenter is also referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

## Comment Letter No. IND 2

Ashley Perry

Received March 10, 2022

### Comment No. IND 2-1

Harvard-Westlake's plans for its River Park campus seem to be thoughtful and well-considered. Instead of potentially having a huge impact on surrounding neighbors like a residential development would have on this site, this proposal carefully mitigates all of its potential impacts.

Case in point: parking. All of the needs would be met with the construction of an on-site subterranean structure and a handful of surface spaces. That means there will be no parking on our already impacted neighborhood streets, and there won't be cars cruising the area in search of elusive spaces.

The school has also stated that its students will take shuttles to the River Park instead of driving their own vehicles, thereby further reducing impact, and that campus security personnel will closely monitor visitor access. Any HW student or faculty or staff member who is observed driving on residential streets in the neighborhood will face losing their privilege to use the River Park facilities.

Moreover, the school has pledged its support to help us residents by working with us on efforts to secure neighborhood parking restrictions from the city, making it even more difficult for those without neighborhood parking permits to park on area streets.

By making sure to alleviate any impact their operation will have on the surrounding area, Harvard-Westlake is promising to act like a good neighbor.

### Response No. IND 2-1

The comments express support for the Project. The comment describes information contained in Chapter II, *Project Description*, and Section IV.M, *Transportation*, of the Draft EIR regarding protection of the surrounding neighborhood from project-related vehicle traffic and parking, the School's shuttling program, and on-site parking facilities. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 3

Brooke Sloan

Received March 10, 2022

### Comment No. IND 3-1

It seems to me the elimination of the golf course will be an environmental improvement over the current conditions at Weddington Golf and Tennis.

For starters, all that grass will be replaced with more appropriate, non-invasive native plants. As a result, both the residents living in the surrounding community, who will be able to enjoy the park and access to athletic facilities, and the wildlife that accesses the site stand to benefit tremendously from this change.

Beyond that, usage of water will drop dramatically at the site. Golf courses, even short par-3 ones like Weddington, are prodigious users of water. As I understand it, this property currently uses 12 million gallons of water annually. The River Park, by contrast, will only require 3.3 million gallons of water every year for landscaping purposes. That means nearly 9 million gallons of fresh water will remain in the city's reservoirs and be available for other uses, which is something that should be applauded in a time of drought like we are currently experiencing in California.

Not only will less water be used by this project, but it also contains a system to capture, clean, and reuse stormwater that would otherwise go to waste. That system, which is described as the largest private stormwater capture system in the city, is projected to hold up to 1 million gallon of water that would otherwise be diverted into the stormdrain system and be completely wasted.

And last and most definitely not least, fertilizer will no longer be used on the grass. Currently the water used on the site flows untreated, meaning it contains all the pesticide and fertilizer used on the golf course, directly into the adjacent LA River and from there to the Pacific Ocean. With the River Park, that will end, and the property will experience a substantive upgrade to its environmental health.

### Response No. IND 3-1

The comments express support for the Project. The comment describes information contained in Chapter II, *Project Description*, and Section IV.I, *Hydrology and Water Quality*, of the Draft EIR regarding capture, storage, and reuse of surface water runoff. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 4**

Celeste Namath

Received March 10, 2022

### **Comment No. IND 4-1**

This is so disappointing.

This facility is used by thousands in the surrounding community. Harvard Westlake does not need to destroy the lovely outdoors, the trees, greenery- the tennis and golf facility that has been so important for so many years just for more cement and another athletic center.

Let someone else buy this property - why not be a hero to the community as opposed to a villain.

### **Response No. IND 4-1**

The comment expresses opposition to the Project based on the removal of the existing tennis and golf facilities and tree removal.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), of this Final EIR, for a discussion of the rationale as to why the School is proposing the Project at the Project Site location. Additionally, please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1, of this Final EIR, for a discussion of impacts to trees and the Project’s tree replacement program.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 5**

Dan Rothblatt

Received March 10, 2022

### **Comment No. IND 5-1**

I read in the LA Times today that there is a plan to redevelop 16 acres of my neighborhood- the Weddington Golf Course. Will this enhance my life or only the lives of Harvard Westlake students (a portion of whom are my neighbors, a portion of whom live in other parts of the city)? Will you represent residents or the school?

I have been a homeowner in Valley Village since 1993. Please be sensitive to the residents of your districts and not only a well funded school.

### **Response No. IND 5-1**

The comment questions the benefits of the Project for the surrounding community. Refer to the following topical responses to this Final EIR: Topical Response No. 13 – Need for the Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location; Topical Response No. 3 - Enforcement of Public Access, for a discussion of public access to the Project Site and its open space areas; and Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 6

Heather Lea Gerdes  
Received March 10, 2022

### Comment No. IND 6-1

In as much as I would like to visualize an improvement to Weddington Golf and Tennis by the acquisition and subsequent tear down and rebuild of the space for Harvard Westlake's athletic competition games hosting, I cannot. You see, I live directly across the street from the putting green on Valley Spring Lane and I've been here long enough to note how sound carries here. Whitsett is a very busy street, I call "the autobahn of the Valley." We have a fire station adjacent to Weddington that see a lot of action on Whitsett, sirens blaring.

### Response No. IND 6-1

The comment states that sound carries in the Project area, including sirens from the fire station. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. However, it is noted that the existing noise conditions were considered in the analysis of noise impacts included in Section IV.K, *Noise*, of the Draft EIR.

### Comment No. IND 6-2

Weddington has always been a quiet property, beautifying our little nook here as everything else around it expands up and out and in. Don't get me started on the Burbank Airport flight path change with hundreds of low-flying jets going over ever week. Of note here, is that we are still under a pandemic. Obviously, that mean that many people have shifted to working from home permanently. And of course, that jet traffic threatens to increase five-fold as restrictions are lifted, more people fly, and (IF) both Van Nuys and Burbank airports succeed with their proposed terminal expansions.

Seriously, this is way too much stress.

### Response No. IND 6-2

The comment expresses discontent with the noise from aircraft. See Response No. ORG 9-16, which addresses how aircraft noise was accounted for in the Draft EIR noise analysis. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 6-3

Unfortunately, nothing about the Harvard Westlake project assures me that I am not going to be plagued with more light pollution, more cars, more loud people, dogs, increased homeless people looking to camp, shouting and rooting during games, buses, you name it. Sound cannot be contained in an open space and it is exponentially amplified in a valley. And we have not even addressed the construction disturbance. In the DEIR, it clearly states:

#### ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS:

Based on the analysis included in the Draft EIR, the Project would result in significant and unavoidable impacts related to Project-level and cumulative on-site and off-site construction noise, and Project-level and cumulative off-site construction vibration (human annoyance). All other potential impacts would be less than significant or mitigated to less-than-significant levels.

### Response No. IND 6-3

The comment expresses that the Project would increase light pollution, noise, homelessness, and traffic. The comment also cites the Draft EIR's project-level and cumulative impacts conclusions that the Project would result in significant and unavoidable construction noise and vibration impacts.

See Topical Response No. 4 – Aesthetics, of this Final EIR, regarding the impact of the Project's field lights and other outdoor lighting, as well as impacts relating to scenic resources and visual character of surrounding land uses. As discussed in Topical Response No. 4, the Project's light and glare impacts were fully analyzed in the Draft EIR's Section IV.A, Aesthetics, and updated under a revised lighting plan provided in Appendix . As discussed therein, the Project's lighting would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance pertinent to locations near the Los Angeles River. Moreover, the Project's lighting system would generally represent an improvement for surrounding residential uses, with less off-site glare and spillover, than existing conditions. The analysis in Section IV.A. Aesthetics, of the Draft EIR, concluded that the Project's light and glare impacts would be less than significant. However, as further discussed in Topical Response No. 2 – Modifications to the Project Design, and as shown in the updated Figure II-27, Light and Signage Plan for the Project, in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, Project design modifications would reduce the overall number of light poles on the Project Site from the two athletic fields, swimming pool, and tennis courts from 39 to 22 poles. The height of the four light poles on each of Field A and Field B would all be 80 feet. As further discussed in Chapter 3, these design modifications would result in an overall decrease in luminance and illuminance relative to the Project's less-than-significant light and glare impacts.

With regard to noise, see Topical Response No. 8 – Noise: Construction and Operation Impacts, of this Final EIR. As discussed in Topical Response No. 8, the Project's construction and operation noise and vibration impacts were fully analyzed in Section IV.K, Noise, and Appendix K, Noise Technical Report, of the Draft EIR. The Draft EIR's noise analysis identified the area's noise and vibration sensitive receptors, existing ambient noise levels, maximum construction noise and vibration levels and duration, and peak operation noise levels. Operation noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts. As analyzed in Section IV.K, Noise, of the Draft EIR, the Project's construction activities would result in the generation of temporary noise increases over ambient noise levels in the vicinity of the Project Site in excess of standards established by the City and impacts would be potentially significant. While the Project would implement all feasible mitigation measures to reduce construction noise levels (Mitigation Measures NOI-MM-1 [sound barriers], NOI-MM-2 [construction equipment locations and screening] and NOI-MM-3 [construction equipment requirements and sound curtains]), during various phases of construction, even with the required mitigation measures, construction-related noise levels would exceed applicable noise impact thresholds at some of the nearby sensitive receptor locations under the conservative assumptions built into the analysis. As such, construction noise impacts associated with on-site noise sources would be temporarily significant and unavoidable.

Implementation of Mitigation Measure NOI-MM-3 would reduce the construction noise impacts from the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp at the off-site noise sensitive receptor (receptor location R8), to the extent technically feasible.<sup>1</sup> However, construction noise levels at the sensitive receptor location north of the Coldwater Canyon Avenue Riverwalk Path Ramp (receptor location R8) would still exceed the 5-dBA significance threshold, as noise barriers would not be effective given that the construction work would take place at a lower elevation than the sensitive receptor. The sensitive receptor would still have a direct line-of-sight to the pedestrian ramp construction site and any benefits of a noise barrier would not occur. It is not feasible to install a construction noise barrier of sufficient height that would block the line-of-sight for receptor location R8 due to technical limitation needs, including barrier foundation, and wind load capacities. The construction work area is within 100 feet from the nearest off-site sensitive land uses. Thus, Mitigation Measures NOI-MM-1 and NOI-MM-2 are not technically feasible for construction of the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp. Therefore, construction noise impacts associated with construction of the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp would be temporarily significant and unavoidable, as analyzed in the Draft EIR.

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<sup>1</sup> Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers, and/or other noise reduction devices or techniques during the operation of the equipment. LAMC Chapter XI, Art. 1, Section 112.05.

Operation noise impacts, including a conservative analysis of all athletic facilities being used simultaneously (and including spectators), would not exceed noise impact standards established by the City and would be less than significant.

The comment also expresses concern that the Project may result in homeless people looking to camp. The Project's effect on homelessness is an economic/social effect, which under CEQA Guidelines Section 15131, shall not be treated as a significant effect on the environment. Further, the issue is related to the effects of the existing environment on the Project, which is not evaluated in the Draft EIR in accordance with the *California Building Industry Association v. Bay Area Air Quality Management District* (2015) Cal.4th (Case No. S213478). This case held that the impact of existing environmental conditions on a project's future users or residents is not required in a Draft EIR. Nonetheless, it can be expected that unauthorized camping on-site would be prevented by on-site security. Project Design Feature POL-PDF-2: Security Features During Operation, in Section IV.L.2, Police Services, page IV.L.2-15, of the Draft EIR, would include 24-hour on-site security personnel. POL-PDF-2 would ensure that the Project would not operate as an unmonitored public open space which might attract homeless populations.

#### **Comment No. IND 6-4**

I am really at a loss here as to what I can do. I feel I will not be able to safely and healthfully weather such construction and it's potential outcome. This means I am being driven from my home, my work, my friends, my support system. I've lived in Studio City for 25 years and half of it here, right across the street. As I stated, I've attempted to envision this a plus to our neighborhood, but as I also stated, this is way too much stress. Sadly, I must voice my opposition to this project.

#### **Response No. IND 6-4**

The comment expresses opposition to the Project based on its construction and operational impacts. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 7

Karen Kaplan

Received March 10, 2022

### Comment No. IND 7-1

The takeover, destruction and development of Weddington by Harvard Westlake is a travesty and tragedy of monumental proportions for the neighborhood and the city. But let's get to the matter at hand, which is the discussion of its environmental impact.

### Response No. IND 7-1

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 7-2

Weddington is an iconic 70 year old space open to the public and enjoyed by every demographic. It is beloved by all who use it—and even those who don't—for its historic, recreational and, yes, environmental value.

It goes without saying that the removal of acres and acres of public open green space with hundreds of mature trees that is an animal habitat is detrimental to the environment.

### Response No. IND 7-2

The comment expresses opposition to the Project based on tree removal and detrimental impacts to habitat on a 70-year-old open space. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1, of this Final EIR, for a discussion of impacts to trees and the Project's tree replacement program. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 7-3**

Imagine how the neighborhood will be impacted during years of on-site and off-site construction, with the accompanying noise, dirt, dust, rumbling, streets filled with large trucks and cement mixers, and hundreds of constructions workers parking their cars on residential streets.

### **Response No. IND 7-3**

The comment expresses concern about the Project based on construction noise, dust, traffic, and parking. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed in Section IV.A and illustrated in Tables IV.B-6 and IV.B-9 of the Draft EIR, with implementation of dust control measures under SCAQMD Rule 403, construction-related PM<sub>2.5</sub> and PM<sub>10</sub> (dust) emissions would not exceed threshold standards..

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Construction and Operation Noise and Vibration.

Further, refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding truck traffic and construction parking. As discussed therein, with the implementation of Project Design Feature TRAF-PDF-1, Construction Management Plan, parking spillover will be controlled during Project construction and parking spillover to residential streets in the surrounding neighborhood would not be permitted.

### **Comment No. IND 7-4**

If the proposed plans are implemented, imagine how the neighborhood will be impacted by the increased traffic at all hours of the day and night, by a nonstop parking nightmare, by glaring stadium lighting, by the noise from games and competitions, and by sports fans wandering the streets after events.

### **Response No. IND 7-4**

The comment expresses concern about the Project based on operational traffic, parking, lighting, and noise. However, the commenter does not provide any substantive facts or

support for these concerns or opinions. Refer to Response No. IND 1-2 for a discussion of impacts related to these concerns.

In addition, as discussed in Topical Response No. 9 - Transportation and Parking During Construction and Operations, all parking for events on site would be provided on-site. No off-site parking for events on the Project Site would be permitted. Therefore, the commenter's speculation that sports fans would wander the streets after events is unfounded and incorrect.

### **Comment No. IND 7-5**

The glorious eucalyptus trees that perfume the area and make the air easier to breathe will be cut down, and when they disappear, so too will the hundreds of squirrels who breed and live in the trees' ancient and gnarled trunks. Gone, too, will be the wide variety of birds who call the trees' branches home.

The environmental impact of the desecration of Weddington cannot be overstated. The neighborhood will be destroyed.

### **Response No. IND 7-5**

The comment expresses concern to the Project based on tree removal and impacts to common wildlife and bird species. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Refer to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR, for a detailed discussion regarding the Project's tree removal and replacement program. Note that the mature eucalyptus trees along Bellaire Avenue and most of the eucalyptus trees on Valley Spring Lane, as well as along the Zev Greenway, would be preserved. In addition, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds.

## **Comment Letter No. IND 8**

Karen Solokoff

Received March 10, 2022

### **Comment No. IND 8-1**

I am writing as a resident in the area of the Weddington Golf and Tennis which is slated to be removed to make way for a private schools sport facility. Even writing that out just then, sounded rather unfair and elitist.

I had been a resident of Studio City since 1990. I realize the city has grown and changed, and I am not against all improvement if what is being proposed truly is an improvement - but is the Harvard Westlake project truly an improvement? And for whom?

### **Response No. IND 8-1**

This introductory comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

### **Comment No. IND 8-2**

I have watched and adjusted to my neighborhood being changed a lot in the past years and it appears no one has taken a good hard look at this proposal. We have recently been subjected to the new traffic issues at the corner of Coldwater and Ventura (which is always an accident waiting to happen.) Now the city wants to subject us to more traffic by putting in this sport facility?

### **Response No. IND 8-2**

The comment expresses concern that traffic would increase due to the Project. See Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Also see the LOS analysis of the Ventura Boulevard/Coldwater Canyon Avenue intersection in the Transportation Assessment (TA) in Appendix M of the Draft EIR. As evaluated therein, the Project would not adversely impact existing or future service levels. However, it is noted that the CEQA Guidelines do not require the evaluation of street and intersection service levels in a Draft EIR, and as such, are non-CEQA issues.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 8-3**

Outside of this, the fact that you are going to allow the removal of those much loved spectacular trees and remove one of the few Green spaces this community has is just heart breaking. This is adding to the destruction of our (the people who actually live here) environment.

### **Response No. IND 8-3**

The comment expresses concern about the Project based on tree removal and loss of green space. Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan, of the Draft EIR*).

In addition, refer to Topical Response No. 3 - Enforcement of Public Access, in this Final EIR for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to maintain public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 8-4**

If the proposed plans are implemented, imagine how the neighborhood will be impacted by the increased traffic at all hours of the day and night, by a nonstop parking nightmare, by glaring stadium lighting, by the noise from games and competitions, and by sports fans wandering the streets after events.

### **Response No. IND 8-4**

This comment is similar to Comment No. IND 7-4. Refer to Response No. IND 7-4.

### **Comment No. IND 8-5**

I am hoping a environmental study will be done regarding this project so that the study can accurately indicate that the proposed facility will most certainly impact our environment,

By creating traffic

By creating noise

Removing numerous trees

Removing green space

Taking away a much loved and used facility in exchange for pacifying a private school who has other options - when we do not hardly seems environmentally logical.

### **Response No. IND 8-5**

The comment requests the preparation of an environmental study to identify impacts of traffic, noise, tree removal, and loss of the existing green space. The issues of open space, tree removal, noise, parks and recreation, and traffic are fully evaluated in Sections IV.C *Biological Resources*, IV.K *Noise*, IV.J, *Land Use and Planning*; IV.L.3 *Public Services – Parks and Recreation*, and IV.M *Transportation*, of the Draft EIR, respectively.

## **Comment Letter No. IND 9**

Louis Sanford

Received March 10, 2022

### **Comment No. IND 9-1**

Thank you very much for this notice. Given the epic nature of this project, can the community (as in past proposed developments of this historic property) expect an extended comments period?

### **Response No. IND 9-1**

The comment inquires if the City will extend the Project's 47-day public review period. Refer to Topical Response No. 1 – Public Participation and Review, in this Final EIR, which discusses public participation, CEQA public review requirements, and the steps undertaken by the City to facilitate public participation in association with the Draft EIR. Also, refer to Response Nos. FORM 1-1 and FORM 1-2 regarding public review of the Draft EIR.

## **Comment Letter No. IND 10**

Matthew Levy

Received March 10, 2022

### **Comment No. IND 10-1**

The Harvard-Westlake River Park stands to bring about a number of improvements to Studio City, from the elimination of a water-wasting and pesticide-using golf course, to the replacement of invasive non-native trees with more sustainable drought-tolerant landscaping.

### **Response No. IND 10-1**

The comment expresses support for the Project based on the elimination of water and pesticide use at the existing golf course and the replacement of existing non-native trees with drought tolerant landscaping. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 10-2**

One important element that many forget to mention is that a significant source of light pollution in the area will be eliminated with the construction of this project. There are tall, antiquated flood lights illuminating the driving range at Weddington impacting the surrounding neighborhood every night until 10 p.m.

While new lights will rise in their place on the fields that will be built as a part of the River Park, they will be modern, energy-efficient models with little spillover light compared to those that exist today. To me, that is a huge quality of life improvement versus the current conditions.

### **Response No. IND 10-2**

The comment expresses support for the Project based on the replacement of the existing flood lights for the driving range with modern, energy efficient lighting and reduced light spillover. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 10-3**

To this end, as a resident of CD4, I support the River Park project as proposed.

### **Response No. IND 10-3**

The comment expresses general support for the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 11**

Robin Small

Received March 10, 2022

### **Comment No. IND 11-1**

I hear a lot of people in my community complain that construction of the Harvard-Westlake River Park will result in the loss of trees on this property, but they are wrong.

First of all, the existing old-growth trees along the perimeter of the site will remain in place in order to preserve the look and feel of the property.

The trees on the Weddington Golf and Tennis property that will be removed in the course of construction are Mexican fan palms, which are non-native, invasive species. The plans for River Park call for those trees to be replaced on a 2:1 basis, which means that at the end of the day there will actually be more than 150 additional trees onsite than there are currently.

And nearly as important as the sheer number of trees, which as I said will be greater than it is now, is that the trees will be environmentally appropriate for the site. That means that they will offer greater shade canopy, consume less water, and sequester carbon more efficiently.

In the end, not only will the persons living in Studio City benefit, but so will the migratory birds and other wildlife who frequent the site because the biodiversity of this property will be increased as a result of the Harvard-Westlake River Park. The golf course and tennis courts currently provide marginal wildlife habitat and foraging opportunities, but the future holds much greater possibility for all creatures great and small.

### **Response No. IND 11-1**

The comment expresses support for the Project based on the replacement of the existing trees at a 2:1 ratio with species that will provide habitat, reduce water use, and increase carbon sequestration. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 12**

Scott Sloane

Received March 10, 2022

### **Comment No. IND 12-1**

Hope all is well. There are many attributes to the proposed Harvard-Westlake River Park that make it sound exciting to me, but as a Valley neighbor, the number one benefit is that it will increase the recreational opportunities in the Studio City neighborhood.

Today, as it has been for much of the last 50 years, the site has been welcome to exactly two kinds of recreational activities: golf and tennis. For golfers, there is a pitch-and-putt golf course, putting green, and driving range. The tennis players have 16 courts to choose from. For the non-tennis players or golfers, it is just a big plot of land that they do not use.

With the River Park, opportunities will dramatically expand for those of us who don't play golf or tennis. To start with, the property will be open to the public. Today, it is only open to paying golf and tennis customers. You can't walk around and enjoy nature, much less take your dog out for a walk. In the future we will be able to do so, and we most certainly will.

In addition, my neighbors and others in the community will have access to the athletic facilities on the River Park campus when not in use by the Harvard-Westlake student body. That means we can swim in the pool, play on one of the fields or basketball court or tennis courts, and easily connect with the Zev Yaroslavsky LA River Greenway.

The health and welfare benefits and quality of life improvements probably can't be quantified, but they will most certainly be appreciated by the neighborhood.

### **Response No. IND 12-1**

The comment expresses support for the Project based on the provision of additional recreational facilities for the neighborhood. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 13

David and Mindy Tennen  
Received March 12, 2022

### Comment No. IND 13-1

I have lived in the San Fernando Valley my whole life, 20 years Tarzana and 40 years in North Hollywood. My Husband and I have worked on a variety of City Councils, all involving “quality life” issues. My Husband has/is a Real Estate Broker and this could be catastrophic for neighborhoods surrounding this project.

We must stop the “Harvard – Westlake Rover Project! The Whitsett Golf Course and Tennis Facility is a beloved Landmark and cannot be destroyed!

There are so many negative reasons to lose this beautiful environmental space, so rare in our community. Removal of grass and mature trees provides oxygen into the atmosphere and quiet tranquility in the midst of chaos. The neighboring homes have had peace and quiet, this would be a NIGHTMARE! Housing values would likely plummet and vintage homes would be replaced by McMansions resembling “Big Box” stores.

What is no [sic] necessary is catastrophic construction noise, flying particles of debris, traffic congestion with truck activity.

And what is the upside from calm and peace, to a lighted stadium. Traffic coming/going to events, pedestrians wandering through nearby neighborhoods and people yelling at all hours of day/night.

### Response No. IND 13-1

The comment expresses opposition to the Project based on tree removal, construction noise, flying particles of debris, construction truck traffic, operational lighting, operational traffic, and operational noise.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project’s tree removal and replanting program was fully analyzed in the Draft EIR’s Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological*

*Resources*, Figure IV.C-4, *Tree Removal Plan*, of the Draft EIR). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR). Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

With regard to flying particles of debris, it is assumed the commenter is referring to construction-related air quality impacts. The Draft EIR addressed construction and operational air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion regarding truck traffic and construction parking. As discussed therein, with the implementation of Project Design Feature TRAF-PDF-1, Construction Management Plan, parking spillover will be controlled during Project construction and parking spillover to residential streets in the surrounding neighborhood would not be permitted. Topical Response No. 9 also addresses operational traffic impacts. In addition, with implementation of Project Design Feature TRAF-PDF-3, all parking for events on site would be provided on-site. No off-site parking for events on the Project Site would be permitted. Therefore, the commenter’s speculation that sports fans would wander the streets after events is unfounded and incorrect. In addition, as discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project’s number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts.

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 14**

Laura Glass

Received March 13, 2022

### **Comment No. IND 14-1**

My home is about a block and a half north of Valley Spring Lane, right down the street from Weddington Golf & Tennis.

What Harvard-Westlake proposes to do to Weddington must not be permitted. The destruction of this property (to say nothing of the loss of its many beautiful, mature trees) and subsequent build-out of the massively over-sized proposed sports complex will have a permanent negative impact on the community and the environment.

### **Response No. IND 14-1**

The comment expresses general opposition to the Project based on the scale of the Project, tree removal, and states that the Project would have a permanent negative impact on the community. Please refer to Topical Response No. 5 – Biological Resources/Trees and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 14-2**

While parts of Weddington abut Whitsett, a great portion of it is in a residential neighborhood, and the noise of the destruction, its dust, parking of construction workers' vehicles to say nothing of the actual construction vehicles themselves, etc. will severely adversely impact many. If permitted, once built, the over-height stadium lighting, the increase of vehicles / traffic in the area, the noise of the crowds, amongst other ills will also have a lasting negative impact on the lives of those who live in the area.

Don't let Harvard-Westlake destroy this community asset that is used and loved by so many. I beg and implore you to vote this proposed project down.

### **Response No. IND 14-2**

The comment raises concerns about construction worker parking, and operational lighting, traffic and noise.

Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding construction-related truck traffic and construction parking. As discussed therein, with the implementation of Project Design Feature TRAF-PDF-1,

Construction Management Plan, parking spillover will be controlled during Project construction and parking spillover to residential streets in the surrounding neighborhood would not be permitted. Also, operational transportation impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

See Topical Response No. 4 – Aesthetics, regarding the impact of the Project’s field lights and other outdoor lighting, as well as impacts relating to scenic resources and visual character of surrounding land uses. As discussed, therein, the Project’s light and glare impacts would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance. All light and glare levels as evaluated in the Draft EIR would be below regulatory standards. As also discussed in Topical Response No. 4, the Project’s lighting program with design modifications, as shown in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, would further reduce the Project’s lighting effects with the exception of one receptor location (4202 Bellaire Avenue). As discussed, therein, the Project with design modifications would not create a new source of substantial light or glare.

The commenter is referred to Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts, in this Final EIR for a discussion of construction and operational noise impacts.

The comment is a request to the decision-makers to deny the proposed Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 15**

Adam Howard

Received March 14, 2022

### **Comment No. IND 15-1**

I'm writing to share my support for the Harvard-Westlake River Park project.

I've been a resident of Studio City for 46 years. Over that time, both Studio City and Harvard-Westlake have grown into the best versions of themselves. Bringing the city and school together through the River Park project would not only benefit both the school and the area, but it would also serve as a marquee example of collaboration between two high-profile entities. Everybody wins with this - the neighborhood, the school, and the environment.

Many thanks for your consideration during this process. I know you have a tough job. I look forward to working with you on this project.

### **Response No. IND 15-1**

The comment expresses support for the Project based on the mutual benefits for the school, the neighborhood, and the environment. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 16

Hong Zhou

Received March 14, 2022

### Comment No. IND 16-1

My name is Hong Zhou and live at 10940 Terryview Dr., Studio city. I have attended meetings about the Harvard-Westlake River Park. I notice there are some concerns about the project. But I really think the project is good for the community.

Everything have two sides. The most important things for us is think about what is more important and how much will benefit [sic].

I think this project will benefit the family with children the most, no matter if they attended HW or not. Becasue [sic] these facilities are accessable [sic] by the whole community. And they also have a good view for how a good school runs. it will rise the whole communitie [sic] level. It is good for the whole society.

The project is good for the elders too. I notice that there are quite a lot of them attending the meeting. Right now the Golf is surrendered [sic] by fence and have very little space for elders to access. But according to the school's plan, there a [sic] walk trial around the project, this is much more friendly for elders. They will enjoy life there.

I do understand it will be inconvient [sic] for local golf players. But in my point of view, this poject [sic] will benifict [sic] much more people. In my family, if my wife, children and old people are be [sic] happier, I don't mind to drive 10 miles more to play golf at all. It is not a daily activity.

I have studied the traffic. The project sit [sic] is on a very good position, the change will influence very few people. There are about 12 single house around [sic]. Once the project is finished, they will benifit [sic] more. Whitsett Ave is already a busy road. The ratio of traffic inccress [sic] will be very few.

We should not worry about the change, change normally makes progress, especially the change is made by Harvard-Westlake school. the exist of HW will increase the value of the community. Especially the project is more open to the society than the school site itself. We are very luck HW can raise funds to develop such a project there. This is a rare opportunity. This project is much better than other project. Good school is long last business. The society will benifit [sic] now and for the future.

I strongly hope to get your support for the project.

### Response No. IND 16-1

The comment expresses support for the Project based on the benefits the Project will provide to the School as well as families with children and elderly community members.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 17**

Jodi Plageman

Received March 14, 2022

### **Comment No. IND 17-1**

I'm Jodi Plageman and I'm a longtime neighbor of Weddington Golf and Tennis. While my family and I have fond memories of playing tennis and hitting a bucket of golf balls at Weddington, that hardly seems to qualify it as a place that deserves status as an LA monument. I fail to see what historic purpose there is in preserving a "pitch and putt" golf course. This effort to pursue historic designation of the entire site seems to be just a ploy to stymie the proposed development of the site.

Nearly 15 years ago members of the Studio City community developed a plan for the land that sounds a lot like what the current owners are proposing. That plan called for closing the golf course and turning the property into open space for public enjoyment. Those same people are now advocating preserving the golf course. It wasn't considered a historic property worth saving then, so why is it worthy of historic designation now?

I look forward to working with you. Thank you Councilmember Raman for your support of the Harvard-Westlake River Park.

### **Response No. IND 17-1**

The comment expresses general support for the Project. Please see Topical Response No. 6 – Historic Resources, in this Final EIR regarding the historic features contributing to the Project Site's Historic-Cultural Monument (HCM) designation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 18**

Marika Tsircou

Received March 14, 2022

### **Comment No. IND 18-1**

A longtime Studio City and valley family, I am writing to extend my support for the Harvard-Westlake River Park project. After reviewing the details presented at the SCRA meeting on Oct. 1, it is clear to me that this project will be quite an asset to the Studio City community. I am particularly impressed with the design and size of the public spaces provided in the project. It is really quite beautiful. I did not expect that they would provide so much space for public use. I was relieved to see that the buildings were relatively low profile and were confined towards the center of the property, away from the residential areas. It all seems very unobtrusive.

We have lived near the location, and my husband and I have three young boys who attended Carpenter. I was also happy to hear that the HW is open to the idea of accommodating access for residents to some of facilities during off hours/off days. We are looking forward to walks through the beautiful grounds.

I was always fearful that this property would be developed into a densely populated mixed-use facility, with commercial and residential, which would have been a nightmare for our property values and traffic. I am relieved that is not the case.

Please feel free to contact me, if I can be of assistance.

### **Response No. IND 18-1**

The comment expresses support for the Project based on provision of public spaces and overall design and size of the proposed development. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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## **Comment Letter No. IND 19**

Nancy & Mosa Kaleel  
Received March 14, 2022

### **Comment No. IND 19-1**

We are writing in strong support of Harvard-Westlake's River Park Campus Project. We attended several community meetings to listen to details of the project and stakeholder queries.

As strong environmentalists, we are concerned that the existing use — the golf course — consumes 12 million gallons of water per year and requires hundreds of pounds of petroleum-based fertilizer, pesticides, and herbicides. The water reclamation element, combined with reduced water and fertilizer use, shows much-needed environmental stewardship on the part of Harvard-Westlake for Studio City and our planet.

We've had a longterm commitment to being green at our house. We are a politically active family in Sherman Oaks. We are members of SOHA (and a former SOHA Board Member) and we work with our neighbors to make our community better. We are proud to live in CD-4 and appreciate the work you do on behalf of CD-4 and the City of Los Angeles.

The Harvard-Westlake River Park Project aligns with our family's longterm advocacy for projects that do right by the community and help combat the global climate crisis. We believe that the sooner this project gets underway the better. We appreciate your careful consideration and support.

### **Response No. IND 19-1**

The comment expresses support for the Project based on the removal of the golf course and resulting reductions in water and fertilizer use. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 20**

Phillip Small

Received March 14, 2022

### **Comment No. IND 20-1**

As a longtime Valley resident, I am writing to say that I proudly support the Harvard-Westlake River Park.

What makes this property a special place to so many in the community is the very element that will not just remain under Harvard-Westlake's plans but will be expanded: a privately owned green space available for public recreational enjoyment. Time marches on, and we should too by removing impediments to transforming this property into a multipurpose facility that offers a wide variety of recreational opportunities open to all.

Please support this project that offers positive outcomes for the community, school, and the environment.

### **Response No. IND 20-1**

The comment expresses support for the Project based on the provision of privately owned green space available for public use. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 21**

Tim Smith & Chris Baker  
Received March 14, 2022

### **Comment No. IND 21-1**

My husband and I attended the October 1, 2019 SCRA meeting at the Christian Science Center to hear the proposal from Harvard-Westlake about the plans they have for the current Weddington Golf and Tennis property – the new River Park campus.

After seeing their presentation, we could not support this project more fully. The improvements Harvard-Westlake plans for the neighborhood - creating a walking park, installing a filtration system to deal with water runoff, subterranean parking to alleviate parking congestion - to name a few, are very well-thought out and impressive. That they will remove all of the environmentally unsound trees and replace them with more eco-friendly and native trees (which will also cut down on water and chemical fertilizer use) is also great for our air quality and local wildlife.

We hope that we can count on your support for this neighborhood-friendly project.

### **Response No. IND 21-1**

The comment expresses support for the Project based on the creation of a public pathway, infiltration system for water runoff, and subterranean parking to alleviate parking congestion. The comment also expresses support for the removal of non-native trees, reduction of water use and fertilizer, and improvements for air quality and wildlife. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 22**

Casey Kim

Received March 15, 2022

### **Comment No. IND 22-1**

I am writing to express my support for the Harvard-Westlake School River Park.

The Harvard-Westlake River Park campus project guarantees that the Weddington Golf & Tennis property will remain as urban open space for the long-term. The draft site plan has only one significant structure and nearly 15 acres of recreational and open spaces, including athletic fields, tennis courts, and a River Park that includes walking paths, plazas, and water features. We've always known that Weddington Golf & Tennis was going to go away. But, this is exactly the kind of project that many in the community had hoped would replace it. I couldn't be happier.

### **Response No. IND 22-1**

The comment expresses support for the Project based on the provision of open space and recreational facilities for the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 23**

Julie Giehl

Received March 15, 2022

### **Comment No. IND 23-1**

I am a renter living at 14947 Dickens Street Apt. 4, Sherman Oaks in Council District 4 and I strongly support the River Park.

The River Park will offer recreational amenities for my family such as a walking path, green space for my dog and baby to enjoy, and a pool! We are golfers, and we will miss the driving range, but we can still go to City owned facilities at Encino/Balboa golf and Griffith Park.

We are also happy that the largest water recycling system in the city will be built, all by private funding. That is a community benefit worth celebrating for our community and environment.

I hope you will join us and support the River Park - a project that the whole community can enjoy.

### **Response No. IND 23-1**

The comment expresses support for the Project based on the provision of recreational amenities for public use and the implementation of a water recycling system. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 24**

Rosita & Salvador Jimenez  
Received March 15, 2022

### **Comment No. IND 24-1**

I am a 35 year valley resident, voter, and renter. Outdoor space is needed more now than ever. The Harvard Westlake River Park will be open for public use and create more opportunities for families like mine that live in the area in apartment buildings. We value having a safe place for walking and recreational activities.

I don't play golf or tennis. But I would enjoy a safe walking path near the LA River. Thank you for your help with this matter.

### **Response No. IND 24-1**

The comment expresses support for the Project based on the provision of recreational open space and pathway for public use. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 25

Alexis Arinsburg

Received March 16, 2022

### Comment No. IND 25-1

I am writing to you to voice my strong support of the Harvard-Westlake River Park.

I grew up in the San Fernando Valley, and my family has resided in our current home for several years. We are particularly grateful for the continuation of tennis on this site. We are also looking forward to more public, open space that is adjacent to the LA River for the community to enjoy.

The proposal to build a sports complex open for public use and accompanying park space on the site in place of the golf course would create more recreation opportunities than exist today. Plainly speaking, it would continue to be used as privately owned property being made available for public recreational uses, just as it has been since it first opened.

There are features on the property that are older and have charm, such as the Clubhouse, cafe and the golf ball lights. As is being smartly proposed by Harvard-Westlake in their plans for the River Park, they should be preserved on site and incorporated into the development plans. That, to me, is a sensitive recognition of the history that has transpired on this site.

### Response No. IND 25-1

The comment expresses support for the Project based on the provision of public open space adjacent to the LA River and the maintenance of the existing tennis courts. The comment also notes that the clubhouse and golf ball lights should be preserved as proposed. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

However, it is noted that the Project would preserve the clubhouse, café and the golf ball-shaped light standards. See Chapter II, *Project Description*, of the Draft EIR, for additional details on the Project's retention of these and other existing character-defining features.

## **Comment Letter No. IND 26**

Elizabeth Hurchalla  
Received March 16, 2022

### **Comment No. IND 26-1**

I urge you to support the Harvard-Westlake School River Park. I support the project for its environmental benefits to the community.

When the River Park project is completed, there will be 150+ MORE trees onsite than there are today. Most of the existing trees on the perimeter of the site will remain in order to preserve the look and feel of the property. And the environmentally appropriate trees that Harvard-Westlake plants will increase the biodiversity of the site, offer greater shade canopy, consume less water, and sequester carbon more efficiently.

### **Response No. IND 26-1**

The comment expresses support for the Project based on the replacement of the existing trees with additional trees appropriate for the site, increasing biodiversity, offering more shade, requiring less water, and resulting in greater carbon sequestration. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 27**

Evan Lovett

Received March 16, 2022

### **Comment No. IND 27-1**

Hello - we received the letter from Rick Commons of Harvard-Westlake, and as neighbors 150 yards to the east on Valley Spring (SE corner at Wilkinson), allow me to say that we are VERY excited for this project to commence. For the record, our address is 12422 Valley Spring Lane and we are active constituents of Councilmember Raman's new district.

We realize there was an uphill battle throughout the duration of HW's attempts to create this project, but as homeowners - we are proud that such a wonderful set of facilities will be in Studio City, walking distance from our home. I also want to be clear that we have no connections to the school, other than being fans of most local high schools, including Notre Dame. But we realize the caliber of this facility, as part of a respected, wonderful institution such as Harvard-Westlake, can only benefit our neighborhood and community.

We are realistic in anticipating the noise, potential parking issues, & other minor inconveniences during construction, but that is a small price to pay for living adjacent to what will become a tangible icon in Studio City. We hope that this will inspire our eight-year old son, Felix, to one day attend Harvard-Westlake and attain those lofty heights.

I truly want to give sincere thanks to everybody involved in this project and urge Councilmember Raman to be supportive and realize the benefits to her district.

Please contact me at any time and thank you.

### **Response No. IND 27-1**

The comment expresses support for the Project based on the provision of recreational facilities within walking distance for the local community. The comment acknowledges the potential for noise and parking during construction but expresses support for the Project regardless of construction impacts. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 28**

Lesa Miller

Received March 16, 2022

### **Comment No. IND 28-1**

Hi and thank you for sending this email, Kimberly. I assume it's been shared on Nextdoor, but if not it's worth posting so people can weigh in with comments opposing this extremely undesirable proposed development.

Thank you.

### **Response No. IND 28-1**

This comment acknowledges receipt of the Notice of Availability of the Draft EIR for the Project and expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 29

Shana Glassman

Received March 16, 2022

### Comment No. IND 29-1

I write to you as a constituent of council district 4 living at 18735 Wells Drive. I truly do not understand why anyone would consider Weddington Golf and Tennis a historic property. Furthermore, I don't understand why it needs protecting when the property owners have publicly agreed to preserve the golf clubhouse, cafe, and putting green.

Please do not be swayed by a few members of our community who seek to stop progress. Many more of us in Studio City and the greater San Fernando Valley are excited about the community improvement the property owners are planning for the site. We are opposed to designating the site historic because it does not meet that standard.

Historic designation proponents are merely trying to designate this property in an attempt to stop the project from moving forward. Designating this property would only lower the standard for designation citywide and would reward a small group of residents that do not represent the entire Studio City and San Fernando Valley community.

Our family fully supports the Harvard-Westlake School River Park. We hope we can count on your support.

### Response No. IND 29-1

The comment expresses support for the Project based on the planned improvements for the site. The comment also expresses opposition to the designation of the site as a historic property. Please refer to Topical Response No. 6 – Historic Resources, regarding the designation of the Project Site as a Historical-Cultural Monument (HCM) and the character-defining features that give the Project Site this historic status. As discussed in Topical Response No. 4 and Chapter II, *Project Description*, of the Draft EIR, and in Project Design Feature CUL-PDF-1: Rehabilitation Plan, the distinctive character-defining features of the Project Site as identified in the HCM designation would be retained. Specifically, the Project Site would remain a private recreational facility open for public use in Studio City, and the character defining features of the HCM, specifically the clubhouse, putting green, golf ball-shaped light standards, and brick wall with weeping mortar, would all be retained such that the Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 30**

Jeanne Johnson

Received March 17, 2022

### **Comment No. IND 30-1**

I am writing to voice my support for Harvard-Westlake's River Park campus. I am 21 year resident of Studio City.

I attended the SCRA, October 1st, 2019, meeting at the church on Whitsett, that is directly across from the golf and tennis club.

I listened to the heartfelt comments from community members and neighbors; the excellent presentation from the school, and the respectful and productive exchange that followed.

I am encouraged that the communities can forge a strong partnership on this project; and as a resident I am especially confident in the school's commitment to that partnership.

### **Response No. IND 30-1**

The comment expresses support for the Project based on the potential for partnership between the community and the School. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 31**

Brad Goldberg  
Received March 18, 2022

### **Comment No. IND 31-1**

I am a resident of your district, residing at 3555 Stonewood Drive, and an active member of SOHA.

I'm writing to you to express my support for the planned development of the Harvard-Westlake River Park.

The plan, as I understand it, is a model for urban planning and development - private development of land that preserves and improves public space, creates a riverside refurbishment with green foliage, employs good environmental technology to reclaim and reuse area rainwater, provides modern, state of art recreational facilities to be shared with our residents, and serves to improve studio city and the wider valley community opportunities.

Also, I regularly see generations of Harvard-Westlake families at our toy drives, boulevard beautifications, river cleanups, etc. expressing their pride in our valley community and improving our surroundings, right here where the school resides. The school has historic roots in our backyard and endeavors to responsibly improve valley initiatives and support our neighborhood.

I sincerely hope our family, homeowners association, council district and neighborhood can count on your support for the Harvard-Westlake River Park ENV-2020-1512-EIR.

### **Response No. IND 31-1**

The comment expresses support for the Project based on the development of private land that preserves and improves public space, river refurbishment, water reuse and reclamation, and provision of recreational facilities for the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 32**

Donna and Fred Mendes  
Received March 18, 2022

### **Comment No. IND 32-1**

Change is hard. Especially when it is in our backyards. But the difficulty of the process of change and the fear of a horrible consequence of change should not dictate whether change occurs. We must base our decisions on facts and of course, in the interest of progress.

Harvard-Westlake's River Park Campus Project is an excellent plan to improve a massive plot of land in Studio City. It is a plan that includes the entire community by inviting us residents to use its grounds AND facilities and it cleans up an area which has limited access to the public. (Chain link fences and inaccessible areas which lead to nowhere). The environmental improvements are many from its massive water reclamation proposal to the planting of trees.

My husband and I attended a meeting held in October of 2019 at the Church across from Weddington with representatives of Harvard Westlake and residents. We listened carefully to the concerns of people who live nearby. Their objections were not rooted in a realistic and honest analysis of what the project actually is and the benefits it will provide to the city and its residents. There were many residents who spoke in favor of the project, and we applaud the residents who were able to see beyond their fear of change and embrace Harvard-Westlake's plan. I would like to share with you a few thoughts in response to the points made at the meeting.

While driving home from the event, my husband and I noticed that dozens of incredibly bright tennis lights lit up the Studio City skies. We could not hear a single game being played. Those bright lights are a total waste of electricity and of course, an unnecessary visual eyesore for nearby residents. Residents have expressed concern that the plan will leave a massive carbon footprint creating an environmental catastrophe. But this fear is not based on fact. The River Park will actually decrease ridiculous waste in the neighborhood while contributing to sound environmental improvements and upgrades. Harvard-Westlake will replace water soaking and decayed trees with greenery which the city deems is more suitable to that land space. The water reclamation project is brilliant and is a clear sign of the school's willingness to create an environmentally safe space for residents. One resident said that the development will prevent our seniors who currently enjoy the space from partaking in the beauty of the new space. Nothing could be further from the truth! We all know the city requires all new development to be ADA compliant. This project would give seniors and people with disabilities more access to beautiful park space than they ever had before! In fact, because the grounds are so old, so much of the space is inaccessible not only to an average park goer, but to people with disabilities. Harvard Westlake's plan will make the space available AND accessible to everyone.

We all have to deal with change in our city. Our neighbors are building and improving their homes all around us. And while perhaps it is true that the construction is slightly disruptive, this annoyance is temporary and fleeting and should never stand in the way of progress. The residents who oppose this project didn't want the condos. They fought against that project and won. A condo development would have completely excluded them from accessing the property at all. Now they have an owner who is saying, 'Yes, we want to develop this land to benefit our Harvard-Westlake community, AND we also have created a plan which invites you all to partake in the River Park, keeping the community in mind, and being inclusive of all.'

My husband and I fully support Harvard-Westlake's project and as District 4 neighbors, look forward to partaking in the amenities the school has invited us to enjoy.

### **Response No. IND 32-1**

The comment expresses support for the Project based on the provision of publicly accessible land, water reclamation improvements and tree planting plan. The comment also expresses support for the ADA compliance improvements and access to the site for the community. The comment also acknowledges temporary construction annoyance. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 33**

Emma Woodhouse Graber  
Received March 18, 2022

### **Comment No. IND 33-1**

I live at 17357 W Magnolia Blvd Encino 91316 in Council District 4 and I strongly support the Harvard-Westlake River Park. I urge you to support this project because it is good for the school, good for the environment, and good for the Studio City community.

While I do have a daughter who is a student at Harvard Westlake, she will only be there for 3 more years and will not be there when the project is complete. I have no other children. I am writing this because I truly believe this project is a net positive for the surrounding community as well as the school community. I have studied it in detail.

I am aware that there are some community members against the River Park making this a difficult decision for you. However I am sure that once the project is complete, the hearts and minds of activists against it will change. Of course I am not privy to all of their concerns, but I have reviewed the project and tried to see it through the eyes of someone not affiliated with the school. In my humble opinion it is a win for the ENTIRE community.

Thank you for your time and service to our city.

### **Response No. IND 33-1**

The comment expresses support for the Project based on the benefits for the school, environment and community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 34**

Jen Azimzadeh

Received March 18, 2022

### **Comment No. IND 34-1**

I strongly object to this development. My objection is based on fairness, equity, and public vs private benefit.

### **Response No. IND 34-1**

The introductory comment expresses opposition to the Project based on public versus private benefit. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 34-2**

I feel this is a bad look for Studio City and Los Angeles as a whole. LAUSD has been underserving its students for years. School choice is a hot topic these days due to many perceived and actual failures of free public education especially as that relates to LAUSD. Seeing a 45k+ a year tuition private school with college-level amenities and a beautiful sprawling campus purchase and developing the last patch of open publicly accessible open space in Studio City highlights and frames the vast chasm between the haves and the have-nots.

### **Response No. IND 34-2**

The comment expresses concern about the development of an existing “publicly accessible open space” by a private school. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

However, it is noted the Project Site is not public property. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner’s sole discretion.

In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the

School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 34-3**

A few blocks away, Studio City Rec Center which is a fraction of the size is jam-packed with residents, families, children's sports programs.... desperately in need of open public space. The size and scope of this project will only rub salt in the wound, with a demoralizing impact and loss of quality of life that will be subjected upon Studio City for years of construction. Those on the outside looking in (if we can even see over the walled compound) will be reminded day after day, what the privilege of wealth brings to the students whose parents can afford the tuition, while their children suffer at separate and far less than equal taxpayer-funded public schools.

### **Response No. IND 34-3**

The comment expresses opposition to the Project based on the need for open public space and the development of the site by a private school. The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, of this Final EIR, which include a discussion of the Project's proposed publicly accessible features and components, which the commenter acknowledges as the public being "desperately in need of".

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 34-4**

While it may sound as if I begrudge the affluent for their successes, this is not the case. There are other far more suitable alternatives for a well-funded private school to expand their sports facilities that are not at the expense of Studio City, the nearby residents and businesses, and an infrastructure that can not [sic] handle such a large development.

Stated in the DEIR ENV-2020-1512-EIR – Section V. Alternatives Project Site Page V-6:

...".Accordingly, given the nature of the Project's significant unavoidable impacts, evaluation or an alternative location was not pursued as it would be likely to shift impacts to another location rather than helping to avoid or substantially lessen the significant effects of the location rather than helping to avoid or substantially lessen the significant effects of the project... In conclusion, the development of the project at an off-site location would not be feasible based on CEQA criteria and an off-site location is not given further consideration as a Project alternative."

THIS IS NOT TRUE AND by this statement, HW ADMITS IN THIS STATEMENT that there are significant effects of the project at the current location!

## Response No. IND 34-4

The comment cites the discussion of Project alternatives in Chapter V, *Alternatives*, of the Draft EIR and disputes the statement in the Draft EIR regarding the use of an off-site location. The comment cites the Draft EIR conclusion that the Project would result in environmental impacts at the Project site. As disclosed in the Draft EIR, significant impacts that cannot be mitigated to less than significant levels would be limited to on- and off-site short-term noise and vibration impacts occurring during the Project's construction. The Draft EIR evaluates Alternatives that would reduce these significant impacts. Because similar construction activities would also likely occur at an alternative site, it is not likely that an alternative site would reduce these significant and unavoidable construction impacts to a less than significant level. As such, development at an alternative site location would not serve a purpose respective to CEQA requirements. As concluded in Chapter VI, *Other CEQA Considerations*, the Project is being proposed, notwithstanding significant unavoidable construction noise and vibration, because it would support the RIO District Ordinance for revitalization of the Los Angeles River environment, enhance public enjoyment of the open space environment, and meet the needs of the School in providing recreational and academic opportunities to its students. In addition, as a result of the conclusions of the analysis contained within the Draft EIR, a statement of overriding considerations supported by substantial evidence will be prepared and reviewed by the decision-maker in accordance with the State CEQA *Guidelines* Section 15093 when making a determination on the Project.

## Comment No. IND 34-5

Valley College is a prime example. A sports complex here would also benefit the adjacent college AND Grant High School, a win-win for all. The Sepulveda Basin (HW has a field there already) is another suitable alternative that is not sandwiched in-between so many single-family homes, and narrow streets that cannot handle the current traffic and are already subjected to large developments.

Harvard Westlake has every right to expand its facilities, but that doesn't mean the property at Weddington Golf & Tennis is the right location for this expansion. Studio City cannot handle this type of development.

## Response No. IND 34-5

The comment identifies Valley College and Sepulveda Basin as alternative Project Site locations for expanded recreational facilities. The alternative sites included in this comment would not satisfy the Project Objectives and are not realistic alternatives given that the School does not own or otherwise control Valley College or the Sepulveda Basin. The reasons that alternative sites were considered and rejected is provided in Chapter V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated

recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Chapter V, of the Draft EIR, no other location with adequate acreage and topography exists within proximity to the Upper School campus.

The comment also expresses concern that the streets near the Project location cannot handle the current traffic but does not provide any substantial evidence to support these claims or raise any issues with respect to the content or adequacy of the Draft EIR. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

### **Comment No. IND 34-6**

Councilmember Raman and Councilmember Krekorian please be our stop this development and become our community hero and advocate for moving this project to another location.

### **Response No. IND 34-6**

The comment expresses general opposition to the Project and requests an alternative project location. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 35A

Andre Karchemsky  
Received March 20, 2022

### Comment No. IND 35A-1

I send this email to you today to be heard, just briefly, on the matter of Studio City Golf and Tennis. I first met you when you were protesting the lobby floor of my building against an oil maverick in downtown Los Angeles with Ricci Sergienko. A few years later, it seems like you and a group of your colleagues made it to a position of power. To be quite honest, I think you have done nothing positive for this community (Sherman Oaks, Studio City), or at least nothing that I have noticed. Consequently, I think your position is coming to a close in short order. However, it seems to me that there may be some hope for you to do something meaningful in the Studio City community that could give you some credibility. Prevent a private school, that charges ridiculous tuition, from taking over a staple of the San Fernando Valley. What purpose does this venture serve our community? The school is not even walking distance to Weddington. This is simply a property grab to store assets and grow their bottom line. They aren't the first to try and take this place over.

If you were once able to stand against a oil company to protect clean water and the environment, then what about standing up against the demolishing of a landscape nested in the heart of this city. Weddington acts like a park - where people gather to exercise, socialize, and escape from the realities of the world. You have the power to prevent that from ending.

Now that you have constituents, it is your duty to represent them. Your move.

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Response from Councilmember Raman's office (Council District 4) dated March 21, 2022:

"Thank you for reaching out to the council office about the proposed Harvard-Westlake River Park Project at the former Weddington Golf & Tennis site, an important landmark for the community. We appreciate how engaged Studio City residents have been since the inception of this proposal.

Per Los Angeles City Planning (LACP) and California Environmental Quality Act (CEQA) standards for projects of this scale that are also reviewed by state agencies, the comment period for the Draft Environmental Impact Report (DEIR) is currently set for 45 days.

Councilmember Raman and her staff have respectfully requested that City Planning extend the DEIR comment period to more than 45 days so that constituents, community stakeholders, and the council office can ensure adequate time for a complete and in-depth review process for this dynamic project. We are currently awaiting the Department's decision on an extension.

We understand that there will be more opportunities for community members to weigh in with their feedback and suggestions, including at a public hearing held by City Planning following the final EIR release as well as at a future City Planning Commission meeting.

The Council Office is closely tracking this and again, we appreciate your comments.”

### **Response No. IND 35A-1**

Comment No. 35A-1 from Mr. Karchemsky is derived from email communication between Mr. Karchemsky and the Council Office. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The above response was provided by the Council District 4 Office.

In addition, the comment expresses opposition to the Project based on the loss of a property that “acts like a park.” This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

However, it is noted the Project Site is not public property. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner’s sole discretion.

In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

## Comment Letter No. IND 35B

Andre Karchemsky  
Received March 21, 2022

### Comment No. IND 35B-1

I appreciate your prompt response. I tend to disagree with your most recent email because an extension for 45 days is simply not good enough. As you know, there is precedence for a 90-day public comment period for other large projects, and the Department of Planning is not going to deny Ms. Raman's request.

Please think about the implications of this project if it passes:

- A local school will own acres of land that pose ZERO benefit to the community
- A place for local business, people, families, and friends to exercise is displaced
- A landscape that makes Studio City appealing will be displaced
- The local economy takes a hit

Harvard-Westlake has been trying to expand its campus for years. They tried to build a large parking lot and bridge over Coldwater Canyon, or something to that effect. This campus is desperate to reallocate their funds because they know that if they don't reallocate them, they will lose them to taxes and so forth. So why not invest in property?! Of course, if I was their financial advisor, I would agree with everything they are doing. However, it is up to you and your team to prevent them from destroying natural resources, public space, and the local economy.

Please commit to the 90 days for public comment. I am happy to go ahead and speak as a member of the community against Harvard Westlake. It would not be first time I stand up to them, I am a graduate of Sherman Oaks, Notre Dame.

90 days! We need time.

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Response from Councilmember Raman's office (Council District 4) dated March 25, 2022:

"Thank you for reaching out to the council office about the proposed Harvard-Westlake River Park Project at the former Weddington Golf & Tennis site, an important landmark for the community. We appreciate how engaged Studio City residents have been since the inception of this proposal.

-----

Response from Los Angeles Department of City Planning on March 25, 2022 stated:

“Thank you for your email and comments regarding the proposed Harvard-Westlake River Park Project. Your comments will be included in the record for this Project. If you have not already been included on City Planning's Interested Parties list to receive future correspondence regarding the proposed Harvard-Westlake River Park Project, you will be added to our Interested Parties list for this proposed project.”

### **Response No. IND 35B-1**

Comment No. 35B-1 from Mr. Karchemsky is derived from email communication between Mr. Karchemsky, Los Angeles Department of City Planning, and the Council District 4 Office. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record.

The comment requests an extension of the public comment period from 45 days to 90 days. Refer to Topical Response No. 1 – Public Participation and Review, in this Final EIR, which discusses public participation and CEQA public review requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR. Also, refer to Response Nos. FORM 1-1 and FORM 1-2 regarding public review of the Draft EIR.

In addition, the comment expresses opposition to the Project based on lack of community benefits, loss of a park recreational resource, changes to the City's landscape, and economic concerns. Please refer to Response No. IND 35A-1 regarding the use of the Project by the public and to Topical Response No. 3 - Enforcement of Public Access, in this Final EIR. The latter includes a discussion of the Project's facilities and features for public use and the School's commitment to public access. Landscape changes, including the tree removal and replacement program are addressed in Topical Response No. 5, Biological Resources/Trees, in this Final EIR. As stated in CEQA Guidelines Section 15131, economic or social issues are not topics for EIR consideration unless they lead to a physical change in the environment.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 35C**

Andre Karchemsky  
Received April 23, 2022

### **Comment No. IND 35C-1**

Please provide an update regarding Studio City Golf and Tennis at your earliest convenience.

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Response from Los Angeles Department of City Planning on April 28, 2022 stated:

“Per the Updated Notice of Availability and Completion that you received via email on March 31, 2022, the Harvard- Westlake River Park Project is currently in the Draft EIR comment period, which will end on May 10, 2022 at 4 p.m. Per your request, I have added the personal email address you provided in your email to the Interested Parties List for the Harvard-Westlake River Park Project.”

### **Response No. IND 35C-1**

Comment No. IND 35C-1 from Mr. Karchemsky is derived from email communication between Mr. Karchemsky and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The comment requests an update on the status of the Project and does not raise any issues with respect to the content or adequacy of the Draft EIR. No further response is necessary.

## **Comment Letter No. IND 35D**

Andre Karchemsky  
Received April 28, 2022

### **Comment No. IND 35D-1**

Please add my personal email to the list: andre.karchemsky@gmail.com

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Response from Los Angeles Department of City Planning on May 3, 2022 stated:

“Per your request, we have added the personal email address you provided in your email to the Interested Parties List for the Harvard-Westlake River Park Project.”

### **Response No. IND 35D-1**

Comment No. IND 35D-1 from Mr. Karchemsky is derived from email communication between Mr. Karchemsky and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The comment requests their personal email address to be added to the City’s distribution list for the Project and does not raise any issues with respect to the content or adequacy of the Draft EIR. No further response is necessary.

## Comment Letter No. IND 36

Charles Cox

Received March 20, 2022

### Comment No. IND 36-1

Please, as a concerned citizen of Valley Village. I am asking you to please do everything in your power to stop the demolition of the Weddington Golf and Tennis center. It is one of the few green spaces our community has left. This little green oasis has served my family and friends for as long as I can remember. I have memories learning the game of golf with my father and also teaching my son to play. It is a magical place that should be shared with many generations to come. I remember seeing the 'Skipper' from Giligans Island playing there as a kid. This place hold many great memories for me and others I am sure. More importantly, it is a beautiful open green space that should be preserved. Preserving the trees and wild life should be a priority as these things are disappearing more and more.

Please Councilmember, help to save this beautiful place for other generations to enjoy. It is a place where family and friends meet to enjoy the outside. We have seen enough sprawl in recent years. Please let this be our own 'Central Park' of Studio City. Big business will find other ways to meet their demand and thirst for profits. Please help us save this rare gem. Please help our environment.

### Response No. IND 36-1

The comment expresses opposition to the Project based on the loss of green space and tree removal. The Project would provide 5.4 acres of publicly accessible, landscaped open space and a 0.75-mile pathway connecting to the adjacent Zev Greenway, via an ADA-compliant pedestrian ramp. The Project would add a broad array of native plant species and contribute to the number of trees. Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan*, of the *Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the *Draft EIR*).

In addition, refer to Topical Response No. 3 - Enforcement of Public Access, in this Final EIR for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to maintain public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 37**

David Hilton

Received March 21, 2022

### **Comment No. IND 37-1**

It was nice meeting you and your kids at the Encino Little League opening night. As the past president for the league, I have to say we always love the support of our local council members offices at the league. If you ever want to stop by on a weekend please let me know and I'll treat you to some of our amazing burgers and fries.

I am also very involved at my kid's school, Harvard Westlake. As a member of the community, we are super excited to be able to give back to the neighboring communities with the development of the River Park Area. As a native Los Angeleno, I remember going to Weddington Park and I can only imagine how amazing the park is going to look once Harvard Westlake preserves the open space and provides brand new recreation facilities for the local community members.

If you haven't met with the Harvard Westlake team yet, I would be happy to introduce them to you and set up a lunch for you to meet with the community.

Thank you for any help you can offer in creating a new place for our community to enjoy the outdoors!

### **Response No. IND 37-1**

The comment expresses support for the Project based on the benefits for the School and community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 38**

John Ruffner

Received March 21, 2022

### **Comment No. IND 38-1**

I am very concerned about the environmental impact of this proposed development. I am sure there are many other who can articulate the issues better, but I am particularly concerned about construction noise and all the other nuisances related to construction; traffic caused by events at the new venue; increased light pollution; but especially about the removal of all the trees and the open grassy areas.

### **Response No. IND 38-1**

The comment expresses opposition to the Project based on construction noise, construction traffic, light pollution, tree removal, and loss of grassy area. Refer to Response No. IND 13-1 which discusses the concerns raised in the comment.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 39**

Kelly DeMarco

Received March 21, 2022

### **Comment No. IND 39-1**

We live across the street from Weddington Golf Course, along Valley Spring Lane, and support the Harvard- Westlake River Park Campus project wholeheartedly. In fact, we live directly across from where the soccer bleachers will be installed, and are not troubled by this at all. We have lived here for 24 years, appreciating the beautiful golf course all this time, but this project is a dream come true.

The River Park Campus will bring wonderful value to our neighborhood. We can't wait to utilize the walking paths, meeting up with our neighbors, who I am sure will be out and about using it (at least in the beginning). I look forward to it being a nice focal point for the community. We also look forward to using the RiverWalk to go from Whitsett to Coldwater, which currently you'll never catch us doing because it is scary down there. With H-W's presence, security and safety will be heightened, and taking a stroll to the now- developed Sportsmen Lodge Complex will be dreamy. We are so thrilled for both of these developments.

We have been utmost impressed by H-W's professionalism throughout this process. Their desire to engage with the community is highly respectful. We wish some of the community would actually process what they are hearing, instead of being stubborn. All will be beautiful and property values will increase. Sure there will be noise and cars parking along Valley Spring Lane, but compared to how it was in the past—motorhomes—and how it is now—weirdos sitting in their cars during daylight hours—it will be an improvement. I have spoken at many community meetings, in favor of everything we have in the future to come.

We look forward to having a cocktail on our front patio and enjoying the sounds and views of youth playing athletics, long after our own children have left the nest.

We say rah-rah to Harvard-Westlake River Park Campus!! Thank you.

### **Response No. IND 39-1**

The comment expresses support for the Project based on the provision of a community pathway and heightened security that would accompany the proposed facilities. The comment acknowledges future noise and parked cars from the Project but states the Project will provide improvements over existing conditions.

Note that parking on neighborhood streets would be prohibited by the Project Design Feature TRAF-PDF-3, which would be enforced through the Project's Mitigation Monitoring Program (MMP). Also, future operational noise levels, including composite

noise from crowds, amplifiers, and traffic would not exceed the City's noise standards or CEQA thresholds.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 40**

Marnie Messler-Wilkins  
Received March 21, 2022

### **Comment No. IND 40-1**

As residents of the Studio City area and frequent patrons of Weddington, we're saddened and extremely disappointed by the environmental impact of the proposed plans. The removal of trees, increased air pollutants, huge parking garage, nightmare traffic and overall noise, would be such a disservice to the broader community. As mentioned, this space is one of the few left where integrity has gone untouched. Many of the families who attend this school, are not even constituents of the Valley. I ask that you please consider all of these factors when determining the outcome of this lovely space. We are so thankful for it and hope to continue to use it for many years to come.

### **Response No. IND 40-1**

The comment expresses concerns about tree removal, increased air pollutants, the parking garage, traffic, and noise. Refer to Response No. IND 13-1 which discusses the concerns raised in the comment. Also, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 41**

Tanya Kinoshita

Received March 21, 2022

### **Comment No. IND 41-1**

My name is Tanya Kinoshita. I live at 12700 Moorpark Street, Apt. #403 in Council District 4 and I strongly support the Harvard-Westlake River Park.

I have lived here for the last 3 years. Within my building and around me there is a large community of dog owners. The dog walking community and I urge you to support this project because it creates a safe place for us to walk our dogs. I walk my dog around the block from Bellaire to Valley Vista to Whitsett and back to Moorpark twice a day. As it stands now VALLEY SPRING LANE between BELLAIRE AVE and WHITSETT AVE is UNSAFE. In the morning and afternoon/evenings, this is a prime thoroughfare for runners, walkers, dogs, babies in strollers and cars/trucks both moving and parked. We need a walkway or at the very least a sidewalk because cars traveling in opposite directions cannot pass with enough room and sometimes traveling too fast around us, our kids and our pets.

The Harvard-Westlake River Park will ensure our safety by providing a beautiful space for us to walk that is a safe distance from the street and cars.

Thank you for supporting the Harvard-Westlake River Park and improving our small but caring community.

### **Response No. IND 41-1**

The comment expresses support for the Project based on the provision of a safe pathway for the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 42A

Teri Austin

Received March 21, 2022

### Comment No. IND 42A-1

I see on the DEIR cover page:

Prepared For:

The City of Los Angeles

Department of City Planning

Prepared By:

Environmental Science Associates

Am I correct in assuming that the City of Los Angeles paid ESA for this report? And since this report is finished, has this invoice has been paid in full?

May I ask where I would find out what the total cost to the City of this study was?

I think I understand that the applicant does have to reimburse the City for this study. May I also ask where I inquire to see if that debt has been also paid in full as of yet?

Thank you kindly.

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Response from the Los Angeles Department of City Planning dated March 23, 2022:

“For EIR projects, the applicant/developer pays an EIR ‘deposit’ fee to the City. City staff then charge hourly for our work, review, and preparation of the EIR. Quarterly invoices are sent to the applicant/developer for payment to the City. As work is still ongoing, the applicant/developer will continue to pay hourly fees to the City for environmental work on an ongoing basis.

In addition, the developer must choose from the City’s list of pre-approved third-party environmental consultants, who help prepare the EIR at the direction and guidance of City staff. The developer pays those third-party consultants directly, and we do not have access to those invoices/payments.

In general, costs associated with an EIR can cost a developer anywhere in the range from \$100,000 to millions of dollars, especially if litigation is involved.”

### Response No. IND 42A-1

Comment No. 42A-1 from Ms. Austin is derived from email communication between Ms. Austin and the Los Angeles Department of City Planning. This email communication is

considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The comment requests information related to the costs for preparation of the Draft EIR and the payment status between the City, the applicant, and the environmental consultant. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

## Comment Letter No. IND 42B

Teri Austin

Received March 24, 2022

### Comment No. IND 42B-1

Thank you for your quick response. May I ask where I can obtain the pre-approved list of environmental consultants that the City gives to applicants? Also, I am looking for the complete RDEIR for ENV-2013-150-EIR on Zimas and can only find the withdrawal letter dated February 2019. May I ask where I can access the complete RDEIR for ENV-2013-150-EIR? I saw your name as head planner for that case.

ENV-2013-150-EIR

**Case Filed On:** 01/17/2013

**Staff Assigned:** MILENA ZASADZIEN

**EIR Notice of Prep. Start Date:** 04/12/2013

**EIR Notice of Prep. End Date:** 05/13/2013

**Scoping Meeting Date:** 04/25/2013

**Draft EIR Notice of Completion Date:** 10/30/2013

**Draft EIR Circulation Start Date:** 10/31/2013

**Draft EIR Circulation End Date:** 12/16/2013

**Final EIR Distribution Date:** 06/30/2017

**Termination Date:** 02/02/2019

**End of Appeal Period:**

**Appealed:** No

**Case on Hold?:** Yes

### Primary Address

Address	CNC	CD
3701 N COLDWATER CANYON AVE 91604	Studio City	2

**Project Description:** CONSTRUCTION OF A 3-STORY PARKING STRUCTURE WITH AN ATHELETIC FIELD ON TOP AS AN ACCESSORY USE TO AN EXISTING PRIVATE SCHOOL LOCATED IN THE RE40-1 ZONE.

**Applicant:** JOHN AMATO [ Company: HARVARD-WESTLAKE SCHOOL ]

**Representative:** JEFF HABER [ Company: PAUL HASTINGS LLP ]

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Response from the Los Angeles Department of City Planning dated March 24, 2022:

“Sure, here is a link to our approved list.

The RDEIR can be accessed at this Draft EIR link. It is the second document link.

For reference, our environmental documents can be accessed on our City Planning website by choosing "Development

Services", "Environmental Review", "Published Documents".

Hope this helps”

### **Response No. IND 42B-1**

The comment requests a pre-approved list of consultants for the City and the location of the complete Draft EIR for review. Comment No. IND 42B-1 is derived from email communication between the commenter and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The Los Angeles Department of City Planning responded via email and provided links to the approved consultant list and location of the Draft EIR. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

## **Comment Letter No. IND 42C**

Teri Austin

Received May 9, 2022

### **Comment No. IND 42C-1**

Just wanted to make sure that letters that have been sent in opposition to Councilmember Raman that you have been cc'd on count as Public Comment and are entered into the record as such? I know there have been hundreds so far and I don't want to fill your inbox with emails that are already part of public comment. If not I can either forward them to you with a note from me, or put them on a thumb drive and bring them down you your office before 4 pm tomorrow or print them out and deliver them. I just hate to waste a lot of paper.

I am referring to emails like the one below. I wondered if you have put all these people on the list of people interested in receiving information about ENV-2020-1513-EIR

### **Response No. IND 42C-1**

The comment forwards an email from Joanne Gallagher providing a comment letter on the Project. The comment letter from Joanne Gallagher was received by the City and is included as Comment Letter No. IND 199 below.

## **Comment Letter No. IND 42D**

Teri Austin  
Received May 10, 2022

### **Comment No. IND 42D-1**

*Email Correspondence below*

Please find my Public Comment for ENV-2020-1512-EIR both attached with a word document and also available with this Dropbox link  
<https://www.dropbox.com/t/FsPpDfQumthcx4Tk>

I am writing this letter to address the inadequacy of the Draft Environmental Impact Report (DEIR) ENV-2020-1512-EIR -Harvard Westlake Riverpark Project. As detailed in this letter, the DEIR provides an inaccurate and inadequate project description, and an inaccurate and incomplete picture of the potential environmental impacts of the proposed project. This DEIR must be augmented and recirculated.

### **Response No. IND 42D-1**

This introductory comment states the Draft EIR provides an inaccurate and inadequate project description. The comment also references an attached comment letter. This comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. Responses to the referenced attached comment letter are provided below in Responses to Comments Nos. IND 42D-2 to IND 42D-35 below.

### **Comment No. IND 42D-2**

*Note: Comment Nos. IND 42D-2 through IND 42D-25 are included in the commenter's letter dated May 10, 2022.*

My name is Teri Austin and I am writing this letter to address the inadequacy of the Draft Environmental Impact Report (DEIR) ENV-2020- 1512-EIR -Harvard Westlake Riverpark Project. As detailed in this letter, the DEIR provides an inaccurate and inadequate project description, and an inaccurate and incomplete picture of the potential environmental impacts of the proposed project. This DEIR must be augmented and recirculated.

### **Response No. IND 42D-2**

Refer to Response No. IND 42D-1.

### **Comment No. IND 42D-3**

I would like to add at the beginning of my letter that I find it patently unfair that a resident such as myself who is not a professional in urban planning, architecture or landscaping is expected to digest and then respond to a 6,000 page document within 60 days. In contrast the extremely wealthy developer received over a year to hire a raft of professionals to compose this DEIR and also had an abundance of funds to afford the necessary experts.

I do not have the funds to engage the level of experts the developer has and that puts me at distinct disadvantage to respond in the most complete manner to this document. This project will cause a significant impact to my personal health, quality of life, property value, and enjoyment of my neighborhood.

### **Response No. IND 42D-3**

The comment states that the review period (actually 62 days) was not adequate to review the Draft EIR. Refer to Topical Response No. 1 – Public Participation and Review, in this Final EIR, which discusses public participation and CEQA public review requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR. Also, refer to Response Nos. FORM 1-1 and FORM 1-2 regarding public review of the Draft EIR.

The comment also expresses general opposition to the Project based on impacts to health, quality of life, property value, and personal enjoyment. See Response No. FORM 3-3 which addresses these concerns.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 42D-4**

In addition, this project will demolish and destroy a historically designated landmark. I wrote the application for the HCM nomination for this property. The nomination for HCM status received a last minute substitution in the wording, purportedly by a request from Councilmember Krekorian which profoundly changed its intent for protection of it's historical use as a golf course, not just a "recreational facility". That matter is currently in the courts and its outcome remains unknown. The DEIR does not mention the lawsuit and that omission is reason enough for this DEIR to be augmented and recirculated as the public must be made aware of pending litigation regarding this DEIR.

### **Response No. IND 42D-4**

See Topical Response No. 6 – Historic Resources. The implied statement that the golf course is a character-defining feature of the Project Site is the opinion of the commenter

and is not part of any official determination or designation of the Project Site as a historical resource. Based on an application that the commenter submitted to the City to designate the Project Site a historical monument, the City reviewed all of the evidence related to the history of the Project Site, and determined the historical significance and character-defining features as identified in the Draft EIR. It is the City's identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR. The speculative comment that there is pending litigation on the Draft EIR is not relevant to the analysis and conclusions of the Draft EIR. Further, the fact that there is a lawsuit<sup>2</sup> challenging the City's determination is not relevant to the analysis and conclusions of the Draft EIR.

### **Comment No. IND 42D-5**

What I do have to offer in terms of facts in response to the inadequacy of this DEIR, is my first hand experience as I have lived within 4 blocks of this property for over 30 years. I have walked my dogs on Valleyspring [sic] and Bellaire thousands of times. I have ridden by my bike on Whitsett, Valleyspring, [sic] Bellaire, and on the Zev Yaroslavsky Greenway. I have driven my car on all the streets that border this property as well as all the streets between Coldwater Canyon, Moorpark, Laurel Canyon and Ventura Blvd and South of Ventura, for 3 decades. I have travelled all the before mentioned roads at all times of day and night, during Holidays and through all four seasons.

I have first hand knowledge (as do many of my neighbors) of the ambience, noise level and traffic conditions in this neighborhood. The bucolic atmosphere on Valley Spring and Bellaire where currently residents walk their dogs, bike and push baby carriages, will be destroyed, and made dangerous when far more traffic is driven to this property not only by the staff and students arriving daily but also hundreds and sometimes thousands of by people attending events.

### **Response No. IND 42D-5**

The comment expresses concerns about changes to the ambient noise levels and traffic. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The commenter is referred to Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts, in this Final EIR for a discussion of construction and operational noise impacts.

In addition, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR

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<sup>2</sup> See *Save Weddington Inc. v. City of Los Angeles* (Los Angeles Superior Court Case No. 21STCP04158; filed Dec. 22, 2021)

determined that all CEQA-required transportation impacts would be less than significant without mitigation.

### **Comment No. IND 42D-6**

The entrances to the so-called “Riverpark” will mean people have to cross Whitsett, Vallyspring [*sic*] or Bellaire to enter. The increase in traffic will make crossing, especially with small children and baby carriages, dangerous. Is the city going to provide several new crosswalks, one at each entrance, and is HW going to provide crossing guards at each one?

### **Response No. IND 42D-6**

The comment expresses the concern that pedestrian crossings would be required for families crossing Whitsett Avenue and other streets for safe access to the Project Site. The commenter’s concerns about pedestrian safety are noted, given that Project-generated vehicle activity would increase with implementation of the Project and that increases in pedestrian crossings would occur as residents of the neighborhood to the east utilize the community and recreational spaces in the Project. However, there is no specific threshold regarding when an increase in pedestrian volumes at a location with a very limited history of pedestrian collisions would be significant. As discussed in Chapter 4 of the Transportation Assessment (TA) (included as Appendix M of the Draft EIR), per the City’s criteria, the Project would not create an excessive burden on any of the surrounding residential streets in either the Non-Event Scenario or the Special Event Scenario. That is, the City’s criteria for an impact to a residential street segment is the addition of 120 trips. Furthermore, given the lack of a history of pedestrian-related collisions and the fact that the City of Los Angeles has not identified Whitsett Avenue as part of its high injury network, the increase was not identified as a significant impact.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

For additional detail and discussion of prior traffic safety records at Whitsett Avenue, please refer to Response No. IND 225-4. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 42D-7**

The so called “river park” in reality is simply the 30 foot set back on which the developer is prohibited from building. This narrow strip, less than 20 feet in width in some parts, will

be dangerous to children, bikers and dog walkers all crammed into a too narrow space to avoid dog bites and collisions of bicycles and people/dogs. Please note map A.0.00 in this DEIR at the South/West corner of Field B which illustrates this too narrow pathway.

### **Response No. IND 42D-7**

The comment states the publicly accessible pathways would be too narrow for public use and that they are located wholly within the required A zone's 30-foot setback.

Regarding the potential for dog bites and collisions between pedestrians/bicyclists, CEQA does not require analysis of speculative conditions. Furthermore, the comment does not provide any substantial evidence that Project operation would result in substantial safety conflicts. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable."

In addition, unlike suburban sidewalks, bicycles would not be permitted on the path, which would further ensure pedestrian safety. The landscaped pathways would vary in width to allow for seating and would be, at minimum, as wide as a public sidewalk which could accommodate groups of people.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 42D-8**

This DEIR information is inadequate and inaccurate for section **Section IV L.3 Recreation and Parks**.

This DEIR inadequately describes significant impacts for recreation standards, cultural or historical sites, environmental and ecological balance and undeniably unique sites. The Weddington Golf and Tennis property is not just a golf and tennis facility it is unique due to its history (it is an HCM) and its culturally planned landscape which is unlike any other par 3 golf course in Los Angeles County. See below.

### **Response No. IND 42D-8**

The comment states the Draft EIR is inadequate and inaccurate regarding impacts to recreational standards, cultural or historical sites, environmental and ecological balance, and unique sites. Please refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, regarding the adequacy of public and private, off-site nine-hole golf courses to accommodate relocated golfers and the adequacy of the Project's eight tennis courts to

provide the same number of weekly sessions to the public as under existing conditions. As discussed therein, and in Section IV.L.3, *Parks and Recreation*, of the Draft EIR, the Project would not exceed the CEQA impact thresholds to parks and recreational facilities. The commenter does not provide any substantive facts or support for these concerns or opinions. Refer to Response No. IND 42D-4 for a discussion of the HCM nomination.

## **Comment No. IND 42D-9**

### **RELEVANT GENERAL PLAN FRAMEWORK ELEMENT POLICIES**

#### **(ii) Open Space Element**

“This document distinguishes open space areas as privately- or publicly-owned, and includes goals, objectives, policies, and programs directed towards the regulation of privately-owned lands both for the benefit of the public as a whole and for protection of individuals from the misuses of these lands. In addition, this document discusses the acquisition and use of publicly-owned lands and recommends further implementation of studies and actions to guide development of open space in the City. Furthermore, in order to address the standards and criteria of identifying open space, this document describes various contextual factors that may affect open space, including, but not limited to, recreation standards; scenic corridors; density and development; cultural or historical sites; safety, health, and social welfare; environmental and ecological balance; and unique sites” In addition, by this DEIR’s own account, on pages IV L. 3-14 over 63,000 individuals use the Weddington golf course and driving range. However the DEIR goes on to state that “. *Because existing municipal golf courses have available capacity to accommodate the relocated golfers from the Weddington Golf Course, ....the relocation of golfers is not expected to increase demand at a level that would foreseeably require the provision of new or physically-altered public golf courses.*”

This data is not just “flawed” its flat out wrong.

Please refer to the letter from Craig Kessler, Legislative Deputy for the Southern California Golf Association, stating, “ *as evidenced by the reality that Los Angeles’ Recreation and Park’s 13-facility golf Internet reservation system sells out in less than one minute each and every day. The system is fully booked 9 days in advance year-round.*”

## **Response No. IND 42D-9**

The comment states that the Draft EIR’s data on golf course availability is incorrect. Refer to responses to the Kessler letter included as Response Nos. ORG 17-1 to ORG 17-8 of this Final EIR. As discussed therein, the relocation of golfers caused by the Project is not expected to increase demand at a level that would foreseeably require the provision of new or reconstructed public golf courses. Therefore, the Draft EIR correctly determined that the Project would not cause the substantial or accelerated physical deterioration of public park and recreational facilities that would require the construction or expansion of

recreational facilities that might have an adverse physical effect on the environment. Please also see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, in this Final EIR. Topical Response No. 11 details the methodology utilized in preparing the Draft EIR to substantiate the conclusion that existing municipal golf courses have available capacity to accommodate the relocated golfers from the Project Site's course.

### **Comment No. IND 42D-10**

Another example of the inaccuracy of this DEIR is on page L.3-9 the use of the words "assumed" and "no data available" with references to phone calls and emails. There are no copies of these emails and no transcripts of phone calls in the DEIR but only the assumptions of the preparer. There are indeed many resources that the preparer could have utilized to find the appropriate data. This is not a subjective or speculative claim. Please again refer to the attached letter from Mr. Craig Kessler stating "*The drafters of the Draft EIR cherry picked a few unrelated statistics, made a few phone calls, and cited some E-mails in support of a conclusion about a "less than significant impact" re loss of golf play/practice functionality in the most golf starved region of the United States – a conclusion that anyone with the slightest knowledge of the golf market in Los Angeles finds laughable.*

*The drafters could have and should have engaged credible 3rd party expertise like the National Golf Foundation or one of many golf consulting firms governments routinely use in drafting RFP's and strategic plans. Instead, they chose to employ the shoddiest of methodologies to come to what can only be charitably called a pre-determined conclusion. Terms like "insufficient" or "inadequate" hardly suffice to describe the analysis of the mid-San Fernando Valley golf market/community they produced.*

I concur with Mr. Kessler that this DEIR presents an inaccurate and incomplete picture of the potential environmental impacts of the proposed project as it relates to "Public services/parks and recreation". This DEIR requires augmentation by credible 3rd party expertise capable of accurately assessing the environmental impacts thereof and recirculated.

### **Response No. IND 42D-10**

The comment cites direct comments included in Comment No. ORG 17-7, which states the Draft EIR preparers "cherry picked" various data and should have engaged credible 3<sup>rd</sup> party expertise on golf facilities. Refer to Response No. ORG 17-7, which addresses these comments. In addition, copies of the sourced information (i.e., footnotes) included in the Draft EIR are available upon request to the Los Angeles Department of City Planning.

### **Comment No. IND 42D-11**

If LA golf courses are currently turning away people daily then the "assumption" on page L-27 that there are adequate tee times available is incongruous and proves there are not

63,000 available tee/driving range times for people displaced by the complete loss of the golf facility to “migrate to”.

Section IV L.3 needs to be further studied as the DEIR has inadequate research and data to reflect the significant impact on recreation in the area. **The loss of this golf course and driving range is a significant impact that cannot be mitigated as there are no new golf courses planned by City of Los Angeles or anyone else in our area.**

### **Response No. IND 42D-11**

The comment inaccurately uses 63,000 as a yearly usage to comment on available replacement tee times, conflating tee times for golf courses and available stalls at golf driving ranges. The Draft EIR states the existing golf course use ranges from 100 golfers per weekday to 150 golfers per day on the weekends. The availability of off-site tee times, as analyzed in the Draft EIR, is based on daily availability rather than a yearly total number of users to ensure demand is met on a daily basis. The commenter is referred to Response Nos. IND 42D-9 and IND 42D-10 and Topical Response No. 11, Recreation: Golf and Tennis Facilities, in this Final EIR for additional detail regarding the relocation of existing golf course users.

### **Comment No. IND 42D-12**

**3. Project Impacts** a) Thresholds of Significance In accordance with Appendix G of the CEQA Guidelines, a project would have a significant impact related to parks and recreation if it would:

**Threshold (a):** Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks;

Threshold (b): Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated;

**or Threshold (c):** Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

This DEIR claims, in error, that 63,000 golfers could simply play at other public access courses. If that many more golfers were allowed at the golf courses within a 10 mile range it would accelerate the deterioration of those facilities. Or in order to maintain the acceptable service ratios new golf facilities would need to be constructed or expanded for which the available land does not exist. **Therefore there are significant impacts that cannot be mitigated.**

## Response No. IND 42D-12

The comment states that 63,000 displaced golfers would result in significant impacts based on the Appendix G CEQA thresholds included in the Parks and Recreation section of the Draft EIR. The commenter is referred to Response Nos. IND 42D-9 and IND 42D-11 regarding the number of existing golfers and availability of replacement facilities to support the relocation of those golfers. The commenter is also referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, in this Final EIR and responses to Comment Letter No. ORG 17 for additional detail regarding impacts on recreational facilities. The issue of adequate recreational resources to support the relocated golfers is fully evaluated in the Draft EIR, and the Draft EIR correctly determined that the Project would not cause the substantial or accelerated physical deterioration of public park and recreational facilities that would require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

## Comment No. IND 42D-13

On the DEIR's page L.3-27 they again state the "assumption" with no supportive data, that people using this par 3 golf course can migrate to 18 hole golf courses. "As described earlier, this assumes that all current users of the Weddington Golf Course would seek to play at other nine-hole courses, which is a conservative assumption since golfers could also play at full-length, regulation courses".

This is inaccurate and proves a complete lack of knowledge of the reality of this sport and the significant impact on recreational golf facilities in the direct area and region. I have already demonstrated that the displaced golfers could not be accommodated at other golf courses within a reasonable distance, as the reservations are not available.

## Response No. IND 42D-13

The comment again states that Weddington golfers could not be accommodated at other golf courses within a reasonable distance, based on the commenter's belief that reservations are not available. By analyzing the availability of other nine-hole golf courses, the analysis fully evaluates the demand on similar courses including the private Van Nuys nine-hole golf course and the City's four nine-hole golf courses (e.g., Roosevelt Golf Course, Los Feliz Golf Course, Rancho Park, and Penmar Golf Course) as replacement facilities for the relocated golf course users. The analysis does not analyze the capacity of 18-hole golf courses. Therefore, as stated in the Draft EIR, the analysis presented is conservative, as some current users may utilize 18-hole golf courses, but this potential is not factored into the analysis and conclusions regarding capacity. Refer also to Response Nos. IND 42D-9 to 42D-12 regarding availability of golf reservations at nearby golf courses.

### **Comment No. IND 42D-14**

Also the preparer of this DEIR assumes incorrectly that all of the people using the Weddington facility can “migrate” to the larger 18 hole [sic] course.

The DEIR does not take into account that an 18 hole golf course demands that each player have a complete set of clubs, unlike the par 3 course which requires the player to use just 3 clubs, a putter, and two irons, this would cause many people to be denied the opportunity to participate because of the increased cost of purchasing a complete set of clubs. Being required to have a full set of clubs would specifically impact lower income individuals.

### **Response No. IND 42D-14**

The commenter is referred to Response No. IND 42D-13 regarding the inaccurate claim that the Draft EIR relies on the availability of 18-hole courses to substantiate the less than significant impact conclusion related to the CEQA thresholds for adequate provision of recreational facilities.

### **Comment No. IND 42D-15**

This DEIR further negates the fact, not an assumption, that many senior citizens and young children do not have the stamina to play an 18 hole golf course. This DEIR also gives an incomplete argument for a “less than significant impact” by not taking into account the increased cost for green fees to play a larger course and again the need for most people, not only seniors, to rent a golf cart again doubling the cost as walking the course requires one to be in good physical shape. I can attest to the fact that I am 65 in better than average physical condition for my age and I cannot complete an 18 hole golf course on most days even with a cart. It is just physically too taxing. I can always play the much shorter 9 hole par 3 golf course at Weddington which takes one hour to play in contrast to 5 hours for an 18 hole course.

### **Response No. IND 42D-15**

The commenter is referred to Response No. IND 42D-13 regarding the inaccurate claim that the Draft EIR relies on the availability of 18-hole courses to substantiate the less than significant impact conclusion related to the CEQA thresholds for adequate provision of recreational facilities.

### **Comment No. IND 42D-16**

In addition, the listed golf courses that the DEIR says that the current people using Weddington can “migrate to” will entail a huge increase in miles travelled which is opposite to what the city’s green new plan seeks to achieve. “As the crow flies” can never be used as an indication of the famously congested traffic in Los Angeles. Driving from the San Fernando Valley to the Los Feliz par 3 course can take over an hour different times of the

day. I know this to be a fact because I make a drive to this area from my house for my job and am well acquainted with the traffic problems for this route.

### **Response No. IND 42D-16**

The comment makes the assumption that users of the golf facilities are located in close proximity to the Project Site. As discussed in Response No. ORG 1B-94, according to the Department of Recreation and Parks, golfers are willing to travel to municipal courses as evidenced by the fact that the existing location of users who use the Project Site's golf facilities already derive from throughout the region. Although the focus of the Draft EIR analysis was on municipal facilities, for existing users who live in the San Fernando Valley, the private Van Nuys Golf Course would provide a convenient option to the public at similar rates as the Weddington Golf facility.

### **Comment No. IND 42D-17**

The Southern California Golf Association states that 10 percent of all Californians either play golf or play golf regularly. This DEIR does not address the significant impact of removing this facility from availability.

**Removing this golf course is a significant impact to available recreation that cannot be mitigated**

### **Response No. IND 42D-17**

This comment states that 10 percent of Californians play golf and the Draft EIR does not address removing the golf course from availability. This comment refers to "all Californians", who are not relevant to the analysis included in the Draft EIR, which focuses on existing golf usage patterns and volumes at the Project Site. The commenter is referred to Response Nos. IND 42D-9 through IND 42D-16 and Topical Response No. 11 – Recreation: Golf and Tennis Facilities, in this Final EIR for additional detail regarding the relocation of existing golf course users. As noted therein, the CEQA impact is not the removal of the golf facility and the reduction or loss of golf opportunities but the relocation of golfers that could result in the need to construct new or repair/enlarge existing facilities. The analysis and evidence contained in the Draft EIR indicates that 9-hole golf courses in the local area do have adequate capacity to accommodate the dislocated Weddington Golf & Tennis users, and that such relocated users would not result in the need to construct new or repair existing facilities.

### **Comment No. IND 42D-18**

#### **Relevant General Plan Framework Element Policies.**

Policy 6.4.5 Provide public open space in a manner that is responsive to the needs and wishes of the residents of the City's neighborhoods through the involvement of local

residents. SOURCE: City of Los Angeles, The\_Citywide General Plan Framework, An Element of the City of Los Angeles\_General Plan, re-adopted 2001.

Although the property in question is privately owned, it is only through providing a public benefit through access that the developer can hope to meet the requirements for a Conditional Use Permit. To date the developer has not taken the “needs and wishes” of local residents into the design and use of this project. In every local meeting or local open forum (such as several meetings of the Studio City Neighborhood Council, Studio City Residents Association, meetings held at the Six Restaurant, comments made on Nextdoor, the over 13,000 petition signers, and over 2,000 letters in opposition received by both Councilmembers Krekorian and Raman and the Dept. of Planning.) the vast majority of residents have expressed opposition to this project. These meetings were not all arranged by the developer, many are meetings held by different community organizations because of the strong opposition to this project by residents.

### **Response No. IND 42D-18**

The comment expresses opposition to the Project, stating that the School has not taken into consideration the “needs and wishes” of local residents. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

However, the commenter is referred to Topical Response No. 3 – Enforcement of Public Access, which provides additional details regarding public access and use of the Project Site, which discusses the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 42D-19**

After holding the mandated community outreach meetings the developer then submitted to the Dept. of Planning the exact same design package they had originally received from Gensler in March 2019, six months before any community meetings were held. Not a brick was changed. To the best of my knowledge when architects alter their design maps there is a notation such as “revised January 1, 2020”. There are no such notations on the design package submitted to Dept of Planning in March 2020. There was zero community input respected or utilized. There are no “redesign” notations on any of the design packages maps. The map we were shown at community meetings is not in the original design package. One can only surmise why different drawing was shown at the community meetings and then the claim of “changes” made due to community input.

Here is David Weil at The Six restaurant in August 2019 and the map he claimed was the design for the Riverpark project.

*(Note: See original comment letter in Appendix A of this Final EIR for photos included in this comment letter)*

Note that the tennis courts and Field A are in reverse position and there is no Clubhouse. However, in the original designs dated March 2019, the tennis courts and Field A are in the position submitted in March 2020 and the clubhouse is noted as “existing structure to remain.” Anyone with experience with DEIR’s would know that the property already listed on Survey L.A. even before the designation of the HCM would be an issue for CEQA regarding Cultural Resources.

The point I am trying to make is for whatever reason the above map was shown to our community, the plans submitted to the Department of Planning in March 2020 are exactly to the last brick the original design package by created by Gensler Architects in March 2019. There has been no community input reflected or respected.

Here is the front of the design package showing date March 2019, 6 months before 1st community meeting. It does not include the map David Weil showed with revisions.

*(Note: See original comment letter in Appendix A of this Final EIR for photos included in this comment letter)*

## **Response No. IND 42D-19**

The comment states that the Site Plan was not changed to reflect community interests. The Initial Study and Draft EIR are based on plans submitted to the Department of City Planning as part of the Project’s application and for the preparation of the Initial Study (September 2020) and the Draft EIR (March 2022). The original plans reviewed by the community were not the subject of either the Initial Study or the Draft EIR and were not provided to the Department of City Planning. As such, specific changes or lack of changes are not required. It is understood, however, that, at the time of the Initial Study, the plans may have reflected several changes that were made in response to previous community comments and interests, including public access into the private property and use by the public of the Project’s recreational facilities and everyday free access to landscaped open space. These interests are reflected in the Project’s Objectives set forth in Chapter II of the Draft EIR. Also, the Project’s stormwater capture and reuse system was included to address community concerns regarding flooding along Whitsett Avenue. The purpose of the CEQA process is to provide full disclosure of environmental impacts and opportunity for public review and input. Based on community and agency comments on the Draft EIR further, broader design modifications were made to the Project as discussed in Topical Response No. 2 – Modifications to the Project Design, and as shown in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As shown therein, surface and below-grade parking, outdoor bleacher seats, the total number of light poles, the height and width of the pool canopy, and excavation volumes have been reduced. The window area of the south side (second floor) of the gymnasium (previously covered with metal louvers) has been removed from the Project design and will be converted to solid walls, and the window area of the north side of the gymnasium has been reduced in size. In response to water conservation concerns, the Project eliminated water features throughout the Project Site. These changes are fully disclosed in this Final EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 42D-20**

### **OTHER PROBLEMS WITH THIS PROJECT**

1) **This project is far too big for this location.** It is so large it exceeds the property HW owns and necessitates renting County land to build on which currently the public has FULL access to along the river. The so called "River Park" is not a continuous acreage "park" but rather the cobbled together bits and pieces on the perimeter of the project. The size of this mega sports complex does not fit the character or ambience of this neighborhood. The renderings in the design package make blatant use of forced perspective to make the huge buildings seem less imposing than they are.

## **Response No. IND 42D-20**

The commenter expresses the commenter's opinion on the size of the Project being too big for this location.

See Topical Response No. 4 – Aesthetics, regarding the Project's aesthetics-related impacts. Also, impacts related to views, scenic resources and visual character were evaluated in the Initial Study (Appendix A of the Draft EIR) and determined to be less than significant. Contrary to the commenter's statement, existing Project Site uses also rely on 1.1 acres leased from the County of Los Angeles, referred to in the Draft EIR as the Leased Property, which the public currently has access only in the context of fee-based golf. By comparison, the Project would incorporate the Leased Property as part of the approximate 5.4 acres of free, publicly accessible open space and pathway.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 42D-21**

2) In 2022 to think about destroying hundreds of healthy mature 100 foot trees and 43% tree canopy and replacing with new plantings is not the best plan for our current climate crisis. New much younger native trees, if they survive, will take a generation to produce less than half the current canopy. Any cooling effect will be lost because of the heat island effect caused by 2 artificial turf fields, acres of concrete and glass buildings and hardscape. Further, any trees planted will not reduce any of the heat reflected by the artificial turf fields. In order to keep leaves off the field and reduce the need to remove them, trees will not be planted close enough to shade the fields. This is a common landscaping practice with all artificial turf fields so new trees will not mitigate reflected heat from artificial fields.

## Response No. IND 42D-21

The comment states that the Project will be subject to heat island effects resulting from the loss of tree canopy and the use of artificial turf fields. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. Refer to Topical Response No. 7 Section (2)(b) for a discussion of human health-related risks from heat effects related to the use of artificial turf.

In addition, Section IV. G, *Greenhouse Gas Emissions*, of the Draft EIR, included an analysis of urban heat island effects from Project implementation. As analyzed therein, the Project's artificial turf would not substantially contribute to an increase in the urban heat island effect for the area.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan, of the Draft EIR*). Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

Also, refer to Topical Response No. 3 - Enforcement of Public Access, in this Final EIR for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

## Comment No. IND 42D-22

The microclimate of the entire area will be degraded and the watershed poisoned by tons of new underground cement that will leach into the soil for decades to come. All these issues were given scant attention in the DEIR.

## Response No. IND 42D-22

The comment states that the microclimate of the entire area will be degraded and the watershed poisoned by tons of new underground cement that will leach into the soil for decades to come. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

The commenter is referred to Response No. IND No. 42D-21 for a response regarding the microclimate and localized heat impacts from the artificial turf field. In addition, the Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. The comment that the watershed would be poisoned by tons of new underground cement that will leach into the soil for decades to come is unfounded and not supported by substantive facts.

## Comment No. IND 42D-23

The constant repetition of the buzz word "invasive" in regard to Palm trees requires more nuance. Although current thinking recommends native species when possible for new projects, these Palm trees are not invasive as they are in a groomed area. The Palms and many other species of trees at Weddington are only 25% through their life span and have roots established deep into the L.A. river watershed so they will be able to withstand the drought we now face.

## Response No. IND 42D-23

The comment states that the use of the word "invasive" requires more nuance and that palms and other species are suited to withstand drought conditions because they have deep roots in the L.A. River watershed. However, the commenter does not provide any substantive facts or support for these concerns or opinions. As stated on page IV.C-14 of the Draft EIR, Mexican fan palms are considered invasive species by the California Invasive Plant Council.<sup>3</sup> The Project's landscaping program is consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, and consists entirely of native trees that would require significantly less water as compared to the ornamental or invasive species that currently exist on the Project Site. Further, the Project's native landscaping would help to enhance the existing off-site native habitat, as well as the surrounding area, by expanding the habitat, creating a greater native seed source. It is also noted that fan palms are discussed as "trees" in the context of assessing Project impacts to biological resources and the City's tree replacement ratios because the palms have a single trunk, but palms are, anatomically not woody trees like oak, sycamore, ash, elm, or eucalyptus. Rather, palms are a type of monocot, closer in relation to bananas, grasses and bamboo as they do not contain wood in concentric

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<sup>3</sup> California Invasive Plant Council, The Cal-IPC Inventory, <https://www.cal-ipc.org/plants/inventory/>.2020, accessed December 10, 2020.

annual rings, do not grow bark, nor commonly produce branches or limbs, in the way that oak, sycamore or eucalyptus develop. A Mexican fan palm will not branch, but die, when the top is removed, unlike a woody tree with secondary growth such as an oak that can produce new branches.

### **Comment No. IND 42D-24**

3) The mitigation offered for various impacts in the DEIR are not sufficient. To name just one such issue: 12 foot wall/fence and a partial pool canopy, will not adequately reduce the noise from hundreds sometimes thousands of cheering students and spectators. Not to mention the loud sounds competitive water sports generate, starting pistols, horns, and whistles. I don't think one needs to be an expert to know that a 12 wall/fence is not going to mitigate sufficiently the noise from one side of the wall to the other.

### **Response No. IND 42D-24**

The comment states the proposed wall/fence and pool canopy would not adequately reduce noise from Project operations. See Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts associated with operation activities, including special events. As discussed in Topical Response No. 8, the Project's operation noise impacts were fully analyzed in Section IV.K, *Noise*, and Appendix K, Noise Technical Report, of the Draft EIR. The Draft EIR's noise analysis identified the area's noise and vibration sensitive receptors, existing ambient noise levels, maximum construction noise and vibration levels and duration, and peak operation noise levels. Operation noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions, using industry-accepted standards and modeling software, to provide maximum impacts and to avoid underestimating impacts. Operation noise impacts, including a conservative analysis of all athletic facilities being used simultaneously, would not exceed noise impact standards established by the City and would be less than significant.

### **Comment No. IND 42D-25**

The DEIR does offer a sound study but one that merely compares that noise generated to be similar to other sport venues but not how drastically the noise level will increase from what it is now in this residential area 500 feet from people's homes. The DEIR is inadequate because it does not include any data regarding the refracted noise from the Santa Monica Mountains, the 2 acre glass and concrete gym or the concrete channel of the L.A. River. I have first hand experience that currently any sounds in the evening of people yelling or music from cars is echoed through the LA River cement channel and bounces back into this neighborhood. The noise generated from events and regular exuberant teenagers will not be mitigated to a reasonable level by a wall and pool canopy. These suggested mitigations are inadequate and the noise levels will be a significant impact.

## Response No. IND 42D-25

The comment claims that the Draft EIR is inadequate since it does not include any data regarding the refracted noise from the Santa Monica Mountains, the Project's gym, or the concrete channel of the L.A. River. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Nonetheless, the Santa Monica Mountains are not located in proximity to the site such that they would affect noise levels beyond those identified in the Draft EIR for the nearest noise sensitive receptors. As evaluated in Section IV.K, Noise, of the Draft EIR, operational noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts. The noise from use of the Project's recreational facilities would primarily be from the athletic facilities (i.e., Field A and B, pool, and tennis courts) located on the northern and western portions of the Project Site. Maximum noise levels from use of these Project facilities was calculated at the noise sensitive receptors immediately across the adjacent streets, and was compared to existing (i.e., ambient) noise levels at the same sensitive receptors (contrary to the commenter's statements). Operational composite noise levels would increase by 3 dBA or less at the nearest noise sensitive receptors (see Table IV.K-20 in the Draft ER). A change of 3 dBA in ambient noise levels is considered to be a barely perceivable difference. Given the Project's largely imperceivable noise increase, relative size of the gymnasium, its distance of over 500 feet to sensitive receptors, and intervening trees/landscaping as part of the Project, any noise refracted from the gymnasium building would not change the noise levels at the nearest noise receptors as provided in the Draft EIR. For these same reasons, and given the L.A. River is below grade from the Project Site, any noise refracted from the L.A. River would also not change the noise levels at the nearest noise receptors as provided in the Draft EIR. The commenter is also referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, in this Final EIR, which discusses the adequacy of the operational noise analysis included in the Draft EIR.

## Comment No. IND 42D-26

4) Replacing the current multi-generational sports with exclusively team sports that require practices, uniforms and schedules will dramatically reduce public access for people of all ages and instead cater to a much smaller demographic of school aged participants. The "assumption" in the DEIR that people using this par 3 golf course will "migrate" to larger 18 hole courses does not take into account *that seniors and younger children will be excluded* by either age or stamina to utilize much larger courses. Also the increased cost and travel involved will also deprive many of opportunity and access.

## Response No. IND 42D-26

The comment claims that current multi-generational sports would be replaced by a smaller demographic of school aged participants. It is noted that the Project would continue to provide eight tennis courts, approximately 5.4 acres of landscaped areas and

pathways, including a 0.75-mile pathway that circumnavigates the Project Site and provides seating, dog walking jogging, and birdwatching, and artificial turf fields that provide consistent, year-round playability for a multitude of team and individual sports. These uses provide recreational opportunities that serve the community in replacement of existing golf uses. In the South San Fernando Valley, of the 26 recreational uses ranked by the RAP's Citywide Community Needs Assessment, walking and biking trails are ranked No. 1, small neighborhood parks are ranked No. 2, nature trails are ranked No. 4, indoor gyms are ranked No. 8, outdoor tennis courts are ranked No. 9, outdoor swimming pools are ranked No. 12, nature/environment centers are ranked No. 13, youth soccer fields are ranked No. 21, and adult soccer fields are ranked No. 25. Golf courses/driving ranges are ranked No. 19. The commenter is referred to Response No. IND 42D-13 regarding the inaccurate claim that the Draft EIR relies on the availability of 18-hole courses to substantiate the less than significant impact conclusion related to the CEQA thresholds for adequate provision of recreational facilities.

### **Comment No. IND 42D-27**

5) The "Public Access" is extremely limited (please see attachment, Public Access). Currently over 100,000 Angelenos utilize this facility. According to the DEIR that number will drop by 90% and our formal rebuttal will prove the DEIR is in error about the availability of alternate recreational venues for the displaced community members. This is a significant impact on recreation and parks.

### **Response No. IND 42D-27**

The comment claims that public access is extremely limited. Refer to Response No. IND 1-3 and Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR. The commenter is also incorrect that the Draft EIR contains a conclusion that public use will drop by 90 percent following Project construction.

### **Comment No. IND 42D-28**

6) The claim of fulfilling the city's plan for connecting the river park way is not an added benefit as there are already existing entrance ramps on either side of the property. Plus in 2017 \$800,000 tax payer dollars were spent landscaping the Zev Yaroslavsky greenway. Those plants are now established, healthy and currently provide a biodiverse area with butterflies, birds, and small mammals. With the thousands of people that will be on campus the noise and trampling of the area will destroy what we paid for and enjoy currently. Here is a link to the State of California's description Of the Zev Yaroslavsky Greenway project. [Zev Yaroslavsky Greenway Phase II \(ca.gov\)](#)

## Response No. IND 42D-28

The comment states that Project noise and trampling of the area will adversely affect the recently landscaped (in 2017) Zev Greenway. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

The Project will install fencing along the edge of the Leased Property and along the Project's ADA-compliant pedestrian ramp leading from the Project Site to the Zev Greenway to prevent people from trampling down the side of the hill to the Zev Greenway trail. As designed, the fencing has spacing that would allow for local wildlife (e.g., smaller animals) to pass through while still providing a nice aesthetic and line-of-sight to the river. While this fencing was accounted for in the Draft EIR impact analysis, Project Design Feature BIO-PDF-2 has been added to provide further details of the proposed Project fencing. Project Design Feature BIO-PDF-2 is included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. In addition, as discussed in Section IV.C, *Biological Resources*, of the Draft EIR, the Project's indirect impacts to plant and wildlife species from noise generated by construction and operation of the Project would be less than significant. See pages IV.C-40, IV.C-41 for a discussion of indirect noise impacts to sensitive wildlife species, and IIV.C-47 and V.C-48 for a discussion of such impacts to wildlife movement and nesting birds. As stated therein, indirect impacts associated with a change in the on-site operational noise and human activities would be similar to existing conditions with the potential for more noise and human activities during sports events. If present on-site, wildlife species are already adapted to living in an urbanized setting and ambient noise and human activities associated with frequent use of the golf and tennis facilities on-site. Increases in noise and human activities would be concentrated around outdoor athletic activities within the fields, tennis courts, and swimming pool, which do not contain vegetation or have suitable roosting habitat for the special-status bats, and larger sporting events would be limited to specific hours, as well as limited in duration. A change in the on-site operational noise levels and associated human activities would be low and would not diminish the chances for long-term survival or significantly impact wildlife species.

## Comment No. IND 42D-29

7) The traffic study in the DEIR glosses over the cumulative effect of the 11 new developments planned for Ventura Blvd in this direct area from Lankershim to Sepulveda and the increase in traffic they will generate resulting in thousands of more car trips and compounded by shuttle buses. No permits should be granted until the traffic studies for these 11 new developments have been completed. The DEIR only mentions 5 new project surrounding the Sportsman's Lodge.

## Response No. IND 42D-29

The comment states that the traffic study did not thoroughly evaluate the cumulative impact of other new developments on Ventura Boulevard. The analysis of transportation related impacts was included in Section IV.M, *Transportation*, of the Draft EIR. The

section assessed potential Project impacts based on the Transportation Assessment (TA) prepared by Fehr & Peers, dated April 2021 and included as Appendix M of the Draft EIR. The TA was prepared in accordance with the Los Angeles Department of Transportation's (LADOT's) Transportation Assessment Guidelines (TAG) adopted in July 2019 (updated in July 2020). The TA was approved by LADOT on June 10, 2021, with an updated approval on June 11, 2021. As stated on page 16 of the TA, based on information provided by LADOT on October 27, 2020 and other sources, there are five mixed-use projects, including health club, restaurant, retail, and residential land uses, within a half mile radius of the Project Site and a quarter mile beyond the outermost study intersections. All of these projects are located on Ventura Boulevard. Table 3 shows the list of related projects and their corresponding land uses. The list of related projects was correctly generated in accordance with the City's TAG criteria. In addition, it is noted that for the non-CEQA transportation analysis included in the TA, an ambient growth factor of 0.6 percent per year was applied to adjust the baseline year (2020) traffic volumes to reflect the effects of regional growth and development. This adjustment was applied to the baseline year (2020) traffic volume data to reflect the effect of ambient growth by the year 2025. This methodology is consistent with standard practices and TAG methodology for TA's in the City, which was approved by LADOT. Furthermore, the methodology to analyze cumulative transportation impacts was consistent with the applicable requirements of CEQA Guidelines Section 15130 in determining cumulative impacts.

### **Comment No. IND 42D-30**

#### **ALTERNATIVE PLANS**

**#1** HW could be offered a land swap at L.A. Valley College. They could build everything they have planned on parking lots A or partially on Parking lot **A** and **B**, and Weddington would become part of Dept. of Parks and Rec and be open to the public in perpetuity. There is already precedent for HW utilizing Valley College as their tennis program has been there for the past 8 years. HW would be adding trees where there are none. And the horrendous traffic problem would be alleviated as there are five lanes including turning lanes on all four sides of L.A. Valley College. Or HW could build part of their project at L.A. Valley College and part on their current campus or part at Weddington. A proposal would need to be prepared and offered to the trustees at Valley College. This alternative cannot be dismissed without engaging Valley College with a formal proposal.

See Map #1 and #3

**This Alternative meets all the objectives of the developer's plan.**

### **Response No. IND 42D-30**

The comment provides an alternative site, L.A. Valley College, for evaluation. The alternative site included in this comment would not satisfy the Project Objectives. The reasons that alternative sites were considered and rejected are provided in Chapter V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate

the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Chapter V, no other location with adequate acreage and topography exists within proximity to the Upper School campus, and the notion that the Project could be built at L.A. Valley College is speculative and unsubstantiated.

### **Comment No. IND 42D-31**

2) The developer could scale their project down to the southern part of the Weddington property thus reducing many of the most egregious impacts to the community and preserving the historic use of the part of property for a wide demographic and people of all ages. In order to fulfill the needs of their project, HW could build another pool on their current Coldwater Canyon Campus over their existing pool like there are in high rise apartments or hotels. Currently they waste enormous amounts of energy heating their outdoor pool so much so that steam comes off it at night. I have first hand knowledge of this fact as I have driven home past the school in the evening from work for over 30 years. ( see Map 2 on page 19 ) Or they could also build a second pool or Field A or B ( Field B without a track around it) using the current surface level on their South parking. The developer has several unused buildings and a defunct gym on their current campus that could be renovated in order to add another gymnasium or expand their current gym. Additional parking could be accomplished by creating underground parking or building a parking structure and/or utilizing underground parking. **Any combination of the above mentioned plans meets the developers project objectives.** See Map # 2 and #3

### **Response No. IND 42D-31**

The comment states that, as an Alternative, the Project could be scaled down to the most southerly section of the Project Site or provide improvements to the existing Upper School campus. The commenter is also referred to Subsection 4, Alternatives Considered and Rejected, on paged V-5 to V-7, in Chapter V, *Alternatives*, of the Draft EIR. This subsection includes an evaluation of alternative project site locations that were considered and rejected for additional study in the Draft EIR's evaluation of Project alternatives. As analyzed therein, no feasible off-site locations were identified that would allow significant effects of the project to be avoided or substantially lessened.

Suggestions to expand the School's recreational facilities on the existing Upper School campus fail to meet the Project Objectives related to the provision of publicly accessible open space and shared use of recreational facilities and community activities. Public use of recreational facilities on the existing campus would have greater limitations due to School security limitations and ongoing educational activities, as opposed to the shared use of a separate publicly accessible facility that is proposed by the Project.

For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-104 through ORG 1B-106, and ORG 7A-146 to ORG 7A-174. Please also refer to Topical Response No. 13 - Need for Project (Non-CEQA), for a discussion of the existing, space-constrained athletic and recreational facilities on the School's Upper School campus.

### **Comment No. IND 42D-32**

3) HW could be offered a different land swap by the City of Los Angeles next to their current baseball facility on City owned land at Balboa Park, they could build some or all of their project there and then, as with alternate plan number 1, Weddington would then be made part of L.A. Parks and Rec Dept. open to the public in perpetuity. **This alternative would meet all of the developer's objectives and since they already use this as a sports venue we know that there is already precedent for their students travelling to this site.**

**Further regarding distance, Harvard Westlake's golf team utilizes the 18 hole golf courses at Balboa Golf Course. So clearly travelling to this site is something that Harvard Westlake already does. No Map of this plan as there is adequate land to build entire project.**

### **Response No. IND 42D-32**

The comment states that the Project could be relocated to land next to their current baseball facility at Balboa Park. The commenter is referred to Response No. IND 42D-30 for a response regarding alternative sites. Similar to the L.A. Valley College site, Balboa Park is also located within an urban area surrounded by residential land uses and would not reduce the significant and unavoidable impacts of the Project. While the School's golf team may use this site, this site is located approximately 7.0 miles from the Upper School campus and additional shuttles for additional student use would result in greater VMT impacts than the Project Site, located approximately 1.5 miles from the Upper School campus.

### **Comment No. IND 42D-33**

**There would be no burden to the Dept of Parks and Recreation if Weddington was to become a L.A. City facility.**

Weddington generates enough income to pay for the operation of the facility. This is proven in the school's 990 tax returns which are available to the public as the school has non-profit status.

The City of Los Angeles operates 6 wonderful though overburdened golf courses that use non-potable water and utilizes the most environmentally friendly protocols for landscaping and fertilizing. Further the Audubon Society of the United States states that golf courses are important biodiverse open space areas and is now working with many golf courses

across the country to create butterfly and bee habitats. This is a link to the SCGA Fore Magazine, Winter 2022, with the article I quote here speaking about the sustainability of golf courses. [One With the Land: Sustainability Actions Speak Louder Than Words – FORE Magazine](#)

### **Response No. IND 42D-33**

The comment suggests that the Project Site could become a City facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. However, it is noted that the Project Site is privately owned by Harvard-Westlake School, not the City.

### **Comment No. IND 42D-34**

#### **THE SCHOOL'S PRESENT PLAN DOES NOT MEET THE CRITERIA OF A CONDITIONAL USE PERMIT WITHOUT IT THEY CANNOT RECEIVE PERMITS TO BUILD**

This mega complex is larger than any high school in California, and far exceeds the needs of a student body of 835. If the school wishes to build a facility who's larger purpose is to generate income and not solely for the use of the school's students then it does not meet the criteria for a school to receive permission to build on Agricultural land. Further the specifics of the CUP are also not met by their present development design.

#### **CUP criteria. SEC. 12.24. CONDITIONAL USE PERMITS AND OTHER SIMILAR QUASI-JUDICIAL APPROVALS.**

**Findings for Approval. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** A decision-maker shall not grant a conditional use or other approval specified in Subsections U., V., W., or X. of this Section without finding:

1. that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
2. that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

### **Response No. IND 42D-34**

The comment states that findings needed for approval of a CUP are not met by the present development design. This statement that the Project does not meet the criteria

to grant a CUP is not founded in substantiated facts cited and represents the opinion of the commenter. Also, please note that Los Angeles Municipal Code (LAMC) Section 12.24.T.3(b) specifically allows public and private schools (kindergarten through 12<sup>th</sup> grade) to be located in the Agriculture (A) zone under an approved CUP. Please refer to this section of the LAMC. Although both public schools and private schools are cited in the text of the LAMC, a CUP is commonly and more typically used for private schools throughout the City. For additional discussion of the Project's CUP, refer to Response Nos. ORG 7A-78, ORG 7A-79 and ORG 9-22. The comment, however, is primarily a request for project disapproval. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 42D-35**

In conclusion, for all the reasons explained in my comments, this DEIR provides an inaccurate and inadequate project description, and an inaccurate and incomplete picture of the potential environmental impacts of the proposed project. This DEIR must be augmented and recirculated.

### **Response No. IND 42D-35**

The comment states that the Draft EIR provided an inaccurate Project Description and inaccurate evaluation of environmental impacts. The reasons provided in Comment Letter No. IND 42D do not provide substantial evidence, as discussed in the Response Nos. IND 42D-1 through IND 42D-34, to support this statement. This comment provides a summary of the comments provided in Comment Letter No. IND 42D and requests the Draft EIR to be augmented and recirculated. As provided in the responses above, the Draft EIR has fully evaluated all issues raised by the commenter and all issues required to be evaluated by CEQA, and therefore, no further analysis and recirculation of the Draft EIR is needed.

### **Comment No. IND 42D-36**

The commenter has included a copy of a letter written by Craig Kessler with the Southern California Golf Association.

### **Response No. IND 42D-35**

The letter by Craig Kessler with the Southern California Golf Association is included as ORG 17. Refer to Response Nos. ORG 17-1 to ORG 17-8, which addresses comments in the letter written by Craig Kessler with the Southern California Golf Association.

## **Comment Letter No. IND 42E**

Teri Austin

Received May 10, 2022

### **Comment No. IND 42E-1**

I think the attached letter from the SoCal Bat Working group is just further proof that the DEIR for ENV-2020-1512 EIR is inadequate and lacking in supportive data for the analysis of significant environmental impacts.

### **Response No. IND 42E-1**

This introductory comment cites an attached letter submitted by the SoCal Bat Working Group and claims that the letter provides proof the Draft EIR is inadequate. The letter submitted by SoCal Bats, which is provided in this Final EIR as Comment Letter ORG 10, includes responses to each cited concern. Neither the comments in the SoCal Bats letter nor this comment provide substantial evidence to support the claim that it is proof that the Draft EIR lacks supporting data. Please refer to Response Nos. ORG 10-1 through ORG 10-12.

### **Comment No. IND 42E-2**

There is no excuse, certainly not a lack of funds, for this developer to not engage the very best experts for each category [sic] of this DEIR. In the case of special species there was NO expert retained even though this property is teeming with birds, mammals, amphibians and insects. All vital to the bio diversity of our local and indeed our global climate and environment.

### **Response No. IND 42E-2**

The comment states that the Draft EIR should have used experts in faunal biology to evaluate impacts on potential onsite species. The ESA team of fully qualified, professional biologists identified the potential for sensitive species in accordance with CEQA requirements. Impacts related to biological resources including candidate, sensitive, and special-status species are fully evaluated in Section IV. C, *Biological Resources*, of the Draft EIR, in accordance with all applicable CEQA requirements. Furthermore, refer to Chapter VII, *List of EIR Preparers and Organizations and Persons Contacted*, for the list of experts retained for preparation of the Draft EIR, including a team of biologists, traffic engineers, geotechnical engineers, historians, and acoustical engineers.

### **Comment No. IND 42E-3**

The disdain and disingenuous attitude our community has received from this developer is highlighted again and again in the DEIR by shoddy methodology used in preparation of this DEIR.

### **Response No. IND 42E-3**

The comment states that the School has been disdainful and disingenuous and that the methodology in the Draft EIR is shoddy, providing no facts or support for such statement. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 42E-4**

The inadequacy of the Draft Environmental Impact Report (DEIR) ENV-2020-1512-EIR - Harvard Westlake Riverpark Project provides an inaccurate and inadequate project description, and an inaccurate and incomplete picture of the potential environmental impacts of the proposed project.

This DEIR must be augmented and recirculated.

### **Response No. IND 42E-4**

This comment is similar Comment No. IND 42D-35. Please refer to Response No. 42D-35.

## **Comment Letter No. IND 43**

Tiff Williams

Received March 21, 2022

### **Comment No. IND 43-1**

I am a tax paying, law abiding natural born citizen of the United States, who currently lives in Studio City, California. I've lived in the Los Angeles area over twenty years, and I've seen so many unnecessary changes in and around the city - all for the worse.

I moved to Studio City because I always loved the small community feel as I worked at the CBS Radford studio on many TV shows. Like everything else in this country, the corporate side of CBS moved into the studio and has killed the vibe of the community of creatives and artists, who worked there for many, many years.

Well, in the way CBS Radford was taken over by the corporation, so too, has Studio City been slowly taken over by corporations and big business. I'm thankful to see some of the smaller "moms and pops" shops that have miraculously made it - even through the pandemic, but I can't help but see the many chains of retail shops and restaurants, which have taken over the community. Quite frankly, the greed of these companies has killed the vibe of a small community and only raised housing prices, displacing many wonderful residents. There are more homeless people living in the area, which was never an issue before, but is now a way of life and people who have the means to help should be ashamed at doing nothing but further lining their pockets.

### **Response No. IND 43-1**

The comment personal background and expresses concern regarding social changes throughout the Studio City community. However, the comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 43-2**

Finally, I live on Whitsett, across the street where Harvard Westlake wants to build a monstrosity of a project and destroy a lovely neighborhood that doesn't need it!! Weddington Golf & Tennis is an iconic recreational site that has been open to the public for nearly 70 years. It possesses historic, recreational, and environmental value to Angelenos, but the community it sits in. Harvard Westlake has outlined extremely limited days and times as well as very restrictive rules for community use of this sports complex by non-Harvard Westlake students. Harvard Westlake specifically states in their paperwork to the city, occasional weekday use of tennis courts for "APPROVED STUDIO CITY ORGANIZATIONS only" when not in use by students, alumni or Harvard Westlake parents.

This is UNACCEPTABLE! Most of the Harvard Westlake families don't even live in Studio City!

### **Response No. IND 43-2**

The comment expresses concern regarding the perceived scale of the Project and concern that tennis courts would not be available for use by the general public. Please refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities. As discussed therein, the Project would provide for public use of tennis courts for the majority of weekdays and weekends and, in addition to School use, would maintain public use at the same number of weekly sessions as under existing conditions. Additionally, refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 43-3**

PLEASE STOP this project or move to STOP THE HARVARD WESTLAKE RIVER PARK PROJECT!!! Not only will it no longer benefit the community, but it will also kill and destroy the greenery and beautiful older trees that help to shade the area, which we need in light of longer and unbearable hot summers. If anything, please designate the area for more housing, not creating an unnecessary sports facility to an already rich school that should look to develop in their students' neighborhoods.

PLEASE STOP THIS PROJECT!!!!!! Keep Weddington Golf and Tennis the way it is and let the community continue to try to thrive as a charming, tranquil small city of Los Angeles county.

### **Response No. IND 43-3**

The comment expresses opposition to the Project based on perceived loss greenery and trees. Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan*, of the Draft EIR). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR). Please also refer to Response No ORG 6A-

1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 44

Tony Knight

Received March 21, 2022

### Comment No. IND 44-1

I wish to state that I strongly oppose the proposed development of the Studio City Golf and Tennis property into the Harvard Westlake Athletics facility. I am a member of the Studio City Neighborhood Council Sustainability Committee and have reviewed the proposal. My comments, however, are my own as an individual. The proposed use of space will have a highly negative and adverse impact on the surrounding neighborhoods, and most importantly on the environment by removing mature trees, excavation, and then continued traffic in and out of the facility. Respectfully,

### Response No. IND 44-1

The comment expresses opposition to the Project based on tree removal, excavation, and traffic.

The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR for a discussion of the Project’s tree removal and replacement program. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a detailed discussion of the Project’s operational traffic impacts. As discussed in these Topical Responses, impacts to biological resources and with respect to transportation/traffic would be less than significant. Further, as discussed in Topical Response No. 2 – Modifications to the Project Design, the subterranean parking structure would be reduced from 503 spaces to 386 spaces. This modification would result in a reduction of 53,000 cubic yards of excavation materials, which would reduce the overall amount of excavation from 250,000 cubic yards to 197,000 cubic yards. Although noise impacts during construction-related excavation activities would still be significant and unavoidable, the Project design modification would reduce the duration of excavation activities. See Topical Response No. 2 and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 45**

Zach Schwartz

Received March 21, 2022

### **Comment No. IND 45-1**

I live at 14626 Hesby Street in Council District 4, and I am a lifelong San Fernando Valley resident.

I am a big advocate of the Harvard-Westlake River Park project, and I encourage you to support this project due to all of its community benefits. Harvard Westlake is putting in a tremendous effort to ensure that the school looks beyond its own development as an institution. The plan I have seen for River Park looks to be a major win for the Studio City community in its focus on the preservation of urban open space and the access granted to citizens beyond Harvard Westlake's student body.

Combined with the environmental considerations and eco-innovation with features like large scale water reclamation, Studio City has so much to gain by welcoming this project and evolving our valley landscape to accommodate a destination that promotes inclusion, wellness and communal gatherings.

I look forward to the day when I can join family and friends in taking advantage of this amazing recreational outlet.

### **Response No. IND 45-1**

The comment expresses support for the Project based on the community benefits of preserved urban open space and public access as well as environmental benefits of water reclamation. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 46**

Molly Lorenz

Received March 22, 2022

### **Comment No. IND 46-1**

I live at 16065 Royal Oak Road in Encino and also in Council District 4.

I am pleased to see your involvement in our community, such as your participation in last weekend's Encino Little League's opening day, the Reseda Food Pantry drives, and the unhoused outreach and placement programs. Your team did a great job placing the unhoused from Sherman Oaks and Studio City over the last month.

My daughter was really happy to receive the news last week that she will be interviewing for the first ever Junior City Council.

I would also like to voice my support for the Harvard-Westlake River Park. I urge you to support this project because it is good for the school, good for the environment, and good for the Studio City community. The River Park will preserve urban open space and will provide more recreational amenities for the Studio City community than currently exist on the site.

I also believe that the school is operating with ethics that keep the best for everyone in mind.

### **Response No. IND 46-1**

The comment expresses support for the Project based on the community benefits of preserved urban open space and environmental benefits. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 47**

Cristina M. Molina

Received March 23, 2022

### **Comment No. IND 47-1**

I am writing to express my opposition to the proposed Harvard-Westlake River Park Project.

You have what I would consider a fairly historic plot of land in the location of the proposed project. Those tennis courts and putting green have been around pretty much my entire life. (I am 49 years old.)

Creating a monster athletic facility will bring nothing but problems. Harvard Westlake is a VERY wealthy school. They have extremely deep pockets which is why I think this proposed project has gotten as far as it has.

### **Response No. IND 47-1**

The comment expresses opposition to the Project based on the loss of a “fairly historic” property, tennis courts, and putting green. Please refer to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of the preservation of the Project Site’s character-defining historic features, including the putting green.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 47-2**

In removing the existing facilities, you are opening up the area to increased noise and traffic - not only during construction but ongoing. What the area needs is LESS traffic, not more.

### **Response No. IND 47-2**

The comment expresses concerns related to increased noise and traffic during construction and operation. With regard to noise impacts, see Response No, IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts. Also, see Topical Response No. 9 - Transportation and Parking During Construction and Operations, for a discussion of traffic-related impacts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 47-3**

Does it make sense to remove 240 trees only to plant 393 new trees? That is an absolute waste of money. New trees will take time to grow in their new environment. It just makes no sense to remove already established trees.

**Response No. IND 47-3**

The comment questions the replacement of 240 existing trees (of which more than half are fan palms) with 393 new, native trees. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Nonetheless, refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program.

**Comment No. IND 47-4**

80,000+ square foot *[sic]* gymnasium? Two athletic fields? That is ALL overkill and not what this community needs right now! This project will create a place for the entitlement of Harvard Westlake to be carried on within the community. It just isn't right for the neighbors or for the existing facilities.

I strongly oppose this project. There are better ways to invest in the community and this is definitely not one of them.

**Response No. IND 47-4**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 48**

Kim Turner

Received February 11, 2022 (Letter A)

Received March 24, 2022 (Letter B)

### **Comment No. IND 48A-1**

Weddington Golf & Tennis is an iconic recreational site that has been open to the public for nearly 70 years that possesses historic, recreational, environmental, and sentimental value. Harvard-Westlake School has proposed a massive \$100-million development plan to build a sports complex, which has alarmed our community. Angelenos have an unwavering commitment to preserving this irreplaceable green open space in the heart of the San Fernando Valley.

### **Response No. IND 48A-1**

The comment expresses opposition to the Project based on historic, recreational, environmental and sentimental value of the existing facilities. Refer to Response No. IND 43-1 which addresses these similar concerns.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 48A-2**

The school is trying to mask the massive development under the guise of outdoor areas and public access. The scale of this project can't be disguised. It will be massive with stadium lights, bleachers and noise. Operations could be seven days a week, 16 hours a day. Please be reminded that this sports complex will be in the middle of a quiet neighborhood and will be highly disruptive to residents.

### **Response No. IND 48A-2**

The comment expresses concerns based on the Project's lighting and noise (including presumably noise from the bleachers) from Project operations. Refer to Response No. IND 6-3 which addresses these similar concerns.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 48A-3**

As a former HW parent, I am usually supportive of their endeavors, however in this instance, I think the school has ignored the cries of the surrounding neighborhood. We

therefore would appreciate your help in preserving the integrity of the existing open green space.

### **Response No. IND 48A-3**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 48B-1**

Thank you for your response. I also respectfully request that the Public Comment period for the DEIR be extended from 45 days to 90 days with the end date being June 9<sup>th</sup>, 2022.

This report was compiled over two years and encompasses over 6,000 pages. It is an unfair burden to unfunded community volunteers and all CD4 constituents and community at large to not only read this DEIR but research, hire and fund the subject matter experts required to create a comprehensive Response for Public Comment in less than 90 days. The Developer has had years and unlimited funds to produce this DEIR.

Please level the playing field so that the community can have their very real concerns and fears addressed. We also are requesting an in-person hearing after the comment period closes.

Other extenuating circumstances include:

- Our neighborhood councils require at least a 30 day notice to agendaize for different committees and to weigh in on the Project.
- The current public notice period March 10th to April 25th includes both the Easter and Passover holidays.
- The NOCA states, " The Dept. of City Planning recognizes the unprecedented nature of COVID-19 " as an impediment to the usual methods of gathering and disseminating information to our community.

Thank you for your responsiveness and willingness to engage with our community!

### **Response No. IND 48B-1**

The City extended the review period to 62 days from March 10, 2022 to May 10, 2022. For additional details regarding the City's determination to extend the Draft EIR comment period to 62 days, the commenter is referred to Topical Response No. 1 – Public Participation and Review, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

## **Comment Letter No. IND 49**

Li Fan Gad

Received March 25, 2022

### **Comment No. IND 49-1**

I live at the Wonder View Dr area in the Hollywood Hills area in Council District 4 and I strongly support the Harvard-Westlake River Park.

Over the years, I have observed the current Weddington Golf and Tennis club deteriorate, and I am very excited that Harvard Westlake River Park is going to immensely improve that area. One common misconception is that the HW River Park is going to cut down mature trees currently growing on the Weddington property. I have been a long-time environment advocate, and have discussed with experts at Tree People, and have come to the conclusion that the trees growing at Weddington are predominantly an invasive species that does nothing to help the environment. Harvard Westlake River Park is going to replace those invasive trees with drought-resistant native trees. This will fall in with LA's strategy for combating climate change and its current work of restoring native species along the LA River corridor.

I urge you to support this project because it is good for the school, good for the environment, and good for the Studio City community. The River Park will preserve urban open space and will provide more recreational amenities for the Studio City community than currently exist on the site.

### **Response No. IND 49-1**

The comment expresses support for the Project based on the improvements to the current Project Site, replacement of the existing invasive trees with drought-tolerant species, preservation of urban open space, and provision of recreational amenities for the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 50

Karen Swift

Received March 26, 2022

### Comment No. IND 50-1

I'm doing something I almost never do as a government and community relations professional, which is appeal to my own Councilmember in support of a land use project, in this case the Harvard-Westlake River Park. I'm really excited about the tremendous improvements this project will bring to Weddington while maintaining the community character of the site and adding much-needed open space and recreational opportunities in the East Valley - all within a block of busy transit lines on Ventura Boulevard that connect directly to the Red Line at Universal Station.

As this project has found itself in the crosshairs of Valley NIMBYs and a great deal of misinformation, and since this area is new to your district, I wanted to provide our family's perspective for your consideration. My 21-year-old daughter grew up playing tennis at Weddington Golf and Tennis, and our family has logged thousands of hours there, as Grace took lessons twice a week, played for Weddington's weekend club team all through middle school at Walter Reed, worked as a counselor at summer and winter break tennis camps, and taught weekly lessons every Saturday all through high school to earn money for college. After transferring to Harvard-Westlake in 10th grade, Grace finished her time on the Weddington courts as co-captain of the Harvard-Westlake varsity tennis team her senior year.

Despite claims on Nextdoor, Weddington was never a public court like the courts at Sherman Oaks-Van Nuys Park, and it was of no interest to affluent tennis or golf players who could afford to play at the much fancier Mulholland Tennis Club or Lakeside in Toluca Lake. Instead, Weddington filled a niche in the East Valley, drawing a wide range of "old school Valley" local residents like us and children from nearby public and private schools. It's important for you to know that Weddington was always owned privately and poorly maintained, and I would bet many of the people currently opposing the project have never set foot on the property. There was a run-down small building with two bathrooms that were anything but ADA-compliant, and I dreaded the unavoidable times when Grace had to change clothes in there or I had to change her younger brother's diapers on the floor. The owners steadily raised the court fees while making no improvements to the space, and we saw quite a few coaches and their students pushed out who couldn't afford the higher rates. There was nowhere to walk around during tennis lessons - no green space, no paths where I could entertain Grace's siblings - just a maze of concrete and a big parking lot. The owners always threatened to sell Weddington to developers to turn it into condos, and "Save Weddington" was emblazoned on yard signs for years before Harvard-Westlake came along.

We have three kids who've attended different schools all over the Valley, and Grace is the only one who went to Harvard- Westlake. We found Rick Commons and the

leadership of Harvard-Westlake to be thoughtful and responsive in all that they did. I appreciate the efforts the school has demonstrated to be a good neighbor in Studio City. The East Valley is tough as you and I know, and authentic relationship-building takes a commitment from the top and a lot of legwork from staff, parents, students and alumni. I see all of that reflected in the River Park project, and I know Harvard-Westlake will continue to engage the community and work closely with your office as the project advances.

I hope you'll lend your support to the project and appreciate your consideration. Thanks so much.

### **Response No. IND 50-1**

The comment expresses support for the Project based on the provision of open space and recreational facilities for the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 51A

Barbara Garner

Received March 31, 2022

### Comment No. IND 51A-1

So there goes the last public tennis facility near us except for Balboa Park which has absolutely no shading on the tennis courts during the hot summer months. This is really terrible that one school has the right to displace a public facility that was enjoyed by the entire community. I'm disgusted with our city officials.

### Response No. IND 51A-1

The comment expresses opposition to the Project based on the presumed loss of “public tennis courts.” The commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, in this Final EIR for a discussion of impacts related to the Project’s provision of tennis facilities for public use. As discussed therein, the Project would accommodate the same number of weekly sessions, including existing and future student use, as under existing conditions. Tennis would be available to the public under a reservation system that allows concurrent use with students (who use the courts in the late afternoons) when courts are available. The tennis courts would be located in the northeast portion of the Project Site. As shown in Figure IV.C-4, *Tree Removal Plan*, in Section IV.C, *Biological Resources*, of the Draft EIR, existing trees would be retained around the clubhouse, along Whitsett Avenue and along Valley Spring Lane near the tennis courts. In addition, as shown in Figure IV.C-5, *Tree Replacement Plan* of the Draft EIR, additional trees would be planted along the east, north and south sides of the tennis courts that would provide shading. Further, upon completion of the Project, public access to the various recreational amenities, including the tennis courts, would be provided. The commenter is referred to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 51B**

Barbara Garner  
Received April 28, 2022

### **Comment No. IND 51B-1**

I honestly don't think the city cares about people when big money is involved. Why don't you just tell us it's a done deal and you have no intention of listening to us. I really want to get out of L.A. There are literally no more public parks near us except Balboa. And those tennis courts have not one shred of shade. I almost had heat stroke the last time I played there. At least put up some shade on those courts.

### **Response No. IND 51B-1**

The comment expresses opposition to the Project based on loss of a tennis courts. Refer to Response No. IND 51A-1 for a discussion of impacts pertaining to on-site tennis courts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 52

Camilla Bravo

Received March 31, 2022

### Comment No. IND 52-1

I strongly oppose the plan for Harvard Westlake expansion.

It will have a severely negative impact on our environment. It will create more pollution, use more water and impact traffic, the air and add additional strain to our already declining city infrastructure.

Please do not approve this project.

### Response No. IND 52-1

The comment expresses concerns about the Project based on air pollution, water use, traffic, and strain on city infrastructure. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Under the CEQA Guidelines, strain or wear and tear on infrastructure, such as streets and highways, is not a CEQA-issue and not required to be addressed in an EIR.

With regard to pollution, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

The issue of water use is fully evaluated in Section IV.O.1, *Water Supply* of the Draft EIR. Please refer to Draft EIR Section IV.O.1 for a detailed evaluation of the Project's impacts on water use and supply. As described therein, with Project Design Feature WS-PDF-2, the Project's irrigation demand would be reduced from existing conditions to 6,064 gpd or 6.8 afy at minimum. The Project's overall water demand would be reduced to 36,885 gpd or 41.31 afy, at minimum.

The Draft EIR addressed infrastructure impacts in Sections IV.O.1, *Utilities and Service System – Water Supply*, and IV.O.2, *Utilities and Service System – Wastewater*, with supporting data provided in Appendix O-1, Utility Infrastructure Technical Report, of the Draft EIR. As analyzed therein, water and wastewater infrastructure impacts would be less than significant after mitigation, where applicable.

Also, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

## **Comment Letter No. IND 53**

Diane Hart

Received March 31, 2022

### **Comment No. IND 53-1**

Since the pandemic it is alleged that the participation and people playing tennis is risen 30%. Public tennis courts that were once available are not.

This is exceptionally bad for us seniors. Being on fixed incomes we can't exactly afford to be part of the hi Tony clubs. Where memberships are usually over \$1000 a year.

Weddington provided a place that had reasonable rates. I've enjoyed many a tennis game there and I'm quite distressed that that we'll no longer be available.

### **Response No. IND 53-1**

The comment expresses the concern that tennis would not be available on-site for public use. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Nonetheless, the commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, in this Final EIR for a discussion of impacts related to the Project's provision of tennis facilities for public use. As discussed therein, the Project would accommodate the same number of weekly sessions, including existing and future student use, as under existing conditions. Tennis would be available to the public under a reservation system that allows concurrent use with students (who use the courts in the late afternoons) when courts are available.

### **Comment No. IND 53-2**

What use have I for big stadiums.? Am I going to see a high school Game of any kind?

### **Response No. IND 53-2**

The comment implies that the commenter isn't personally interested in watching high school sports. Please refer to Chapter II, *Project Description*, pages II-47 to II-50, of the Draft EIR for a discussion of the various onsite uses that the Project would provide, including those for students, visitors, and the general public. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 53-3**

I don't live too far from Weddington which also maybe convenient, but now I will only get traffic and noise. Please reconsider this plan it is not good for the environment and is not good for humans.

### **Response No. IND 53-3**

The comment expresses concerns about traffic and noise and states that the plan is not good for the environment or for humans.

With regard to noise impacts, see Response No, IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

Also, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 54**

Joseph Tourouk  
Received March 31, 2022

### **Comment No. IND 54-1**

I've lived in the valley all my life and this is a travesty that the city is letting this happen... Shame on all the people that have their hands in this.

Rather than work on the homeless crisis in our neighborhoods, focusing on taking a "park" away from the neighborhood where children can learn to play golf and tennis is a sad stand!

But as long as the elite and rich can have access to whatever this will become I'm sure that will be great for the community at large.

### **Response No. IND 54-1**

The comment expresses opposition to the Project based on loss of a "park." The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR. Also refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, regarding the use of the Project's recreational facilities, including tennis courts, landscaped open space, and pathway to the Zev Greenway.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration

## **Comment Letter No. IND 55**

Josh Rodine

Received March 31, 2022

### **Comment No. IND 55-1**

Why has the time for comment been extended?

### **Response No. IND 55-1**

City of Los Angeles Department of City Planning Case Planner provided the following response to the commenter: “As the Department of City Planning and Council District Offices have received multiple requests to extend the comment period for this Draft EIR, the comment period is being extended so that the public has some additional time, as permitted under CEQA Guidelines Section 15105, to review the Draft EIR document.”

The response above was provided by the Los Angeles Department of City Planning via email communication with Mr. Rodine. The numbered comment from Mr. Rodine is derived from email communication between Mr. Rodine and the Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

Also refer to Topical Response No. 1 – Public Participation and Review, in this Final EIR, which discusses public participation and CEQA public review requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

## Comment Letter No. IND 56

Joshua Campbell

Received March 31, 2022

### Comment No. IND 56-1

This is a horrible turn of events for Studio City. Harvard Westlake was dishonest throughout the process. And now the public will be losing access to a wonderful amenity that was always intended to be used in perpetuity by everyone.

The environmental impact will be irreversible — a permanent loss of green, open space in a very congested area. More noise. More pollution. I beg everyone involved in this process to reconsider

### Response No. IND 56-1

The comment states that the School has been dishonest throughout its meetings with the public through the planning process. This statement is not supported by substantiated facts and is, thus, not addressed herein. The comment also states that the Project would result in an irreversible environmental impact regarding loss of open space, congestion, noise and pollution. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

The comment expresses concern regarding the loss of green open space. The Project would provide 5.4 acres of publicly accessible, landscaped open space and a 0.75-mile pathway connecting to the adjacent Zev Greenway, via an ADA-compliant pedestrian ramp. The Project would add a broad array of native plant species and contribute to the number of trees on-site. Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent).

Refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

Also, see Topical Response No. 9 - Transportation and Parking during Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR

determined that all CEQA-required transportation impacts would be less than significant without mitigation.

With regard to noise impacts, see Response No, IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

## **Comment Letter No. IND 57**

Karen Kaplan  
Received March 31, 2022

### **Comment No. IND 57-1**

If we have already submitted comments on the last EIR, do we have to submit new ones, or will the old one suffice?

### **Response No. IND 57-1**

The City of Los Angeles Department of City Planning Case Planner: “If you have already submitted comments, you do not need to submit them again or submit new ones, unless you have more to add to what you have already submitted. The comments that you previously submitted are still part of the record for this Project, and will be responded to accordingly as required by CEQA.”

The response above was provided by the Los Angeles Department of City Planning via email communication with Ms. Kaplan. The numbered comment from Ms. Kaplan is derived from email communication between Ms. Kaplan and the Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

## **Comment Letter No. IND 58**

Laurie Cohn

Received March 31, 2022

### **Comment No. IND 58-1**

Thank you for the updates you send, and this notice of the comment period extension.

However, I have a question. In my years of viewing DEIRs and involvement fighting development of Weddington, I have never seen NOCA before. What exactly is considered already COMPLETED to deserve that title?

### **Response No. IND 58-1**

The City of Los Angeles Department of City Planning Case Planner: "The NOCA is the abbreviation used for Notice of Completion and Availability. At the top right of the first page of the notice, you'll see that it says "Notice of Completion and Availability of Draft Environmental Impact Report," which is noticing to the public that the Draft Environmental Impact Report for a project has been completed and is available for public review."

The response above was provided by the Los Angeles Department of City Planning via email communication with Ms. Cohn. The numbered comment from Ms. Cohn is derived from email communication between Ms. Cohn and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

## **Comment Letter No. IND 59**

Lisa Battista

Received March 10, 2022

### **Comment No. IND 59-1**

Thanks, anything we can do to counter act the development as stated by the report "Project would result in significant and unavoidable impacts"?

### **Response No. IND 59-1**

The comment inquires if anything can be done regarding the significant and unavoidable impacts. The Draft EIR discloses the Project's significant and unavoidable impacts and includes all feasible mitigation measures to reduce significant impacts for consideration by the City's decision-makers in the environmental review process. As a result of the conclusions of the analysis contained within the Draft EIR, a statement of overriding considerations supported by substantial evidence will be prepared and reviewed by the decision-maker in accordance with the State CEQA *Guidelines* Section 15093 when making a determination on the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration

## **Comment Letter No. IND 60**

Maria Olympia Feig  
Received March 31, 2022

### **Comment No. IND 60-1**

My name is Maria Olimpia Feig. I have lived at 4210 Bluebell Avenue, Studio City since 1983. This letter addresses the development proposed by Harvard -Westlake at 4047-4155 N. Whitsett Avenue; 12506-12630 W. Valley Spring Lane and APN 2375-018-903, Los Angeles, CA 91604.

Before I give my opinion about Harvard-Westlake proposed development , I would like to mention the importance that site has played in the lives of the people living in the immediate neighborhood and of the community of Los Angeles.

Public Schools and the public in general have been using this site for decades in a manner that has never interfered with the quietness, safety and well being of the residents of the area.

When Harvard - Westlake. bought the property, they knew in advance that the neighborhood and the community in general opposed the development, choosing to keep the space as an Open Space to the benefits of communities in Sherman Oaks, Studio City, Toluca Lake, Cahuenga Pass and of individuals from all over Los Angeles.

Considering the urban constraints of Los Angeles, keeping this site as an Open Space is necessary for the physical and mental health of us all Humans, and in this case the Humans living there.

Harvard-Westlake came into a residential neighborhood considered a jewel of a place by parents, children, property owners and Real Estate Businesses and is proposing to build a massive Sports Facility that does not fit into a residential area and has to be taken into consideration by the city of Los Angeles when preparing the Environmental Impact for this site.

### **Response No. IND 60-1**

The comment expresses the commenter's general opinion that the Project Site should be kept in operation as existing. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration

### **Comment No. IND 60-2**

The lights at 10:00 or 11:00 at night from the games will invade our houses, our bedrooms. The noise will be a cruelty and the traffic that will inundate our streets will make our safe neighborhood into a dangerous area where pedestrians walk , adults and children bicycle.

## Response No. IND 60-2

The comment expresses concerns about the Project based on late hour lighting, noise, and traffic. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The Draft EIR thoroughly analyzed the Project's potential operational lighting, noise, and traffic impacts.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts, including the conditions that would require lights and outdoor activities to cease no later than 8:00 p.m. (9:00 p.m. for the tennis courts), as compared to existing uses which, daily, extend until 11:00 p.m.

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

## Comment No. IND 60-3

By the way, how will the traffic generated by this Sports Facility will be redirected ( or diverted)? To Whisett [*sic*] Avenue? Or to the Residential Streets, where we live ? What does " OFF -SITE IMPROVEMENTS to Valleyheart Drive PUBLIC RIGHT OF WAY " means?

## Response No. IND 60-3

The comment inquires about traffic circulation, and improvements on Valleyheart Drive. Valleyheart Drive is accessed via Whisett Avenue, as shown in Figure II-6, *Conceptual Site Plan*, in Chapter II, *Project Description*, of the Draft EIR. Improvements are changes to the roadway, such as paving or the construction of sidewalks within the street right of way. The "right-of-way" is that section of the roadway that is mapped as the original or actual street alignment and that is not part of a private property. A public right of way may or may not be improved (paved) or used as roadway. For instance, sidewalks are typically located in the public domain (the street right-of-way). As shown in Figure II-6, Valleyheart Drive is paved, with the pavement extended to the Project's property line. At that point, it would adjoin a roundabout within the Project Site, and connect to the driveway into the subterranean structure. All access into and out of the Project Site would be via Valleyheart Drive to Whisett Avenue (a secondary highway) or directly to Whisett Avenue via the Project's north driveway. The Project would not have any direct access to local neighborhood streets in the area. Further, as stated on page II-53 of the Draft EIR, vehicles would enter the Project Site on Whisett Avenue via a driveway located several hundred feet south of Valley Spring Lane (to the north of Field A) (referred to as north driveway) and via a driveway at the paved portion of Valleyheart Drive located just south

of LAFD Fire Station 78 (referred to as south driveway). The south driveway would adjoin the Valleyheart Drive right-of-way..

Both driveways would provide access to the proposed single-level underground parking structure. No new driveways would be installed along Valley Spring Lane or Bellaire Avenue, and the existing service driveway on Valley Spring Lane would be removed, thus eliminating an existing potential conflict location.

The southern driveway via Valleyheart Drive would lead to both the below-grade parking structure and to a drop-off/pick-up roundabout area at the southeast corner of the Project Site. See Figure II-6, *Harvard-Westlake School Athletic and Recreational Facilities Conceptual Site Plan*, of the Draft EIR for an illustration of the Project's site plan.

The comment does not raise any issues regarding the content or adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. IND 60-4**

Harvard-Westlake could have bought property in an area of Los Angeles where there was a need for improvements. But, NO, it chose to destroy one of the most perfect solution for an Urban Center, loved by its neighbors and general public.

They knew ,way before the purchase of this site, that the general public opposed any development that wouldn't keep the area as "OPEN SPACE" , for many obvious reasons: INVADING BRIGHT LIGHTS , TRAFFIC, NOISE and the COMPLETE LOST OF PRIVACY inside our own homes.

I urge you members involved in the EIR for this proposed development to please consider the incredible Environmental Impact that this development will bring into the lives of the people living in the immediate neighborhood and let the Light of Wisdom guide your steps.

I thank you very much for reading my letter and considering its content when evaluating the EIR on Harvard -Westlake River Park Project.

### **Response No. IND 60-4**

The comment summarizes the commenter's opposition for the Project based on loss of open space, lighting, traffic, and noise impacts, as described in the preceding comments. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 61**

Natalie Adomian

Received March 31, 2022

### **Comment No. IND 61-1**

Hi. Why is this being extended? It seems like this has been going on forever and I'm excited for the plans to start. Thank you

### **Response No. IND 61-1**

The Los Angeles Department of City Planning Case Planner: "As the Department of City Planning and Council District Offices have received multiple requests to extend the comment period for this Draft EIR, the comment period is being extended so that the public has some additional time, as permitted under CEQA Guidelines Section 15105, to review the Draft EIR document."

The response above was provided by the Los Angeles Department of City Planning. The City extended the review period to 62 days from March 10, 2022 to May 10, 2022. For additional details regarding the City's determination to extend the Draft EIR comment period to 62 days, the commenter is referred to Topical Response No. 1 – Public Participation and Review, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

## Comment Letter No. IND 62

Paul Kradin

Received March 31, 2022

### Comment No. IND 62-1

I saw that you are the deputy who oversees Studio City issues and neighborhoods, and wanted to direct this message to you rather than the councilwoman.

I've lived in Studio City on and off since 1969 when my folks moved us there, and have owned my home at 4333 Laurelgrove Ave – about 5 blocks from the project site – since October 2000.

I am generally a pro-development individual who recognizes we can't freeze our communities in place. I've supported many of the projects in Studio City that have turned what was a sleepy suburb in my youth into the densely packed, hard-to-find-parking area it is today. And by and large, those construction projects have conformed to the zoning codes and rules in place at the time – which I think we're obligated to follow.

Not so in the case of Harvard Westlake's plan, which violates both the letter and spirit of the zoning rules in our neighborhood, and more broadly reflects the entitled attitude of the school and its parentbody to muscle their way to full approval. The fact that they laid out tens of millions of dollars to buy the property without once scoping out the situation with neighbors demonstrates their belief in the inevitability of their oversized project.

### Response No. IND 62-1

The comment claims that the Project violates the zoning regulations but does not provide any substantial evidence to support these claims and does not raise any issues with respect to the content or adequacy of the Draft EIR. The Project Site is zoned A1-1XL-RIO. The "A1" zone, which allows one-family dwellings, parks, golf courses, and farming among other uses, also permits a school use with a conditional use permit.<sup>4</sup> LAMC Section 12.24.T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a conditional use permit (CUP). Most private schools in the City operate under a CUP (public schools are not subject to the City's zoning code). Therefore, the Project's application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site's existing zoning or the City's Zoning Code.

The commenter is also referred to Topical Response No. 1 – Public Participation and Review, in this Final EIR, which discusses public participation and CEQA public review

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<sup>4</sup> Los Angeles Municipal Code (LAMC) Section 12.05.A (A1 Zone defined uses).

requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

### **Comment No. IND 62-2**

Despite the generous use of green ink in their renderings to project an eco-friendly footprint, the vast majority of our greenspace will in fact be paved over with structures, walkways and parking. The adjacent greenway is not something they “bring” to the neighborhood, the city was already using taxpayer funds to complete this amenity and having the school take credit for certain enhancements to it is disingenuous and misleading.

### **Response No. IND 62-2**

The comment claims the Project will pave over the majority of the existing greenspace with structures, walkways and parking and that the Project claims to “bring” the Zev Greenway to the neighborhood. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. However, the Project does not claim to “bring” the Zev Greenway to the neighborhood, but rather it would provide public access through the Project Site to the Zev Greenway via an ADA-compliant pedestrian ramp. The Draft EIR throughout acknowledges the Zev Greenway in its documentation of existing conditions, and notes that it is not part of the Project Site.

### **Comment No. IND 62-3**

For the rest, it’s simply too much – too much built space, too many seats, too many car trips, too much night time lighting. The mitigations like parking permits, lights-out at the dinner hour, and all those things will work for the first year, and will quickly fall away as bad habits form and the spotlight is off of school compliance. The single-exit parking structure will be a major headache so parents will park in the neighborhood and walk in. The stadium lights won’t be turned off as promised in the middle of a match, and calls to the school to complain will go unanswered.

### **Response No. IND 62-3**

The comment expresses opposition to the Project based on too much built space, too many seats, car trips, and nighttime lighting, and alludes to the School not consistently abiding by City-mandated conditions of approval. The comment also speculates that mitigation measures and project design features will not be enforced and/or implemented in the future. These speculative statement do not contain any facts that contradict the findings of the Draft EIR.

See Topical Response No. 4 – Aesthetics, regarding the impact of the Project’s field lights and other outdoor lighting, as well as impacts relating to scenic resources and visual character of surrounding land uses. As discussed, therein, the Project’s light and glare impacts would not exceed CEQA threshold standards at any of the nearby residential

uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance. All light and glare levels as evaluated in the Draft EIR would be below regulatory standards. As also discussed in Topical Response No. 4, the Project's lighting program with design modifications, as evaluated in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, would further reduce the Project's light and glare conditions with the exception of one receptor location (4202 Bellaire Avenue). As discussed, therein, the Project with design modifications would not create a new source of substantial light or glare.

In addition, see Topical Response No. 9 - Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic impacts and parking. As discussed therein, all parking for the Project would be provided on-site. No off-site parking would be permitted.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

#### **Comment No. IND 62-4**

It's all very predictable, and will lead to a fundamental decline in the quality of the neighborhood that so many people have come to love. The headache of rejecting the project as proposed will be nothing compared to the avalanche of complaints to the council office once it's up and running in a few years.

I strongly urge you to oppose this project and press HW to downscale their proposal to something more in keeping with the neighborhood. This is basically THE thing the councilwoman will be judged on in this area, and there won't be another chance to make a first impression after this.

If you read this far, thank you!

#### **Response No. IND 62-4**

The comment claims that the Project would lead to a fundamental decline in the quality of the neighborhood based on prior claims and urges the decision-maker to oppose the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 63**

Ellen Little

Received April 1, 2022

### **Comment No. IND 63-1**

I should like to submit my comments with regard to the proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex by the Harvard-Westlake School.

Weddington Golf & Tennis is an iconic recreational site that has been open to the public for nearly 70 years that possesses historic, recreational, environmental, and sentimental value. The School has proposed a massive \$100-million development plan, which has alarmed our local community. It pains me to think that, in the midst of the global warming crisis, we will lose this irreplaceable green open space in the heart of the San Fernando Valley.

Thousands of your constituents have signed a petition supporting the preservation of the Weddington property in its entirety. We are counting on you to support our interests and stand firm against Harvard-Westlake School's lobbyists and monied special interests.

### **Response No. IND 63-1**

The comment expresses opposition to the Project based on historic, recreational, environmental and sentimental value of the existing facilities. Refer to Response No. IND 43-1 which addresses these similar concerns.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 63-2**

My hope is that Weddington Golf & Tennis as it exists today should be preserved for the benefit of future generations and all Angelenos. But, failing that, the "alternate plans" listed in the DEIR are very deficient and further alternate plans need to be explored such as reducing the size of this project by building some of the purposed facilities on the current HW campus, or working with the city of LA to acquire land next to their baseball facility in Encino, or an alternate site.

### **Response No. IND 63-1**

The comment expresses that Weddington Golf & Tennis should be preserved and that the alternatives evaluated in the Draft EIR are deficient. Weddington Golf & Tennis was sold to the School in 2017. As a signal of goodwill to the public, the School has maintained the golf and tennis facilities as an interim use while the Project was being considered.

The alternative site included in this comment would not satisfy the Project Objectives. The reasons that alternatives sites were considered and rejected is provided in Chapter V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Chapter V of the Draft EIR, no other location with adequate acreage and topography exists within proximity to the Upper School campus.

For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-104 through ORG 1B-106 and ORG 7A-146 to ORG 7A-174.

## Comment Letter No. IND 64A

Jentle “Red” Phoenix  
Received April 1, 2022

### Comment No. IND 64A-1

Here’s what I find disheartening. Looking at the history of this land and the people who originally farmed it before leasing it. When the land was sold it was with a promise that this would CONTINUE to operate as a golf and tennis facility open to the public. I doubt very much that a putting green and a few hours of public availability to courts is what that agreement meant.

Destroying the place that means so much to so many. That allows people with moderate means to play at a beautiful place. Where people meet and form relationships who would never meet. This spot is one of a kind and truly is a place open to the public. The misinformation they are spreading about it being a public park is something that should not be ignored. This is a guise for rich kids to have more private access to the land.

I never get involved with things like this. But this place means to much to so many!

You can read below the history of the land and see what I’m talking about. The putting green and “tennis court access” as well as addition of the iconic golf posts are only so they can say they are honoring the agreement they made.

### WEDDINGTON GOLF HISTORY



*The history of the Weddington Golf & Tennis Club parcel is a rarity in Los Angeles, for it has been owned by the same family continuously since the 1890s. The Weddingtons were originally from Iowa, but like many lowans and other Midwesterners, the family moved to the Los Angeles region to try their hand at farming in the balmy climate of Southern California. Wilson Weddington, formerly a sheriff in Iowa, visited the region in 1890 with his wife Mary and two sons Fred and Guy. On the property that is now Weddington Golf & Tennis the family operated a sheep farm then switched to wheat and*

*finally casaba melons before stopping agricultural operations as Studio City became developed.*

*Leasing the property from the Weddington Family, Joe Kirkwood Jr., son of Australian professional golf legend, Joe Kirkwood, opened “The Joe Kirkwood Jr. Golf Center” on New Years Day 1956. In 1957, Kirkwood, Jr. sold an option to the course to George McCallister, Sr., a golfer and investor in sporting goods and real estate and his partner and fellow Wilshire Country Club member, Art Andersen, founder of Western Freight and an industrial real estate investor and together they owned and operated what became known as the “Studio City Golf & Tennis Club” until June of 2007 at which time the lease with the Weddington family came to an end. With the promise that the facility would continue to operate as a golf and tennis center open to the public the McCallister and Andersen turned over the business to be owned and operated by the Weddington Family who changed the name “Weddington Golf & Tennis.”*

### **Response No. IND 64A-1**

The comment expresses general opposition to the Project based on the removal of Weddington Golf & Tennis.

As discussed in Topical Response No. 13 – Need for Project (Non-CEQA), the Weddington Golf & Tennis parcel was purchased by Harvard-Westlake School in December 2017, and the School has continued to operate it primarily for public golf and tennis uses. However, the current Weddington Golf & Tennis operations are not consistent with the School’s educational mission or financially sustainable. In addition, refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitments to public access and the shared use of recreational facilities as set forth in the Draft EIR.

The underlying purpose of the Project is to supplement the School’s athletic and recreational facilities, and to provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future. The Project Objectives, included on pages II-13 and II-14, in Chapter II, *Project Description*, of the Draft EIR, list the Project’s Objectives which support the underlying purpose of the Project. At no time during or after the acquisition of the Project Site did Harvard-Westlake promise that the facility would continue to operate in perpetuity as a golf and tennis center open to the public. This statement is not supported by substantiated facts and is, thus, not addressed herein.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 64B**

Jentle “Red” Phoenix  
Received April 24, 2022

### **Comment No. IND 64B-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This beloved place that brings joy to 75,000 people a year shouldn't be destroyed so that only 1500 students have access to the grounds.

### **Response No. IND 64B-1**

The comment expresses general opposition based on the loss of public use. Upon completion of the Project, public access to the various recreational amenities onsite would be provided. The commenter is referred to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitments to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 64B-2**

There are golf team students that use the golf course to practice. They have asked for our help to keep the course here for them.

### **Response No. IND 64B-2**

The comment expresses opposition to the Project based on the loss of the golf course used by the students and golf team. The commenter is referred to Topical Response No.11 – Recreation: Golf and Tennis Facilities, which discusses how existing municipal golf courses have available capacity to accommodate relocated golfers from the Project Site's course.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 64B-3**

The owners are telling the staff that work there that it is a done deal and that they will all be out of work come the end of the year.

One of the golf pros already relocated because his business is teaching golf and according to the owners nothing is going to stop their construction.

### **Response No. IND 64B-3**

The comment states owners and staff are indicating they will be out of work soon and implies the Project will be moving forward with construction. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 64B-4**

Please stand with us and for us. Please help all of us who are fighting so hard to keep this beautiful place from being destroyed.

However I can help please let me know. Thank you in advance.

### **Response No. IND 64B-4**

The comment requests the decision-makers to retain Weddington Golf & Tennis. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 65**

Julien Bassan

Received April 1, 2022

### **Comment No. IND 65-1**

As a Studio City resident, I appreciate the opportunity Weddington gives to Angelenos to enjoy their community. The proposed plan by Harvard Westlake would detract from our community in numerous ways – primarily from the elimination of an openly available space. Their proposed “park” is a farce, and the years of construction and related pollution will be a detriment to those in the surrounding neighborhood.

### **Response No. IND 65-1**

The comment expresses opposition to the Project based on loss of open space, construction activity and pollution. Refer to Response Nos. IND 7-2 and 7-3 which address these similar concerns. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 66

Linda Roletti

Received April 1, 2022

### Comment No. IND 66-1

Dear Councilmember Raman, My family has lived at 4312 Babcock Ave since the early 70s. The Studio City golf/tennis has been a very part of our lives. Please do not destroy our fun times. I am 70 years old and I love walking down by the golf course. The trees are beautiful please do not take the tree away. The traffic will be horrible. Whitestt [sic] is already a freeway.

### Response No. IND 66-1

The comment expresses opposition to the Project based on loss of walking by the golf course, tree removal, and traffic on Whitsett Avenue.

See Topical Response No. 9 – Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

The Project would provide a landscaped, 0.75-mile pathway for pedestrians that would be open to the public from 7:00 a.m. to 9:00 p.m. seven days a week. The pathway would provide seating and direct access through the Project Site to the Zev Greenway. The commenter is also referred to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR for a discussion of the Project's tree removal and replacement program. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent).

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 67**

Rob Langer  
Received April 1, 2022

### **Comment No. IND 67-1**

As a longtime Studio City resident, I cannot believe you are still considering the approval this project.

In addition to the “ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS” contained in the EIR report, this project will have many more significant and material negative impacts on our neighborhood. Anyone who thinks this is a good idea has never experienced the traffic which already exists in this neighborhood that will be greatly exacerbated with this development- and this is just one example of the many severe impacts this development would create.

I understand that many of the families sending their children to this school do not live near the neighborhood that they are planning to devastate and will be unaffected by this disruption to our daily lives. I firmly believe they would not be supporting this development if it was destroying their neighborhoods. Our representatives should be protecting our community and not allowing this to happen.

### **Response No. IND 67-1**

This comment expresses general opposition to the Project and concerns over traffic caused by the Project in addition to the “anticipated significant environmental effects.”

See Topical Response No. 9 – Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project’s construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 67-2**

On behalf of myself and our community, we strongly oppose the development and the destruction of the historic Weddington recreation facility as well as the much-needed open space, many trees and natural elements that will be destroyed along with it.

## **Response No. IND 67-2**

The comment expresses opposition to the Project based on destruction of a historic facility, loss of open space, and tree removal. Refer to Response No. IND 7-2 which addresses these similar concerns. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 68**

Susan Pratt

Received April 1, 2022

### **Comment No. IND 68-1**

I live at 4229 Wilkinson Ave., which is right across from Weddington in Council District 4, and I strongly support the Harvard-Westlake River Park.

I have been excited about this project for years and don't understand all of the local pushback. I currently don't enjoy access to Weddington as it's all fenced and I have to pay to use the golf/tennis. I am really looking forward to being able to go for walks on this publicly accessible land when it becomes the River Park. I know it will be a pain while it's under construction because I live so close, but it will be worth it. I truly feel like Harvard Westlake has taken community interests to heart in its design and implementation.

### **Response No. IND 68-1**

The comment expresses support for the Project based on the provision of publicly accessible recreational facilities. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 69

Tom Imai  
Received April 1, 2022

### Comment No. IND 69-1

I am disappointed to hear that Harvard-Westlake is planning to significantly transform the Weddington Golf and Tennis facility. Weddington Golf and Tennis has been a Studio City landmark, and I've been informed that this new project will eliminate everything golf related, which includes a small 9 hole par 3 course and one of the nicest driving ranges in Southern California. The beauty of the golf complex with all of its greenery is an oasis in a hectic city. I've been coming to Weddington for over 40 years and it would be a shame to see all of this beautiful landscape disappear. Please do whatever you can to keep Weddington Golf and Tennis intact, as it is today.

Thank you for your attention to this urgent matter.

### Response No. IND 69-1

The comment expresses opposition to the Project based on the loss of the golf course and requests the City to keep Weddington Golf & Tennis intact, as it is today. The comment also expresses that the Project Site's greenery is an oasis in the city. Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan, of the Draft EIR*).

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 70**

Nicolette Del Barrio  
Received April 3, 2022

### **Comment No. IND 70-1**

My name is Nicolette del Barrio and throughout my entire life, Weddington Golf and Tennis has played an important role in my life every single day. My father, Ron del Barrio, has been an independent contractor/golf instructor there for the last 35+ years and we also happen to live in the apartments right across the street. When Harvard Westlake's proposal was first brought to light, my family and I were beyond broken to pieces and since then, we have been praying that these plans fall behind with the broken promises HW presented. In recent times, we've heard that construction may happen as soon as October of this year, and we're not letting a moment in time be wasted until our voices are heard.

### **Response No. IND 70-1**

The comment expresses general opposition based on the family occupation as a golf instructor. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 70-2**

This specific plot is not only heartbreaking to lose, but may cause possible harm to students in the future. The stretch of Whitsett between Moorpark and Ventura has been known to be dangerous crossing between due to unlawful speeding. Multiple accidents have happened including a casualty, in which my father witnessed, due to the recklessness of drivers. As someone who crosses this street often, I worry about my own life being risked just to get to the other side of the street, and with the introduction of young high school kids, the possibility of accidents are bound to increase.

Speaking from our broken hearts and voicing our pain from this plan has not seemed to work enough, but if it takes light being brought to the potential danger of students, then this is something I will continue to voice until it is heard by higher authorities at Harvard Westlake.

### **Response No. IND 70-2**

The comment expresses concern regarding increased accidents and safety concerns for students crossing the street. Meaningful increases in pedestrian crossings by students, spectators, and employees of Harvard-Westlake are not anticipated given that students will be shuttled to the Project Site and sufficient parking will be provided on-site to accommodate anticipated athletic competitions and events. Further, Harvard-Westlake

intends to implement a Parking and Transportation Management Plan including a parking reservation system and management controls to ensure that students, spectators, and employees do not park in the neighborhood and walk onto the Project Site (see Topical Response No. 9 – Transportation and Parking During Construction and Operations, and the modified version of Project Design Feature TRAF-PDF-3 in Chapter 3, *Revisions, Clarifications and Additions to the Draft EIR*, of this Final EIR). In addition, a review of collision records obtained from the Transportation Injury Map System (TIMS) found that 12 collisions resulting in injuries (and none involving fatalities) have occurred at the Whitsett Avenue/Valley Spring Lane intersection in the 11 year period between January 2011 and December 2021. Of these, only one involved a pedestrian and the pedestrian was crossing Valleyheart Drive, not Whitsett Avenue. Moreover, the City of Los Angeles maintains a High Injury Network (HIN) that identifies streets with a high concentration of traffic collisions that result in severe injuries, with an emphasis on those involving people walking and bicycling. The City of Los Angeles has not identified Whitsett Avenue as one of these streets and it is not on the HIN.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

For additional details and discussion of prior traffic safety records at Whitsett Avenue, please refer to Response No. 225-4.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 71

Dan Rothblatt  
Received April 4, 2022

### Comment No. IND 71-1

Please see my email below (from last month) to elected officials and you. Thank you for adding me to your list so I can stay informed.

I continue to be concerned that the Weddington Golf Course project and Harvard Westlake's project will ruin my neighborhood by: destroying trees, adding massive traffic, reduce public spaces and turn them into private spaces. PLEASE DO NOT ALLOW THIS PROJECT TO MOVE FORWARD.

### Response No. IND 71-1

The commenter references a previously submitted email. The cited email is included and addressed in Comment Letter No. IND 5.

The commenter expresses continued opposition to the Project based on tree removal and traffic impacts and the conversion of a "public space" to a "private space." The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR for a discussion of the Project's tree removal and replacement program.

See Topical Response No. 9 – Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Furthermore, upon completion of the Project, public access to the various recreational amenities onsite would be provided. The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 72**

Zach Felber

Received April 5, 2022

### **Comment No. IND 72-1**

My name is Zach Felber and I'm a 30 year old Studio City resident residing in the neighborhood across the street from Weddington. I live here with my wife Ashley Gonzales and we are proud to call Studio City home.

One aspect that is troubling, is how much the middle class is being pushed out. What's left of a middle class that is. Homes that are somehow affordable (1M and under) are being knocked down to build multi mega mansion homes on the land which in my mind is the same thing as saying "Rich People only" to one of the few nice remaining pockets of LA without a million developments, insane traffic, and beyond.

On the same tip, what I also feel is insanely twisted and wrong about Studio City is the fact that a private school for the rich is free and clear to be able to destroy a massive piece of Studio City history, Weddington Golf and Tennis. I've lived here for 4 years now and there's never more of a sense of community than when I spend time at Weddington. It's normal people, neighbors, friends, and beyond who all get to have a place to stay active, healthy, relieve stress, and enjoy themselves by escaping the chaos of life and specifically LA. It makes me so sad to think that can just by the right price tag be ruined and gone to a privileged private high school who only wants more and more and more. The rich pushing out middle class people is exactly what destroying Weddington is and it's disgusting to me. What does that say to our community? It says that we don't matter.

I ask that you please help save this Los Angeles treasure that brings so much joy and happiness to so many peoples lives.

### **Response No. IND 72-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 73**

Erin Boorstin  
Received April 7, 2022

### **Comment No. IND 73-1**

I live at 3657 Woodhill Canyon Rd. in Council District 4 and I strongly support the Harvard-Westlake River Park. I urge you to support this project because it is good for the school and better for the community than many other potential uses for the site. Although having a golf course there is nice in theory, I believe the new River Park development strikes an appropriate balance between serving the private interests of the landowner who must build and maintain any development and the public interests of the community.

### **Response No. IND 73-1**

The comment expresses support for the Project based on balance of benefits for the school and the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 74**

Linda Roletti  
Received April 8, 2022

### **Comment No. IND 74-1**

Please Please Do not change the impact of our neighborhood.

### **Response No. IND 74-1**

The comment expresses general opposition for the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 75

Matthew Flynn & Dr. Pedro Ontiveros  
Received April 8, 2022

### Comment No. IND 75-1

My husband and I lived one block from Weddington Golf and Tennis. We are VERY WORRIED about increased traffic, noise and crime in our already congested and crowded neighborhood. We have no parking, AWFUL TRAFFIC and increase break-ins. With the newly-opened development at Sportmens's Lodge, there is NO WAY the area can take ANY MORE congestion with construction, sports gatherings, lights and CARS.

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### Response No. IND 75-1

The comment expresses opposition to the Project based on traffic, parking, noise, lighting and crime. The comment speculates there will be an increase in break-ins. Regarding the potential increased break-ins, CEQA does not require analysis of speculative conditions. Furthermore, the comment does not provide any substantial evidence that Project operation would result in substantial crime risks. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable."

See Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Further, as discussed in Topical Response No. 9, all parking for the Project would be provided on-site. No off-site parking would be permitted.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts.

Regarding crime and public safety, police services impacts were addressed in Section IV.L.2, *Public Services - Police Protection*, of the Draft EIR, with supporting data provided in Appendix L-2 of the Draft EIR. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if

construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.L.2 concluded that impacts to police services would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a security program to ensure the safety of its students, employees, and spectators, as well as public users of the Project Site. The Project's security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 75-2**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 75-2**

This comment is the same as Comment No. FORM 3-3. Please refer to Response No. Form 3-3.

### **Comment No. IND 75-3**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

### **Response No. IND 75-3**

This comment is the same as Comment No. FORM 3-4. Please refer to Response No. Form 3-4.

### **Comment No. IND 75-4**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning.

It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

## **Response No. IND 75-4**

This comment is the same as Comment No. FORM 3-5. Please refer to Response No. Form 3-5.

## **Comment Letter No. IND 76**

Tiff Williams (2<sup>nd</sup> Letter in Opposition)  
Received April 8, 2022

### **Comment No. IND 76-1**

My name is Tiff Williams and I first wrote to you on March 21, 2022, and I am writing to you again. I will write to you for as long as it takes to STOP this Harvard Westlake River Park Project.

Again, I am a tax paying, law abiding natural born citizen of the United States, who currently lives in Studio City, California. I've lived in the Los Angeles area over twenty years, and I've seen so many unnecessary changes in and around the city - all for the worse. \*I believe greed is much to blame for these changes which makes the city and county less and less charming as it's taken over by the corporations hidden behind banks, chain stores and even educational institutions.

I moved to Studio City because I always loved the small community feel as I worked at the CBS Radford studio on many TV shows. Like everything else in this country, the corporate side of CBS moved into the studio and has killed the vibe of the community of creatives and artists, who worked there for many, many years. The small town vibe increases to be diminished by national franchises - destroying anything that makes a city or town unique and distinguishable from one another.

In the way CBS Radford was taken over by the corporation, so too, has Studio City been slowly taken over by corporations and big business. I'm thankful to see some of the smaller "moms and pops" shops that have miraculously made it - even through the pandemic, but I can't help but see the many chains of retail shops and restaurants, which have taken over the community. Quite frankly, the greed of these companies has killed the vibe of a small community and only raised housing prices, displacing many wonderful residents. There are more homeless people living in the area, which was never an issue before, but is now a way of life and people who have the means to help should be ashamed at doing nothing but further lining their pockets.

Finally, I live on Whitsett, across the street where Harvard Westlake wants to build a monstrosity of a project and destroy a lovely neighborhood that doesn't need it!! Weddington Golf & Tennis is an iconic recreational site that has been open to the public for nearly 70 years. It possesses historic, recreational, and environmental value to Angelenos, but the community it sits in. Harvard Westlake has outlined extremely limited days and times as well as very restrictive rules for community use of this sports complex by non-Harvard Westlake students. Harvard Westlake specifically states in their paperwork to the city, occasional weekday use of tennis courts for "APPROVED STUDIO CITY ORGANIZATIONS only" when not in use by students, alumni or Harvard Westlake parents.

This is UNACCEPTABLE! Most of the Harvard Westlake families don't even live, work or "play" in Studio City!

PLEASE STOP this project or move to STOP THE HARVARD WESTLAKE RIVER PARK PROJECT!!! Not only will it no longer benefit the community, but it will also kill and destroy the greenery and beautiful older trees that help to shade the area, which we need in light of longer and unbearable hot summers. If anything, please designate the area for more housing, not creating an unnecessary sports facility to an already rich school that should look to develop in their students' neighborhoods.

PLEASE STOP THIS PROJECT!!!!!! Keep Weddington Golf and Tennis the way it is and let the community continue to try to thrive as a charming, tranquil small city of Los Angeles county.

### **Response No. IND 76-1**

This comment is largely similar to Comment No. IND 43-1. See Response No. IND 43-1 which addresses the concerns raised in this comment letter.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 77**

Jayne Campbell  
Received April 9, 2022

### **Comment No. IND 77-1**

I have resided at Longview Valley Rd in Council District 4 for almost 24 years. I am a retired music teacher and I have experience teaching in the private school arena. Of all the building projects I witnessed during my tenure, let me say that the River Park proposal is unique in the creation of facilities that will provide benefits for both Harvard-Westlake and the Studio City community. The proposal preparation is thoughtful, thorough and inclusive. The preservation of urban open space and the creation of more recreational amenities under the umbrella of environmental responsibility is a win-win situation for all. I strongly support the Harvard-Westlake River Park and I encourage you to give your fullest support.

### **Response No. IND 77-1**

The comment expresses support for the Project based on the benefits provided for the School and the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 78**

Michael Jeon

Received April 9, 2022

### **Comment No. IND 78-1**

I live at 12942 Bloomfield St. in Council District 4 and I strongly support the Harvard-Westlake River Park. I urge you to support this project because it is good for the school, good for the environment, and good for the Studio City community. The River Park will preserve urban open space and will provide more recreational amenities for the Studio City community than currently exist on the site.

I have been a homeowner in Studio City for the last 15 years, and strongly believe the Harvard Westlake River Park project will be of great benefit to our community. As both a tennis player and a golfer, I actually use the current Weddington facility quite often. Even so, I think the HW River Park project would benefit a much broader segment of our district -- not just the few who happen to play tennis or golf there.

### **Response No. IND 78-1**

The comment expresses support for the Project based on the benefits provided for the School, the community, and the environment with the preservation of open space and provision of recreational amenities. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 79**

Dana Howbert  
Received April 10, 2022

### **Comment No. IND 79-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

Think about the families who cannot afford country clubs and want a place to teach their kids tennis and golf. And the kids who will never go to Harvard Westlake but want a nice place to be outside.

### **Response No. IND 79-1**

The comment expresses opposition to the Project based on the loss of the golf and tennis facilities. The commenter is referred to Topical Response No.11 – Recreation: Golf and Tennis Facilities, which discusses how existing municipal golf courses have available capacity to accommodate relocated golfers from the Project Site's course.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 80**

Deborah Novak  
Received April 11, 2022

### **Comment No. IND 80-1**

I am not in your district but I just returned from spending the day at Weddington Golf and Tennis with four kids to play disc golf. Even though we live on the Westside, we visit Weddington routinely for golf and disc golf. It is the only disc golf location within 20 miles of the 405 and 101. Even though it is the only one that requires a fee, we go there frequently because of the beautiful landscape and because we always have such a nice time primarily because all of the other golfers and disc golfers are so friendly. Over the years what I have noticed is that the people of all ages who utilize this a facility are all very humble about their level of play, and are really there to just practice their skills and respectful of everyone there regardless of their skill level.

It would be a huge loss to not only the immediate community but the LA community at large for Weddington to become a private space.

I strongly support your district constituents in their effort to preserve Weddington as a public golf and tennis space. There are so few options available in the LA area. It would be a significant loss to people from all over LA who use this space that is easily accessible and affordable to learn to play tennis, golf and disc golf.

### **Response No. IND 80-1**

The comment expresses opposition to the Project based on the claim the Project would convert the site to private space, and the loss of golf, disc golf and tennis facilities. The commenter is referred to Topical Response No.11 – Recreation: Golf and Tennis Facilities, which discusses how existing municipal golf courses have available capacity to accommodate relocated golfers from the Project Site’s course. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis has been privately owned since the late 1800s, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner’s sole discretion. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 81**

Sophie Colette

Received April 11, 2022

### **Comment No. IND 81-1**

I am a lifelong resident of the Encino neighborhood, now in CD4. I am writing in favor of the Harvard-Westlake School River Park.

The school has done extensive community outreach and the project provides environmental benefits and public access. I urge you to vote in favor of the repurposing of an environmentally damaging golf course.

Thank you for your attention to this matter.

### **Response No. IND 81-1**

The comment expresses support for the Project based on environmental benefits and public access. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 82**

Periel Kaczmarek  
Received April 11, 2022

### **Comment No. IND 82-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

Trees are beneficial to our area for so many reasons and I do not want to see the trees on this property killed for a development project that will detract from and not enhance the beauty of Studio City.

### **Response No. IND 82-1**

This comment is similar to Comment No. FORM 3-1 and 3-2. Please refer to Response Nos. Form 3-1 and Form 3-2.

### **Comment No. IND 82-2**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 82-2**

This comment is the same as Comment No. FORM 3-3. Please refer to Response No. Form 3-3.

### **Comment No. IND 82-3**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

### **Response No. IND 82-3**

This comment is the same as Comment No. FORM 3-4. Please refer to Response No. Form 3-4.

### **Comment No. IND 82-4**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to

speak for over 100,000 Angelenos who enjoy this beloved facility annually and deny permission to build this project.

**Response No. IND 82-4**

This comment is the same as Comment No. FORM 3-5. Please refer to Response No. Form 3-5.

## **Comment Letter No. IND 83**

Dale Fernandez  
Received April 13, 2022

### **Comment No. IND 83-1**

My name is Dale Fernandez, a resident of Studio City and a business owner Valley Village.

I volunteer for Save LA River Open Space. Thank you for keeping such a productive forum related to the Harvard Westlake project.

### **Response No. IND 83-1**

The comment is introductory and expresses appreciation of the City's public outreach. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 83-2**

I believe land-use policy decisions should be based on common sense for the good of the city's community as well as its environment.

I am sure a private school offering high level athletics is a priority for Harvard Westlake but having a second set of sports facilities for their 900 students seems a bit redundant.

Harvard Westlake already has an Olympic size pool built recently in 2012 as well as multiple indoor gyms, soccer fields and tennis courts already on their main campus.

For a relatively small student body to be utilizing a redundant set of sports facilities doesn't seem environmentally sound to me in a land-use perspective. I would like to have some sort of guarantee for actual equitable community use.

### **Response No. IND 83-2**

The comment states the provision of facilities for the School seems redundant and requests a guarantee for equitable community use.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), of this Final EIR for a discussion of the purpose and underlying need for the Project for the School and the community. In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 83-3**

My second point is that I am concerned about the heat island effect of this project. The land-use aspect of replacing the cooling effect of hundreds of shade canopy mature trees and the natural grass turf with thousands of square feet of roofing, immature trees, and artificial turf will effectively create a large heat island. Although there will be a cistern placed on site, the natural ground water aquifer infrastructure will not be able to be fully replenished with this type of development.

Although artificial turf may last up to ten years, the petroleum based turf might momentarily save in water use, our current water infrastructure has no way of filtering the micro plastics created by such a sports complex endeavor.

### **Response No. IND 83-3**

The comment expresses concern regarding the potential for heat island effects and microplastics from the proposed artificial turf field. Refer to Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, which provides a detailed analysis of the potential heat island effects and contamination related to microplastics. As summarized therein, studies show there is little difference in heat indicators between synthetic turf, grass, and sand surfaces. Topical response No. 7 also evaluates potential impacts of Polyfluoroalkyl Substances (PFAs), microplastics, and other toxic chemicals potentially leaching from microplastics in artificial turf. As concluded, therein, and based on detailed studies, the compounds in artificial turf or recycled rubber do not present a public health concern and that no significant risks associated with any discharge of PFAS or other chemicals from microplastics would not be harmful to groundwater or any receiving waters, such as the Los Angeles River. Also, refer to Response No. ORG 8-12 for a discussion of microplastics, including the scientific studies indicating that microplastics from artificial turf would not create a significant risk to the public or the environment.

Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

In addition, the Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. As discussed in Appendix I, infiltration into the groundwater table at the Project Site is not feasible and the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such

that the Project may impede sustainable groundwater management of the SFV Groundwater Basin. Therefore, the Draft EIR concluded that groundwater recharge impacts would be less than significant. Further, refer to Response No. ORG 9-5 regarding groundwater impacts.

## **Comment Letter No. IND 84**

Martha Bissell

Received April 13, 2022

### **Comment No. IND 84-1**

My husband and I have lived one block directly up-hill from the potential development for more than 30 years. The D-EIR appears to have been done without consideration for other potential neighborhood developments, including Sunswept place. The effects of Harvard-Westlake's 80ft lights, noise, traffic concerns, and the loss of our jewel will affect us forever. Contrary to fliers that arrived in our mailbox, the Studio City residents that I know, do not "support the Harvard-Westlake River Park" and I believe that the many comments tonight that we 'don't understand' are unnecessarily divisive. Thanks Diana Nicole, Tess Taylor, and Kelly deMarco for your wise words.

### **Response No. IND 84-1**

The comment expresses concerns about the Project based on lighting, noise, and traffic to hillside residents. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Refer to Response No. ORG 9-8 which addresses these concerns.

### **Comment No. IND 84-2**

I am getting the impression tonight that 'stakeholder' or 'council district 4' means that the speakers work at, or are parents at Harvard Westlake. We live here and are not in support.

### **Response No. IND 84-2**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 85**

Rachel Tonisson

Received April 14, 2022 (Letter A)

Received May 2, 2022 9 (Letter B)

### **Comment No. IND 8A5-1**

Hi I'm writing to say that I oppose the plan to demolish the Weddington golf course. It should be preserved in its entirety as a cultural landmark and remain open to all of the public not just rich kids for their sports. We need green spaces in our city. We need facilities that all are welcome at.

### **Response No. IND 85A-1**

The comment requests the site be preserved as a cultural landmark. The comment also states the Project Site should remain open as a green space for the public.

The commenter is referred to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 85A-2**

I know Harvard Westlake says the public will have access to their facilities when they aren't being used. They will make it unavailable by always having scheduled student use.

## **Response No. IND 85A-2**

The comment states the facilities will be unavailable for public use because the School will make it unavailable by always having scheduled student use. However, the commenter does not provide any substantive facts or support for this concern or opinion.

Also, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 85A-3**

Also they say there will be a river walk, But a river walk already exists, my family and I regularly visit the trail. Harvard Westlake is not adding anything to our neighborhood they are taking away.

## **Response No. IND 85A-3**

The Draft EIR does not state that the Project would provide a “river walk.” The Project would provide public access through the Project Site to the Zev Greenway via an ADA-compliant pedestrian ramp. The Draft EIR throughout acknowledges the Zev Greenway in its documentation of existing conditions, and notes that it is not part of the Project Site.

## **Comment No. IND 85A-4**

The traffic would increase dramatically along with unsafe levels of speeding often associated with teen drivers.

In addition I’m concerned with the parking situation. Where will the busses park from opposing teams and all the parents coming to watch their kids?

## **Response No. IND 85A-4**

The comment expresses concerns about the Project based on traffic impacts including speeding from teen drivers and parking for school events. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels. No off-site parking for events on the Project Site would be permitted. All parking would be on the Project Site within the parking garage or surface parking lot, and the Project would

provide for ingress and egress of buses and shuttles via a roundabout accessible from Valleyheart Drive.

**Comment No. IND 85A-5**

Please do not let Harvard Westlake demolish this beloved place.

**Response No. IND 85A-5**

The comment requests decision-makers to not let the School demolish the Weddington golf course. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 85B-1**

1. Can you tell me where I can find information on the provision that allows a school to use agricultural land for a CUP development?
2. Where can I find the provision for a private school to do the same ( use agricultural land for a CUP development)?

**Response No. IND 85B-1**

The following response was provided by the Los Angeles Department of City Planning on June 9, 2022.

*Hi Rachel,*

*My apologies for the delay in getting back to you regarding your questions. You can find the code provisions for Conditional Use Permits (CUPs) in the Los Angeles Municipal Code Section 12.24, which you can find online here:  
[https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lapz/0-0-0-7378](https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-7378)*

*Thanks,*

*Kimberly*

## **Comment Letter No. IND 86**

Scott Dragicevich  
Received April 14, 2022

### **Comment No. IND 86-1**

Thank you, and your colleagues, for leading the discussion yesterday. I am thankful to live in a community where we can openly share our different views respectfully. I know this is a passionate discussion and thank you for leading us.

As I shared yesterday, I strongly support the proposed Riverpark project. I know the park will be a valuable place to gather for all of our community members - young and old, athletics lovers and non athletes. It will be a great addition to our neighborhood.

Thank you again for all that you are doing.

### **Response No. IND 86-2**

The comment expresses support for the Project based on the value the Project will provide to the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 87A**

Suellen Wagner  
Received April 14, 2022

### **Comment No. IND 87A-1**

Attached, please find my public comment to the Studio City Neighborhood Council regarding the Harvard-Westlake River Park Project. I would like to mention that on Harvard-Westlake's website, the Project is now called Harvard-Westlake River Park Campus Project. I believe this should be noted as we approach a possible Conditional Use Permit, which should encompass both Harvard-Westlake campuses, to guarantee that there will not be a continual, at will shifting of operations without review. I would also like to reiterate the years-long request for a 25 year Master Plan from Harvard- Westlake and a 20-year Moratorium on expansion in the case that any iteration of this project is approved.

Please enter my attached comment and this email into the record.

### **Response No. IND 87A-1**

This comment is similar to Comment No. ORG 9-12. Please refer to Response No. ORG 9-12.

### **Comment No. IND 87A-2**

Re: Public Comment SCNC Land Use Meeting April 13, 2022, Item 5: Harvard-Westlake River Park Project Case Number: ENV-2020-1512-EIR:

In late 2017, upon the suspension of the Harvard-Westlake Parking Structure Project and the announcement of their purchase of Weddington Golf and tennis, Councilmember Paul Krekorian issued a public update that included the following:

“Weddington is a property central to the history of Studio City. It is the largest privately held open space facing the Los Angeles River in the entire San Fernando Valley. For more than a decade ... I have worked hard to preserve open space at Weddington and improve access to the LA River.

Harvard-Westlake has indicated that it intends to work closely with the community in developing a plan for Weddington...The school has also acknowledged that it will respect the community’s desires by maintaining the tranquility of the property and preserving as much open space as possible, improving public access to the revitalized Los Angeles River, and enhancing community benefits from the property.”

## **Response No. IND 87A-2**

This comment provides a reference to a public update from Councilmember Paul Krekorian regarding the intention of the School in the development of the Project Site. This comment is unrelated to the environmental review for the Project, and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 87A-3**

The plan for the Harvard Westlake River Park Campus Project shatters this promise. If this out of character, out of scale Project is approved, there will never again be tranquility at Weddington.

## **Response No. IND 87A-3**

The comment states the Project is out of character and scale and that it shatters the promise to work with the community. This comment is similar to Comment No. ORG 9-2. Please refer to Response No. ORG 9-12.

## **Comment No. IND 87A-4**

The project violates the Los Angeles General Plan, the Open Space element of the General Plan, the Sherman Oaks Studio City Toluca Lake Cahuenga Pass Community plan, and the RIO Specific Plan.

The Project comes with a lengthy laundry list of Harvard-Westlake WANTS – discretionary entitlements, reviews, permits and approvals from the City, County, and various agencies required to implement the Project – including a Conditional Use Permit to operate a private school in an A-1 zone. I want to emphasize that these requests are discretionary and each requires an exemption or variance from existing codes, regulations and laws.

## **Response No. IND 87A-4**

The comment states that the Project has a long list of necessary entitlements and each requires an exemption or variance from existing codes, regulations and law. Please note that most public and private schools in the City operate under a CUP in accordance with LAMC Section 12.24.T.3(b), which allows school uses in residential and agricultural zones. For additional discussion of the Project's CUP, refer to Response Nos. ORG 7A-78, ORG 7A-79 and ORG 9-22.

The Project was compared to all applicable land use policies, including the policies of the Los Angeles General Plan, the Open Space element of the General Plan, the Sherman Oaks Studio City Toluca Lake Cahuenga Pass Community plan, and the RIO Specific

Plan, as provided in Appendix J, Land Use Plans and Policies: Project Consistency Tables, in the Draft EIR. As evaluated in detail, therein, the Project would not conflict with applicable plans and policies in accordance with CEQA requirements. Please refer to Appendix J of the Draft EIR.

### **Comment No. IND 87A-5**

The School seeks to appropriate the last and best open space along the river and to demolish an historic public asset and green open space – to literally dig it all up – almost 500 trees and 250 thousand cubic yards of soil (1/15 the size of the Great Pyramid of Giza), and throw it away.

### **Response No. IND 87A-5**

The comment expresses general opposition to the Project based on the Project Site being an historic asset, the removal of trees, and loss of green space, and claims that the Project seeks to appropriate the last and best of the open space along the Los Angeles River.

The commenter is referred to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

Refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program.

Also, see Topical Response No. 3 – Enforcement of Public Access, for additional details regarding the public access to the Project's available recreational facilities and amenities for public use.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 87A-6**

There is no doubt that surrounding neighborhoods will be severely and detrimentally impacted by both construction and operations. Noise, dangerous traffic, polluted air, unwanted light, visual blight, EXCLUSION, and the terrible loss of irreplaceable green open space and an institution that has served all of Los Angeles for 70 years.

### **Response No. IND 87A-6**

The comment expresses opposition to the Project based on non-specific and unsubstantiated construction and operation impacts related to noise, traffic, air pollution, light, visual blight, exclusion, loss of green open space and the golf facility.

The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding noise impacts; Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding traffic impacts; Topical Response No. 4 – Aesthetics, regarding aesthetics and light impacts; Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program; Topical Response No. 3 – Enforcement of Public Access, for additional details regarding the public access to the Project’s available recreational facilities and amenities for public use; and Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. Also, please refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, regarding the availability of other public and private nine-hole courses in the area and the continued public use of the Project’s tennis courts. As discussed therein, private nine-hole courses (e.g. the Van Nuys Golf Course) and municipal courses have the same fee structure as the existing Weddington course.

In addition, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 87A-7**

No reasonable alternatives have been presented by the Applicant/Developer. There must be at least one Alternative with no events, no spectators, no underground parking, no lights, no amplified noise, and enough contiguous public open space (35%) to actually warrant the label of “Park.” The projects has exploded far beyond the initial concept into a behemoth public nuisance that will destroy quality of life for far too many.

### **Response No. IND 87A-7**

The comment states that reasonable alternatives have not been presented by the School and recommends additional alternatives to be considered. As discussed in Chapter V, *Alternatives*, of the Draft EIR, CEQA Guidelines Section 15126.6(a) generally requires that an EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives. In the case of the Project, significant short-term noise and vibration impacts would occur during the Project’s construction activities. No other significant and unavoidable impacts were identified in the Draft EIR analyses. Thus, the Draft EIR appropriately evaluates alternatives that would reduce the significant construction noise and vibration impacts. Since other environmental

issues were not found to be significant, the evaluation of an alternative that would provide no events, no spectators, no lights, no amplified noise, and more contiguous public open space would serve no purpose with respect to CEQA requirements, nor would it support the basic objectives of the Project.

Thus, contrary to the comment, the Draft EIR does evaluate a reasonable range of alternatives consistent with the requirements of the State CEQA Guidelines Section 15126.6(a), which states an EIR need not consider every conceivable alternative to a project. For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-104 through ORG 1B-106, and ORG 7A-146 to ORG 7A-174.

### **Comment No. IND 87A-8**

I urge the Land Use Committee of the Studio City Neighborhood Council to oppose this Project and send Harvard- Westlake back to the drawing board.

### **Response No. IND 87A-8**

The comment urges the Studio City Neighborhood Council's land use committee to oppose the Project. This comment is unrelated to the environmental review for the Project, and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 87B**

Suellen Wagner  
Received April 14, 2022

### **Comment No. IND 87B-1**

I am confounded by the very small size of the Study Area, measured from the center of this extremely large 16-acre project. It cannot possibly capture the wide range of severe impacts and disadvantages communities east and south of the Project. I have seen that there have been project study areas as large as 1 mile, which would be more appropriate for a job of this unprecedented scale and that involves an astronomical amount of grading and hauling of soil. By confining study to such a tiny area of impact, the environmental review fails to capture a great number of sensitive receptors, including elderly and children, in several neighborhoods, including mine, the Silver Triangle, in Studio City. Our neighborhoods have a very high rate of respiratory disease, which is well documented.

### **Response No. IND 87B-1**

The comment expresses concern over the size of the study area, particularly in reference to sensitive receptors and states the neighborhood is documented for high rates of respiratory disease. This similar comment is included as Comment No. ORG 9-14. Refer to Response No. ORG 9-14 which addresses these concerns.

### **Comment No. IND 87B-2**

In addition, neighborhoods south and southeast of the project, including mine, contain north-facing hillsides, which are geologically susceptible to vibration and in a landslide prone area. Potential vibration impacts to hillside homes must be studied.

I am hereby requesting an extension of the radius to one-mile.

### **Response No. IND 87B-2**

The commenter requests the evaluation of vibration impacts to hillside homes susceptible to landslides and vibration impacts. The nearest hillside homes are located approximately 500 feet south of the Project Site. Refer to Response No. ORG 9-8 for a discussion of vibration impacts to hillside residences. Also, while the homes within hillside area are located within a landslide susceptibility zone, Section IV.F *Geology and Soils*, of the Draft EIR correctly states the Project Site is not located within a City-designated landslide area and no hillside areas or steep slopes occur adjacent to the Project Site. As discussed in Response No. ORG. 9-8, there would be no significant vibration impacts to hillside residences to the south of the Los Angeles River. As such, the Project would not result contribute to any landslide potential in the hillside areas.

## **Comment Letter No. IND 87C**

Suellen Wagner

Received April 26-27, 2022

### **Comment No. IND 87C-1**

When is the applicant required to reveal the Haul Route? I can't find it in the DEIR?

### **Response No. IND 87C-1**

The comment questions the identification of the construction haul route. The haul route is discussed in Chapter II, Project Description, page II-62 of the Draft EIR, among other sections throughout the Draft EIR.

Comment IND 87C-1 from Ms. Wagner is derived from email communication between Ms. Wagner and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The above response was provided by the Los Angeles Department of City Planning.

As stated on page II-62 of the Draft EIR, the inbound haul route would come from US-101, head southbound on Coldwater Canyon Avenue, eastbound on Moorpark Street, and southbound on Whitsett Avenue to access the Project Site. The outbound haul route would leave the Project Site and head southbound on Whitsett Avenue, westbound on Ventura Boulevard, and northbound on Coldwater Canyon Avenue to reach US-101.

### **Comment No. IND 87C-2**

Thank you. As I recall that is only between the 101 and the site. What is the destination of the export?

### **Response No. IND 87C-2**

The comment requests the destination of the export. As discussed in Section IV.O.3 *Utilities and Service Systems – Solid Waste*, in the Draft EIR, the Project would dispose of construction-related waste at a variety of potential destination sites. These may include the County's inert landfill site, Azusa Land Reclamation, or one of a number of inert debris engineered fill operations throughout the County. Although unlikely, the County may require that the Project's construction-related construction and demolition (C&D) waste be exported to out-of-County jurisdictions. Future use of the waste-by-rail system to the Mesquite Regional Landfill in Imperial County may also be considered by the County. As required by City Ordinance No. 181,519 (Waste Hauler Permit Program), Project construction waste would be hauled by permitted haulers and taken only to City-certified C&D processing facilities that are monitored for compliance with recycling regulations. It is also noted that since excavated soils have a reuse value, the soils may be sold directly to a development site needing clean fill materials. As such, the specific destination of

exported soils may have a variety of destinations or a single destination that is not known at the Project's approval (EIR) stage. The origin and destination of inert construction materials are not CEQA issues and are not evaluated in specific detail in the Draft EIR.

## **Comment Letter No. IND 88**

Beth Dymond  
Received April 15, 2022

### **Comment No. IND 88-1**

Has Harvard Westlake filed form CP7768 listing the special events that will take place at the Harvard Westlake River Park. This information was omitted on their application however special events was checked.

Please let me know as soon as possible and if CP7768 has been filed please attach a copy.

### **Response No. IND 88-1**

The Los Angeles Department of City Planning Case Planner: “Yes, the CP-7768 Form was filed by Harvard-Westlake at the time the Project case(s) were originally filed with Planning.

Please see attached.”

Comment No. IND 88-1 from Ms. Dymond is derived from email communication between Ms. Dymond and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The above response was provided by the Los Angeles Department of City Planning.

## **Comment Letter No. IND 89**

James H. Korris  
Received April 16, 2022

### **Comment No. IND 89-1**

I spoke in favor of the Harvard-Westlake proposal to develop River Park at the Zoom hearing on April 13, 2022. I understand there is an option to enter written comments, which I herewith offer:

### **Response No. IND 89-1**

The comment expresses general support for the Project. This comment is unrelated to the environmental review for the Project, and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 89-2**

Harvard-Westlake's plans for its River Park campus seem to be thoughtful and well-considered. Instead of having an outsized impact on surrounding neighbors like a residential development would have on this site, this proposal carefully mitigates all of its potential impacts.

### **Response No. IND 89-2**

The comment expresses that the Draft EIR provides careful mitigation for all of its environmental impacts. It is noted, however, that with the implementation of all feasible mitigation measures, impacts related to construction noise remains significant and unavoidable.

### **Comment No. IND-89-3**

For those who are concerned about the loss of Weddington and its recreational facilities, I am unaware of a competing plan proposing to offer a replacement. The most likely alternative use would be residential housing, which would likely offer no benefits to area residents. Weddington is not coming back. Whatever development assumes the Weddington space, there will be disruptions from construction – so the proposed Harvard-Westlake project is, to my thinking, no worse than other options. To the contrary, to my thinking, there are advantages to the River Park plan.

### **Response No. IND 89-3**

The comment expresses support for the Project based on the proposed use of the Project Site and advantages of the Project compared to alternative development options. This comment is unrelated to the environmental review for the Project, and does not raise any

issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 89-4**

For example: parking. All of the River Park needs would be met with the construction of an on-site subterranean structure and a handful of surface spaces. There will be no parking on our already impacted neighborhood streets, and there won't be cars cruising the area in search of elusive spaces.

The school has stated that its students will take shuttles to the River Park instead of driving their own vehicles, thereby further reducing impact. Campus security personnel will closely monitor visitor access. Any HW student or faculty or staff member who is observed driving on residential streets in the neighborhood will face losing their privilege to use the River Park facilities.

Moreover, the school has pledged its support to help residents by working with us on efforts to secure neighborhood parking restrictions from the city, making it even more difficult for those without neighborhood parking permits to park on area streets.

This indicates to me that Harvard-Westlake is taking pains to act like a good neighbor.

### **Response No. IND 89-4**

The comment expresses support for the Project based on the provision of on-site parking and the School's commitment to enforcing on-site parking requirements. This comment is unrelated to the environmental review for the Project, and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 90

Kathy Anaya

Received April 16, 2022 (Letter A)

Received April 18, 2022 (Letter B)

Received April 27, 2022 (Letter C)

### Comment No. IND 90-1

I appreciate the additional time to send comments....While the current plans seem attractive to some, in my opinion with blind support, I've spoken to the Harvard Westlake communications team, these conversations haven't been consistent and appear to be more "marketing" than honest communication.

### Response No. IND 90A-1

The comment expresses the opinion that conversations with the School's communication team appear to be more "marketing" than honest communication. The comment is not supported by specific evidence and is based on personal opinion. This comment is unrelated to the environmental review for the Project, and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 90A-2

Before this DEIR is approved I do have comments (questions):

Top of mind is are [sic] there any restrictions on future expansion once the school gets this approval? Can the school commit to this? Would the zoning restrict this?

For instance, Campbell Hall campus continues to expand. These expansions have many ramifications on the neighborhood and not just their Laurel Canyon campus address, but the neighborhood behind the Tujunga Wash (Riverside/Moorpark/Whitsett corridor).

### Response No. IND 90A-2

The comment inquires if there are any restrictions on future expansions. Any future discretionary projects, including potential expansions of the Project Site, would be subject to revisions to the Project's requested CUP and discretionary review and approval by the City. All future discretionary projects would be subject to environmental review under the CEQA. Future environmental review under CEQA would analyze and disclose potential environmental impacts of future proposed discretionary projects to the City and decision-makers prior to approval of any project development applications. CEQA requires a review of land use compatibility including an analysis of consistency with existing zoning regulations; however, it is up to the discretion of the City to approve or reject future projects.

### **Comment No. IND 90A-3**

Any restrictions on P.A. levels. Campbell Hall levels are excessively high and amplified by the Wash. I suspect the River will have the same sound effect on the surrounding neighborhood. Campbell Hall ignores neighbors' request to study this.

### **Response No. IND 90A-3**

The comment inquires about restrictions on public address (P.A.) levels. Project Design Feature NOI-PDF-2 establishes restrictions on the Project's proposed amplified sound system. As stated therein:

NOI-PDF-2: The Project's amplified sound system for special events at Field A will be installed and designed using a line-array speaker system, so as to not exceed a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system. In addition, the stage for special events will be located at the north side of Field A, with the amplified sound system facing south in the opposite direction from the off-site sensitive uses to the north of Field A, which would reduce speaker noise at the nearest off-site sensitive uses to the north and east of Field A.

Furthermore, operational noise impacts to off-site receptors are fully evaluated in Section IV.K, *Noise*, of the Draft EIR. As described in Section IV.K, operation noise impacts, including a conservative, composite analysis of all athletic facilities, the sound system, and noise being used simultaneously, would not exceed noise impact standards established by the City and impacts would be less than significant. Refer to Topical response No. 8 - Noise: Construction and Operation Impacts, for additional discussion of noise impacts.

### **Comment No. IND 90A-4**

Is the school obligated to disclose which organizations (of which there seem many) and size outside of their own schools events going forward?

### **Response No. IND 90A-4**

The comment requests if the School would be required to disclose all events, including the names of the organizations and the size of the events going forward. The City does not generally require such disclosure, absent an environmental or compliance matter that would make such disclosure relevant.

### **Comment No. IND 90A-5**

They say that traffic won't be impacted, but they're going from the current 69 parking spaces to approx 535. How is traffic not going to be impacted with the addition of these many cars?

## Response No. IND 90A-5

The comment questions the impacts to traffic with the increase in on-site parking spaces. The Project Site currently has 89 parking spaces. The issue of traffic and parking is discussed in Topical Response No. 9 - Transportation and Parking During Construction and Operations, in this Final EIR. As evaluated therein, impacts with respect to transportation and traffic would be less than significant and no mitigation measures are required. The 500-space parking structure would accommodate instances during which visitor and spectator attendance is elevated, such as during a School Special Event or notable interscholastic game. As described in Chapter II, *Project Description*, page II-48 of the Draft EIR, there are fewer than 400 spectators for 90 percent of interscholastic games. Though these instances are relatively infrequent, LAMC nonetheless requires the provision of school parking spaces in proportion to the number of fixed seats (including bleachers), regardless of how often such capacities are actually utilized. As discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

## Comment No. IND 90A-6

They say a recommended driving route will be Coldwater Canyon north to Moorpark, east to Whitsett, then south to the facility. Has there been a thorough study on this already congested portion of our Studio City?

## Response No. IND 90A-6

The comment asks if a traffic analysis has been performed for the roadways/intersections that would be impacted by the Project. Although not required by CEQA, the Transportation Assessment (TA) provided in Appendix M of the Draft EIR includes a traffic (intersection level of service [LOS]) analysis for off-site street segments that would comprise the primary routes between the Upper School campus and the Project Site. The LOS analysis is provided in Appendix G of the TA.

## Comment No. IND 90A-7

Not to mention Ventura at both Coldwater and Whitsett? There are many other large projects on point to be constructed on, or just off Ventura in the general area. I've heard that the Sportsman's project's DEIR was for the current situation as it exists and not broadened to include the impact of future growth of other sites.

## Response No. IND 90A-7

The comment asks if certain intersections and other nearby projects in the area were evaluated in the traffic analyses. The LOS evaluation provided in Appendix G of the TA took into consideration intersections along Ventura Boulevard, including Ventura Boulevard/Whitsett Avenue and Ventura Boulevard/Coldwater Canyon Avenue. The TA's

analysis of LOS impacts is a non-CEQA issue. The analysis includes vehicle trips that would be generated by the Project and the related projects in the area, as projected to 2025 and as required for all LOS studies by the LADOT. Related projects include the Sportsmen's Lodge, as listed in Chapter III, *Environmental Setting*, of the Draft EIR. The Sportsmen's Lodge shopping center with gym and retail uses was recently constructed but is not yet fully operational (Related Project No. 1). The Sportsmen's Lodge apartments and restaurant/retail uses are not operational (Related Project No. 5). An ambient growth factor of 0.6 percent per year was applied to adjust the baseline year (2020) traffic volumes to reflect the effects of regional growth and development. This adjustment was applied to the baseline year (2020) traffic volume data to reflect the effect of ambient growth by the year 2025. This methodology is consistent with standard practices and TAG methodology for TA's in the City, which was approved by LADOT. Furthermore, the methodology to analyze cumulative transportation impacts was consistent with the applicable requirements of CEQA Guidelines Section 15130 in determining cumulative impacts.

The TA was prepared in accordance with LADOT's Transportation Assessment Guidelines (TAG) adopted in July 2019 (updated in July 2020). The TA was approved by LADOT on June 10, 2021, with an updated approval on June 11, 2021.

### **Comment No. IND 90A-7**

They profess neighbors and the community stakeholders will have access, "with approval". Do we know what this approval process is and if it has limitations? Seems they post a very narrow window for swimming pool access and for "approved" visitors only.

### **Response No. IND 90A-7**

Refer to comment to Topical 3 – Enforcement of Public Access, which describes the approval process and why an approval process is needed.

### **Comment No. IND 90A-8**

I haven't seen where public restrooms will be for the portion they call "Riverpark", which in itself appears to be misleading and the term "park" limited in scope. I'd expect there to be laws, handicap regulations, etc.

### **Response No. IND 90A-8**

Refer to Figure II-6, Conceptual Site Plan, in Chapter II, *Project Description*, of the Draft EIR for the location of the proposed restrooms. As seen therein, restrooms are located adjacent to or within each of the Project's athletic facilities and would be available for any users of those facilities. Restrooms are also available in the clubhouse in the Project Site's northeast corner. The clubhouse and the café will be preserved and would function as a visitors center, accessible free of charge. Hours of operation for the clubhouse are described as 7:00 a.m. to 9:00 p.m., daily, and include access to restrooms. For more

information, please refer to Table II-3 in Chapter II, *Project Description*, of the Draft EIR. The site plans will be reviewed by the City for compliance with all City regulations, including compliance with the Americans with Disabilities Act (ADA) for compliance.

### **Comment No. IND 90A-9**

Many other considerations to bring more specificity to:

How will the existing animal population be handled once trees are taken down, specifically the owls going back generations and other birds that migrate along the River? Or bats living in the palms? (They help keep the mosquito population in check.)

### **Response No. IND 90A-9**

The comment expresses concerns with impacts to wildlife during Project construction. Please refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife, bats, and nesting birds, including owls.

### **Comment No. IND 90A-10**

Is their water reclamation project the most environmentally sound one?

### **Response No. IND 90A-10**

This comment asked whether the water reclamation project is the most environmentally sound option. All water reclamation systems/projects are designed based on project specific parameters, which vary from project to project. The question of being “the most environmentally sound” is subjective based on personal opinion. For the Project at hand, the water reclamation is being installed to improve stormwater runoff water quality from the approximately 17-acre Project Site. As discussed in Topical Response No. 2 – Modifications to the Project Design, and in Chapter 3, *Revisions, Clarifications, and Revisions*, of this Final EIR, the capacity of the Project’s stormwater capture and reuse system has been reduced from a 1 million gallon cistern (under the Project as discussed in the Draft EIR) to an approximately 350,000 gallon cistern (under the Project with design modifications). The Project’s stormwater capture and reuse system will reduce water demand from LADWP consistent with numerous local and state policies and ordinances pertaining to water conservation, especially during drought conditions.

### **Comment No. IND 90A-11**

Their artificial turf, same question?

### **Response No. IND 90A-11**

The comment expresses concern regarding the environmental impacts of artificial turf. Appendix H-2 of the Draft EIR provides a summary of scientific studies on the effects of artificial turf (also referred to as synthetic turf). In addition, Topical Response No. 7 -

Artificial Turf and Effects on Localized Heat and Health, in this Final EIR provides a more detailed analysis of the environmental effects of artificial turf based on additional scientific studies. As summarized in Appendix H-2 and in Topical Response No. 7, the Project's use of artificial turf would not result in an adverse on the environment, including effects on water quality, air quality, or human health.

### **Comment No. IND 90A-13**

My house is on Bellaire which isn't affected by the current lighting of the golf course. I'm concerned that the new lighting planned will, and in turn bring down my property value.

### **Response No. IND 90A-13**

The comment expresses concerns about the Project's field lights and how they potentially might lower their property values. First, see Topical Response No. 4 – Aesthetics, regarding the impact of the Project's field lights and other outdoor lighting. As discussed in Topical Response No. 4, the Project's light and glare impacts were fully analyzed in the Draft EIR's Section IV.A, *Aesthetics*, which were based on the Lighting Technical Study contained in Appendix B of the Draft EIR. As discussed therein, the Project would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance pertinent to locations near the Los Angeles River. The Project's outdoor lighting would be in use from dusk to no later than 8:00 p.m. daily (9:00 p.m. for the tennis courts). Field lights would not be used on a daily basis. Existing tennis court lights are kept on up to 10:00 p.m. and lighting for the driving range may extend to 11:00 p.m. Moreover, the Project's lighting system would generally represent an improvement for surrounding residential uses, with less off-site glare and spillover, than existing conditions. In addition, the Project's lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 - Aesthetics, the reduction in lighting would further reduce the Project's light and glare levels. Consistent with the analysis in Section IV.A. light and glare impacts would be less than significant, and as such, would not contribute to cumulative light and glare impacts. Please refer to the specific changes in the number and heights of lights provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

Second, the comment expresses concern based on lowered property values. However, the commenter does not provide any substantive facts or support for this concern. Additionally, economic and social effects of a project are not treated as significant effects on the environment under CEQA unless they would lead to a physical impact on the environment. See CEQA Guidelines Section 15131.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 90A-14**

I am highly appreciative of their commitment for security along the adjacent portion of the River!

However, I feel strongly that before this project can move forward (and I am under no illusion that it won't since they do currently own it) many issues need further study.

**Response No. IND 90A-14**

The comment expresses appreciation for the additional security the Project would provide along the river near Bellaire Avenue, but also states that many issues need further study. This comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 90B-1**

It has now come to my attention that Harvard Westlake is proposing that their new "Riverpark" property's 535 parking spaces is intended for main campus "spill over" parking. Is this being taken into consideration in the traffic report?

**Response No. IND 90B-1**

The comment expresses that the Project Site may be used for "spill over" parking from the Upper School campus or use by outside organizations. This comment is not based in fact. The parking structure upper capacity would only be needed for larger, onsite events, and would not be used for events occurring on the Upper School campus. If the Project were to be approved, the Project's CUP would prohibit "spill over" parking by establishing potential conditions of approval that would limit the use of the parking structure for the School's use during on-site activities and only to visitors to the Project Site that the School has approved. Refer also to Topical Response No. 9 - Transportation and Parking During Construction and Operations, for additional discussion of the Project's parking program. In addition, refer to Response No. ORG 7A-17 for further discussion of student parking, which indicates students will not be able to park at River Park to start the school day, and then be shuttled over to the Upper School for classes. Also, as discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

**Comment No. IND 90C-1**

They are looking for more parking under the guise of sports facilities helping the community when it does not and only helps the school. Proposed offering to outside organizations only helps them pay for the cost of creating more off site parking for the school. Please evaluate and take this into account.

## **Response No. IND 90C-1**

The comment expresses concerns regarding parking. Refer to Response No. IND 90B-1 which addresses these parking concerns.

## **Comment Letter No. IND 91**

Margot Riemer  
Received April 17, 2022

### **Comment No. IND 91-1**

As requested in last Wednesday's SCNC meeting, I am enclosing a copy of the comments that I made in support of the Harvard-Westlake River Park project.

As a twenty-four year resident of Studio City, I enthusiastically support the Harvard-Westlake River Park project.

### **Response No. IND 91-1**

The comment expresses general support for the Project. This comment is unrelated to the environmental review for the Project, and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 91-2**

I was a member of the original committee formed in July, 200, [sic] to protest the proposed plan to build over 200 tall condos on the site.

Now that Harvard-Westlake has acquired the golf and tennis property, we have a plan that will preserve and actually increase green space, and it will be free to the public as well as serve Harvard-Westlake's students.

It is safe to say, I think, that NO other developer would design a plan that is as thoughtful and as beautiful as this one. At the Studio City Residents Association meeting I attended in October of 2019, a member of the Weddington family confirmed this, saying gleefully that he would have built high condos "out to the sidewalk" if he had been able to.

I feel confident that Harvard-Westlake's plan for the River Park will keep this beautiful space open and green, and that Harvard-Westlake's careful stewardship of the property will truly allow it to be Studio City's crown jewel for generations to come.

### **Response No. IND 91-2**

The comment expresses support for the Project based on the increase in green space and public access. This comment is unrelated to the environmental review for the Project, and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 92**

Beverly Wilkerson  
Received April 18, 2022

### **Comment No. IND 92-1**

I participated in the Zoom meeting last week regarding Weddington Golf & Tennis, and I have attached the copy of my opposition stance toward Harvard-Westlake's proposal of the River Park. I did speak briefly that night.

### **Response No. IND 92-1**

The comment expresses general opposition to the Project. The comment also references an attached comment letter. Responses to the referenced letter are provided below in Response Nos. IND 92-2 through IND 92-9 below.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 92-2**

I strongly oppose Harvard-Westlake's development plan. Weddington Golf & Tennis has been a haven for me for decades. I have established a tight circle of tennis friends through this public club. Unfortunately, since H-W started taking over, over half of my circle has moved on to country clubs: Braemar, Mulholland, Mountaingate, Toluca Lake, etc. I am not able, financially, to afford such a luxury, but to be honest, it's not my preference. I much preferred the diversity and openness of the Weddington community through the years. I loved my little pocket of comfort in this "public" club, the security, the fact that people said hello to me, by name, as I arrived. It is truly the only remaining vestige of such quaintness that we have in the area. I guess that is what has troubled me the most through all of this. Why take away the one good thing, no matter how supposedly great the next thing may be? Why not put this supposed greatness into some other space that is sitting idle or is in disrepair?

### **Response No. IND 92-2**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility and an interest in the Project relocating to another site. The Draft EIR evaluated alternative locations for the Project in Chapter V, *Alternatives*. As concluded in Chapter V, no other location with adequate acreage and topography exists within proximity to the Upper School campus to serve as an alternative locations for the Project. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 92-3**

I play tennis at Weddington almost daily and eat at the café several times a week. Golf and tennis are an important part of our quality of life in Studio City. In recent years, we've already lost two other tennis options in the area, replaced by shopping plazas and the like. If this goes, we will be sorely limited. Since H-W took ownership, we currently fight for court space. We can barely schedule a tournament and have been transferring many such tournaments to Balboa (which now is a battle between MANY different teams) and Fremont (rather far away). To book a court, one court, requires waking up at the crack of dawn and calling repeatedly, as the busy signal prevails. Harvard-Westlake bookings seem to take priority, understandably. Imagine losing half of these courts. Yes, H-W can say it's going to be open to the public, but will it truly be available?

### **Response No. IND 92-3**

The comment expresses opposition to the Project based on the presumed loss of public access to tennis courts. The commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, in this Final EIR for a discussion of impacts related to the Project's provision of tennis facilities for public use. As discussed therein, the Project would accommodate the same number of weekly sessions, including existing and future student use, as under existing conditions. Tennis would be available to the public under a reservation system that would allow concurrent use with students (who use the courts in the late afternoons) when courts are available.

In addition, the Project would retain and rehabilitate the existing clubhouse with café and associated putting green, which would remain open to the public.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 92-4**

There will be no place to "learn" how to play golf, in any public way in the area. I used to spend Sundays with my dad at a golf range in Connecticut, very much like the one at Weddington.

We'd hit, he'd teach me how to stand, teach me about the physics of the pendulum swing, applaud my great shots. Then we'd have lunch at the quaint restaurant attached. This was such a quality of life that will be lost once the golf is gone. A walk along a perimeter will not be the same for any child. My range in Connecticut was also bought out by some big conglomerate. I don't recall what it became, because, you know why? I never went back. Why would I? And why would I ever go back to Harvard-Westlake's River Park?

## **Response No. IND 92-4**

The comment provides reflections on personal experiences by the commenter and expresses concern over the loss of the golf course due to lack of other public courses in the area. The commenter is referred to Response Nos. IND 42D-9 through IND 42D-16 and Topical Response No. 11 - Recreation, Golf and Tennis Facilities, in this Final EIR for details regarding the relocation of existing golf course users. As noted therein, the appropriate basis for an evaluation of CEQA impact is not on the removal of the golf facility and the reduction or loss of golf opportunities but the relocation of golfers that could result in the need to construct new or repair/enlarge existing facilities. The Draft EIR study and current evidence indicate that 9-hole golf courses in the local area do have adequate capacity to accommodate the dislocated Weddington Golf & Tennis users.

In addition, see Topical Response No. 3 – Enforcement of Public Access, for additional details regarding the public access to the Project’s available recreational facilities and amenities for public use.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 92-5**

As I listened to all the many pro Harvard-Westlake speakers the other night on the Zoom forum, my fears were multiplied. Yes, it all sounded great.

Sounds great to hear about what they plan for Angel City Sports. But why not offer Angel City Sports the same benefits on their current campus? Have they done such things in the past? Angel City Sports seem more like a “plant” in their new flora and fauna plan.

## **Response No. IND 92-5**

The comment expresses that Angel City Sports should be offered certain benefits at Harvard-Westlake’s current campus. As discussed in Topical Response No. 3 – Enforcement of Public Access, public access to portions of the Project Site is an integral part of the Project. Angel City Sports is one of numerous community organizations that would be able to utilize the recreational facilities on the Project Site.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 92-6**

Inclusive? Really? Inclusive for non-tennis players, non-golfers, perhaps. But the number of people who lose out seems greater to me, though I can't quote numbers. Seems more like a benefit to the already privileged.

My daughter played soccer for most of her school years. Her least organic experience was when she had to play on the field of the Harvard-Westlake campus. The field was state of the art. And hot. And unpleasant. The general atmosphere on campus was cold, non-inclusive to anyone not from the school, and unforgiving. And entitled. It permeated from and around the synthetic turf.

**Response No. IND 92-6**

The comment expresses general opposition for the Project and the commenter's own feelings about whether the School is inclusive or not. The comment is based on personal opinion and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 92-7**

I lived west of Laurel Canyon when I first started playing tennis at Weddington. I had to leave a half hour earlier than necessary to accommodate the tie-up at Laurel Canyon. Wonder what the traffic will be like at Whitsett? How is underground parking for 500 more appealing to a community than the current 30-space aboveground lot? That merely means that more traffic. How is that good to the neighborhood?

**Response No. IND 92-7**

The comment questions the benefits of the Project's parking structure and raises concerns regarding traffic impacts. It should be noted that the existing surface parking lot provides 89 spaces. The Project's parking structure maximum capacity would only be needed for larger, on-site events, and would not be used for events occurring on the Upper School campus. The Project's parking capacity is provided to ensure that parking does not spill over into the adjacent residential neighborhoods. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels. Also, as discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 92-8**

The pool. How many locals have their own pools in their backyards? How many pools does Harvard-Westlake really need?

**Response No. IND 92-8**

The comment questions why an additional swimming pool is needed by the School. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), of this Final EIR for a discussion of the purpose and underlying need for the Project for the School and the community.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 92-9**

I see the writing on the wall. The River Park is more a ploy for Harvard-Westlake to get more money, more students, more clout. How much more does it truly need? How much more does the Studio City community need to improve the quality of their lives? I know that Harvard-Westlake owns the space. The argument that what they're going to do far surpasses the option of high-rise apartments and the like holds weight. But why take away what from the positive that we have? Maybe there are other options that Harvard-Westlake can get behind, options which truly save the local history with the power they obviously possess. I propose researching the options. There are signs in almost every lawn in the area opposing the complex.

Look at the signs. Look at the writing on the River Park wall.

**Response No. IND 92-9**

The comment expresses opposition to the Project based on the need for Project and proposes that other options or alternatives (i.e., other uses for the Project Site) should be researched. The Draft EIR evaluated Project Alternatives, Chapter V, *Alternatives*, in accordance with CEQA Guidelines Section 15126.6(a), which require an EIR to evaluate a range of reasonable alternatives that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. The evaluation of alternative uses that are not related to the EIR process would not meet the objectives of the Project nor would be required for the Draft EIR. The comment primarily reflects personal opinion and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 93**

David Nelson  
Received April 18, 2022

### **Comment No. IND 93-1**

Here are my comments on the Harvard-Westlake River Park Project.

I am OPPOSED to this project. I've lived in the immediate neighborhood of the Weddington Golf and Tennis property for 23 years. I work from home and walk by the property daily, if not multiples times a day. I also use the golf course.

This property has often been called "The gem of Studio City". It's true; it really is! It would be a shame to lose this special place.

### **Response No. IND 93-1**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 93-2**

One of the main things I'm concerned about is the amount of additional traffic to the neighborhood if this project moves forward. I live on Woodbridge St at Alcove Ave. Woodbridge is the main east-west artery through the neighborhood. No matter what traffic pattern policies Harvard- Westlake puts in place people will do what they want when arriving or leaving the site. Traffic on Woodbridge and throughout the neighborhood will increase. As it is now, cars already roll through many of the stop signs in the neighborhood. It's just going to get worse. There are a lot of walkers in the neighborhood and many of those are families with kids or nannies pushing strollers. And since a fair amount of the neighborhood does not have sidewalks, people walk in the street.

### **Response No. IND 93-2**

The comment expresses concern regarding the increase of traffic on Woodbridge and in the surrounding neighborhood. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

The comment also expresses concern about pedestrian safety as much of the neighborhood does not have crosswalks and people walk in the street. Please refer to Response Nos. IND 42D-6 and IND 70-2, above, regarding intersection and pedestrian safety.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 94**

Louis Sanford  
Received April 20, 2022

### **Comment No. IND 94-1**

I STRONGLY OPPOSE HARVARD WESTLAKE'S SO CALLED RIVER PARK PROJECT AND I'M NOT ALONE.

NEARLY 14,000 STAKEHOLDERS HAVE SIGNED A PETITION ADVOCATING THE PRESERVATION OF WEDDINGTON GOLF & TENNIS IN ITS ENTIRETY, ALL 16 ACRES OF NATURAL, GREEN OPEN SPACE.

### **Response No. IND 94-1**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 94-2**

THINK ABOUT IT. WHAT WOULD MANHATTAN BE WITHOUT CENTRAL PARK BECAUSE THAT'S EXACTLY WHAT GENERATIONS OF ANGELENOS HAVE ENJOYED HERE, WHICH MAKES WEDDINGTON TRULY IRREPLACEABLE.

I UNDERSTAND THE SCHOOL'S ATHLETICS DEPARTMENT NOW DWARFS ITS ACADEMICS SO TO STAY COMPETITIVE AND PROFITABLE. THEY HAVE ONE GOAL: TO BUILD A SPORTS COMPLEX FOR ITS 900+ STUDENTS—BUT AT WHAT COST TO A COMMUNITY OF 45,000 AND A CITY OF OVER 12 MILLION?

### **Response No. IND 94-2**

The comment expresses opposition to the Project based on the loss of Weddington Golf & Tennis, which the commenter likens to Central Park in New York. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 94-3**

CLEARLY, HISTORY AND SCIENCE ARE NOT BEING FOLLOWED HERE.

HISTORY? THE COMMUNITY HAS PUSHED BACK EACH TIME THIS ICONIC PROPERTY WAS THREATENED WITH MINDLESS, NOT MINDFUL PLANS.

SCIENCE? HARVARD WESTLAKE WILL CUT DOWN MORE THAN 200 MATURE TREES, WHICH WILL IMPACT OUR FRAGILE CANOPY FOR 50 YEARS OR MORE UNTIL THOSE REPLACEMENTS MATURE.

WHY JUST THE OTHER WEEK, MAYOR GARCETTI APPLAUDED ONE LA NEIGHBORHOOD FOR BOOSTING THE CITY'S TREE CANOPY BY PLANTING SEVERAL DOZEN NEW ONES. WHERE IS THE CONSISTENCY IN PUBLIC PLANNING?"

### **Response No. IND 94-3**

The comment expresses the concern that the Draft EIR does not provide a valid analysis of scientific or historic issues. Regarding the cutting of trees, the Project would add a broad array of native species and contribute to the number of trees on-site. Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). Many of the removed species, such as the Mexican Fan Palms are identified as invasive and would be replaced by trees that are compliance with the River Improvement Overlay (RIO) Ordinance. The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan, of the Draft EIR*). Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

### **Comment No. IND 94-4**

AND...RIPPING OUT ACRES AND ACRES OF NATURAL GRASS AND REPLACING THEM WITH PLASTIC TURF? CAN THE SCHOOL SPELL ... HEAT ISLAND?

### **Response No. IND 94-4**

The comment expresses concern regarding the potential for heat island effects from the proposed artificial turf field. Regarding the heat effects of artificial turf, refer to Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, which provides a detailed analysis of the potential heat island effects. As summarized therein, studies

show there is little difference in heat indicators between synthetic turf, grass, and sand surfaces.

### **Comment No. IND 94-5**

SO HERE WE ARE WITH A PRIVATE SCHOOL PLAN THAT ADVOCATES THE DESTRUCTION OF OUR PRECIOUS NATURAL RESOURCE, GREEN OPEN SPACE, AND DESPITE ALL THE BACK AND FORTH, NOISE, LIGHT, TRAFFIC, ENVIRONMENT AND “TRANQUILITY”—WHICH IS WHAT THE SCHOOL PROMISED TO PRESERVE--WILL ALL BE CHANGED FOREVER.

### **Response No. IND 94-5**

The comment expresses opposition to the Project based on loss of green open space, noise, light, and traffic. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner’s sole discretion. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts.

The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 94-6**

CLEARLY, NO MATTER HOW YOU SLICE AND DICE THIS, IT’S SIMPLY THE WRONG PLAN, IN THE WRONG PLACE, AT THE WRONG TIME AND IF NOT STOPPED

DURING YOUR WATCH, IT WILL GO DOWN AS A TRAGIC EXAMPLE OF PRIVATE INTEREST TRUMPING PUBLIC INTEREST.

**Response No. IND 94-6**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 95

Teri Austin  
Received April 22, 2022

### Comment No. IND 95-1

I hope you are well and happy. May I ask for clarification please? Can you tell me who is defined as " A decision-maker" in the ordinance below?

Are you the decision-maker? Is the full City Council the decision-maker? Is one individual Councilmember the decision-maker? This is so vague to me and I'm confused. I'm wondering who is the decision-maker for ENV-2020-1512-EIR.

Attachment: "CUP criteria. SEC. 12.24. CONDITIONAL USE PERMITS AND OTHER SIMILAR QUASI- JUDICIAL APPROVALS.

12. Findings for Approval. (Amended by Ord. No. 182,095, Eff. 5/7/12.) A decision-maker shall not grant a conditional use or other approval specified in Subsections U., V., W., or X. of this Section without finding:

1. that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
2. that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan."

### Response No. IND 95-1

Who the decision-maker is on any project is based on the type of entitlements being requested. For this Project and certification of the EIR, it is the City Planning Commission.

*Comment No. IND 95-1 is derived from email communication between the commenter and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The above response was provided by the Los Angeles Department of City Planning.*

## **Comment No. IND 95-2**

Do I understand then In this instance is that Commission the Planning and Land Use Management Commission also known as PLUM that is the decision-maker and not anyone at Dept. of Planning? Does this mean that Dept. of Planning is only advisory to PLUM and not a decision-maker?

## **Response No. IND 95-2**

No, it is the City Planning Commission that is the decision-maker in this case, not the Planning and Land Use Management Committee. I think this information on our City Planning webpage will be most helpful for the questions that you have on this: <https://planning.lacity.org/development-services/land-use-process/planning-processes>.

*Comment No. IND 95-2 is derived from email communication between the commenter and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The above response was provided by the Los Angeles Department of City Planning.*

## **Comment Letter No. IND 96**

Zach Kleiman

Received April 22, 2022

### **Comment No. IND 96-1**

This is a sad and ecologically awful plan of what to do with Open Space in Los Angeles.

Especially for maybe 300 teenagers a year, this is limited and selfish.

Losing 10 acres of breathing land and displacing a mecca for 20- 30,000 (annually) golf and tennis players (from beginners to world class) is brutal, unconscionable and pandering to an elitist organization.

### **Response No. IND 96-1**

The comment expresses opposition to the Project based on loss of open space and displacing golf and tennis players. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

Regarding displaced golf and tennis players, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, which discusses the availability of other public and private nine-hole courses in the area and the continued public use of the Project's tennis courts. As discussed therein, private nine-hole courses (e.g. the Van Nuys Golf Course) and municipal courses have the same fee structure as the existing Weddington course.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 97A

Mary Riley  
Received April 23, 2022

### Comment No. IND 97A-1

I am having trouble accessing the Transportation Appendix (M) in the Draft EIR. I can access all of the other exhibits so I wonder if it had something to do with the downloading end. Could you look at that? If it is fine, is there any other way that I can receive that appendix M?

I am also trying to find the Conditional Use Permits for the Harvard-Westlake School at 700 North Faring Road, and the conditional use permits (if any) for the Upper Harvard Westlake School on Coldwater. I can't seem to figure out Zimas, so any help is very appreciated.

Thanks for your work on this project.

### Response No. IND 97A-1

Los Angeles City Planning Case Manager:

"I took a look at the Transportation Appendix M, on multiple different computers and did not have any issues accessing it, so I'm not sure what the issue you are experiencing could be. I've linked directly to that appendix below, for your reference, so hopefully the link below will work for you, but if not, the Studio City Public Library also has a digital copy of the entire Draft EIR and all Appendices that you can access.

[https://planning.lacity.org/eir/Harvard-Westlake\\_River\\_Park\\_Project/deir/Appendices/App%20M%20Transportation.pdf](https://planning.lacity.org/eir/Harvard-Westlake_River_Park_Project/deir/Appendices/App%20M%20Transportation.pdf)

Regarding the Condition Use Permit for the Harvard-Westlake School properties that you listed, you can try looking up the properties (by address) on ZIMAS, then opening the case numbers tab on the left side to find the case numbers for the property and click on each case number to find the correct ones you are looking for. If the case number links on ZIMAS do not work for you, you can write down the case number, and use the Case Search feature on our City Planning webpage (<https://planning.lacity.org/>) to search for the Conditional Use documents you are looking for.

Hopefully this info helps you find what you are looking for."

*Comment No. IND 97A-1 from Ms. Riley is derived from email communication between the commenter and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The above response was provided by the Los Angeles Department of City Planning.*

## Comment Letter No. IND 97B

Mary Riley  
Received May 5, 2022

### Comment No. IND 97B-1

I am having so much trouble trying to access two things. First, the Middle School (Harvard-Westlake) CUP and corresponding EIR. EIR is SCH No. 2001121016; Jimmy Liao was the planner. The CPC number is 2001-3472-CU-SPI. Nothing comes up through Zimas or City site (so I must be doing it wrong). I would love links to the final approval document by the City with the Conditions of Approval; and the EIR.

The second item is the Harvard-Westlake 2013 project which wasn't approved- where they wanted to build a 3 story 750 parking structure at 3701 N. Coldwater -- that EIR is SCH No. 2013041033; CPC-2013-148-VCU. Again no luck on the City site, and too early for Ceqanet. Emily Dwyer was the planner. I would love to see the final document that got denied- I don't know if it was at the Planning Commission or Council, with the proposed conditions of approval and the EIR.

Thank you so much. I really tried to find it myself....sorry.

### Response No. IND 97B-1

Los Angeles Department of City Planning Case Manager:

"My apologies for the delay in getting back to you. You can search for the cases using the City Planning Case numbers on the City Planning website, by using the case search box on the homepage, <https://planning.lacity.org/>

The best way would be to search using case number without the string of letters at the end (i.e. CPC-2001-3472, or CPC2013-148).

You should also be able to find EIRs on our City Planning webpage, <https://planning.lacity.org/development-services/eir>. The easiest way to find the EIRs you are looking for, would be to use the search box and search for "Harvard".

Hopefully, this info will help you are looking for online."

*Comment No. IND 97B-1 from Ms. Riley is derived from email communication between the commenter and the Los Angeles Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The above response was provided by the Los Angeles Department of City Planning.*

## Comment Letter No. IND 97C

Mary Riley

Received May 10, 2022

### Comment No. IND 97C-1

Attached is my comment letter for the DEIR review. (Two hours early!). Thanks for your continued help.

This comment letter is in response to the Draft Environmental Impact Report for the Harvard-Westlake River Park Project. ("Project").

### Response No. IND 97C-1

This introductory comment, which notes an attached comment letter but does not include specific comments. Responses to the referenced attached comment letter are provided below in Responses to Comments Nos. IND 97C-2 through IND 97C-30 below.

### Comment No. IND 97C-2

#### Project Description

The DEIR does not have a clear and consistent project description. Harvard-Westlake has two campuses and the word "School" is defined in the Project Description to include both campuses- the Upper School on Coldwater and the Middle School in Holmby Hills. Analysis of impacts oftentimes ignore the Middle School; this is especially apparent in the Transportation Section. The VMT Study never mentions any trips from the Middle Campus in Holmby Hills, 4.2 miles away. From the Project Site.

Also, the word "School" continues to be used as follows: "The underlying purpose of the Project is to supplement the School's athletic and recreational facilities and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and *in the future*."(emphasis added)

### Response No. IND 97C-2

The comment states that the Draft EIR does not have a clear and consistent project description. The term "School" is defined in the Draft EIR as both the School's Upper campus located on Coldwater Canyon Avenue and Middle School campus located on Holmby Hills. The environmental analysis contained with the Draft EIR evaluates the environmental impacts of the proposed Project, which includes the repurposing of the existing Weddington Golf & Tennis facility located at 4141 Whitsett Avenue. The Project's facilities would be utilized by the School, which includes students at both the Upper School campus and Middle School campus. However, the Project's recreational facilities would primarily supplement the facilities of the Upper School campus, not to

provide supplemental facilities for the Middle School campus. As stated on Page II-55 of the Draft EIR:

On typical weekdays with after school programs occurring on the Project Site, the School would provide three shuttle buses to transfer students, coaches, and visitors between the Upper School campus and the Project Site between 2:30 p.m. to the end of the day's latest activity. Shuttles would have a rider capacity of 24 and service is anticipated every 5 to 10 minutes. On days in which event attendance is expected to surpass 300 spectators, including parents and other spectators, students would not be permitted to drive to the Project Site and would be required to use the shuttle service (see Project Design Feature TRAF-PDF-3 in Section IV.M, Transportation). The great majority of students would originate directly from the Upper School campus.

There are no shuttles proposed to provide transportation for students between the Middle School campus and the Project Site. Also, middle school students are not of age to drive to the Project Site. Section IV.M, *Transportation*, of the Draft EIR explicitly evaluates the proposed shuttle service between Upper School campus and the Project Site for these reasons. The statement that "the great majority of students would originate directly from the Upper School campus" is intended to indicate that there may be some occasions where students originate from another location in order to utilize the shuttle at the Upper School campus, but as there is no planned route or program to shuttle students from another location, any analysis beyond what is provided in the Draft EIR would be speculative in nature and the Draft EIR properly evaluates the VMT that would be generated by the Project. Also, refer to Response No. ORG 1B-85, which discusses how Middle School students are already shuttled on a daily basis to the Upper School campus, such as for sports, after school activities, or to meet with an older sibling; as such, there is no additional VMT from Middle School to River Park.

### **Comment No. IND 97C-3**

The purpose of this Project seems to consolidate some of the athletic uses from the two campuses and to provide a brand new state of the art facility, available to both campuses, while possibly freeing up space on the respective campuses. The word "supplement" means something that completes or enhances something else when added to it. The DEIR project description really intended to study how the Project Site enhances the other two campuses, collectively called "School"; yet the DEIR fails to study any impacts on either respective campus, impacts existing and impacts that may exist "in the future" after enrollment perhaps expands. The Project adds 16 plus new acres to existing Upper Campus of 18 acres, and 15 acres at Middle Campus - about a 50% increase in land. It is reasonably foreseeable that development of the Project's 16 plus acres will free up or change the two campuses and possibly increase future number of students. The Upper Campus only has one field; however, it has a 51 meter pool constructed in 2013 (made out of stainless-steel featuring a surge tank underneath the pool deck to keep the water level, which reduces water resistance for swimmers).

The Middle Campus in Holmby Hills has its own 25 yard pool, one field and gym. The current total number of students at the School is approximately 1620 (according to its website)- 755 at the Middle Campus and 875 in the Upper Campus. The Middle Campus also has a conditional use permit approved with EIR Sch No. 2001121016, approved in 2004, with many conditions of approval. Hopefully, none of those conditions will be violated by expanding and consolidating or supplementing its facilities, or by traveling to the Project Site as a supplement to its campus.

### **Response No. IND 97C-3**

The comment contends that the purpose of this Project is to consolidate some of the athletic uses from the two campuses and to provide a brand new state of the art facility, available to both campuses, while possibly freeing up space on the respective campuses. However, the commenter does not provide any substantive facts or support for this opinion, nor is it within the School's ability to do so without a public process and relevant City approvals.

The Project Site that is correctly evaluated in the Draft EIR is the existing Weddington Golf & Tennis facility as well as the adjacent parcel leased by the School from the Los Angeles County Flood Control District. While the Project includes proposed athletic and recreational facilities for the School and public use, it does not include any improvements, including abandonment or redevelopment of the School's existing facilities on the Upper School campus or Middle School campus that would require an evaluation of environmental impacts at those existing locations. Any future discretionary projects, including potential expansions of the Project Site or on either School campus, would be subject to future environmental review under CEQA. CEQA requires a review of land use compatibility including an analysis of consistency with existing zoning regulations; however, it is up to the discretion of the City to approve or reject future projects.

Impacts associated with future improvements by the School not currently proposed by the Project would be speculative in nature since the Project is proposed to accommodate the School's existing recreational needs.

### **Comment No. IND 97C-4**

Once athletic and recreational facilities at the School are consolidated, (or supplemented) then each respective school campus will have extra space, for it no longer should need duplicative athletic facilities. Do 1620 individuals really need three pools- two 51/52 meters and one 25 yards? As stated in the Harvard -Westlake Public Improvement Plan, EIR (Sch No. 2013041033), (the project where Harvard-Westlake owned 4 acres of adjacent property and desired to build a three story garage, practice field on top, and connected to the Upper Campus with a pedestrian bridge over Coldwater), the Upper Campus needs approximately 750 new parking spaces, enhanced practice field facilities, and more school bus drop off on site (as of 2013). Have those needs changed?

## Response No. IND 97C-4

The comment questions the School's need for the proposed athletic and recreational facilities. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA) of this Final EIR for a discussion of the purpose and underlying need for the Project for the School and the community. As discussed in Response No. 97C-3, no improvements are being proposed at the Upper School campus or Middle School campus. Should future improvements be contemplated by the School at either or both of those campuses, they would be subject to future CEQA environmental review. It is up to the discretion of the City to approve or reject future projects.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 97C-5

The DEIR presents the story of a Project looked at in a vacuum, ignoring the two other campuses which the Project will join. It is really hard to ignore statements about Harvard-Westlake Upper School in SCH No. 2013041033, that the Upper Campus needed more athletic fields for practice (only one exists at the current Upper School,) and it needed over 700 new parking spaces.

If the new Project isn't going to physically impact the existing campuses, why did this statement appear in this Project's DEIR project description and goals section "...repurpose the Project Site for use as an athletic and recreational facility to supplement the School's **existing, space-constrained** athletic facilities."(emphasis added). In order to discuss existing, space constraints, the DEIR needs to examine how the Project impacts each campus, now and in the future, which this DEIR fails to do.

The project description seems in flux throughout the entire document.

## Response No. IND 97C-5

The comment states that the Project would impact the Upper School and Middle School campuses. As discussed in Response No. 97C-3, no improvements are being proposed at the Upper School campus or Middle School campus. Should future improvements be contemplated by the School at either or both of those campuses, they would be subject to future CEQA environmental review. It is up to the discretion of the City to approve or reject future projects.

## Comment No. IND 97C-6

The cornerstone of CEQA is the definition of the project, and Section 15378 states:

“Project means the whole of an action, which has potential for resulting in either direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Even if a reasonable foreseeable consequence of a project (such as expanding respective campus space once freed up because of the new 16 acre project site), is speculative at this time, CEQA still requires some discussion and as much information available about the future phases. The DEIR fails to provide this information.

### **Response No. IND 97C-6**

The commenter incorrectly identifies future improvements or impacts to the existing campus sites as a reasonably foreseeable indirect physical change in the environment. As the Project does not include any improvements to the existing School campuses, including abandonment or redevelopment of the existing facilities, there are no reasonably foreseeable impacts to those sites as a result of the Project. The EIR prepared for this Project is not a programmatic or Master EIR and is not intended to facilitate future projects or improvements by the School at either of its campuses.

### **Comment No. IND 97C-7**

#### *Growth Inducing Impacts.*

DEIR Vi-9 states: The Project is associated with the existing Harvard-Westlake School and intended to serve the School’s existing need for recreational facilities, for which adequate space is not available at the School’s Upper Campus. The Project described in this section of the DEIR sounds like a Project providing new facilities not otherwise available at the Upper Campus. Such expansion does reasonably trigger additional students, induce residential density growth or provide substantial new employment opportunities that would foster a substantial economic growth. Maybe not today, but it is very reasonable to expect the elimination of all of the Upper Campus athletic facilities and total reliance on the Project Site. Without a clear project definition, impacts cannot be adequately examined, especially growth inducing impacts.

### **Response No. IND 97C-7**

The comment speculates on growth-inducing impacts, which are similar to those in Comment No. ORG 1B-112. Please refer to Response No. ORG 1B-112.

### **Comment No. IND 97C-8**

#### *Use of Design Modification TRAF-PDF-1:*

Design modification TRAF-PDF-1 in the DEIR requires a construction management plan before any permits are issued, to eliminate any significant adverse impact on the Fire Station 78, which opened in January 2009. The use of design modifications rather than mitigation measures violates CEQA because the DEIR does not adequately evaluate the significance of impacts during construction. “CEQA requires that an EIR include, among

other things, a detailed statement setting forth all significant effects on the environment of the proposed project and mitigation measures proposed to minimize significant effects on the environment”, *Lotus v. Department of Transportation*, 223 Cal. App. 4th 645 (2014). In *Lotus*, certain mitigation measures were wrongly characterized as changes or alterations incorporated into the project; that EIR was inadequate for the impacts associated with the incorporated design features, called “Avoidance, Minimization and/or Mitigation Measures” were not properly evaluated. This DEIR similarly fails to adequately evaluate the significance of impacts during construction, especially on Fire Station 78. See especially footnote 8 in *Lotus* to help distinguish between appropriate design standards and mitigation measures. It is especially baffling why Applicant refuses to call this a mitigation measure, especially when Applicant has stated the design modifications will be included in the Mitigation Monitoring Plan.

### **Response No. IND 97C-8**

This comment regarding Project Design Feature TRAF-PDF-1 is similar in content to Comments Nos. ORG 1B-33 and ORG 1B-34. Please refer to Response Nos. ORG 1B-33 and ORG 1B-34. Note, however, that the term, “Design Modification” in lieu of “Project Design Feature,” (or PDF) is inconsistent with provision of the CEQA Guidelines that allow for project features as part of the essential properties of a Project. The PDFs presented in the Draft EIR are not modifications of the Project - they are actual components of the Project.

This comment also states the DEIR fails to adequately evaluate the significance of impacts during construction, especially on LAFD Fire Station 78. However, the commenter does not provide any substantive facts or support for this concern, while the Draft EIR considered and analyzed the evidence regarding potential environmental impacts of the Project on LAFD Fire Station 78 throughout the Draft EIR, as applicable.

### **Comment No. IND 97C-9**

#### **Short term Construction Activity Impacts on Fire Station 78:**

One area of concern is exactly how many haul trucks will be used to export 250,000 cubic yards- the DEIR area says 35,714 haul truck trips; another section says a maximum 252 daily haul truck trips up to 300 trips (without saying what portion of the 30 month construction period involves hauling). What is the length of these trucks, and will any be double trucks? Also, it is unclear which access point on Whitsett will be used by the haul trucks and equipment trucks, and which route will be used leaving the site (it most likely will impact the fire station, but the DEIR does not properly evaluate those impacts.)

### **Response No. IND 97C-9**

The comment expresses concerns with the impacts of soil hauling on LAFD Fire Station 78. Hauling activities are controlled by the Construction Management Plan (CMP), a worksite traffic control plan under Project Design Feature TRAF-PDF-1. As approved by

the City of Los Angeles, the CMP must ensure that access will remain unobstructed for land uses in proximity to the Project Site during project construction, that coordination with the City and emergency service providers is conducted to ensure adequate access, that emergency access is maintained to the Project Site and neighboring businesses and residences, and that emergency access points will be marked accordingly in consultation with LAFD, as necessary. The interface of construction sites and hauling is not an unusual circumstance in an urban area and the implementation of CMPs have demonstrated effectiveness in meeting the City's requirements. The haul route is described in Chapter II, *Project Description*, page II-62 of the Draft EIR. The Project's construction assumptions including phase lengths, construction equipment list and truck trips per phase were provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. Page IV.K-42 in Section IV.K, Noise, of the Draft EIR states that, "The peak period (i.e., daily number of truck trips) of construction with the highest number of construction trucks would occur during the site grading and excavation phase. During this phase, there would be a maximum of 150 construction trucks into and out of the Project Site (equal to 300 total trips) per day." Table IV.K-10, *Estimate of Off-Site Construction Traffic Noise Impacts*, includes detailed breakdown of Project noise impacts by months, with footnotes indicating what construction phases would occur during the referenced month calculations.

In addition, as stated in Section IV.B, *Air Quality*, haul truck trip estimates were based on excavation volumes obtained from the Project's engineering representative and include: 7 cubic yard capacity haul trucks for demolition and site preparation phase and 14 cubic yard soil capacity haul trucks for the grading/excavation phase. Also, cement truck trip estimates were based on the Project's engineering representative and include 10 cubic yard concrete capacity concrete trucks. Please also refer to Response No. ORG 1B-6 for further discussion of the grading phase and haul truck information.

### **Comment No. IND 97C-10**

#### *Cumulative Impacts on Fire Station 78 during construction:*

The DEIR admits that significant impacts may result from cumulative impacts during construction; yet fails to properly study or mitigate these impacts:

Traffic from the Project and related projects has the potential to increase emergency vehicle response times due to travel time delays caused by the additional traffic. However, as with the Project, related projects are expected to include design features and mitigation measures that would serve to reduce traffic impacts. Furthermore, as previously stated, emergency response vehicles can use a variety of options for dealing with traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, despite the cumulative increase in traffic, the Project and related projects would not significantly impair the LAFD from responding to emergencies at the Project Site or the surrounding area.

The DEIR improperly concludes that other projects will self mitigate to avoid cumulative construction impacts. This should not be acceptable mitigation or assumptions, and the DEIR should study cumulative construction impacts.

### **Response No. IND 97C-10**

The comment states that the Draft EIR improperly concludes that related projects would self-mitigate to avoid cumulative construction impacts. The statement that “[t]he DEIR admits that significant impacts may result from cumulative impacts during construction; yet fails to properly study or mitigate these impacts” is not accurate. The Draft EIR does acknowledge the potential for increases in traffic; however, the whole of the analysis regarding cumulative impacts on LAFD Fire Station 78 demonstrates that cumulative impacts regarding emergency access would be less than significant. For example, the comment fails to provide the full discussion from the cumulative impact analysis in Section IV.M, *Transportation*, of the Draft EIR, including text on page IV.M-47, which states:

“As indicated above, the five related projects are located on Ventura Boulevard. Therefore, the related projects would not share adjacent street frontages with the Project Site, and the preferred driving route to the Project Site is not along Ventura Boulevard. The emergency access points to/from these related projects would not have a cumulative impact in conjunction with the Project’s emergency access points, given the physical distance from the Project Site. Furthermore, each related Project would have its own CMP during construction activities. Implementation of the CMPs would ensure that if there are overlapping construction activities for the related projects, that measures would be put in place to ensure adequate emergency access is maintained on the local roadway network at all times.”

In addition, it is reasonable to expect that related projects would implement CMPs consistent with standard City construction practices and requirements, as applicable. CMPs are common for sizeable development projects such as those included on the DEIR’s related projects list included Chapter III, *Environmental Setting*, of the Draft EIR.

### **Comment No. IND 97C-11**

The DEIR incorrectly provides as “another reason why construction related traffic would not significantly impact LAFD response time, is because firefighters who drive the trucks can use sirens to clear a path of travel or drive in lanes opposing traffic (IV L1-27).” Safety measures that the firefighters have under the law cannot be used if construction traffic blocks access to the street, or delays response time by large trucks moving away from the firefighters slowly; this measure should be examined in more detail with more information about cumulative construction impacts.

## Response No. IND 97C-11

The comment states that Project construction traffic could significantly affect LAFD response times despite the use of sirens. As discussed in the Draft EIR, the use of sirens is only one tool used by emergency services to clear a path of travel. The use of sirens would be used, as necessary, to clear traffic on local street segments, including construction traffic. The comment fails to mention the requirements of the CMP, as discussed under Response No. IND 97C-9. The implementation of the CMP, as required by the City of Los Angeles for all large construction projects, requires construction traffic control and plan to ensure emergency access, as well as coordination with the LAFD for all construction projects. The CMP would ensure that access to/from the Fire Station is not significantly impeded by construction vehicles.

## Comment No. IND 97C-12

As to cumulative projects, is there a list of these projects, if not, how will they be identified? The DEIR fails to adequately study cumulative construction impacts on Fire Station 78.

## Response No. IND 97C-12

The comment questions whether the Project adequately identified the related projects. The list of related projects analyzed for cumulative impacts is provided in Table III-1 in Chapter III, *Environmental Setting*, of the Draft EIR. See Response Nos. IND 97C-9 to IND 97C-11 for a discussion of cumulative impacts to LAFD Fire Station 78.

## Comment No. IND 97C-13

### Use of Design Modification TRAF-PDF-2:

Design Modification TRAF-PDF-2 according to the DEIR to minimize conflicts with emergency vehicles exiting LAFD Fire Station 78, a flashing red warning light(s) would be installed on the southern exit driveway within the Project Site at a point located before vehicles reach Valleyheart Drive that will hold back vehicles exiting the Project Site roundabout onto Valleyheart Drive. This warning light would be activated by a remote control button pressed by LAFD staff in the emergency vehicle when an emergency vehicle is approaching Valleyheart Drive from Whitsett Avenue or exiting from one of the two LAFD driveways on Valleyheart Drive. This feature is identified as Project Design Feature TRAF-PDF-2 in Section IV.M, Transportation, of this Draft EIR.

The DEIR incorrectly concludes that this design modification eliminates any impacts on Fire Station 78. First, this use of a flashing red light as a design modification rather than a mitigation measure, violates CEQA because the DEIR does not adequately evaluate the significant impacts to the Fire Station. The discussion set forth above in TRAF-PDF-1 as Lotus is incorporated herein by this reference.

## **Response No. IND 97C-13**

This comment regarding Project Design Feature TRAF-PDF-2 is similar in content to Comment Nos. ORG 1B-33 and ORG 1B-34. Please refer to Response Nos. ORG IB-33 and ORG 1B-34.

## **Comment No. IND 97C-14**

Also, it is unclear how the light will be operated (DEIR states, the light will be activated by LAFD staff by a remote control button in the emergency vehicle-will this require additional employees at the fire station, or will it be part of the Fire Preemption System (“FPS”), the system that automatically turns traffic light to green for emergency vehicles? How will it be maintained; will the activation of this light impact the fire fighters response time? How can this design measure be enforced? Since it is on private property, how can the City enforce it? If people violate it? There is no Vehicle Code violation applicable to private property, so what would be the enforcement mechanism available to the City? It is also unclear if this light will assist with the queuing problem that will result on days during surge times (when games near start, completion, events finish, etc.) on Whitsett. Perhaps a better type of light would be one on Whitsett, that stops traffic around both sides of the fire station, is part of the FPS, and is enforceable by the City should someone run the red stoplight. And perhaps a better option is to look at a new Project alternative to find a better second exit, such as an exit leading to Valleyheart DR. South of the River (a wider street than the northern Valleyheart remnant), by providing a bridge over the LA River- this approach will eliminate any long term reliance on the City of LA maintaining a remnant part of Valleyheart Dr. and the County of LA leasing a portion its public property for a private school turnaround. This alternative also mitigates impacts on the Fire Station. DEIR fails to study this proposed mitigation measure and to study appropriate alternatives.

## **Response No. IND 97C-14**

The comment questions the function and enforceability of the warning light included in Project Design Feature TRAF-PDF-2 at Valleyheart Drive. Please refer to Topical Response No. 10 – Emergency Access, in this Final EIR for a detailed discussion of the operation and efficacy of this system, including using the Project’s southern driveway to the subterranean parking garage for vehicular entry only. Also, additional LAFD staff would not be required to operate the light. This Project Design Feature will be included as part of the Project’s Mitigation Monitoring Program and, as such, will become a potential condition of approval for the Project, if approved by the City. The Project’s security staff would be on-site at all times to enforce vehicles stopping per the warning light and not entering the driveway along Valleyheart Drive that would be used by LAFD vehicles during emergency response. Final design of the flashing light and its operating system would be subject to review and approval by City of Los Angeles LADOT and LAFD. Because the analysis on the Draft EIR adequately demonstrates that emergency access impacts and impacts regarding fire protection services/facilities would be less than

significant, additional emergency access suggestions recommended in this comment are not required to be analyzed in the Draft EIR.

### **Comment No. IND 97C-15**

#### Valleyheart Drive Use (North of LA River)

As to the significant impacts to public services-fire, the Project's access point off Valleyheart Dr. (north of the River) and Whitsett, adjacent to Fire Station 78, creates a significant adverse impact on fire station activities incorrectly dismissed in the DEIR as insignificant. These impacts must be adequately studied.

### **Response No. IND 97C-15**

The comment states that the Draft EIR incorrectly dismissed impacts on LAFD Fire Station 78 as less than significant. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Impacts to fire protection services, including operations at LAFD Fire Station 78, are evaluated fully in Section IV.L.1, *Public Services - Fire Protection*, of the Draft EIR. Additional analysis of emergency access is included in Section IV.M, *Transportation*, of the Draft EIR. As analyzed in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, impacts to fire protection services, including operations at LAFD Fire Station 78, as well as emergency access associated with LAFD Fire Station 78, would be less than significant. Refer to Topical Response No. 10 – Emergency Access, for additional discussion of LAFD emergency access in and around Fire Station 78.

### **Comment No. IND 97C-16**

The DEIR fails to adequately analyze how the Project transforms a little used public piece of a remnant street, Valleyheart Dr. and turns it into a major public access point to a 16 plus acre school site, providing a drop off and turnaround area, informational kiosk, short term parking and access to and exiting from a subterranean parking garage. DEIR fails to adequately describe this access point. The traffic section of the DEIR calls this access point a “second service driveway at the end of Valleyheart Dr.” (IV-M-18). Will the first service driveway off Valley Spring Land have the same level of activity that this Second Service Driveway will have?

### **Response No. IND 97C-16**

The comment states that the Project fails to adequately analyze how the Project transforms the remnant of Valleyheart Drive that would be used for access to the Project's roundabout. The comment's reference to a “second service driveway at the end of Valleyheart Dr.” (IV-M-18) is referencing the Draft EIR's description of existing conditions, not conditions under the Project. The access conditions under the Project are illustrated in Chapter II, *Project Description*, Figure II-6, Harvard-Westlake School Athletic and Recreational Facilities Conceptual Site Plan. A description of the Project's driveways and

access are provided on pages II-53 and II-55 in Chapter II, *Project Description*, and on pages IV.M-42 and IV-43 in Section IV.M, *Transportation*, of the Draft EIR. The Project's access as described therein was assumed for the entire Draft EIR, as applicable.

### **Comment No. IND 97C-17**

A detailed design and discussion of ownership from Whitsett to the Project Site needs to occur given the unusual layers of multiple public agencies involved. In this Project three segments exist: 1) The first several hundred feet from Whitsett towards the Project Site on Valleyheart directly adjacent to Fire Station 78 is a City maintained street. Will this street stay as is? What will happen to the parking spaces which exist now for public to park to access the River? Since this City Street will solely serve the School, the DEIR should examine the vacation of this street. 2) The next segment is the rest of the Valleyheart Dr. owned by the County of Los Angeles, according to the DEIR, (it also states that Valleyheart Dr. -the unimproved portion -is a paper road). In any event, the County is apparently leasing to Applicant the rest of the paper street- Valleyheart Dr. for use in part with its School Project. Specifically, almost half of the turnaround will be built on County property, and the only access to Valleyheart Dr and Whitsett, is over County property. Is that use consistent with land uses imposed by the County? How can the turnaround /drop off- a major part of any school- be on property that the Applicant leases, but doesn't own? There is no direct access to Whitsett from this part of the Project except through County of LA property and City of LA public street property. If that is the case, then applicant's major turnaround is located in substantial part on County land, and it looks like access must use County land too. Policies which may be relevant for land use discussions cannot be adequately identified until public ownership is identified and disclosed to the public. Does the County require a CUP for school use too? In any event the DEIR should explain these facts. It seems like a significant safety concern that the Project could lose a second access at some time in the future, because a lease may be terminated, or a street may be vacated.

### **Response No. IND 97C-17**

With regard to ownership of the areas affected by the Project, Chapter II, *Project Description*, clearly describes and illustrates the location of the 16.1-acre Property, which is owned by Harvard-Westlake School, and the 1.1-acre parcel the School leases from the Los Angeles County Flood Control District (Leased Property), which collectively comprise the 17.2-acre Project Site. Figure II-6, *Harvard-Westlake School Athletic and Recreational Facilities Conceptual Site Plan*, of the Draft EIR also graphically illustrates the location of the Property and Leased Property, including all Project components within the Leased Property. Like most development projects, the Project Site would be accessible from a public street, Valleyheart Drive, as shown on Figure II-6. The parking spaces referenced in the comment near the entrance to the Zev Greenway are not marked or official parking spaces maintained by the City. It is also noted that the referenced parking spaces are bordered by several City-posted "no parking" signs and that, therefore, vehicles parking

in the area are subject to citation and/or towing. This unofficial parking area is not part of the Project Site.

The comment states that Valleyheart Drive from Whitsett Avenue to the Project Site will solely be utilized by the School, and as such the Draft EIR should analyze the vacation of this street. This statement is not accurate. This portion of Valleyheart Drive will remain accessible to the public and the School, and will continue to be utilized by LAFD to access LAFD Fire Station 78. No vacation of this street segment is proposed by the Project. No portion of Valleyheart Drive currently accessible to the public or LAFD is owned by the County. As stated in Chapter II, *Project Description*, of the Draft EIR, the list of discretionary approvals include execution of a rental agreement with the Los Angeles County Flood Control District for use of the Leased Property. Also, the list of approvals for the Project stated in Chapter II of the Draft EIR will include a request by the School for a revocable permit to make certain improvements in the Valleyheart area.

In addition, the Draft EIR evaluated the Project's consistency with relevant plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect, as applicable in Section IV.J, *Land Use and Planning*, of the Draft EIR. The fact that a portion of the Project Site is within an area leased from the County does not present any safety concerns beyond those considered and evaluated in the Draft EIR.

### **Comment No. IND 97C-18**

A major turnaround expected to be used by School buses, opposing team buses, shuttles, cars, ride-sharing vehicles, will be adjacent to the River which violates LA River Design Guidelines, strategies 4-1 and 4-2. Visible on-site parking and loading facilities should not "dominate" the river corridor. Landscaping will not eliminate the "dominance" of busses idling, cars honking, fire sirens and loud speakers blaring and demanding cars that block Whitsett move out of the way. All of those noises will clearly "dominate" the peaceful river corridor in violation of the aforementioned policy.

### **Response No. IND 97C-18**

The comment states the opinion that the turnaround would be in violation of the Los Angeles River Design Guidelines. The strategies more specifically state: "Place on-site parking so that it does not dominate the river corridor" and "Locate loading facilities so that docks and doors do not dominate the river frontage and are screened from the river." Regarding parking, the Project's vast majority of parking would be located in a subterranean parking structure. The one aisle surface parking lot would represent a small percentage of the Project's overall frontage along the LA River, which would largely be screened from views along the Zev Greenway due to intervening vegetation and changes in topography. As such, the surface parking area would not dominate views of the Project Site from the LA River. Furthermore, the loading areas referenced in the Los Angeles River Design Guidelines pertain to loading docks and doors, not passenger loading/unloading areas as would occur with the Project. Thus, no conflicts with the Los

Angeles River Design Guidelines in these regards would occur with Project implementation.

### **Comment No. IND 97C-19**

The DEIR states that the driveway on County owned property violates LADOT Driveway Design MPP Section 321, in that the driveways should not be wider than 30 feet; but Project's driveway will be 33 feet to match Valleyheart Dr. (although maps show Valleyheart right-of-way to be 40 feet). 33 feet is too wide yet, Applicant does not propose to reduce the width to comply. Therefore, the design of the driveway does not meet City design standards, creating a significant impact.

### **Response No. IND 97C-19**

The comment states that the width of the Project driveways do not meet City design standards, creating a significant impact. However, the analysis on pages IV.M-34 and IV.M-35 in Section IV.M, *Transportation*, of the Draft EIR provide a full analysis of the Project's driveways. As discussed therein, MPP Section 321 recommends that two-way driveways for commercial/industrial/multi-family residential developments be no wider than 30 feet in width. The proposed driveways would not comply with the City's applicable requirements as the north driveway is proposed to be 39 feet wide and the south driveway is proposed to be 33 feet wide. However, the Project would reduce the number of driveways on Whitsett Avenue from two to one (the south driveway is considered an extension of Valleyheart Drive, which is an existing street), which would overall be a benefit since there would be reduced potential driveway conflicts between vehicles and pedestrians. The north driveway would be wider than the recommended 30 feet to permit provision of a median island on the driveway configured to restrict turns into and out of the driveway to right-turns only, and to enhance safety by minimizing conflicts. Additionally, the south driveway is the extension of a public street, Valleyheart Drive, which is currently 33 feet wide. Therefore, while the Project would not be consistent with this recommendation in MPP Section 321, the inconsistency would not result in increased circulation, pedestrian or vehicular conflicts.

Under CEQA, a project is considered consistent with an applicable plan if it is consistent with the overall intent of the plan and would not preclude the attainment of the plan's primary goals. A project does not need to be in perfect conformity with each and every policy. The potential conflict with MPP Section 321 is discussed in Section IV.M, *Transportation*, of the Draft EIR. As discussed therein, the Project would not conflict with the intent of MPP Section 321 to provide safe access and to reduce vehicle/pedestrian conflicts, and the MPP does not include required laws or regulations that the Project must comply with, the Project would result in a less-than-significant impact related to consistency with programs, plans, ordinances or policies addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

## Comment No. IND 97C-20

The main entrance on Whitsett is being proposed to limit exiting to right turns only, forcing that traffic towards Fire Station 78 to mix with the Valleyheart Dr –Project exit/entrance. Project description states: “The north driveway would be flat for at least 25 feet within the Project Site before it intersects with the Whitsett Avenue sidewalk. To reduce conflicts and enhance safety, a triangular median island would be provided on the north driveway configured to restrict turns into and out of the driveway to right-turns only “. (Vehicle Access and Parking) The DEIR fails to study these impacts on the Fire Station.

## Response No. IND 97C-20

The comment states that the Draft EIR fails to study impacts of the north driveway on LAFD Fire Station 78. See Topical Response No. 10 - Emergency Access, in this Final EIR. As discussed in Topical Response No. 10, the Project’s emergency access impacts were fully evaluated in Section IV.L.1, *Public Services – Fire Protection*, and Section IV.M, *Transportation*, of the Draft EIR. Despite the Project’s periodic and temporary increase in localized traffic, the Project would not significantly impair the LAFD from responding in a timely manner to emergencies at the Project Site or the surrounding area. As under existing conditions, LAFD vehicles would employ the traditional method of sirens and horns to alert other drivers of their presence when exiting the fire station. Furthermore, the non-CEQA traffic analysis included in the Project’s Transportation Assessment (TA), included in Appendix M of the Draft EIR, revealed that per the City’s criteria, no instances were found where the Project would cause or substantially contribute to unacceptable queuing at nearby signalized intersections, including the intersection at Ventura and Whitsett (see Table 11 of the TA). Accordingly, the Project’s trips would not substantially cause or contribute to congestion along Whitsett Avenue such that LAFD vehicles exiting Fire Station 78 would be adversely impacted.

## Comment No. IND 97C-21

### VMT concerns:

This study ignores the Middle Holmby Hills campus, and any trips from it

## Response No. IND 97C-21

The commenter is referred to Response No. 97C-2. There is no planned route or program to shuttle students from the middle school campus to the Project Site. Middle School students who participate in the School’s junior varsity or varsity athletic programs are already bussed to the Upper School campus for sports activities at the end of the school day. Since this is an existing condition, no further increase in VMT would be generated.

## **Comment No. IND 97C-22**

Applicant's VMT study exempts community recreation uses (per City standards) but does not exempt Weddington Golf and Tennis from its study – that is a community recreation use too (the fact that a small amount of money is charged to participate should be meaningless- it is open to the public-they did not ever turn away individuals who wanted to watch or just walk around) .It is wrong to net out the vehicles traveled to Weddington, a community recreation use, and should be exempted from the VMT study under the same LA City principle that exempts community recreation uses.

## **Response No. IND 97C-22**

The comment states that the existing use should be exempted in the VMT study and not subtracted from the Project's VMT to calculate the net VMT. The TA was prepared per the direction of LADOT. While the commenter notes that the Weddington Golf & Tennis facilities would let people watch or walk around on their private property, the fact is that Weddington Golf & Tennis is operated as a private facility, with no public access requirements and charges fees for tennis or golf uses. Thus, the use of the golf and tennis facilities on the Project Site is controlled by the private property owners. The Project Site is not generally open to the public as implied by the comment. Unlike public property, the Project Site may be closed at the property owner's sole discretion. For these reasons, the existing site use was appropriately not classified as a community recreation use in the TA, as approved by LADOT.

## **Comment No. IND 97C-23**

There are no studies about the impact of the turnaround/drop off. At any school, this is the point of major tension and backup, since cars, shuttles, ride share vehicles convergence on this point at the same time – usually occurring moments before games start, moments before practice starts, moments after games end, after practice, etc. This surge use is not examined. Where do the buses and shuttles go once they drop off students? Will Harvard- Westlake have empty shuttles return to the Upper Campus, and then drive empty shuttles back when practice is over or games are over? Where will opposing team buses park after drop off? Will they travel back to the Upper Campus until the game is over? By returning to the campus, those trips should be included in the VMT.

## **Response No. IND 97C-23**

The comment poses a number of questions regarding the use of the Project's roundabout for cars, shuttles, and rideshare vehicles. Pages 62 and 63 of Appendix M to the Draft EIR, *Transportation Assessment* (TA), address the passenger loading at the on-site turnaround off of Valleyheart Drive. The turnaround at the western edge of Valleyheart Drive would be used exclusively for drop-off and pick-up activities (i.e., shuttles, transportation network company [TNC] vehicles). The available storage capacity in the turnaround was found to be sufficient for the estimated queuing on special event days, which is the worst-case, highest trip generating event anticipated at the Project Site. Since

the storage capacity is sufficient to contain the vehicular queue at the turnaround, queue spillback from the turnaround onto Valleyheart Drive would not occur and thus would not interfere with LAFD Fire Station 78 operations on Valleyheart Drive. Regarding the shuttle system that the School would provide its students and employees whenever School activities are underway at the Project Site, and which the School would require all Project Site visitors use on days in which maximum concurrent attendance is estimated to be 300 or more individuals, three shuttles would be provided (with a 24-rider capacity each). Page II-55 in Chapter II, *Project Description*, of the Draft EIR, describes that shuttle service is anticipated every 5 to 10 minutes. A single shuttle would therefore remain stationary for the same amount of time before departing and would be parked, temporarily, in the roundabout accessed from the Project's southern driveway.

Visiting team buses would remain at River Park. The roundabout would be designed with two lanes for much of its circumference, specifically for the purpose of having sufficient capacity for buses and vans to remain for the duration of games, while not adversely affecting storage capacity or movement through the roundabout. Furthermore, the roundabout and surface parking area could accommodate a large collection of buses that would not overwhelm on-site storage capacity.

### **Comment No. IND 97C-24**

The estimate of VMT for opposing visiting teams seems impossible to check. As of 2022, (according to Wikipedia), Harvard-Westlake has 22 varsity teams as well as junior varsity and junior high level teams. "60% of students participate in interscholastic sports." Aside from sports during the academic year, the School provides a robust summer sport camp for various sports. Has the Applicant just made a list of activities that will occur on the Project Site, and based on those listed activities with specific teams, the VMT was calculated? Since occupancy load at Project Site is increasing for the facilities, it is reasonable to expect higher numbers of visitors and guests and games and practice. Relying on a list based on 2018-19 schedule seems arbitrary.

### **Response No. IND 97C-24**

The comment questions the VMT associated with visiting teams. The Project's land use anticipates visitor uses that are included in the VMT calculations, as provided in Appendix M, Transportation Assessment (TA), of the Draft EIR. The TA was reviewed and approved by the LADOT. The 2018-19 list of activities provides context for and, because the list is based on pre-Covid activities and reflects Harvard-Westlake School's standard athletic program, is generally representative of the uses and hours of activity that could take place at the Project Site. While yearly scheduling can and will vary slightly, the 2018-2019 list of activities represents the best and most accurate estimation of future on-site activities. Also, the relocation of an interscholastic game from the Upper Campus to River Park will not substantively affect VMT, as those miles are already being traveled by the visiting team and its spectators. As such, a reasonable estimate of VMT was considered, which was factored into the Draft EIR transportation analysis.

## **Comment No. IND 97C-25**

Why is the baseline of October 2020 not used? The City DOT said that traffic was too light due to covid, so they chose another date April 2019 for three intersections and 2017 data for two intersections, each increased by ambient growth. The wrong baseline invalids this VMT, and Applicant should have used the CEQA baseline, determined on the date of the NOP.

## **Response No. IND 97C-25**

The NOP was in fact released in October 2020, which typically establishes the baseline from a CEQA perspective. However, as a result of the Mayor's Safer at Home Order issued March 19, 2020, the October 2020 NOP release date coincided with the COVID-19 global pandemic whereby traffic congestion within the City was significantly less throughout the City than compared to "non-pandemic" conditions. Due to the COVID-19 pandemic and the shelter-in-place orders from the Governor and County, along with a memo released by LADOT in April 2020, turning movements counts could not be collected at the study area intersections in 2020 and would further not reflect typical conditions. Because of the pandemic conditions, an appropriate baseline was calculated based on the best, most recently-available data, which does not invalidate any portion of the transportation analysis. Furthermore, the comment states this baseline data invalidates the VMT analysis, but the VMT analysis is not based on the baseline traffic conditions. Rather, the non-CEQA components of the TA utilize the baseline traffic data to assess traffic conditions (i.e., LOS) under the Project. As such, the baseline traffic data is not relevant to VMT analysis. The methodology followed by the TA was reviewed and approved by the LADOT and does not invalidate the Draft EIR TA in any manner.

## **Comment No. IND 97C-26**

Attachment B fn 3 states that trip estimates for the community uses are based on rates in the ITE Trip Generation Manual... The peak trips are estimates based on Tennis Courts land use ...because only the tennis courts will be open to the public during the peak hour periods when Harvard-Westlake is using the other facilities. Is this statement inconsistent with Table II-3 of the DEIR Project description? The School's table of public uses is illusory since it states that the public can use the track, pool, tennis, between certain hours (mostly 7a-9p) "when not in use by School". Does that mean if one student is on the track it being used by the School precluding community use? Or does it mean that only scheduled School use as to a specific facility will prohibit community use during that time. This should allow a calendar then of scheduled School uses/ community uses on a weekly or monthly basis. Without more parameters, to Table 11-3 though, any offset for community use should not have been applied here, for the actual community use is rather tenuous.

## Response No. IND 97C-26

The comment questions whether the methodology described in the LADOT’s approval letter, Appendix M of the Draft EIR, Attachment B footnote 3, accounts for the community’s use of the Project’s facilities and is consistent with Draft EIR Table II-3, Public Use of the Project. The Draft EIR states in Chapter II, *Project Description*, Subsection 4.a)(2), Public Use of the Project Site, beginning on page II-33 of the Draft EIR, "Table II-3, Public Use Days and Hours, outlines the anticipated days and hours for access to facilities available to the public, recognizing that public use of the tennis courts and other athletic facilities would be by reservation when they are not in use by the School." . As stated on page II-47 in Chapter II, of the Draft EIR under Subsection 4.b), School Operations at the Project Site, “Most of the School’s outdoor events, including those at the athletic fields, would occur in the late afternoons and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. Indoor activities in the gymnasium would end no later than 9:30 p.m. although indoor activities would generally cease by 7:30 p.m. Other than the tennis courts, members of the public would not have access to Project Site athletic facilities when they are in use by the School.”

During the afternoon peak hour traffic periods, the playing fields, pool, and gymnasium would be in use by the School as described on page II-47 in Chapter II of the Draft EIR in Subsection 4.b), School Operations at the Project Site. However, the tennis courts may be available to the public during the late afternoon. The courts would not be in use every day by the School and the Project provides for concurrent use of the courts by the school and public. The estimated use of the tennis courts by the public would represent a conservative estimate for assessing peak hour traffic Project trip generation since some students may also be using tennis courts during the same peak hour traffic period.

As discussed above, the public use of the tennis courts cited in the Attachment B footnote 3 does not conflict with Table II-3 of the Draft EIR.

Please also refer to Topical Response 2 – Enforcement of Public Access, for a description of how Project facilities might be used by the public even with concurrent School use of a different Project facility.

## Comment No. IND 97C-27

Why are there no outbound trips attributed in the VMT estimate for School students? The footnote says that outbound trips lengths “were found to be the same as the existing outbound trip length for student vehicles leaving the Upper School to return home.” If the student drives home from the Project Site, the VMT must reflect that trip.

## Response No. IND 97C-27

The comment is similar to Comment No. ORG 7A-123. Please refer to Response No. ORG 7A-123.

## Comment No. IND 97C-28

Pedestrians have been ignored in the DEIR except for those on site or at the River Project. Pedestrians will cross Whitsett to get to one of the pedestrian gates at the Project Site, or to River Walk from Valleyheart especially if the existing parking is removed on Valleyheart. Whitsett is very dangerous, especially since the speed limit recently increased, and the four lane street is not pedestrian friendly. DEIR needs to study pedestrian access on Whitsett.

## Response No. IND 97C-28

The comment expresses concern about pedestrian safety along Whitsett. Please refer to Response Nos. IND 42D-6 and IND 70-2, above, regarding intersection and pedestrian safety.

## Comment No. IND 97C-29

### New Swimming Pool at Project:

The swimming pool will be emptied from time to time, (discharge of 500,000gpd), and because capacity in existing sewer lines are filling up, the Applicant will be required to discharge into two separate lines (MM-2). However, the proposed mitigation measure does not reduce impacts on sewer capacity discharges that may occur in 5, 10 or more years, or any time after the sewer connection permit is issued. MM-2 should be changed to apply whenever Applicant desires to empty and refill pool, which may occur “a few times per year if at all”. The end of MM-2 should be changed to add the following: “...unless an alteration split is otherwise approved by LASAN based on future detailed gauging and evaluation as part of the final approval for the sewer connection permit, *and in the event a discharge is needed after the issuance of that permit, the sewer discharge shall be reviewed prior to any subsequent water discharge permit issued by DWP. If enough capacity in the sewer lines does not exist at the time of discharge, Applicant shall expand, modify or otherwise provide for additional sewer lines as determined necessary by LASAN to maintain capacity in the lines that was in existence at the time of the issuance of the sewer connection permit.* (proposed language in italics).

## Response No. IND 97C-29

The comment requests revisions to Mitigation Measure WW-MM-2. Mitigation Measure WW-MM-2 would be implemented in collaboration with Mitigation Measure WW-MM-1, which limits the volume of the swimming pool to be discharged at a rate of no more than 166,000 gallons per day. The mitigation measures cited in the Draft EIR are reflective of the conditions recommended for the Project in the Wastewater Service Information (WWSI) letter prepared by LASAN’s Wastewater Engineering Division (WESD). Not only would the mitigation address the Project’s impacts, but they would also ensure cumulative impacts, which consider wastewater from the related projects (see Chapter II, Environmental Setting, of the Draft EIR), are less than significant. It would be speculative

to assume that discharges that may occur in 5, 10 or more years, or any time after the sewer connection permit would exceed available capacities. As discussed in the cumulative impacts analysis on page IV.O.2-18 of the Draft EIR, the City would continue to review new development projects to ensure that sewer capacity is available prior to the on-set of construction, and fees and mitigation, including requirements to improve infrastructure if necessary to account for the project, would be required. Related projects connecting to the surrounding sewer system would be required to obtain a sewer connection permit and submit a Sewer Capacity Availability Review (SCAR) and/or Wastewater Services Information to LASAN as part of the related project's development review. Impact determination will be provided following the completion of project-specific Wastewater Services Information analyses. If system upgrades are required as a result of a given related project's additional flow, arrangements would be made between the related project and the LASAN to construct the necessary improvements. Based on these considerations, no revisions to Mitigation Measure WW-MM-2 are necessary.

### **Comment No. IND 97C-30**

#### Conclusion:

As the DEIR states: in *City of Hayward v. Trustee of California State University* (2015) 242 Cal. App. 4th 833, the court found under Section 35 that cities have "a constitutional obligation to provide adequate fire protection services". Although not clear why this court reference appears in a DEIR, it is clear that as presented, the DEIR questions whether adequate fire protection will be maintained for the community given Project impacts.

### **Response No. IND 97C-30**

The comment questions the reference to the *City of Hayward v. Trustee of California State University* (2015) 242 Cal. App. 4th 833 case. The reference to the Hayward case cited in the comment is made in Section IV.L.1, Public Services- Fire Protection, of the Draft EIR. An additional reference to the case in Section IV.L.1 states, "In conformance with the California Constitution Article XIII, Section 35(a)(2) and the *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833 ruling, the City has and will continue to meet its legal obligations to provide adequate public safety services, including fire protection." The Hayward case is cited as reference to the fact that the obligation to provide adequate fire protection service is the responsibility of the City. In no way does this reference suggest that the Draft EIR questions whether adequate fire protection will be maintained for the community given Project impacts. To the contrary, the analysis included in Section IV.L.1 of the Draft EIR demonstrates that Project impacts to fire protection services and/or facilities would be less than significant.

### **Comment No. IND 97C-31**

Please incorporate herein by reference EIR Sch No. 2001121016 (2004)/2004 Middle Campus expansion Conditional Use Permit with Conditions associated therewith; and EIR

Sch 2013041033 (2013-Upper Campus proposed expansion). This letter made referenced to those documents.

Thank you for your work on this project.

### **Response No. IND 97C-31**

The comment requests reference of previous EIRs (SCH No. 2001121016 and SCH No. 2013041033) prepared by the School. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 98**

Rich Neher

Received April 25, 2022

### **Comment No. IND 98-1**

I assume you are very busy and therefore not aware of an interesting plan HW has successfully executed in order to draw down the number of players coming to the facility every week.

For the last 13 years I've been organizing a group of local tennis players on Friday nights. I'm keenly aware of what's going on at that facility throughout the week through communications with a lot of players and some of the teaching pros at Weddington. Before Covid, my estimate is that between 1,000 and 1,500 players frequented that facility on a regular basis.

### **Response No. IND 98-1**

The comment indicates the commenter's experience with the existing on-site tennis facilities and estimates that between 1,000 and 1,500 players frequent that facility on a regular basis. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 98-2**

When Harvard Westlake bought the property from the previous owners 2-3 years ago, they knew of strong opposition to any new project from local tennis players. Why have those players been concerned and outspoken for so many years? Because there isn't any facility nearby that is large enough to accommodate an influx of about a thousand extra players and dozens of teaching pros. Some are just full (Balboa), some have bad lights (Van Nuys), some have no lights (Beeman), and others are just too expensive like the local private clubs. Because of that knowledge, they had to come up with a plan to reduce the number of people asking for courts at Weddington. I think I know how they did it by reducing the number of courts available to the public.

### **Response No. IND 98-2**

The comment states that other tennis facilities are not available and speculates that Weddington Golf & Tennis has reduced the current number of courts available to the public in order to reduce the number of tennis players that utilize Weddington.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 98-3

### 1. Reduce the hours the club is open

The tennis courts were available 7 days a week from 7 am until 10 pm. HW immediately changed that to 8 am to 9 pm on Weekdays and 9 am to 5 pm on weekends. That reduced the number of court hours available for everyone, coaches, HW team, HW players, and the public from 105 to 81 per week. That's a 23% reduction right there. The noose began to tighten for us regular players.

### 2. Let every coach teach at Weddington

They immediately ramped up the number of coaches 2 years ago. At one point before Covid, they had 40 coaches working there. That took courts away from the public. At the same time they must have encouraged coaches to book evening hours for kids classes and camps. It never happened before that so many courts were busy with kids between the hours of 7 and 9 pm. That took evening courts away from the working people.

### 3. Provide a strong presence for HW players

Soon enough, they gave HW teams the right to occupy any court they wished, although HW teams had and still have a trainings [sic] facility at LA Valley College. Separately, HW players got the right to preferentially book any court at any time free of charge. That also took more courts away from the public.

### 4. Partition the facility even more

Recently, they gave the 6 back courts exclusively to coaches. Again, the public was screwed.

### 5. Close two courts for good

A short while ago, the HW tennis team claimed a stray golf ball from the driving range hit one of their players on court 9. So they closed courts 9 and 10 for good. Guess what, now only courts 1-8 are available at times the HW team and any of their players are not present which is rarely the case.

All that time, the public was turned away when asking for courts. What happened in effect is that the number of court hours available to the public was reduced by 70-80% just so they can show fewer people playing on their court sheets. The strategy worked. They can now take the court sheets to the city and say "See, the public doesn't need/want our courts. They're going somewhere else already." The sad part is, that many of the working people who need to play in the evenings, are screwed the most. Many of them are leaving the sport forever. "Studio City, that's where tennis players go to die" I heard someone say.

**Response No. IND 98-3**

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 98-4**

That's how their plan was executed in my humble opinion. Shame on HW for deceiving everyone just like they were planning to deceive the Historical Commission by only presenting picture boards with trees and open space and omitting the 2 planned football fields, swimming pool, and large gymnasium during the hearing last year. Shame on them.

**Response No. IND 98-4**

The comment accuses the School of planning to deceive the Historical Commission during the hearing last year. This comment represents the opinion of the commenter and does not raise any issues with respect to the content or adequacy of the Draft EIR. However, it is acknowledged that in the Cultural Heritage Commission's recommendation to City Council for the designation of the Project Site as a Historic-Cultural Monument (HCM), the Cultural Heritage Commission had a full understanding of the scale of the Project as the Initial Study and all the graphics had been circulated to public agencies in the City in September 2020.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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## **Comment Letter No. IND 99**

Patty & Terry Kirby  
Received April 27, 2022

### **Comment No. IND 99-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

The proposed project is simply too large for this property.

### **Response No. IND 99-1**

The comment expresses opposition to the Project based on the size of the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 99-3**

Councilmember Raman, this mega-complex will not move forward without your support. This is not a "buy right" project but one that requires a CUP. With your leadership, a true compromise can be reached. As you know, a CUP primarily requires 1. that the project will enhance the built environment in the surrounding neighborhood, or will perform a function or provide a service that is essential or beneficial to the community, city, or region. 2 that the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. 3. that the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

This Over-development does not meet any of these criteria.

### **Response No. IND 99-3**

The comment states that findings needed for approval of a CUP are not met by the Project's design. This statement that the Project does not meet the criteria to grant a CUP is not founded in substantiated facts cited and represents the opinion of the commenter. Also, please note that most public and private schools in the City operate under a CUP in accordance with LAMC Section 12.24.T.3(b), which allows school uses in residential and agricultural zones. For additional discussion of the Project's CUP, refer to Response Nos. ORG 7A-78, ORG 7A-79 and ORG 9-22. The comment, however, is primarily a request for project disapproval. The comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary.

**Comment No. IND 99-4**

ADDITIONALLY, our community feels cheated with only a 60-day response period to rebut the DEIR. LA City planning (with Harvard-Westlake) took 17 months to develop the DEIR and the community only gets 60 days?

The opposition groups do not have the sources and money as does Harvard Westlake. BUT the opposition groups do have the VOTING PEOPLES VOICES with over 14,000 responses of opposition on a recent petition.

**Response No. IND 99-4**

The comment states that the review period (actually 62 days) was not adequate to review the Draft EIR. Refer to Topical Response No. 1 – Public Participation and Review, in this Final EIR, which discusses public participation and CEQA public review requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR. Also, refer to Response Nos. FORM 1-1 and FORM 1-2 regarding public review of the Draft EIR.

**Comment No. IND 99-5**

The opposition is growing by the day and you can be our hero and get this project moved to another location. (Also, Harvard-Westlake could also be heroes in the eyes of our community by moving to another location. HW can do a great thing and build up a location that is void of trees and youth sports along with teaming with other schools and colleges. A WIN-WIN for everyone.

**Response No. IND 99-5**

The comment expresses opposition to the Project and interest in moving the Project to another location. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 100**

Michael Konopisos  
Received April 28, 2022

### **Comment No. IND 100-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

Weddington is a great place for a round of golf that I have enjoyed many times with friends. Would be a shame to turn it into yet another private space only the wealthiest in the community can enjoy.

### **Response No. IND 100-1**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 101**

Jami Ferreira

Received April 29, 2022

### **Comment No. IND 101-1**

I don't need to cut and paste a form letter. You already know how many in this community feel about this mega complex. My position is that I play golf there every Sunday for years! And I live in the community as well. The thought of my special place being gone is my original sadness. But - I also think about the traffic, loudness and - frankly, why this location? I used to live directly across from it - my balcony overlooking the driving range. So I can't imagine that if this happens. Traffic, Screaming fans! Such a shame.

Just my two cents that I don't want to see this happen.

### **Response No. IND 101-1**

The comment expresses opposition to the Project and expresses concern over operational noise and traffic. The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, in this Final EIR for a discussion of operational noise impacts, and Topical Response No. 9 – Transportation and Parking During Construction and Operations for a discussion of operational parking and traffic impacts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 102**

Jonathan Kern

Received April 29, 2022

### **Comment No. IND 102-1**

The Weddington golf and tennis center is a Valley treasure and needs to be kept open to the public. It serves many purposes, but most notable it is a rare green space in an otherwise congested area. It will harm the existing charm of Studio City. It will add traffic to the area, and ruin the quietness of the area. Most of us who have kids have taken our children to learn tennis there and that is very hard to replace. It has a rustic charm that cannot be replaced!

I strongly urge that this place be protected and not allowed to go forward! PLEASE DO NOT ALLOW THIS TO PASS.

### **Response No. IND 102-1**

The comment expresses opposition to the Project based on the removal of open space available to the public and expresses concerns regarding operational noise and traffic.

The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding the public access to the Project’s available recreational facilities and amenities for public use; Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding noise impacts; and Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding traffic impacts.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 103**

Allison Lane

Received April 29, 2022

### **Comment No. IND 103-1**

I voted for you. I can't think of another issue that means more to me or presents a clearer chance to do the right thing.

I grew up in Studio City. I am a California native. I love this city. And I love Weddington Golf and Tennis. I do not want to see it destroyed by Harvard Westlake.

I do play tennis occasionally but it means so much more to me and the people who live here. It is open space. There are trees and fields of grass. It is zoned an agricultural/open space and Harvard Westlake will kill it and the character of the neighborhood. Los Angeles IS neighborhoods and I love ours.

I voted for you because you have the guts to stand up to big money and the old guard that protects developers at the expense of neighborhoods.

Please help save what we love about living here. We will never be able to get it back if they win. How can we be considering losing all those trees when we are in desperate need of the canopy.

Please speak for us and stop this outrageous attempt by those with money to overcome the will of those of us who live here.

### **Response No. IND 103-1**

The comment expresses opposition to the Project based on the removal of the existing tennis and golf facilities and expresses concern over tree removal and changes to community character. The commenter is referred to Topical Response No. 4 – Aesthetics, in this Final EIR for a discussion of community character, and Topical Response No. 5 – Biological Resources/Trees for a discussion of impacts related to tree removal.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 104**

Daphne Brogdon  
Received April 29, 2022

### **Comment No. IND 104-1**

Please leave this oasis for working and middle class. I could never afford to golf in such a lovely place. I meet a retired friend here to golf, I brought my kids for lessons. It gives me solace. Let the wealthy school find another way. But having been on the Central Area Planning commission I know emotional arguments don't win the day. So, Please do not allow yet another rich institution ride over city zoning. Too often the city has rolled over for the well heeled developers. Our city needs this green space that is open to ALL.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 104-1**

The comment expresses general opposition to the Project. The requested CUP for a school use is a standard provision of the LAMC and is not a "special entitlement." LAMC Section 12.24.T.3(b) specifically allows public and private schools (kindergarten through 12<sup>th</sup> grade) to be located in the Agriculture (A) zone under an approved CUP. Please refer to the cited LAMC section. Although both public schools and private schools are named in the text of the LAMC, the CUP is commonly and more typically used for private schools throughout the City. For additional discussion of the Project's CUP, refer to Response Nos. ORG 7A-78, ORG 7A-79 and ORG 9-22. Upon completion of the Project, public access to the various recreational amenities onsite would be provided. The commenter is, further, referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

## **Comment Letter No. IND 105**

Kevin Keegan, Julie Keegan, Olivia Keegan, Jessica Keegan  
Received April 29, 2022

### **Comment No. IND 105-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis as the current plans and application exist.

We live on Teesdale Ave., one lot away from Valley Spring so our home is 90 feet from Weddington Golf & Tennis property. We love the golf and tennis facility which is one of the many reasons we relocated to Studio City.

We also support local schools and understand the desire of HW to expand and grow the campus and student body enrollment. We would hate to see the golf and tennis property go away but if it does and HW prevails there are some conditions to the conditional use permit that we feel should be placed upon, required of HW's potential approval process.

### **Response No. IND 105-1**

The comment expresses opposition to the Project based on the removal of the existing tennis and golf facilities. The comment also introduces suggested conditions to the conditional use permit should the Project be approved. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 105-2**

- 1) The swimming pool facility should not be allowed to be placed so close to single family residential zoning due to the immense amount of noise created at swim events. As former parents of swim team children we are well aware of how loud cheering parents and students are at swim meets literally screaming and yelling and cheering for kids underwater, as well as the starting guns, start buzzers, crowd noise, etc. The swimming facility should be relocated over near the fire station, LA river and the commercial zoning towards Ventura Blvd. due to the noise generated by these events. HW has 16 acres to work with so these loud facilities have no reason to be built right along Valley Spring and abutting many, many homes directly across the street. This level of noise disturbance for this feature should not be allowed, especially when there are so many other options for it's location among the 16 acres.

### **Response No. IND 105-2**

The comment expresses concern over siting the swimming pool facility near residential areas due to operational noise. The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding operational noise impacts. As

discussed therein, operational noise impacts from the Project would be less than significant. It is also noted that the pool would be more than 150-feet from the nearest residence to the north, and bordered by walls/bleachers on the west, north, and east. Also, there would be lockers and meetings rooms on the northern side of the pool area.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 105-3**

- 2) The word is that if/when HW's plan prevails it is only a matter of time after the completion of their new sports campus, that the football field and swimming facilities at the existing Coldwater campus would potentially be demolished for the expansion of school facilities to increase campus building square footage and student body enrollment. This makes complete sense in the long range plans because how many schools maintain two complete football stadiums and two complete Olympic size competition swim meet size pool facilities? This will of course increase, possibly double the burden and use of the Weddington facilities further impacting the neighborhood. So we therefore suggest placing permanent restrictions on the conditional use permit for both the school campus as well as the Weddington sports facility to prevent this increase in use and expansion from happening.

### **Response No. IND 105-3**

This comment contends that after the Project is completed, the Upper School campus' recreational facilities will be demolished for the expansion of School facilities to increase campus building square footage and student body enrollment. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Future improvements by the School not currently proposed by the Project are speculative in nature since the Project is proposed to accommodate the School's existing recreational needs. While the Project includes proposed athletic and recreational facilities for the School and public use, it does not include any improvements, including abandonment or redevelopment of the School's existing facilities, on the Upper School campus or Middle School campus that would require an evaluation of environmental impacts at those existing locations. Any future discretionary projects, including potential expansions of the Project Site or on either School campus, would be subject to future environmental review under the CEQA. CEQA requires a review of land use compatibility including an analysis of consistency with existing zoning regulations; however, it is up to the discretion of the City to approve or reject future projects.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 105-4**

3) Of course we object to the height of the stadium and field lighting that is proposed.

**Response No. IND 105-4**

The comment expresses concern about the height of the proposed stadium and operational lighting. No stadium is proposed by the Project. The Project's building heights would be within allowable limits per LAMC regulations, although the Project is requesting discretionary approval of the proposed maximum light pole heights as discussed in Chapter II, *Project Description*, of the Draft EIR. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion of operational field lighting impacts. In addition, the Project's lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 - Aesthetics, the reduction in lighting would further reduce the Project's light and glare levels. Consistent with the analysis in Section IV.A. light and glare impacts would be less than significant, and as such, would not contribute to cumulative light and glare impacts. Please refer to the specific changes in the number and heights of lights provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 105-5**

4) Restrictions should be placed on the "Rental or Leasing" out of the sports facilities to other schools and entities so that the impact to the neighborhood is minimized.

**Response No. IND 105-5**

The comment requests that restrictions be placed on future rental/leasing terms for the Project to minimize the impact to the neighborhood. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 105-6**

Again, we'd prefer that the Golf and Tennis facility remains as it is, as it has been for decades, a treasure of Studio City, a valuable resource for our city and neighborhood. Weddington is a heavily used facility enjoyed by children, schools, families and friends of Studio City. In fact it is often difficult to arrange court time due to the demand of the tennis facility and we often wait for tee times and driving range slots.

If HW prevails with their efforts, then many measures should be taken to assure that reasonable, permanent restrictions to the conditional use permit protect our neighborhood interests for the long term.

### **Response No. IND 105-6**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public as under existing conditions. Topical Response No. 11 also details the methodology utilized in preparing the Draft EIR to substantiate the conclusion that existing municipal golf courses have available capacity to accommodate the relocated golfers from the Project Site's course.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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## **Comment Letter No. IND 106**

Annie Wiebe

Received April 29, 2022

### **Comment No. IND 106-1**

As a long-time Studio City resident, I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 106-1**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

### **Comment No. IND 106-2**

Thank you for taking the time to evaluate this issue and consider the needs and values of our residential neighborhood, as well as the wildlife that call Weddington home, and the value this open, undeveloped space holds beyond dollars and cents.

### **Response No. IND 106-2**

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 107**

Elizabeth Wiehe  
Received April 29, 2022

### **Comment No. IND 107-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 107-1**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

### **Comment No. IND 107-2**

On a personal note, I have been a regular golfer at Weddington Golf since I moved here in 1989. This property provides an affordable space for recreation to thousands of locals every year. If the proposed changes go through, it will be a tremendous loss to the community, not only in terms of a recreational space but as a green space as well. With the Pickwick complex being redeveloped, affordable public accessible recreational spaces like this are becoming rarer and rarer. We must keep spaces like this intact or Los Angeles will become a concrete jungle. Urban planning (maintaining a balance with green spaces) has always been an afterthought pushed aside by wealthy developers, please don't let them take this space as well. As single homes in my Studio City neighborhood are quickly being replaced by multi-unit dwellings, recreational spaces for the public like Weddington Golf and Tennis become an even more critical component in keeping Los Angeles liveable.

## **Response No. IND 107-2**

The comment expresses concern over the loss of recreational opportunities for the public. Please refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR; and Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 108**

John McKenzie  
Received April 29, 2022

### **Comment No. IND 108-1**

Weddington is the jewel of the San Fernando Valley. Once or twice a week I play the course, walking under the beautiful trees by the river. I see rabbits, gophers, squirrels, and on occasion a huge hawk. They would all disappear under Harvard Westlake's plan.

### **Response No. IND 108-1**

The comment shares the commenter's personal experiences on the Project Site and expresses general opposition to the Project based on the loss of the current on-site uses. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 108-2**

I encourage you to play the course. And have brunch at the Southwest Cafe. It's delicious!

Part of the legacy of your service as a councilmember could be the preservation of the heritage of this remarkable place. Consider the future...

### **Response No. IND 108-2**

The comment expresses support for preservation of the current uses on Project Site. It is noted the Project would maintain the existing café. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 108-3**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 108-3**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 109**

Laurie Rittenberg  
Received April 29, 2022

### **Comment No. IND 109-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

Weddington Golf and Tennis is the jewel of Studio City and we greatly need the golf and tennis facilities as is, which is enjoyed by a diversified group of people of all ages who cannot afford to join a country club to play golf and tennis. It is bad enough that years ago we lost the racquet center at Vineland and Ventura Blvd which had many tennis and racquetball courts. It would be devastating for our community to lose Weddington Golf and Tennis.

### **Response No. IND 109-1**

The comment expresses opposition to the Project based on the removal of the existing tennis and golf facilities and expresses concern over the loss of recreational facilities in the neighborhood. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public as under existing conditions. Topical Response No. 11 also details the methodology utilized in preparing the Draft EIR to substantiate the conclusion that existing municipal golf courses have available capacity to accommodate the relocated golfers from the Project Site's course. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 109-2**

The City can construct a Stormwater Recapture Project without destroying this beautiful green space.

### **Response No. IND 109-2**

The comments suggests that the stormwater recapture component of the Project could be constructed by the City without destroying the green space. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 109-3**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 109-3**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 and 3-5.

## **Comment Letter No. IND 110**

Celeste Nameth  
Received April 29, 2022

### **Comment No. IND 110-1**

I don't know how you will go against the all- mighty, self concerned, Harvard Westlake, but wow, if you can preserve a very important part of our community, serving thousands... (as opposed to just Harvard Westlake), you will have really accomplished something important.

The community could care less about another football field and pool for those students. We don't care about them blabbing about walking paths -that does not mean anything to all of us losing a historical golf and tennis center.

What do you need from all of us? You have our backing.

### **Response No. IND 110-1**

The comment, which expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 111**

Carolyne Aycaguer  
Received April 30, 2022

### **Comment No. IND 111-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response No. IND 111-1**

This introductory comment expresses opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 111-2**

Mrs Raman, please let's take the heart steps to protect all leaving beings. These 240 trees would be uprooted. They have as much right to be Alive as we do. Our lives depends on them. We need more of those special wise beings in an urban areas that is so polluted by our current and comfortable way of living.

### **Response No. IND 111-2**

The comment expresses concern over tree removal. Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions - a 36 percent increase.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 111-3**

Please councilmember Raman, protect and preserve this very special land.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos and all the other living beings (240 trees and thousands of other living beings that don't have a voice and seems invisible to us but have grown and provided shelters for millions of lives, nests, bringing new growth and new lives to this very special place). Please be a voice for ALL OF US who enjoy this beloved facility annual and deny permission to build this project. We are a complete ecosystem, all interdependent, we have to protect life in all its form.

Thank you for your consideration.

### **Response No. IND 111-3**

This comment expresses similar concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 112**

Christian Shirm  
Received April 30, 2022

### **Comment No. IND 112-1**

I am writing in extreme opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response No. IND 112-1**

This introductory comment expresses opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 112-2**

In the last 5 years, Studio City has been bombarded with endless construction of luxury condos built by greedy investors which is overpopulating and ruining the peaceful city it once was. The amount of traffic has tripled. The noise, pollution and crime has increased exponentially.

### **Response No. IND 112-2**

The comment expresses general concerns over the construction of residences and associated population, traffic, noise, pollution and crime increases within the City over the past 5 years. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 112-3**

Now Harvard Westlake wants to take and destroy the last green open space that the community has had to enjoy over the last 50 years. Harvard Westlake HAS a campus. This isn't needed. They plan to build 12 foot walls to privatize and shut out the beautiful community from this quiet, green filled solace in this ever growing greedy brick jungle. This will add more noise, traffic and continue the degradation of a once beautiful neighborhood in the name of greed and privilege. This is an attack on the neighborhood's right to peaceful living.

### **Response No. IND 112-3**

The comment expresses concern regarding noise, traffic, and loss of open space and states the Project is not needed. The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, in this Final EIR for a discussion of

operational noise impacts and Topical Response No. 9 – Transportation and Parking During Construction and Operation, for a discussion of operational parking and traffic impacts.

To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The commenter is also referred to Topical Response No. 13 – Need for Project (Non-CEQA), of this Final EIR for a discussion of the purpose and underlying need for the Project for the School and the community.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 112-4**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 112-4**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 113**

David Edelstein and Libby Goldstein  
Received April 30, 2022

### **Comment No. IND 113-1**

Please read the following. Thank you.

The plans put forward by Harvard Westlake would tragically eliminate some of the last open, green space in the San Fernando Valley, i.e., Weddington Golf and Tennis.

The choice is this:

Do we need to compromise this rare, historic, beautiful and much beloved space in order to provide more athletic facilities for a wealthy private school? A school that already enjoys athletic facilities far beyond what our public schools can offer?

We taxpayers support public schools that can only afford modest athletic programs. And now we taxpayers are asked to support the sure degradation of our neighborhood and our quality of life to satisfy the grandiose ambitions of a wealthy private school.

Harvard Westlake prides itself for its educational prowess and yet, it ignores the real, rare, and precious educational value of preserving this beautiful area.

I ask you this:

Would Harvard Westlake students, as well as all of our young people, reap greater educational benefit from

- 1) another swimming pool, gym, underground parking lot, and athletic field... or
- 2) from a well-preserved and maintained natural environment: where plant life, animal life, and a living ecosystem await our careful stewardship and scholarly study.

Certainly, Harvard Westlake can and should look elsewhere for their expansion. There are areas all over the valley that are not open, precious, green space. Those areas are ripe for development. They are in need of development. Homeowners there would surely welcome the investment of a prestigious private high school.

We must come to our senses. You are in a position to bring that about.

### **Response No. IND 113-1**

The comment expresses general opposition to the Project with concerns regarding loss of open/green space, loss of a historic resource, and the need for the Project.

The Project Site is not public open space that is supported by taxpayers. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The commenter is referred to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. The commenter is also referred to Topical Response No. 13 – Need for Project (Non-CEQA), of this Final EIR for a discussion of the purpose and underlying need for the Project for the School and the community.

Also, the Draft EIR did consider alternative sites to the Project Site. The reasons that alternative sites were considered and rejected is provided in Chapter V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Chapter V, no other location with adequate acreage and topography exists within proximity to the Upper School campus.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 114**

David Edelstein

Received April 30, 2022

### **Comment No. IND 114-1**

To clarify my previous statement:

Although we taxpayers are not asked to support Harvard Westlake's plans financially, we are asked to support them with our approval.

### **Response No. IND 114-1**

The comment makes a clarifying statement to Comment No. IND 113 regarding taxpayer approval of the Project but does not address the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 115**

Eyal Podell

Received April 30, 2022

### **Comment No. IND 115-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

Since moving to Studio City in 2007, my children have been a part of the tennis camps hosted at the facility, taken lessons throughout the year, and had pitch and putt parties at the golf course. More than that, the green space is what makes Studio City feel like a suburb within a city.

### **Response No. IND 115-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 115-2**

While I am not opposed to private schools spending their funds to create facilities for their students, I struggle to approve of it when they do so at the expense of public space. HW already has ample field space, and they rent fields in Encino. They have a luxury. The public does not. It would be a travesty of social inequity should this proposal go through.

### **Response No. IND 115-2**

The comment expresses opposition to the Project based on the loss of public facilities in place of private facilities. To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The commenter is also referred to Topical Response No. 13 – Need for Project (Non-CEQA), of this Final EIR for a discussion of the purpose and underlying need for the Project for the School and the community.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 115-3**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 115-3**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

## Comment Letter No. IND 116

Greg Siegel  
Received April 30, 2022

### Comment No. IND 116-1

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

I WAS BORN IN LA. MY PARENTS, GRANDPARENTS, GREAT GRANDPARENTS ... WE ARE ALL HERE. SAVE WEDDINGTON FROM BEING TORN DOWN. IT WON'T BE THE SAME EVER AGAIN. WE ARE LOSING TOO MANY ICONIC PLACES IN OUR CITY AND WE WILL BECOME A GENERIC TOWN QUICKLY. NOT TO MENTION THE POLLUTION AND TRAFFIC IT WILL CREATE. I AM A HOMEOWNER IN CD4 AND I VOTE.

### Response No. IND 116-1

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility and concerns regarding increased pollution and traffic.

The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, of the Draft EIR with supporting data provided in Appendix B, *Air Quality/Greenhouse Gas Emissions Technical Documentation*, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

See Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 116-3

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 116-3**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

## Comment Letter No. IND 117

Howard Ekerling  
Received April 30, 2022

### Comment No. IND 117-1

On national Arbor Day this video truly sounds the alarm, again, of what removal of hundreds of trees does to our Community in so many ways: heat, air quality( produce oxygen, help with smog), sequester carbon, add beauty, and the peace that old trees provide. It asks the question that has been on my mind since Harvard Westlake tried so hard to destroy 148 PROTECTED trees in Coldwater Canyon years ago. Are they an aggressive developer who cares nothing about the science of climate change- or an educator who should be following very clear science that unequivocally states that mature trees must be preserved. Furthermore, this science says the metrics of replacing old growth trees with saplings and saying this is an improvement- is absolutely false. Doesn't make scientific sense, nor common sense.

Please watch this video and write letters to council/ mayor's office- for your sake, your children's sake, your grandchildren's sake.

### Response No. IND 117-1

The attached video by Angelenos For Trees provides appropriate and correct information regarding the importance of the tree canopy to the overall ecosystem. Regarding the effect of the Project on trees, the existing and future tree canopy, and other native landscape, refer to Topical Response No. 5 – Biological Resources. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). Many of the removed species, such as the Mexican Fan Palms are identified as invasive and would be replaced by trees that are compliance with the River Improvement Overlay (RIO) Ordinance. The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan, of the Draft EIR*). Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

## **Comment Letter No. IND 118**

Jennifer Manley  
Received April 30, 2022

### **Comment No. IND 118-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will take away a gem of a space that the community loves and enjoys. We've been playing tennis at Weddington since before our son was born and when he was about four he started lessons. We play there as a family and with friends. It's a special place that gives us access to courts we wouldn't find easily elsewhere. It's also beautiful. The trees in the golf course make the neighborhood feel so lush and green.

### **Response No. IND 118-1**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 118-2**

I can't imagine what it will be like if Harvard Westlake gets their way. They have enough space with their two campuses. And I'm dubious about whether we will in fact get access to the spaces as they say they will.

We need more green space in L.A. Please help us protect Weddington.

### **Response No. IND 118-2**

The comment questions the need for the Project and expresses concern regarding public access to the Project. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), of this Final EIR for a discussion of the purpose and underlying need for the Project for the School and the community. Also, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 118-3**

Here's what Save Weddington wants me to add which I'm sure you've read multiple times: This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 118-3**

Refer to Response No. FORM 3-5.

## **Comment Letter No. IND 119**

Jodie Stern

Received April 30, 2022

### **Comment No. IND 119-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response No. IND 119-1**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 119-2**

This is a beautiful and unique neighborhood...we live in an adjacent studio city neighborhood but come here to walk, meet with friends and do group dog walks. The idea that this calm safe neighborhood would be taken over with traffic, parking restriction, and the loss of the last area for healthy outdoor community recreation is unacceptable. The new density and traffic issues created by the recent construction/retail destination at Coldwater and Ventura has taken away enough of our neighborhood greens. Trees that were not supposed to be taken down at that new shopping center are now gone. Please, for our children, families, neighbors and animals KEEP Weddington intact for us all.

### **Response No. IND 119-2**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility and concerns regarding loss of recreation facilities, loss of trees and traffic/parking.

Please refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

Refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions - a 36 percent increase. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

Also, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 119-3**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 119-3**

This comment expresses the same concerns presented in Form Letter 3. Refer to Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 120**

Joe Dungan  
Received April 30, 2022

### **Comment No. IND 120-1**

I am STRONGLY opposed to Harvard Westlake's destruction of Weddington Golf and Tennis -- for all the reasons you've already heard, I'm sure.

I'm especially strident since the par-3 course in Verdugo Hills has been taken away. We don't need to lose another one.

### **Response No. IND 120-1**

The comment expresses opposition to the Project based on the loss of the golf course. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, in this Final EIR for a discussion regarding the relocation of existing golf course users and adequacy of other nine-hole golf courses in the area.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 121**

Kathryn Savage  
Received April 30, 2022

### **Comment No. IND 121-1**

I treasure the beautiful open space that is Weddington golf and tennis, part of which makes studio city so special. I would hate to see the destruction of hundreds of mature trees and the overdevelopment of this beautiful park by Harvard Westlake. I am against the added traffic and noise and disruption that this would bring to our neighborhood.

### **Response No. IND 121-1**

The comment expresses concerns over tree removal, traffic, and noise. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees for a discussion of the impacts from tree removal and the Project’s tree replacement plan. With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 121-2**

I grew up in Studio City and went to Weddington as a child, and I now live in Studio City with hopes of having my own family.

I have to say that I was really excited to see you were elected to the City Council, and I would love to see you champion this cause.

### **Response No. IND 121-2**

The comment requests the Councilmember champion the commenter’s cause. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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## **Comment Letter No. IND 122**

Katya Volpi  
Received April 30, 2022

### **Comment No. IND 122-1**

I am writing in strong opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response No. IND 122-1**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 122-2**

I live near the intersection of Laurel Canyon and Ventura Blvds, one of the most congested in the area. The building of this mega sportsplex will greatly impact my quality of life in the most negative way by increasing traffic, and that's one of the lesser negative impacts.

### **Response No. IND 122-2**

The comment expresses concern over increased traffic. Please refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 122-3**

I enjoy walking along that section of the L.A. river that passes the beautiful golf course and I see how many wild birds and creatures enjoy that open space. To destroy it would be tragic at best.

### **Response No. IND 122-3**

The comment expresses concern over loss of open space and impacts to birds and wildlife. Please refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set

forth in the Draft EIR. In addition, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and birds.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 122-4**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember.

Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 122-4**

This comment expresses the same concerns presented in Form Letter 3. Responses to this comment are provided in Response to Comment Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 123**

Toni Williamson and Larry Splichal  
Received April 30, 2022

### **Comment No. IND 123-1**

I have lived in Studio City since 1976 and have enjoyed the Weddington/Whitsett golf and tennis recreation area since moving here.

### **Response No. IND 123-1**

The comment is introductory and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 123-2**

The thought of how the destruction of this area will impact this residential community in regard to traffic, noise, construction and the removal of so many mature trees is beyond comprehension.

### **Response No. IND 123-2**

The comment expresses concern over traffic, noise, and tree removal.

The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, in this Final EIR for a discussion of noise impacts and Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of traffic impacts. Also, refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions - a 36 percent increase. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 123-3**

This property is zoned for agricultural and open space and in the best interest of the community it should remain that way.

Please speak up in behalf of the thousands of community residents who enjoy this facility and deny permission to build this project.

**Response No. IND 123-3**

This comment expresses similar zoning-related concerns presented in Comment No. FORM 3-5. Refer to Response No. FORM 3-5.

## Comment Letter No. IND 124

Lynne Moses

Received April 30, 2022

### Comment No. IND 124-1

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

I live in an apartment on Whitsett, a busy street. Walking by the golf course every day gives me a sense of calm and nature that is irreplaceable in this urban/suburban landscape. I also see a broad socio-economic mix of people enjoying the golf course for relaxation and the enjoyment of nature. Young people, families, groups of friends. White people and people of color. It's a beautiful thing, and something we don't usually associate with golf courses. The value of green space is incalculable.

When I first heard about the plans to replace the beautiful golf course, I was against it. Then I read about how the new facility would be using native plantings and save water and offer sports facilities to the public, and I became neutral. Now I'm leaning back toward preserving the golf course, but want something better for the area.

### Response No. IND 124-1

The comment expresses general opposition to the Project based on the loss of green space and the removal of the golf course from the Project Site. However, the commenter acknowledges that the Project would be using native plantings, promote water conservation, and offer sports facilities to the public. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 124-2

I'm now concerned about the chemicals used to fertilize the grass.

### Response No. IND 124-2

This comment raises concerns about chemicals currently used to fertilize the grass. As described in Chapter II, *Project Description*, of the Draft EIR, the Project's sustainability features include the use of artificial grass, which would reduce water demand, use of pesticides, and fertilizer compared to existing conditions. As described in Section IV.I, *Hydrology and Water Quality*, of the Draft EIR, the elimination of large grass areas associated with the golf course would reduce levels of fertilizers compared to existing conditions and water quality impacts during operation were determined to be less than significant without mitigation.

### **Comment No. IND 124-3**

I'm want [sic] to see a more sustainable use of water on the property. Basically, take the best of the Harvard-Westlake plan for the environment and the city and make those upgrades. This controversy might lead to something that retains the value of the current use, while making it even a better resource for the community and part of LA's reduced water future.

### **Response No. IND 124-3**

The comment advocates for a project that promotes sustainable water use and retains in part the current use of the Project Site, but with upgrades that would make it an even better resource for the community. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 125**

Nigel Daly  
Received April 30, 2022

### **Comment No. IND 125-1**

Thank you for taking the time to read this email and especially for visiting the Weddington Golf and Tennis Club. I am writing in opposition to Harvard Westlake's destruction of it.

For many years my family have enjoyed the golf and tennis club, it holds many memories for us with our children and even our visiting families from Australia and England, who we would take as a special outing for all the family.

There are so little activities like this for families in this area. The beautiful outdoor space and history of the club make it a natural item on the agenda to show off our home here in LA having moved here over 17 years ago.

### **Response No. IND 125-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 125-2**

What is so sad is we are seeing so much of the character of Studio City being taken away and no respect for the community as a whole. This will be detrimental to the quality of life, community, family and not to mention the enjoyment and health values that are afforded from recreational open spaces.

### **Response No. IND 125-2**

This comment expresses similar concerns presented in Comment No. FORM 3-3. Refer to Response No. FORM 3-3.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 125-3**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 125-3**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-4 and 3-5.

### **Comment No. IND 125-4**

Harvard Westlake has a huge campus already and it seems unfair that just because they can afford to take away public use spaces they should. This space is for all not for some, and it's sad to see the community spaces and more importantly the natural landscapes being taken away by constant development. 260 Trees will be destroyed too, which is hard to even comprehend.

Again thank you for your time and we hope you are able to help the community save something that is precious.

### **Response No. IND 125-4**

The comment states that the Project would take away public space and expresses concern regarding tree removal. To clarify the existing property rights and on-site uses, the Project is not a public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

Also, refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions - a 36 percent increase.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 126**

Paul Grein

Received April 30, 2022

### **Comment No. IND 126-1**

Like many of my Studio City neighbors, I am opposed to Harvard Westlake's plans for Weddington Golf and Tennis.

I have lived on Valleyheart Drive, a few short blocks east of Whitsett, since December 1984. When I bought my house, people still talked about Studio City's "unique village character." You don't hear that phrase much anymore. To a certain extent, that's inevitable. The city of Los Angeles, including the Valley, has grown and changed over the past 37 years. There are more people, more cars, more traffic, more noise, more graffiti, more litter, more of a homeless issue.

We can't turn back the clock. But that doesn't mean we have to open the door to a massive new project that will greatly accelerate the congestion, traffic and noise that have already taken a toll on Studio City as a nice place to live.

### **Response No. IND 126-3**

The comment expresses general opposition to the Project and expresses concerns regarding traffic and noise resulting the Project. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels. With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 126-4**

The studies included in the recently released DEIR, paid for by Harvard Westlake, fail to adequately address the most serious impacts, including traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit." As I understand it, your approval would be needed for either to be granted. According to the Studio City Residents Association, you are the only current councilmember with a master's degree in urban planning. Please use your unique skills to stand up for more than 100,000 Angelenos who enjoy this facility annually and deny permission to build this project.

## **Response No. IND 126-4**

This comment expresses the same concerns presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-4 and 3-5.

## **Comment Letter No. IND 127**

Periel Stanfield  
Received April 30, 2022

### **Comment No. IND 127-1**

Trees are very important to our environment and to our neighborhood. I was distressed to hear of a proposal to cut down trees for a project that will benefit Harvard Westlake to the detriment of everyone else in the neighborhood. I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response No. IND 127-1**

The comment expresses opposition to the Project based on the removal of trees and removal of the Weddington Golf & Tennis facilities. Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions - a 36 percent increase.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 127-2**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 127-2**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 128**

Sharon Rosett

Received April 30, 2022

### **Comment No. IND 128-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 128-1**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and 3-3 to 3-5.

### **Comment No. IND 128-2**

PS. We will loose [sic] a quiet, clean air and traffic neighborhood. Please fight back for us!

### **Response No. IND 128-2**

This comment asserts the commenter's opinion that the Project will result in noise, unclean air, and traffic. The commenter does not provide any substantive facts or support for these concerns or opinions.

The commenter is referred to Topical Response No. 8 - Noise: Construction and Operation Impacts, for a discussion of operational noise impacts. Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of operational traffic impacts. Also, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

## **Comment Letter No. IND 129**

Sheila Hall

Received April 30, 2022

### **Comment No. IND 129-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

It is gratifying to learn that you visited Weddington recently to gain personal understanding of why this property is so dear to the hearts of valley denizens. My family, friends and I have frequented the facility for decades and know it as a beloved corner of our community. We were all shocked to learn about Harvard-Westlake's intended project to convert the property into a complex.

### **Response No. IND 129-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 129-2**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 129-2**

This comment provides the same comment presented in Form Letter 3. A response to this comment is provided in Response No. FORM 3-3.

### **Comment No. IND 129-3**

Not only does the plan destroy this beloved property, but also adds years of construction and traffic blockage, followed by increased traffic and noise in what is now a much-needed and appreciated green space in the middle of our town.

### **Response No. IND 129-3**

The comment expresses concern over construction and operational traffic, as well as operational noise. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of construction and operational traffic impacts. Also, refer to Topical Response No. 8 - Noise: Construction and Operation Impacts, for a discussion of operational noise impacts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 129-4**

The studies included in the recently released DEIR paid for by Harvard Westlake do not adequately address the most serious impacts including, but not limited to: traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 129-4**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-4 and 3-5.

## **Comment Letter No. IND 130**

Victoria Maguire  
Received April 30, 2022

### **Comment No. IND 130-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 130-1**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response to Comment Nos. FORM 3-1 and 3-3 to 3-5.

### **Comment No. IND 130-2**

Please consider the wildlife and the tress I moved here from Monterey California and always feel at peace at this golf course hole number 4 goes by the river bunny's [sic] are all over that hole the tress [sic] the hawks the owls even the bettels [sic]. How can you allow a school very far away to take open space away. The trees the historical. Please re consider

### **Response No. IND 130-2**

The comment expresses concern about the Project based on tree removal, which the commenter asserts are "historical", and impacts to common wildlife and bird species. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR, for a detailed discussion regarding the Project's tree removal and replacement program. In addition, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds.

The Project Site is not currently public open space. However, upon completion of the Project, public access to the various recreational amenities onsite, including open space, would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

In addition, refer to Topical Response No. 6 – Historic Resources, for a discussion of the preservation of the Project Site’s character-defining historic features. The topical response includes a discussion of the Project Site’s trees from a CEQA historic resources perspective.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 131**

Cindy Kimbrell Poling  
Received May 1, 2022

### **Comment No. IND 131-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis. This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space. The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans. This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 131-1**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and FORM 3-3 to 3-5.

### **Comment No. IND 131-2**

Native Angeleno, live from 1954 to present day. In SF valley. Former resident camp director - nature & recreation for the public is essential for healthy communities. Demolition of Weddington Golf Course is not acceptable. Traffic on and off Whitsett is maxed as is. Those 240 trees are essential to ecological necessity. Three years of construction is hideous! Inhumanizing!

### **Response No. IND 131-2**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility and concerns over traffic, tree removal, and the length of construction.

The Project Site is not currently public open space. However, upon completion of the Project, public access to the various recreational amenities onsite, including open space, would be provided. Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, the commenter is referred to Topical Response No. 11 –

Recreation: Golf and Tennis Facilities, for a discussion of impacts related to the Project's provision of recreation and tennis facilities for public use.

The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of construction and operational traffic impacts.

Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 132**

David Gaines

Received May 1, 2022

### **Comment No. IND 132-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 132-1**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and FORM 3-3 to 3-5.

### **Comment No. IND 132-2**

Although I did not personally draft this letter to you, I agree with the information contained in it and urge you to use the power you have to stop this disastrous development!! The rich and powerful have got to stop riding roughshod over the rest of us. When poorer people are involved; this city has no trouble invoking 'imminent [sic] domain' to seize their land in the service of the 'greater good,' it's time for the city to use this power in service of the greater good; the preservation of our shade cover and air quality. Thank you for doing your job and protecting your constituents!

### **Response No. IND 132-2**

The comment expresses general opposition to the Project and requests preservation of shade and air quality.

Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement

program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions - a 36 percent increase. The Project's tree replacement program would provide shading within the Project Site.

In addition, the issue of air quality is fully evaluated in Section IV.B, *Air Quality*, of the Draft EIR. Regarding air quality, construction impacts related to air quality would be less than significant with implementation of Mitigation Measure AQ-MM-1 to limit and require specific construction equipment features. Operational impacts would be less than significant without mitigation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 133**

Dr. and Mrs. Joseph Church  
Received May 1, 2022

### **Comment No. IND 133-1**

We are writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

My husband and I have lived on Goodland Avenue in Studio City (91604) 2 blocks from Weddington Golf and Tennis for 40 years. I can imagine nothing more horrific than to see an athletic complex serving a small number of highly privileged students be the atrocity that destroys the last 16 acres of open space in our peaceful neighborhood. Beware of Harvard Westlake's bait and switch approach that attempts to portray a project that is in the community's best interest. They should be ashamed of the deceptive tactics that have been employed through-out the rollout of their concept. In my opinion, the construction of a Sportzilla of this magnitude, will not only be detrimental to our environment but will FOREVER destroy the character of a charming residential neighborhood.

### **Response No. IND 133-1**

The comment expresses general opposition to the Project by asserting the Project will be detrimental to the environment and destroy the character of a charming residential neighborhood. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 133-2**

Additionally, public safety on the Zev Greenway adjacent to the Project Site has been undermined due to rampant harassment from violent unhoused individuals. This lovely walkway is essentially unusable. There cannot be any new access in the form of the proposed "ADA compliant ramp to provide a pedestrian connection between the Zev Greenway and Coldwater Canyon Avenue northwest of the Project Site" that is part of Harvard Westlake's plan.

### **Response No. IND 133-2**

The comment expresses concern over public safety related to the existing Zev Greenway and does not support the contemplated ADA compliant ramp to provide a pedestrian connection between the Zev Greenway and Coldwater Canyon Avenue northwest of the Project Site.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 133-3**

Lastly, this property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelinos who enjoy this beloved facility annually and deny permission to build this project.

### **Response No. IND 133-3**

This comment provides the same comment presented in Form Letter 3. A response to this comment is provided in Response No. FORM 3-5.

### **Comment No. IND 133-4**

I implore you to support the preservation of this land as open space where it can continue to serve the community at large and the tranquility of our neighborhood.

### **Response No. IND 133-4**

The comment requests the preservation of the Project Site as open space. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 134**

Elizabeth, Margie, and Eddie Mullen  
Received May 1, 2022

### **Comment No. IND 134-1**

My family and I have lived in this community in Studio City for 22 years. This open air space at Weddington is some of the only green space we have.

### **Response No. IND 134-1**

The comment expresses concern about the development of an existing green space. The Project Site is not currently public open space. However, upon completion of the Project, public access to the various recreational amenities onsite, including open space, would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 134-2**

The traffic on Whitsett cannot accommodate any more activity. Laurel Canyon and Coldwater Canyon hardly move any time of the day.

### **Response No. IND 134-2**

The comment expresses concern regarding traffic. Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of operational traffic impacts. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 134-3**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise,

construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 134-3**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and 3-3 to 3-5.

### **Comment No. IND 134-4**

It would be so destructive to use this space for the betterment of so few, while it is now available for so many thousands of community members. We need your help.

### **Response No. IND 134-4**

The comment expresses opposition to the Project over the loss of the Weddington Golf & Tennis facility. The commenter is referred to Response No. IND 134-1 for a discussion of publicly available open space and recreational amenities provided by the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 135

Jackelyn Puignau  
Received May 1, 2022

### Comment No. IND 135-1

Below is the pre-written (but well agreed with) email that was kindly written out by those wanting to save Weddington. It is imperative that you choose to preserve Weddington Golf and Tennis. There are 45,000 people in Studio City who should not have to suffer through construction noises, traffic and the loss of a wonderful recreational space solely for a school of 1,500 students. I love living in Studio City and often can't relate to the problems of other Los Angelinos because of our lush trees, parks, and beautiful nature. Studio City is a little haven amongst this hectic big city and not saving Weddington would chip away at the lush and serene environment that makes Studio City so great. Please SAVE WEDDINGTON!!

### Response No. IND 135-1

The comment expresses general opposition to the Project and concerns about the Project regarding construction noise, traffic, and loss of recreational amenities. With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts. Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

Also, the comment incorrectly states the Project would be solely for students. With regard to public access, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result

in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR).

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 135-2**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 135-2**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and 3-3 to 3-5.

## **Comment Letter No. IND 136A**

Neal Vitale

Received May 1, 2022

### **Comment No. IND 136A-1**

I'd like to weigh in on behalf of me and my family. We think the proposed Harvard-Westlake project, if it proceeds as currently proposed, would be a tragedy and an avoidable disaster. The loss of a landmark facility and its green space in a residential neighborhood would be truly sad. The EIR undercounts and minimizes the disruption to the community in terms of, among other things, noise, traffic, light pollution, and parking. We strongly urge you to support our community and your constituents in opposing this massive overdevelopment.

### **Response No. IND 136A-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility and concerns related to noise, traffic, light pollution, and parking. The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding noise impacts; Topical Response No. 4 – Aesthetics, regarding operational light and glare impacts, and Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding operational parking and traffic.

As discussed in detail in these topical responses, and in respective sections of the Draft EIR, impacts related to operational noise, traffic, light and glare, and parking would be less than significant. Field lighting would result in less light and glare than under existing conditions (refer to Topical Response No. 4). Construction noise impacts associated with excavation and hauling activities would, however, remain significant and unavoidable. As discussed in Topical Response No. 2 – Modifications to the Project Design, the subterranean garage was reduced to reduce excavation volumes and activity. The reduction from 250,000 cubic yards (under the Project as evaluated in the Draft EIR) to 197,000 cubic yards (the Project with design modifications), would reduce the number of haul truck trips from 35,714 trips to 28,142 trips, a reduction of 7,572 truck trips (each trip is one way [an inbound trip is one trip and an outbound trips is one trip]). With the modification, the excavation and hauling (dirt export) would be reduced from seven months to 5.5 months. Also, as discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

## **Comment Letter No. IND 136B**

Neal Vitale

Received May 2, 2022

### **Comment No. IND 136B-1**

I'd like to weigh in on behalf of me and my family. We think the proposed Harvard-Westlake project, if it proceeds as currently proposed, would be a tragedy and an avoidable disaster. The loss of a landmark facility and its green space in a residential neighborhood would be truly sad. The EIR understates and minimizes the disruption to the community in terms of, among other things, noise, traffic, light pollution, and parking. We strongly urge you to support our community in opposing this massive overdevelopment as it currently stands.

### **Response No. IND 136B-1**

This comment is a repeat of Comment No. IND 136A. Please refer to Response No. IND 136A-1.

## Comment Letter No. IND 137

Renault Family  
Received May 1, 2022

### Comment No. IND 137-1

Opposition to the Harvard Westlake's destruction of Weddington Golf and Tennis. This is where our son learned to play golf with his father. Additionally, the site offers reasonable rates for the citizens of the San Fernando Valley to partake in 'country club sports'. The site also provides a lovely green space for the locals, serves to mitigate the carbon in the area, maintains a heritage site as well. I cannot imagine the amount of noise and traffic the neighborhood will need to endure. This neighborhood is already busy as commuters drive through the neighborhood in hopes of shaving 10-15 minutes off of their commute. Please represent our community the way we ask you to, not as the elite alumni of the entertainment industry expects.

### Response No. IND 137-1

The comment expresses opposition to the Project due to the loss of the Weddington Golf & Tennis facility and concerns related to noise, traffic, and the loss of green space that mitigates carbon for locals, and the designation of the Project Site as an historical resource.

Please see Topical Response No. 11 - Recreation: Golf and Tennis, in this Final EIR. Topical Response No. 11 details the methodology utilized in preparing the Draft EIR to substantiate the conclusion that existing municipal golf courses have available capacity to accommodate the relocated golfers from the Project Site's course.

Refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

The commenter is also referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding noise impacts; and Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding operational parking.

Please refer to Topical Response No. 6 – Historic Resources, regarding the designation of the Project Site as a Historical-Cultural Monument (HCM) and the character-defining features that give the Project Site this historic status. As discussed in Topical Response No. 4 and Chapter II, *Project Description*, of the Draft EIR, and in Project Design Feature CUL-PDF-1: Rehabilitation Plan, the distinctive character-defining features of the Project Site as identified in the HCM designation would be retained. Specifically, the Project Site

would remain a private recreational facility open for public use in Studio City, and the character defining features of the HCM, specifically the clubhouse, putting green, golf ball-shaped light standards, and brick wall with weeping mortar, would all be retained such that the Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 137-2**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 137-2**

This comment provides the same comment presented in Form Letter 3. A response to this comment is provided in Response No. FORM 3-5.

## **Comment Letter No. IND 138**

Seth Canterbury  
Received May 1, 2022

### **Comment No. IND 138-1**

Hi, The Weddington Golf course is such a bright green oasis that appreciates Studio City and those that live near, even if they don't use it everyday. How fun would it be to take my grandkids, generations from now, to such an amazing piece of Hollywood History.

I hope you get to help keep it alive and its legacy strong for many years:)

### **Response No. IND 138-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 139**

Bill Nye

Received May 2, 2022

### **Comment No. IND 139-1**

I oppose Harvard Westlake's plan to destroy Weddington Golf and Tennis.

I find the argument in favor Harvard Westlake's planned destruction of Weddington Golf & Tennis utterly unpersuasive. Please do what you must to preserve the Weddington Golf and Tennis green space. It is an emerald gem. The enormous proposed project would degrade the integrity and character of Studio City; it would be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 139-1**

This comment provides the similar comments presented in Form Letter 3. Please refer to responses to such comments in Response Nos. FORM 3-1 and 3-3.

### **Comment No. IND 139-2**

I acknowledge that irrigation water, for example, is precious. So is green space. In my view, Weddington is exactly the place to deploy our limited water resources. Harvard Westlake's rationale does not (pun intended) hold water.

### **Response No. IND 139-2**

The comment asserts that irrigation water is precious, but appropriately utilized at the existing Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 139-3**

Fundamentally, the studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the serious impacts, such as increased traffic, more noise, and a degraded local climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites. After all, this property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. With your credentials in urban planning, you're more qualified to evaluate this environmental impact than you council colleagues. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

Whether one plays ball-golf, disk-golf, or tennis, or, if one simply lives around here, Weddington is special and irreplaceable.

### **Response No. IND 139-3**

This comment provides similar comments presented in Form Letter 3. Responses to such comments are provided in Response Nos. FORM 3-4 and 3-5.

## Comment Letter No. IND 140

Chris Hazzard

Received May 2, 2022

### Comment No. IND 140-1

Weddington Golf & Tennis is an iconic recreational site that has been open to the public for nearly 70 years that possesses historic, recreational, environmental, and sentimental value. As a community member and resident of the neighborhood I am writing to you to voice my opposition to the Harvard-Westlake sports center development.

### Response No. IND 140-1

The comment expresses opposition to the Project based on the historic, recreational, environmental, and sentimental value of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

However, to clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

Please refer to Topical Response No. 6 – Historic Resources, regarding the designation of the Project Site as a Historical-Cultural Monument (HCM) and the character-defining features that give the Project Site this historic status. As discussed in Topical Response No. 4 and Chapter II, *Project Description*, of the Draft EIR, and in Project Design Feature CUL-PDF-1: Rehabilitation Plan, the distinctive character-defining features of the Project Site as identified in the HCM designation would be retained. Specifically, the Project Site would remain a private recreational facility open for public use in Studio City, and the character defining features of the HCM, specifically the clubhouse, putting green, golf ball-shaped light standards, and brick wall with weeping mortar, would all be retained such that the Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility.

### Comment No. IND 140-2

Weddington Golf & Tennis is a staple of our community that is open to everyone and adds beautiful and essential green space to the neighborhood. The idea of tearing all that down

for private school sports fields that will increase traffic on our neighborhood streets, be disruptive with noise, and remove a beloved city landmark is appalling. I hope you will stand with our community against Harvard-Westlake School's lobbyists and monied special interests.

### **Response No. IND 140-2**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility and concerns related to traffic and noise.

The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion regarding operational traffic; and Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion regarding noise impacts. Also, see Response No. IND 40-1 which clarifies public use of the Project Site under existing conditions.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 140-3**

I appreciate your commitment to saving Weddington Golf & Tennis for the benefit of future generations and all Angelenos.

### **Response No. IND 140-3**

The comment provides a general statement of appreciation. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 141

Chris Marble

Received May 2, 2022

### Comment No. IND 141-1

I have been living in Studio City since 2001. Every year it gets busier and busier. The Burbank Airport Gen One flight path is just another layer of stress on our system. Weddington Golf Course is one of the things I look forward to every week. It is the cool oasis for people not to mention all of the plants animals and insects that have called it home. The last biggest piece of land on the LA River.

Although it doest [sic] seem like a big deal to redevelop it for the betterment of the students of Harvard Westlake, it will be years of construction, traffic and deforestation.

### Response No. IND 141-1

The comment expresses concerns about the Project based on years of construction, traffic, and tree removal. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

Also, refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project’s tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions - a 36 percent increase. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable. In addition, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds.

The comment makes the claim that the Project Site is the “last” largest property along the Los Angeles River. The term, “last,” implies that the Project Site is not in use or is vacant open space. The property has been occupied and in continual use since the 1880s and, as an occupied property that is open in character, is not as large as Weddington Park, Lakeside Golf Course, Los Angeles Equestrian Center, Forest Lawn Cemetery, and other large holdings that are located adjacent to the Los Angeles River in the vicinity of Studio City.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 141-2**

And then think about the weekly football games under a canopy [sic] of bright lights, noise and ultimately cutting off the community at large to only be enjoyed by a privileged few.

**Response No. IND 141-2**

The comment expresses opposition to the Project based on the proposed lighting, noise, and claim that the Project would not provide public access to the proposed recreational amenities.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion of operational field lighting impacts. In addition, the Project’s lighting program has been revised to reduce the number of field and tennis court lights. The Supplemental Lighting Report Memorandum is attached as Appendix B to this Final EIR and, as further evaluated in Topical Response No. 4 - Aesthetics, the reduction in lighting would further reduce the Project’s light and glare levels. Consistent with the analysis in Section IV.A. light and glare impacts would be less than significant, and as such, would not contribute to cumulative light and glare impacts. Please refer to the specific changes in the number and heights of lights provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

Also, the commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts. To clarify, the Project would not involve football games being played at the Project Site. Refer to Chapter II, Project Description, of the Draft EIR, for a discussion of the proposed School-related activities that would occur on the Project Site.

Also, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 141-3**

Why cant [sic] the State of California buy it? Dont [sic] we have a huge surplus of money in the coffers? Once its gone, we will realize just how valuable it was to all. Please reconsider any development and really think about what is at stake.

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response No. IND 141-3**

The comment expresses general opposition to the Project and asks why the State of California cannot buy the Project Site. The Project Site is currently owned by Harvard-Westlake School. As the property owner, the School has right to seek approval from the City for the Project. However, it is up to the discretion of the City to approve or reject the Project. In addition, as discussed in Chapter II, *Project Description*, page II-3, of the Draft EIR, the Weddington Golf & Tennis parcel was purchased by Harvard-Westlake School in December 2017, and the School has continued to operate it primarily for public golf and tennis uses. However, the current Weddington Golf & Tennis operations are not consistent with the School's educational mission or financially sustainable. The underlying purpose of the Project, as discussed in Project Objectives (pages II-13 and II-14 of the Draft EIR) and in Topical Response No. 13 – Need for the Project, is to supplement the School's athletic and recreational facilities, and to provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. 141-4**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 141-4**

This comment is the same as Comment No. FORM 3-3. Please refer to Response No. Form 3-3.

### **Comment No. IND 141-5**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

### **Response No. IND 141-5**

This comment is the same as Comment No. FORM 3-4. Please refer to Response No. Form 3-4.

### **Comment No. IND 141-6**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only

councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. 141-6**

This comment is the same as Comment No. FORM 3-5. Please refer to Response No. Form 3-5.

## **Comment Letter No. IND 142**

Elizabeth, Margie, and Eddie Mullen  
Received May 2, 2022

### **Comment No. IND 142-1**

My family and I have lived in this community in Studio City for 22 years. This open air space at Weddington is some of the only green space we have.

The comment asserts the Weddington Golf & Tennis facility is some of the only green space available, presumably in the local area. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The traffic on Whitsett cannot accommodate any more activity. Laurel Canyon and Coldwater Canyon hardly move any time of the day.

The comment expresses concern regarding traffic. Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of operational traffic impacts. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space, and traffic patterns.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

This comment provides similar comments presented in Form Letter 3 with an added concern regarding traffic. Responses to this comment are provided in Response Nos. FORM 3-1 and FORM 3-3 to 3-5. Refer to Response IND. 142-2 regarding traffic concerns.

It would be so destructive to use this space for the betterment of so few, while it is now available for so many thousands of community members. We need your help.

The comment expresses opposition to the Project over the loss of the Weddington Golf & Tennis facility. The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Response No. IND 142-1**

The comments are identical to comments received in Letter No. IND 134. Please refer to Response Nos. IND 134-1 to IND 134-4.

## **Comment Letter No. IND 143**

Katalina Anaya  
Received May 2, 2022

### **Comment No. IND 143-1**

Ari Engelberg with Harvard Westlake first claimed the facility would be for practice only, however it now appears they're allowing competition events as well. Stadium seating implies a good size attendance, as does the packed athletic schedule on the website.

Is the school disclosing which outside organizations (of which there seem many) and size outside of their own schools events going forward. And if , so do they intend to add to these in the future, i.e., the ability to call the Olympics an "outside organization" during the upcoming Olympics, specifically the pool?

### **Response No. IND 143-1**

The comment questions whether the School would be required to disclose all events, including the names of the organizations and the size of the events going forward. The City's approval process does not generally require such disclosure, absent an environmental or compliance matter that would make such disclosure relevant. See pages II-33 to II-35 of the Draft EIR for additional details regarding organizations and public use of the Project Site. Also, the Project Site would not be a venue for the Olympics.

### **Comment No. IND 143-2**

They say that traffic won't be impacted, but it's going from the current 69 parking spaces to approx 535.

How is traffic not going to be impacted with the addition of these many cars and/or possible overflow onto neighboring streets? The golf course, with their attendance from all over the city did well with 69 spaces and I never had any spill in my street.

### **Response No. IND 143-2**

This comment is similar to Comment No. IND 90-5. Please refer to Response No. IND 90-5.

### **Comment No. IND 143-3**

There are many other large projects on point to be constructed on, or just off Ventura in the general area. Are these future traffic issues being addressed? I've heard that the Sportsman's project's DEIR was rushed and was for the current situation as it existed at the time, and was not broadened to include the impact of future growth sites.

Website says a recommended driving route will be Coldwater Canyon north to Moorpark, east to Whitsett, then south to the facility.

Has there been a thorough study on this already congested portion of our Studio City? Not to mention Ventura between Coldwater and Whitsett? Plus, you might be able to give school buses a route but not individual cars. People already drive through residential streets hoping to avoid the more congested ones (Coldwater/Moorpark/Whitsett).

### **Response No. IND 143-3**

The comment asks if other large projects, including the Sportsmen’s Lodge Project, was assessed as part of a traffic analysis. See Topical Response No. 12 – Related Projects: Cumulative Traffic Analyses. The Sportsmen’s Lodge shopping center with gym and retail uses (Related Project No. 1) was recently constructed but is not yet fully operational. The Sportsmen’s Lodge apartments and restaurant/retail uses is not yet constructed and is in the entitlement phase (Related Project No. 5). These projects were accounted for the Project’s cumulative traffic analysis, as discussed below.

The analysis of transportation related impacts was included in Section IV.M, *Transportation*, of the Draft EIR. The section assessed potential Project impacts based on the TA prepared by Fehr & Peers, dated April 2020 and included as Appendix M of the Draft EIR. The TA was prepared in accordance with LADOT’s TAG adopted in July 2019 (updated in July 2020). The TA was approved by LADOT on June 10, 2021, with an updated approval on June 11, 2021.

In accordance with the TAG and consistent with the City CEQA Transportation Thresholds (adopted July 30, 2019), the TA includes an analysis of intersection LOS, which is a non-CEQA issue. The analysis assesses traffic conditions along Ventura Boulevard between Coldwater Canyon Avenue and Whitsett Avenue, as well as the driving routes between the Upper School campus and the Project Site.

“Non-CEQA” issues are not required to be included in the Draft EIR. The non-CEQA issues are included in the TA (Appendix M of the Draft EIR) for informational purposes only. Refer to Topical Response No. 9, Transportation and Parking During Construction and Operations, for additional information on CEQA and non-CEQA issues that are included in the TA and Draft EIR Section IV.M, *Transportation*.

With regard to the LOS traffic analysis, traffic from all related projects, including Sportsmen’s Lodge, which are listed in Chapter III, *Environmental Setting*, of the Draft EIR, was accounted for in the traffic analysis.<sup>5</sup> Based on the proposed uses of the related projects, the TA calculated trips from these projects and included them in the future (2025) Project buildout traffic analyses using LADOT-required assumptions about future traffic growth. In addition, an ambient growth factor of 0.6 percent per year was applied to adjust the baseline year (2020) traffic volumes to reflect the effects of regional growth and

<sup>5</sup> The list of related projects was provided by LADOT.

development. This adjustment was applied to the baseline year (2020) traffic volume data to reflect the effect of ambient growth by the year 2025. This methodology is consistent with standard practices and TAG methodology for TA's in the City, which was approved by LADOT. Furthermore, the methodology to analyze cumulative transportation impacts was consistent with the applicable requirements of CEQA Guidelines Section 15130 in determining cumulative impacts. Refer to Topical Response No. 12 for additional detail regarding the Project's cumulative traffic impacts.

### **Comment No. IND 143-4**

There is the added, quiet, recently suggested admission to by supporters, prospect that this project is creating more "off site general parking" for the school when it suits your needs. Many claim that the limited number of students won't be disruptive, but this amount of parking spaces suggest a greater attendance by the school, if not "off site parking".

Can Harvard Westlake commit in writing that this is not the case?

### **Response No. IND 143-4**

This comment inquires if the School will commit to no off-site parking. The parking structure's full capacity would only be needed for larger, onsite events, and would not be used for events occurring on the Upper School campus or for daily parking by students during the academic day. If the Project were to be approved, the Project's CUP would prohibit "spill over" parking by establishing potential conditions of approval that would limit the use of the parking structure for the School's use during on-site activities and only to visitors to the Project Site that the School has approved. Refer also to Topical Response No. 9 - Transportation and Parking During Construction and Operations, for additional discussion of the Project's parking program. Also, as discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

### **Comment No. IND 143-5**

They profess neighbors and the community stakeholders will have access, "with approval".

As currently stated "when not in use by students" is disingenuous, as the site is being offered to outside organizations which further limits general public use. I don't see the added benefit of recreation use to the neighbors with these windows being limited.

Seems a very narrow window for swimming pool access alone, to say the least, and for "approved" visitors only.

## **Response No. IND 143-5**

Refer to comment to Topical Response No. 3 – Enforcement of Public Access, which describes the approval process and why an approval process is needed. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

## **Comment No. IND 143-6**

The claim is 6 acres for public use, but these are aggregated by the walking paths. Walking paths does not a park make. The club house and putting green on the north/east corner were mandated this was not an offering in generosity.

## **Response No. IND 143-6**

This comment states that walking paths (the Project’s publicly accessible pathway) are not the same as a park and claims the clubhouse and putting green were mandated and not an offering in generosity. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The commenter is referred to Response No. IND 42D-26 which discusses the need for pathways in the San Fernando Valley based on the City of Los Angeles Department of Recreation and Parks (RAP) Citywide Community Needs Assessment. Of listed recreational facilities, the Needs Assessment lists “walking paths” as the greatest recreational need above all other recreational uses in the south San Fernando Valley. In addition, see Topical Response No. 3, as referenced above, for additional discussion of the Project’s publicly available recreational opportunities.

## **Comment No. IND 143-7**

It has been brought to my attention that new construction property “adds value” to a city and that added value which is considered taxable, is on us. That added value tax is carried forward by individual property owners. The developers receive tax incentives to build. Private schools are usually non for profit and are exempt from many taxes. When the city does not absorb those incentives the incentives given away are passed on thru and carried by the citizens. This school facility will likely cause property taxes to rise for the neighborhood.

Can they say with any authority that this is not the case?

## **Response No. IND 143-7**

The comment inquires if property taxes in the surrounding community would rise as a result of the Project’s “added value.” This concern is based on speculative statements

that are not supported by facts. An EIR is not required to engage in speculation. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 373.) Moreover, in addition to the comment lacking evidence to support the concern that the Project would impact property values, economic effects of a project are not appropriate CEQA considerations unless they would lead to a physical impact on the environment. See CEQA Guidelines Section 15131.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 143-8**

I'm further informed: "These existing trees are mature and some are 85 feet tall and 46' DBH (width breast height) They are about 70 years old. At this point they have sequestered CO2 equivalent of carbon 310,225.13 lbs. So cutting down these trees to put in 46" box California oak trees with a DBH of about 4' cannot keep apace [sic] with the carbon sequestering. In 20 years these new oaks would sequester the CO2 equivalent of carbon 3,031.11 lbs. Also, when you cut down that Blue Gum, all the carbon it has sequestered in the ground, gets released.

So "replacing mature trees" suggested does not appear accurate scientifically. It is a net loss to raze these mature trees".

### **Response No. IND 143-8**

The comment expresses concerns about the Project based on the removal of trees. While the comment includes data on sequestered carbon, no evidence or sources are provided to support the data. See Topical Response No.5 – Biological Resources/Trees, for a discussion of impacts to on-site trees. Refer to Response No. ORG 14A-1 for additional discussion of the Project's tree replacement program. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 143-9**

Even so, how will the existing animal population be handled once trees are taken down, specifically the owls going back generations, and other birds that migrate along the river? Or bats that help keep the mosquito population in check.

### **Response No. IND 143-9**

The comment expresses concern about the Project based on tree removal and impacts to common wildlife and bird species. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR, for a detailed discussion regarding the Project's tree removal and replacement program. In addition, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. Also, refer to Response No. ORG 7A-143 for a discussion of bat populations that currently use the Project Site.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 143-10**

Is the water reclamation project the most environmentally sound one due its proximity to the river? And is the water reclaimed to be used by any entity other than HW?

### **Response No. IND 143-10**

This comment asked whether the water reclamation project is the most environmentally sound one. All water reclamation systems/projects are designed based on project specific parameters, which vary from project to project. For the Project at hand, the water reclamation system is being installed to improve stormwater runoff water quality from the approximately 17-acre Project Site. As discussed in Topical Response No. 2 – Modifications to the Project Design, and in Chapter 3, *Revisions, Clarifications, and Revisions*, of this Final EIR, the capacity of the Project's stormwater capture and reuse system was reduced from a 1 million gallon cistern under the Project as evaluated in the Draft EIR to an approximately 350,000 gallon cistern under the Project with modifications discussed in this Final EIR. The stormwater capture and reuse system will control and filter stormwater from the Project Site that currently flows directly into the Los Angeles River and would, thus, serve a beneficial purpose. It would also reduce demand on the LADWP's domestic water supply.

### **Comment No. IND 143-11**

What will the excavation for the 535 underground parking spaces, and the other underground structures, adversely do to the underground water table? Climate studies show artificial turf is a questionable alternative environmentally.

It blocks access to the soil beneath for burrowing insects, such as solitary bees, and the ground above for soil dwellers such as worms, feeding birds, frogs, which will be starved of food beneath it.

## Response No. IND 143-11

This comment raises concerns about impacts to the groundwater table and from the Project's artificial turf. As discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. Further, refer to Response No. ORG 9-5, which explains that infiltration at the Project Site is not feasible and that the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the SFV Groundwater Basin. Thus, groundwater recharge impacts would be less than significant.

The type of artificial turf anticipated for use at the Project Site is a permeable medium and would not block air or water from entering the ground. Spreading tree roots can also survive below the artificial turf surface. Worms, insects, grubs and other species that live in soils and rely on moisture, access to air, and the biome created among tree roots would continue to be viable.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 143-12

Are there any restrictions on future expansion once the school gets this approval? Current zoning restricts this? Future variants to the code may not.

Will HW commit in writing that they will not go deeper, higher or wider than their current proposed footprint?

For instance, Campbell Hall campus continues to expand. (Recently received a variance for additional lighting I suspect HW will eventually as well. ) These expansions have many ramifications on the neighborhood and not just their Laurel Canyon campus address, but the neighborhood behind the Tujunga Wash/Riverside/Moorpark/Whitsett corridor. As do Notre Dame and Oakwood (on Magnolia also residential area).

## Response No. IND 143-12

The comment inquires if there are any restrictions on future expansions. Any future discretionary projects, including potential expansions of the Project Site, would be subject

to revisions to the Project's requested CUP and discretionary review and approval by the City. All future discretionary projects would be subject to environmental review under CEQA. Future environmental review under CEQA would analyze and disclose potential environmental impacts of future proposed discretionary projects to the City and decision-makers prior to approval of any project development applications. CEQA requires a review of land use compatibility including an analysis of consistency with existing zoning regulations; however, it is up to the discretion of the City to approve or reject future projects.

### **Comment No. IND 143-13**

I was told they wouldn't use a P.A. system, I'm now told otherwise. Any restrictions on P.A. levels. Campbell Hall levels are excessively high and amplified by the Wash? I suspect the Harvard Westlake levels will have the same sound effect on the surrounding neighborhood. BTW, Campbell Hall ignores neighbors' request to study this. Which alerts my concerns that Harvard Westlake, once entrenched [sic] will ignore the same.

### **Response No. IND 143-13**

The comment inquires about restrictions on public address (P.A.) levels. Project Design Feature NOI-PDF-2 established restrictions on the Project's proposed amplified sound system. As stated therein:

NOI-PDF-2: The Project's amplified sound system for special events at Field A will be installed and designed using a line-array speaker system, so as to not exceed a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system. In addition, the stage for special events will be located at the north side of Field A, with the amplified sound system facing south in the opposite direction from the off-site sensitive uses to the north of Field A, which would reduce speaker noise at the nearest off-site sensitive uses to the north and east of Field A.

Furthermore, operational noise impacts to off-site receptors are fully evaluated in Section IV.K, *Noise*, of the Draft EIR. As described in Section IV.K, operation noise impacts, (including a conservative, composite analysis of all athletic facilities, the sound system, and noise being used simultaneously) would not exceed noise impact standards established by the City, and impacts would be less than significant. Refer to Topical Response No. 8 – Noise: Construction and Operation Impacts for additional discussion of noise impacts.

### **Comment No. IND 143-14**

Two + years of development with the noise, traffic and air pollution (as I see it largely from excavation) will be a nightmare for those in the direct vicinity even before intended use. (And as stated before Campbell Hall recently received a variance for additional lighting.)

There aren't walls high enough to mitigate it in a residential area.

## Response No. IND 143-14

The comment expresses concern about the Project based on construction noise, traffic, air pollution and lighting.

The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, Topical Response No. 9 – Transportation and Parking During Construction and Operations, and Topical Response No. 4 – Aesthetics, in the Final EIR for a discussion of construction and operational noise, traffic, and lighting impacts, respectively. Also, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 143-15

I'm told the CUP for HW does not match the commitment of the city to the tenets of the environmental impact of the large number of buildings and turf to the heat index created to the neighborhood and city/region. Since this property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit", I don't feel that it's a fair "playing field" with the resources available to the school for the DEIR, and our only resources are appealing to the city. We as individuals don't make those kinds of donations to city officials, which unfortunately makes our voices less heard and less valuable. Yet try we will.

My house is on Bellaire which isn't affected negatively by the lighting on the golf course, nor any other aspect of the current facility.

I'm concerned that all mentioned above will degrade my quality of life, bring down my property value and at the same time raise my taxes. All for the benefit of a few.

## Response No. IND 143-15

The comment expresses concerns about the Project based on the CUP, lighting, quality of life and property values. With regard to the Project CUP, refer to Response No. 42D-34 for a discussion of the Project's requested CUP. Refer to Topical Response No. 4 – Aesthetics, for a discussion of operational field lighting impacts. Refer to Response No. Form 3-3 for a discussion of issues related to quality of life, property values and taxes.

The comment also expresses concern regarding the impact of artificial turf and associated heat island effects. See Topical Response No. 7 – Artificial Turf and Effects on Localized

Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 143-16**

I am highly appreciative of their commitment for security along the adjacent portion of the River!

### **Response No. IND 143-16**

The comment expresses appreciation for the commitment to security along the Los Angeles River. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 143-17**

However, I feel strongly that before this project can move forward (and I am under no illusion that it won't in some form since you currently own it) many questions and issues demand further study.

My request is they reduce their footprint, taking into consideration the impact of; traffic, noise, construction, the environment and climate in areas that are in dispute and appear to be in the schools interest alone.

If these negative issues can be addressed, promising in writing no future expansion, and future variances not be included in the grand plan, adding increased public use, perhaps Harvard Westlake can actually contribute to the neighborhood and gain support. I fear the cost benefit to them for my illusion is too great.

(One suggestion was a swap with Valley City College. Harvard Westlake uses their facility and the city uses Weddington. Works for me.)

### **Response No. IND 143-17**

The comment suggests that the School reduce building footprint in consideration of traffic, noise, construction and climate impacts. These issues are addressed in responses provided above within this letter. Also, refer to Response Nos. IND 34-4 and 34-5 for a discussion of alternative sites considered in the Draft EIR, including Valley College.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 144

Laurie Cohn

Received May 2, 2022

Received May 9, 2022 (Per commenter, replaces May 2, 2022 letter)

### Comment No. IND 144-1

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

### Response No. IND 144-1

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1, FORM 3-3 and 3-4.

### Comment No. IND 144-2

Their list of the 4 Alternatives are NOT TRUE ALTERNATIVES.

In DEIR Section V -Alternatives, the following is stated:

*In order for the Project to satisfy the Project Objectives, a property would need to be of sufficient size to accommodate two playing fields, tennis courts, a pool, all with respective bleachers, and a gymnasium that would provide for recreational practice and instruction, as well as allow for competitive meets with available spectator seating and adequate onsite parking to preclude off-site parking. The other criteria for the Project include relatively close proximity to the existing Harvard-Westlake's Upper Campus on Coldwater Canyon Avenue in Studio City (occupied since 1937) and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper Campus, as it relates to higher daily vehicle miles. The Project Site is the only nearby site in proximity to Harvard Westlake's Upper Campus with the appropriate topography and size to accommodate the School's proposed recreational facilities. Although the 17.2-acre Project Site would have enough space to allow 5.4 acres of additional open space, this still indicates that an acreage of approximately 12 acres would be required to allow the proposed recreational facilities. No other location with adequate acreage and topography exists within close proximity to the School's Upper Campus. Another important factor in the proposed use of this site is that, in addition to convenience and topography, the Project Site is owned by*

*Harvard-Westlake School. The School does not own or have the current opportunity to own another similar site within the nearby area.*

This is completely disingenuous. The developer has created such an overly MASSIVE plan, with all of their dream scenarios crammed onto one site, that they've tried to present it as impossible to relocate elsewhere. This is not so. They already have multiple gyms (one which is old and can be rebuilt on their Coldwater campus). They already have an Olympic sized pool with Italian tile they are quite proud of. They don't need another. The argument is made that if the alternate site is further from their campus it will create higher daily vehicle miles. How about all the vehicle miles and increased traffic( students, coaches, spectators, visiting teams for numerous events), increased parking in residential neighborhoods that their current development plan will create?

## **Response No. IND 144-2**

This comment states that the Draft EIR's discussion of alternative sites in Chapter V, *Alternatives*, of the Draft EIR, is disingenuous, citing in part the available existing facilities on the Upper School campus. The comment also refers to VMT, increased traffic and parking within residential neighborhoods near the Project Site.

With regard to alternatives evaluated in the Draft EIR, refer to Response No. IND 87A-7 which includes a discussion substantiating how the Draft EIR included a reasonable range of alternatives as required by CEQA. Refer to Response Nos. IND 34-4 and 34-5 for a discussion of alternative sites considered in the Draft EIR. For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-104 through ORG 1B-106, and ORG 7A-146 to ORG 7A-174.

The comment further questions the Project's VMT and implies there would be increased traffic impacts compared to existing conditions. The evaluation VMT for the Project is fully analyzed in Section IV.M, *Transportation*, of the Draft EIR and further explained in Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR. As described in more detail therein, the Project would reduce VMT compared to existing conditions. Also, refer to Topical Response No. 9 for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

Also, the parking structure's maximum capacity would only be needed for larger, onsite events, and would not be used for events occurring on the Upper School campus. If the Project were approved, the Project's CUP would prohibit "spill over" parking by establishing potential conditions of approval that would limit the use of the parking structure for the School's use during on-site activities and only to visitors to the Project Site that the School has approved. Refer also to Topical Response No. 9 - Transportation and Parking During Construction and Operations, for additional discussion of the Project's parking program. Also, as discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

**Comment No. IND 144-4**

They wrote this DEIR as their wish list with no consideration for the damage to the environment, the massive loss of mature trees, the destruction of a precious outdoor community recreational facility and gathering place which during our Covid times is more needed than ever.

**Response No. IND 144-4**

The comment expresses concerns about damage to the environment, loss of mature trees, and removal of the outdoor community facilities associated with the Weddington Golf & Tennis facilities.

As described in Sections 15121(a) and 15362 of the California Environmental Quality Act (CEQA) Guidelines, an EIR is an informational document that will inform decision-makers and the general public of the environmental impacts resulting from a project, identify possible ways to minimize any significant effects, and consider reasonable project alternatives.

The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR, for a detailed discussion regarding the Project's tree removal and replacement program.

As discussed in Chapter II, *Project Description*, of the Draft EIR, the Project would retain and rehabilitate the existing clubhouse with café and associated putting green, which would remain open to the public. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation. Also, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 144-5**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Please consider the 100,000+ Angelenos who enjoy this beloved facility and open green space and deny permission to build this project.

**Response No. IND 144-5**

This comment provides the same comment presented in Form Letter 3. A response to this comment is provided in Response No. FORM 3-5.

## **Comment Letter No. IND 145**

Lorenzo Family  
Received May 2, 2022

### **Comment No. IND 145-1**

Save Weddington Golf and Tennis! It's our only Historically Public Tennis and Golf, for the NoHo, Studio City, Sherman Oaks, Valley Village, Toluca Lake and all the surrounding areas.

### **Response No. IND 145-1**

The comment advocates for the preservation of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 145-2**

Public transit, car pulling, walking, cycling, electric vehicles provide simple environment conscious transportation.

If you live within 5 miles or even 10 miles from Weddington Golf and Tennis, It takes less than one \$6.00 gallon of gas to participate in two of the best sports for all age groups, genders, cultures, races, religions and all family members of the human race.

### **Response No. IND 145-2**

The comment provides general information regarding community access to the existing Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 145-3**

Both sports are competitively, ethically, physically challenged and community supportive.

Not everyone can participate in high impact team sports. Not everyone can afford a country club membership.

Everyone has an opportunity to be physically active practicing mobility adding to good health and mind wellness.

**Response No. IND 145-3**

The comment expresses that the existing golf and tennis facilities are beneficial to the community for the various reasons stated in the comment. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 145-4**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

**Response No. 145-4**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. 145-5**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

**Response No. IND 145-5**

This comment is the same as Comment No. FORM 3-3. Please refer to Response No. Form 3-3.

**Comment No. IND 145-6**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

**Response No. IND 145-6**

This comment is the same as Comment No. FORM 3-4. Please refer to Response No. Form 3-4.

**Comment No. IND 145-7**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to

speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

**Response No. 145-7**

This comment is the same as Comment No. FORM 3-5. Please refer to Response No. Form 3-5.

## **Comment Letter No. IND 146**

Michael Hooks

Received May 2, 2022

### **Comment No. IND 146-1**

I live at 12934 Valleyheart in Studio City, in Council District 4. I believe that Harvard-Westlake's plans for River Park will not only be a benefit to the environment, but the community as well. I am in full support of their proposed plans. It's good for Harvard-Westlake School and preserves open space for the neighbors to enjoy. As a neighbor of the property, I look forward to using it!

### **Response No. IND 146-1**

The comment expresses support for the Project based on the environmental and community benefits. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 147**

Michael O'Connell  
Received May 2, 2022

### **Comment No. IND 147-1**

I live at 3893 Franklin Ave in Council District 4 and I strongly support the Harvard-Westlake River Park. My address may seem a long distance from the project, but I've been deeply involved with issues along the Los Angeles River for the last 15 years.

I urge you to support this project because it is good for the school, good for the environment, and good for the Studio City community. The River Park will preserve urban open space and will provide more recreational amenities for the immediate community than currently exist on the site. Moreover, the redeveloped site can serve as an experiential learning opportunity for students, helping them understand the role of the LA River in our ecosystem.

### **Response No. IND 147-1**

The comment expresses support for the Project based on the benefits to the school, environment, and community through the preservation of open space and provision of recreational amenities. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 148**

Stuart Lichtman and Gloria Walther  
Received May 2, 2022

### **Comment No. IND 148-1**

We are firmly and absolutely opposed to the proposed devastation of this beautiful oasis that we and our neighbors frequently visit.

In our opinions, there is no justification for diminishing our environment for the sole benefit of money and ego grabbers.

We'd frankly like to restructureu [sic] the entire Planning Commission that even seriously entertains projects like this and the Millennium travesty.

You're supposed to be acting on the community's behalf to protect us from scofflaw developers. Please start doing that job. Please start by denying this application.

### **Response No. IND 148-1**

The comment expresses general opposition to the Project based on the loss of the existing Weddington Golf & Tennis facility and suggest the Project would diminish the environment. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The comment further requests the City decision-makers disapprove the Project.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 149**

Victoria Miller  
Received May 2, 2022

### **Comment No. IND 149-1**

As a lifelong Angeleno, spending most of my adult life living in the San Fernando Valley, I am writing you to share my deep opposition to Harvard Westlake School's destruction of Weddington Golf and Tennis based in Studio City.

### **Response No. IND 149-1**

The comment expresses general opposition to the Project based on the loss of the existing Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 149-2**

The sheer size and scale of this proposed project will destroy a large parcel that is full of history and mature trees, and forever change the integrity and character of Studio City, and surrounding communities.

### **Response No. IND 149-2**

The comment expresses opposition to the Project based on the size and scale of the Project, history of the site, and tree removal.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion of the Project's aesthetics impacts, including impacts related to the visual character and quality of the Project Site.

Refer to Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

The commenter is also referred to Topical Response No. 5 – Biological Resources/Trees, for a discussion of the Project's tree removal and replacement program.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 149-3**

If this project is approved “as is” it will become detrimental to the quality of life, property values, and access to recreational open space in the San Fernando Valley.

The environmental studies included in the recently released DEIR [paid for by Harvard Westlake, mind you], do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

While I live in Encino, the mere fact that I am writing to protect this special gem hopefully will demonstrate how much it is valued by so many. This particular property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit." Both would require your approval to be granted. You are the only current Councilmember who has a master's degree in Urban Planning— it is arguable that you know more about this subject than any other Councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

Thank you in advance for your time and attention to this matter,

### **Response No. IND 149-3**

This comment provides similar comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 150**

Alan Penchansky  
Received May 3, 2022

### **Comment No. IND 150-1**

I am writing in opposition to Harvard Westlake's planned destruction of Weddington Golf and Tennis but am not sending the text prepared by the Save Weddington organization.

### **Response No. IND 150-1**

The comment expresses general opposition to the Project based on the loss of the existing Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 150-2**

I want to say simply that the plan is abhorrent. With vanishing green space and climate change encroaching on our very existence it is insane to consider tearing out what little established natural environment still exists.

### **Response No. IND 150-2**

The comment expresses opposition to the Project based on the loss of green space and climate change. Refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 14A-1 for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

In addition, the Draft EIR addressed greenhouse gas emissions (GHG) impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 150-3**

Harvard Westlake will deprive the entire Studio City community of enjoyment of Weddington's peacefulness and quiet while inflicting years of severe disruption and permanent financial harm on hundreds of homeowners.

### **Response No. IND 150-3**

The comment expresses general opposition to the Project citing years of severe disruption and permanent financial harm. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 150-4**

This project is so outsized and such a terrible fit for our neighborhood that I am astonished it has gotten so far!

### **Response No. IND 150-4**

The comment expresses general opposition to the Project based on the size of the proposed development. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion the visual impacts of the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 150-5**

I urge your support in seeking an alternative to the Harvard-Westlake project. We need your help to stop this insanity.

### **Response No. IND 150-5**

The comment requests an alternative to the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 151**

Barbara Hobbs  
Received May 3, 2022

### **Comment No. IND 151-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

### **Response No. IND 151-1**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and FORM 3-3 and 3-4.

### **Comment No. IND 151-4**

The amount of traffic on Whitsett will grow tremendously. There are already enough accidents and close calls on this street.

### **Response No. IND 151-4**

The comment expresses concerns about traffic on Whitsett from the Project. Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of operational traffic impacts. Please refer to Response Nos. IND 42D-6 and IND 70-2, above, regarding pedestrian safety. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 151-5**

The noise alone is enough to stop this project. We already hear the crowd noise from the Coldwater campus. Having Harvard Westlake and all the other organizations such as the Boys and Girls Club and Angel City Sports will be the facility will be used 7 days a week.

This will destroy the peaceful neighborhood where people walk throughout the day providing relief from the stress of life.

### **Response No. IND 151-5**

The comment expresses concerns about noise resulting from the Project. The commenter is referred to Topical Response No. 8 - Noise: Construction and Operation Impacts, for a discussion of operational noise impacts. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 151-6**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 151-6**

This comment provides the same comment presented in Form Letter 3. The response to this comment is provided in Response No. FORM 3-5.

## **Comment Letter No. IND 152**

Deborah and Christopher Nibley  
Received May 3, 2022

### **Comment No. IND 152-1**

We are concerned homeowners of four homes directly impacted by Harvard/Westlake's plans to build an oversized sports center at Weddington Golf & Tennis.

Besides the problem of increased traffic, additional parking and loss of privacy, we are extremely concerned about noise. All of our neighbors, on a daily basis, will hear crowd cheers, coaches directing students and every other noise emanating from the sports field. One of the reasons we invested in this neighborhood was because of the quiet, safety and bucolic nature of the area.

### **Response No. IND 152-1**

The comment expresses concerns about traffic, parking and noise resulting from the Project. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of operational traffic impacts. Also, refer to Topical Response No. 8 - Noise: Construction and Operation Impacts, for a discussion of operational noise impacts.

The parking structure's maximum capacity would only be needed for larger, on-site events, and would not be used for events occurring on the Upper School campus. If the Project were to be approved, the Project's CUP would prohibit "spill over" parking by establishing potential conditions of approval that would limit the use of the parking structure for the School's use during on-site activities and only to visitors to the Project Site that the School has approved. Refer also to Topical Response No. 9 for additional discussion of the Project's parking program. Also, as discussed in Topical Response No. 9, with the Project design modifications (presented in Topical Response No. 2 – Modifications to the Project Design), the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 152-2**

We and our tenants will bear the brunt of three years of construction. Especially, since our properties are adjacent to the planned sports field. The dirt and dust will greatly impact our homes, front and back yards. We take pride in maintaining our properties and keep them in excellent condition. It will be terrible to have a deluge of construction particulates in the air, so that we cannot enjoy our own private areas.

### **Response No. IND 152-2**

The comment expresses concerns about construction-related dirt and dust. Refer to Response No. IND 7-3 which addresses these issues.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 152-3**

And finally, the wild animal population (racoons, opossums, skunks, birds and other creatures) who live on the golf course, will be displaced. They will look for the closest place to relocate, and infiltrate our neighbor's homes.

### **Response No. IND 152-3**

The comment expresses concerns about impacts to common wildlife who live on the golf course. Please refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 153**

Larry Rogers  
Received May 3, 2022

### **Comment No. IND 153-1**

I am writing in opposition to Harvard Westlake's destruction of the Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 153-1**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and 3-2.

### **Comment No. IND 153-2**

This is one of the last Green Spaces in Studio City where I have lived since 1987. The plan will remove all of the wonderful trees (240) on Valley Spring Lane and Whitsett. This planned change will dramatically increase traffic on Whitsett where people already speed at 40MPH and on the quiet residential side streets on "Game Days" . By adding all of the new concrete and removing the trees and grass from our neighborhood it will only increase the noise, temperature and CO2 pollution so a privileged school can have a bigger athletic department.

### **Response No. IND 153-2**

The comment expresses concerns about the Project based on tree removal, traffic, noise, temperature and CO2 pollution.

Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project's tree replacement program. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, and Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational traffic and noise impacts.

With regard to temperature changes resulting from the Project, refer to Response No. ORG 12-4. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy after nearly 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

Also, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 153-3**

In addition, what will be the impact on the nearby residents for their quality of life when they have to hear the loud noise of various games at the location and the bright lights that will also fall on the nearby homes? How much will the home values decrease?

### **Response No. IND 153-3**

The comment expresses concerns about quality of life due to noise and lighting impacts, as well as property values. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion of impacts related to light and glare and Topical Responses No. 8 – Noise: Construction and Operation Impacts. for a discussion of noise impacts. Refer also to Response No. IND 153-1 which addresses concerns regarding quality of life and property values.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 153-4**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

## **Response No. IND 153-4**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-4 and 3-5.

## **Comment Letter No. IND 154**

Sheri Herman  
Received May 3, 2022

### **Comment No. IND 154-1**

And then there is this!!! PLEASE DON'T ALLOW HARVARD-WESTLAKE DESTROY STUDIO CITY!!

They have plenty of money to build their MEGA Sport's Complex elsewhere and not in a residential area where traffic is bad and right next to a fire station.

The city failed by not purchasing this historic site when the Weddington Family was selling it. I am sure a deal could have been made.

There is so much corruption in our City and with Building and Safety allowing these McMansions that are being built in charming historic neighborhoods all they care about are the developers and the \$\$\$ that crosses their palms!

### **Response No. IND 154-1**

The comment expresses general opposition to the Project, including concerns regarding traffic and proximity to a fire station. Although not required under the CEQA Guidelines, the Project's traffic impacts were evaluated in the Transportation Assessment (TA) contained in Appendix M of the Draft EIR. The TA, which was reviewed and approved by the LADOT, determined that the Project's vehicle traffic would not exceed thresholds of significance on surrounding streets and arterials. Regarding local neighborhood streets, the Project would take access at Whitsett Avenue, a secondary highway. Access points include the Project's north driveway, which is directly on Whitsett Avenue, or from the south driveway, which access Whitsett Avenue via Valleyheart Drive. The only other user of this segment of Valleyheart Drive is LAFD Station 74. No residential uses would be impacted. The Project would have no direct access to adjacent local residential streets, such as Bellaire Avenue or Valley Spring Lane. The use of residential streets would be inconvenient in entering or leaving the Project Site, unless the origin or destination location would be specifically accessible through the nearby residential streets. As such, the Project vehicle traffic would not adversely impact local neighborhood streets.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 154-2**

<https://youtu.be/5dxmr-zsfhE>.

## Response No. IND 154-2

The link to the Angelenos For Trees video provides appropriate and correct information regarding the importance of the tree canopy to the overall ecosystem. Regarding the effect of the Project on trees, the existing and future tree canopy, and other native landscape, refer to Topical Response No. 5 – Biological Resources. Regarding the effect of the Project on trees, the existing and future tree canopy, and other native landscape, refer to Topical Response No. 5 – Biological Resources. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). Many of the removed species, such as the Mexican Fan Palms are identified as invasive and would be replaced by trees that are compliance with the River Improvement Overlay (RIO) Ordinance. The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan, of the Draft EIR*). Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

## **Comment Letter No. IND 155**

James Krug  
Received May 4, 2022

### **Comment No. IND 155-1**

Thank you

Please don't ever forget Joanie [sic] Mitchell's Big Yellow Taxi. Her words are more relevant today than ever.

### **Response No. IND 155-1**

The comment cites to a Joni Mitchell song. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 156**

Katya Volpi  
Received May 4, 2022

### **Comment No. IND 156-1**

I am writing to you to let you know of my strong opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response No. IND 156-1**

The comment expresses general opposition to the Project based on the loss of the existing Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 156-2**

I just moved near the intersection of Laurel Canyon and Ventura Blvds, one of the most congested in the area. The building of this mega sportsplex will greatly impact my quality of life in the most negative of ways with the addition of traffic that is normally not associated with the public going to Weddington.

### **Response No. IND 156-2**

The comment expresses general opposition to the Project and expresses concerns regarding traffic resulting the Project. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 156-3**

One the activities I most I enjoy in my new neighborhood, is walking along that section of the L.A. river that passes the beautiful golf course, and I see how many wild creatures enjoy that open space as well. It's a place where they made their homes, too.

### **Response No. IND 156-3**

The comment includes personal sentiments regarding the commenter's experiences walking along the L.A. River. The Project would not adversely impact the Zev Greenway trail. However, construction of an ADA-compliant pedestrian ramp connecting from the

Project's pathway to the Zev Greenway trail and river fence within the Project Site have the potential to impact 0.14 acre of recently restored California brittlebush scrub adjacent to the Greenway trail. The habitat would be fully restored under Mitigation Measure BIO-MM-2, with the selected locations and species types to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. The Project's pathway and ramp to the Zev Greenway would enhance access to the Zev Greenway.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

#### **Comment No. IND 156-4**

I would also like the opportunity of enjoying rounds of golf there since it's open to the public, and it is my plan to do so. To destroy this place would be tragic at best. It's like a peaceful oasis in the middle of the city, it serves its residents, and it offers tranquility for its creatures. To take it away to install a private sports complex with fake grass and members who do not appreciate the neighborhood, would be such a disgrace.

#### **Response No. IND 156-4**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facilities. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

#### **Comment No. IND 156-5**

I ask you to seriously consider my comments and point of view as it reflects the views of many, and I thank you for your time and consideration.

## **Response No. IND 156-5**

This comment concludes the letter and does not address the adequacy or content of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 157**

Sue Taylor

Received May 4, 2022

### **Comment No. IND 157-1**

As we discussed in our call in February, I am opposed to the Harvard Westlake's destruction of Weddington Golf and Tennis. I very much appreciate you taking the time to meet with our Studio City community leaders on site and see first hand what is at stake.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 157-1**

This comment provides similar comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and 3-3.

### **Comment No. IND 157-2**

The feedback that I am getting in our local Footbridge Square community of Studio City is mostly related to concerns about the effect on the environment, the huge impact on traffic that is already atrocious, and the inevitable light/noise factor from having a stadium and events next door to single family housing.

### **Response No. IND 157-2**

The comment expresses concerns about the Project related to traffic, noise and lighting. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, Topical Response No. 8 – Noise: Construction and Operation Impacts, and Topical Response No. 4 – Aesthetics, in the Final EIR for a discussion of traffic, noise, and lighting impacts, respectively. Also, note that the Project would provide high school playing fields and bleachers, which do not constitute a stadium.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 157-3**

And not the least of it is the loss of recreational space that is really accessible to many who otherwise might not have similar opportunities.

The picture that is being painted by HW of community access and vast walking trails is pretty clear to see through and not at all what is being sold in their social media campaign.

If they are disingenuous now, I can't imagine what it will be like if they are allowed to proceed.

### **Response No. IND 157-3**

The comment expresses concerns about the Project based on the loss of recreational space. Please refer to Topical Response No. 3, Enforcement of Public Access, and Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for discussions regarding public access and recreational uses available to the public under the Project.

The comment asserts that the School has been disingenuous, but provides no facts or support of any kind for such assertions.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 157-4**

This property is zoned agricultural/open space and requires “special entitlements” and a “conditional use permit”. Harvard Westlake knew this when buying the property and they took a gamble to see if they could get their plans through. Both those entitlements and CUP would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember.

Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 157-4**

This comment provides the same comment presented in Form Letter 3. A response to this comment is provided in Response No. FORM 3-5.

## **Comment Letter No. IND 158**

John Mullins

Received May 5, 2022

### **Comment No. IND 158-1**

Ms. Henry, thank you and your office for preparing this comprehensive report on the Harvard-Westlake River Park Project. In reviewing the report, I am in general agreement with its conclusions and wanted to register my full support of this project moving forward.

I am a Studio City resident who lives less than one mile from the project site. I have no ties to Harvard-Westlake School.

As a resident who too often observes uniformly vocal neighborhood opposition to almost any development project, which includes the various project iterations proposed for this site over the years, I feel that Harvard-Westlake has made a good faith effort to incorporate community feedback into its plans.

Although the primary site purpose is to support school athletics, they have included various public spaces and points of access to the LA River. They have retained elements of the historical property, including the large golf ball fixtures, clubhouse, and putting green. They are removing non-native trees and replacing them with native trees.

I am most enthusiastic about the perimeter trail. As a local runner, I have faced oncoming traffic and uneven dirt paths to the river while jogging in the area, so to have a defined pedestrian path that also includes river access is a very welcome community and environmental addition.

### **Response No. IND 158-1**

The comment expresses support for the Project based on the retention of historic elements and tree replacement. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 158-2**

My only concern (which I'm sorry if this is not for your office to pursue) is whether their proposed public access measures have any enforcement mechanisms. Could Harvard-Westlake change their mind at any time and deny public access to the facilities beyond their currently stated restrictions? I would like to see their commitment to public access codified as much as possible in their final plan, which should include an ongoing monitoring relationship with the community (possibly through a Neighborhood Council subcommittee).

## **Response No. IND 158-2**

The comment expresses a concern regarding enforcement of public access provisions contemplated by the Project. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 158-3**

I am not worried about the noise or construction impacts, though I do not live as close to the site as others. I am more worried about the frenzied attempts to “save” the space rather than embrace its potential to better contribute to the community. This project looks wonderful and is conscious of the surrounding neighborhood’s needs and concerns. I hope the Harvard-Westlake River Park Project will proceed.

## **Response No. IND 158-3**

The comment expresses general support for the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 159**

Kevin Haibach

Received May 5, 2022

### **Comment No. IND 159-1**

I am writing to you to voice my opposition to the private Harvard Westlake Sports MEGA development. This is an ill advised project for many reasons. I am a 30+ year resident of Studio City and live on Sunswapt Drive above the proposed project. This project will have a direct NEGATIVE & SEVERE impact on our home.

### **Response No. IND 159-1**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 159-2**

We will be subject to untenable noise and light pollution from the proposed light poles (up to 80' tall), ball fields, swimming pool, tennis courts, and grandstands. This project will be a public nuisance and there is no way to mitigate the impact from these facilities on our home. We did not purchase a home next to a sports complex such as the one that is being proposed.

### **Response No. IND 159-2**

The comment expresses concerns about the Project based on lighting and noise impacts. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion of operational field lighting impacts. Also, the commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 159-3**

I understand that as an exclusive private institution Harvard Westlake is very wealthy and politically connected. We have been subject to a slick PR campaign from Harvard Westlake for a number of years that masks the true impact of this project. Harvard Westlake tried to force a similar ill advised project on Coldwater Canyon that was

rebuffed by that neighborhood. This project should be opposed for many reasons, including the following:

1. The land is zoned agricultural. This proposed project does not comply with current zoning. Harvard Westlake took the gamble when they purchased this property that they could use their money, lobbying and political influence to force this project on the Studio City community.

### **Response No. IND 159-3**

The comment implies that Harvard-Westlake has masked the true impacts of the Project, but provides no facts or support of any kind for such assertions. The comment also states the Project does not comply with existing zoning. Refer to Response No. FORM 3-5, which discusses how the Project would not conflict with the Project Site's existing zoning.

### **Comment No. IND 159-4**

2. Harvard Westlake is a private institution, the vast majority of the people who will use this facility are from outside the community. They make vague reference to some use for the general public. I don't believe them. This is from the group that at one time claimed that there would be no noise impact and that they would use 'silent whistles' on the ballfields that now have proposed grandstands!

### **Response No. IND 159-4**

The comment states that the majority of users would be from outside the community. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The comment states Harvard-Westlake one time claimed there would be no noise impact and that they would use 'silent whistles' on the ballfields that now have proposed grandstands, but provides no facts or support for such assertions.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 159-5**

3. Harvard Westlake already has similar facilities on their existing campus.

## **Response No. IND 159-5**

The comment states that the School has similar facilities on its existing campus. The commenter is also referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 159-6**

4. Los Angeles is already short of open space. The environmental impact of the loss of the open space, mature trees and wildlife habitat cannot be replaced.

## **Response No. IND 159-6**

This comment states that Los Angeles is short on open space, and that the loss of the open space, mature trees and wildlife habitat cannot be replaced.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3, Enforcement of Public Access, and Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for discussions regarding public access and recreational uses available to the public under the Project. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, for a detailed discussion regarding the Project's tree removal and replacement program. Also, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 159-7**

5. The existing Weddington golf and tennis courts are open to the general public 7 days a week. The private sports mega complex will not be. I know this is private property, but it is not zoned for this use and its development will be detrimental to the quality of life for the Studio City community.

**Response No. IND 159-7**

The commenter is referred to Response No. IND 159-4 for a discussion regarding public access and Response No. IND 159-3 regarding the Project's consistency with the existing zoning regulations.

**Comment No. IND 159-8**

6. Whitsett & Ventura Blvd. are already over taxed with traffic. The opening of the Sportsman's lodge shopping complex has added to this gridlock. In addition, there is another large project proposed on Ventura Blvd just west of Whitsett (Sunswept Place). The scope and size of this proposed project is out of scale for the neighborhood.

**Response No. IND 159-8**

This comment expresses traffic concerns over the Project and in consideration of nearby projects such as Sportsmen's Lodge. The commenter is referred to Response No. IND 154-1 for a discussion of the Project's traffic analysis provided in Appendix M, Transportation Analysis (TA), of the Draft EIR. The TA, which included nearby related projects along Ventura Boulevard, determined that traffic impacts on the area's roadways and intersections would not exceed service level thresholds. The TA traffic analysis, although not required by CEQA, was reviewed and approved by the LADOT.

Also, refer to Topical Response No. 4 – Aesthetics, for a discussion of the visual character of the Project Site and surrounding land uses.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 159-9**

7. There will be a detrimental impact from this project on all the surrounding neighborhoods. As I mentioned earlier, our home is on the hill directly above the project, and will be subject to severe impacts from the noise and light pollution from this project. The other adjacent neighborhoods will be subject to similar noise, light and traffic issues.

### **Response No. IND 159-9**

The comment expresses concerns about the Project based on noise, light, and traffic impacts. Refer to Response No. IND 159-2 which addresses noise and lighting impacts, and Response No. IND 159-8 which address traffic concerns.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 159-10**

I ask you to please OPPOSE this project. Reject the money and political influence that will benefit a few at the expense of many.

Thank you for your consideration of these issues.

### **Response No. IND 159-10**

The comment requests the City decision-makers to oppose the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 160

Lesa Miller

Received May 5, 2022

### Comment No. IND 160-1

You have heard all the arguments opposing HW's development of a sports complex on the Weddington Golf/Tennis property, so I'll refrain from repeating them. I want to add my name to the list in hopes you'll do right by your constituents and NOT allow this lovely green space to be covered up! Even if you don't care about aesthetics and the fauna dependent on the existing trees and ground space, surely you must care about Studio City residents like me who adamantly oppose this project over and above any money it might bring in and everything else that goes with it, right?

Thanks for your consideration.

### Response No. IND 160-1

The comment expresses general opposition to the Project. Please refer to Topical Response 4 – Aesthetics, for a summary of aesthetic impacts, including the evaluation provided in the Initial Study (included in Appendix A of the Draft EIR). Also, please refer to Section IV.C, *Biological Resources*, of the Draft EIR for a full discussion of the Project's impact on wildlife, including bird species. As discussed therein, the Project would not result in adverse impacts regarding biological resources as defined by CEQA. In addition, with the implementation of Mitigation Measure BIO-MM-1, the Project would not result in significant impacts on wildlife species in accordance with the CEQA Guidelines. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 161**

Tracey Hughes

Received May 5, 2022

### **Comment No. IND 161-1**

I am writing this email as a longtime resident of the Studio City and Sherman Oaks area. My family has a long-standing relationship with Weddington Golf and Tennis. My brother in law worked there in the 60s and knew the family. I have played tennis. My children have learned and played tennis and golf there. We love the green space and mature trees that create the park atmosphere. It is a cool oasis in the hot temperatures of The valley.

### **Response No. IND 161-1**

This introductory comment provides reference to the commenter's relationship with the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 161-2**

I am very aware that LA CITY has determined that climate change is real and that LA CITY is committed to retention of green spaces and mature canopy to cool the city. As you know ripping out mature canopy would be VERY detrimental to our climate and for the important function trees serve to filter our smoggy air. I find it almost laughable that HW is promoting the false premise that they will "replace" the existing canopy. We live down the hill from TreePeople...why don't you ask them about the importance of trees?

### **Response No. IND 161-2**

This comment expresses concerns about climate change and how the loss of trees would be detrimental to our climate and air quality. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 14A-1 for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 161-3**

HW plans of developing this site shows a huge number of buildings and increase of artificial turf, which in and of itself increases ambient temperature.

### **Response No. IND 161-3**

This comment raises concerns regarding increases in ambient temperature due to the Project's use of artificial turf and new buildings. With regard to temperature changes resulting from the Project, refer to Response No. ORG 12-4.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 161-4**

Further, access to the last green space in the southern valley is a really bad idea. As you know Los Angeles is one of the most park poor cities in the US. This destruction of green space is an abomination.

### **Response No. IND 161-4**

The comment expresses concern that the Project would result in the destruction of the green open space in the southern valley.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. The commenter is referred Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. In addition, the commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, which discusses the recreational needs in the San Fernando Valley based on

the City of Los Angeles Department of Recreation and Parks (RAP) Citywide Community Needs Assessment, many of which the Project would provide and /or support, such as a publicly accessible pathway (walking path), indoor gyms, outdoor tennis courts, outdoor pools, and soccer fields.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 161-5**

I vigorously opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

**Response No. IND 161-7**

This comment provides similar comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-1 and 3-3 to 3-5.

## **Comment Letter No. IND 162**

Ed Cunningham  
Received May 6, 2022

### **Comment No. IND 162-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

I have lived in Studio City and Valley Village and have been using Weddington Golf and Tennis for 22 years. I am currently teaching my daughters, who attend Walter Reed Middle School and North Hollywood High School, how to play golf at Weddington.

My father was a member of a US Open golf course outside Washington D.C. (Congressional Country Club) and I was very lucky to learn the game there from some of the best teachers in golf. My daughters are not as fortunate. But it's clear to me that they actually appreciate their course (Weddington) more than I appreciated mine growing up. As you may know, history is a big part of the game of golf-- the pictures of Bobby Jones and Jack Nicklaus currently inside the clubhouse at Weddington demonstrate this passion for the game's memories. So it feels all the more violating that this little piece of golf history in Studio City, where a Par 3 course was designed with the intention of allowing more people to learn the game of golf, should suddenly disappear after 80 years of golf memories being made there, simply because a private school serving the needs of a few hundred of the most privileged kids IN THE WORLD needs more space.

ARE YOU KIDDING ME...

This will be a stain on the soul of Studio City for decades to come, and it will virtually ruin what's left of Studio City's identity after decades of overdevelopment. Not to mention the permanent damage this will do to Harvard Westlake's brand. I honestly think the parents of Harvard Westlake would be relieved if they found another location for their precious sports complex. My neighbors' kids attend HW and have told me as much.

### **Response No. IND 162-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 162-2**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 162-3**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 163**

John Moorhead  
Received May 6, 2022

### **Comment No. IND 163-1**

Please bring your twins to Weddington.

This small green breath of fresh air is open to the public. I take my child there to practice putting on the green for free, we eat fries afterwards at the Cafe and sometimes play 9 holes.

If it was being repurposed for housing that would be a different story. A private playground for another one of the many elite private schools is only necessary to less than 1% of the valley population.

### **Response No. IND 163-1**

The comment expresses opposition to the Project citing the Project will become a private playground for a private elite school. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. Regarding the commenter's suggestion that the Project Site be repurposed for housing, it is noted that a proposed project by the prior owners to do just that was opposed by the community, leading to the Project Site's sale to the School. Furthermore, residential uses are not permitted on the Project Site, and would require the approval of a General Plan amendment and Zone Change.

The putting green and café will be retained by the Project, as discussed in Chapter II, Project Description, of the Draft EIR. The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 164**

Judy, Norman and Geoffrey Millar  
Received May 6, 2022

### **Comment No. IND 164-1**

Our Millar family home was built in 1936, one of the first houses on Babcock Avenue, just a few hundred feet north of Weddington Golf and Tennis.

Norman was raised at 4216 Babcock. When he was growing up, Weddington was a dusty vacant lot where kids played all day. His mom complained that when the Santa Anas came through, the house was covered in dust and dirt. When they planted grass, and it became a golf course, nothing changed. The kids continued to use the facility nonstop. It remained a popular gathering place.

Norman and many of the neighborhood kids got their first jobs there pulling weeds from the putting green and washing golf balls.

Norman met his future wife, Judy, in San Francisco., When he brought her to Los Angeles for the first time, the first stop was Babcock Avenue and Weddington. It was his way of introducing her to his family, his home, the neighborhood, and the history and charm of Studio City.

When they moved back into the family home in 1994, again the first stop was the golf course, driving range, tennis courts and restaurant. It was a way for their ten-year old son, Geoff, to get to know the new neighborhood and meet new friends. It became the center of family activities – day and night.

In the 28 years we have lived here, now three generations of the family, we see new families who have just moved to the neighborhood walking down the block towards Weddington with their children, doing the same thing we did (and Norman did since the 40's) – making use of our treasured neighborhood gathering place: to play and mingle with the community and enjoy the rich history and charm of Studio City. Weddington Golf and Tennis continues to be its heart and soul.

Councilmember Raman, hopefully with your urban planning background, you can see the merit of preserving our neighborhood landmark.

### **Response No. IND 164-1**

This comment provides reference to the commenter's relationship and history with the Weddington Golf & Tennis facility, and further requests the City to preserve the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 165**

Suzanne Kiechle

Received May 6, 2022

### **Comment No. IND 165-1**

I was sorry to miss the zoom meeting, I had planned to participate and be very vocal but I get up really early and by 7pm I am getting ready for slumberland. I hate the idea of them ruining Studio City by confiscating the most beautiful element of our town.

I have lived her [sic] 78 years and as a kid it was dirt and we built forts, but some folks put this beautiful oasis right in our little town .This fight has been going on for a long time and certainly hope the greedy won't ruin it.

### **Response No. IND 165-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 166**

Robin and Randy Stanger  
Received May 7, 2022

### **Comment No. IND 166-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis. My wife and kids and I have used this sports complex for years, it's a haven of open space, beauty and peace where views of the mountains and gold [sic] course are magnificent from the tennis courts and grounds. We are shocked and appalled that one of the last properties for ordinary folks will be taken away by a rich and privileged school that will only benefit the few and leave the many lamenting this loss of open space and family recreation that is affordable for all.

### **Response No. IND 166-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 166-2**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise,

construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 166-2**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 167**

Suzanne Hunt Jenner and family  
Received May 7, 2022

### **Comment No. IND 167-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

My family - husband, children and I - have lived in the same home in Studio City since 1970 and we are very close to the Weddington Golf and Tennis. One of the reasons we moved here is because of the facility, so our boys could grow up playing golf and tennis with us as a family without the prohibitive costs of joining a country club. The boys are now grown, live with their families in Studio City and now take their children there to play golf and tennis on weekends and sometimes during the week. There is something beautiful about passing down a tradition and we are so grateful to have had this beautiful property within walking distance.

### **Response No. IND 167-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 167-2**

Losing this amazing open space with its gorgeous trees, to an unnecessary big development that benefits so few, will increase traffic, noise, pollution and deprive thousands of families who use the facility each year.

### **Response No. IND 167-2**

The comment expresses concerns about tree removal, traffic, noise, pollution, and loss of recreational facilities. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, for a detailed discussion regarding the Project's tree removal and replacement program. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, and Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of traffic and noise impacts, respectively.

The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation.

Please refer to Topical Response No. 3, Enforcement of Public Access, and Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for discussions regarding public access and recreational uses available to the public under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 167-3**

PLEASE HELP US TO KEEP THIS BELOVED OPEN SPACE!! This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational activities for so many families.

**Response No. IND 167-3**

This comment provides similar comments presented in Form Letter 3. A response to this comment is provided in Response No. FORM 3-3.

## **Comment Letter No. IND 168**

Chris Norlin

Received May 8, 2022

### **Comment No. IND 168-1**

I'm someone who has enjoyed the Weddington tennis facilities since 2008. Back then I was a gay man who had no gay friends, because I didn't know how to meet people in bars. Someone suggested I join the gay tennis league Los Angeles Tennis Association (LATA), and it changed my life. I finally became part of a community. My current husband I met playing tennis, we will celebrate our five-year anniversary this year. So many gay and lesbian tennis players moving to L.A. from elsewhere and not knowing anyone have come to LATA and felt instantly welcomed here.

I am so grateful to the volunteers that make LATA the thriving organization it is. HOWEVER, we need tennis facilities for our weekly leagues and tournaments, and there are so few viable options. Because of LA traffic and how spread out our city is, we need them in multiple locations to serve our members. Long Beach, Beverly Hills, Burbank, and Weddington - all four facilities are absolutely critical to our existence. They are irreplaceable.

I urge you to do everything in your power to preserve this jewel in the heart of the valley so that our organization, along with, youth, senior, and USTA organizations, can continue to make use of it.

### **Response No. IND 168-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public, including tournament play, as under existing conditions. In addition, see Response Nos. ORG 15-10 for a response to LATA, which further indicates tennis facilities under the Project would be available to LATA.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 169**

Christine Bilson

Received May 8, 2022

### **Comment No. IND 169-1**

I moved to the valley some 10 years ago. I felt sad, lonely and removed from my old community I had lived in for over 43 years. My sister in law told me she had been playing tennis for many years at a wonderful club called Weddington. I first signed up for lessons and found a great coach that to this day I still see on a weekly basis. He introduced me to other tennis players and suddenly I had found a home. I currently play two to three times a week on the courts at Weddington and would personally feel a great loss, as would my friends, if Weddington would cease to offer tennis courts to the public. It is my greatest hope that Weddington remain as it is, an oasis of mature trees and green spaces, a place to gather and recreate, a home to over 100,000 Angelenos every year and my home. It is rare that we, the public, get an opportunity to do something important. Saving Weddington is important! It is a piece of history, a landmark from a bygone era. I hope that I as well as thousands of others like me are heard and that WEDDINGTON CAN BE SAVED.

**DO SOMETHING IMPORTANT! SAVE WEDDINGTON!**

Thank you for the opportunity to be heard.

### **Response No. IND 169-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public, including tournament play, as under existing conditions.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 170**

Maxx Walske

Received May 8, 2022

### **Comment No. IND 170-1**

I am writing to please ask you to help save the Weddington Tennis facility. There is no other facility like it and so many of the neighborhood homeowners use it. If you don't do something, this precious gem will be gone.

PLEASE HELP SAVE THE COURTS!!!

### **Response No. IND 170-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 171**

Michellene DeBonis  
Received May 8, 2022

### **Comment No. IND 171-1**

I am writing in opposition to Harvard Westlake's complete destruction of Weddington Golf and Tennis and it's proposal and most recent Environmental Impact Report. This huge project will destroy every living being (animal habitats and mature, desperately-needed trees and green space), while degrading the integrity and character of Studio City forever. It's impacts will be detrimental to the quality of life, property values, environment, and access to recreational open space for the public.

### **Response No. IND 171-1**

The comment expresses concerns about impacts to wildlife, trees and loss of green space. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, in this Final EIR, for a detailed discussion regarding the Project's tree removal and replacement program. Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. The commenter is referred to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The comments regarding quality of life, property values, environment, and access to recreational open space for the public are similar to those included in Comment No. FORM 3-3. A response to these issues is provided in Response No. FORM 3-3.

### **Comment No. IND 171-2**

Our family, friends, and neighbors have enjoyed this facility for decades. There is nowhere else like it in Los Angeles. At its heart, this is a massive project that will amount to COMPLETE destruction, a long and protracted building process, the planting of new vegetation that will take DECADES, if not a CENTURY to replace what was there – all to create a giant sports complex to benefit an exclusive and privileged few at the expense of our neighborhood, our city, and our climate.

### **Response No. IND 171-2**

The comment expresses opposition to the Project based on tree removal, the length of time for new vegetation to be established, and the length of time for construction, and climate effects.

Refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 14A-1 for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No ORG 6A-1, which discusses how the Project would

result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

Refer to Response No. IND 171-1 for a discussion of public access on the Project Site under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 171-3**

The studies included in the recently released DEIR paid for by Harvard Westlake do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit." Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique qualifications to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 171-3**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-4 and 3-5.

## **Comment Letter No. IND 172**

Nolan Heath

Received May 8, 2022

### **Comment No. IND 172-1**

My name is Nolan Heath. I am a recreational tennis player, UCLA student, and a member of the LOS ANGELES TENNIS ASSOCIATION. LATA has helped me find a supportive community and has made a huge difference in my emotional and mental health during COVID.

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the property into a private high school sports complex by the School is concerning for a number of reasons.

You will be taking away courts that are available to the public in order to provide more courts for the population of a small private school.

It is very difficult to find enough courts already. LATA uses the Weddington courts for weekly leagues, tournaments, and visiting tennis competitions. LATA has used Weddington courts since the 1970s. The destruction of Weddington Golf & Tennis for Harvard Westlake would hugely impact LATA and its members, who are from all walks of life and are members of the greater LA community, not a small group of private school students.

The publicly available amenities at Weddington Golf & Tennis have always been open to all community members without restrictions of any kind at any time. The city should preserve the community's access to a well-utilized, thriving, beneficial and vital sporting complex.

The sport of tennis has grown exponentially during the COVID-19 pandemic and the City should be preserving facilities available for public use, like Weddington, and denying proposed projects that are clearly not in the best interest of the community and would severely curtail public access.

### **Response No. IND 172-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public, including tournament play, as under existing conditions. In addition, see Response Nos. ORG 15-1 through ORG 15-10 for a response to LATA, which further indicates tennis facilities under the Project would be available to LATA.

Also, with regard to public access, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 172-2**

I strongly oppose the Harvard-Westlake “River Park” plan and encourage City Planning to deny approval for ENV-2020-1512-EIR.

**Response No. IND 172-2**

The comment requests the City decision-makers to deny approval of the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 173**

Norman Tucker  
Received May 8, 2022

### **Comment No. IND 173-1**

Please save the very few tennis courts available to Loa [sic] Angeles and Valley residents. Recreation is so important in this COVID age. Please help us!!!!

### **Response No. IND 173-1**

The comment expresses opposition to the Project based on the removal of tennis courts. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public, including tournament play, as under existing conditions. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 174**

Cathy Frank

Received May 8, 2022

### **Comment No. IND 174-1**

Please keep these courts for the many players, teachers, and community. So many of us have grown up with these courts, the 3-par golf course and driving range. Please don't take these away from us.

### **Response No. IND 174-1**

The comment expresses opposition to the Project based on the removal of tennis courts and golf course/driving range. Refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public, including tournament play, as under existing conditions. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 175

Olivia DeBonis

Received May 8, 2022

### Comment No. IND 175-1

I grew up in Studio City and when I try to imagine Weddington Golf and Tennis, the place where my dad taught me how to swing a golf club for the first time when I was in elementary school, replaced with a dirt hole in the ground, it feels like a piece of my community has gone missing.

Weddington Golf and Tennis is not only a charming and iconic landmark, but also an entire ecosystem of plants and animals. We are in a climate crisis so we must nurture our trees which act as natural climate regulators. Trees are also the homes for wildlife and insects. Many animals will die as a result of the demolition, and the ones who do survive will be displaced to our backyards.

### Response No. IND 175-1

The comment expresses concerns about tree removal and climate effects, and impacts to wildlife. Refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. Also, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 175-2

A lot has changed in my community since I was a kid, I have seen many old businesses become uprooted by fancier ones, but I really hope our golf course will be the exception.

Harvard Westlake will be fine, they will easily find another location for their sports complex, but Weddington will not, and our community will have lost something that can never be replaced.

I hope you would honor the history and integrity of Studio City and intervene on our behalf.

## Response No. IND 175-2

The comment states that Harvard-Westlake can easily find another location for the Project. This statement is not substantiated in fact. Also, the Draft EIR did consider alternative sites to the Project Site. The reasons that alternatives sites were considered and rejected is provided in Chapter V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Chapter V, no other location with adequate acreage and topography exists within proximity to the Upper School campus.

The comment otherwise requests the City decision-makers to deny approval of the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 176**

Art Manask

Received May 9, 2022

### **Comment No. IND 176-1**

I am 2nd generation, growing up in this area and playing and practicing golf at Weddington Golf & Tennis. I was friends with the McCallisters, worked at the golf course and driving range putting clean balls in baskets I also managed the Putt Putt Golf Course that was located across the Wash, about where Carney's sits now.

Why cannot my grandchildren and their children and grandchildren also have similar Golf & Tennis growing up? There are few, healthy, safe and fun options for these young people and families in the area that were and in the case of Weddington Golf & Tennis?

### **Response No. IND 176-1**

The comment expresses general opposition regarding the loss of golf and tennis facilities on the Project Site. The commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of impacts related to the Project's provision of recreation and tennis facilities for public use. Also, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 176-2**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis. The closest public golf at Balboa, Encino and/or Griffith Park are not options like Weddington Golf & Tennis.

### **Response No. IND 176-2**

This comment expresses general opposition to the Project and concerns over the available golf options to the Weddington golf course. Please see Topical Response No. 11 – Recreation: Golf and Tennis Facilities, which indicates the Project Site's golf course users can be accommodated at other golf facilities without exceeding their capacity. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 176-3**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelinos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 176-3**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-3 to 3-5.

### **Comment No. IND 176-4**

The City of Los Angeles has enough problems with crime, homelessness, etc. and hopefully the Los Angeles City Council will not enable what is currently proposed Weddington Golf & Tennis and create more problems and not take care of our youth, families and seniors in this geographic area.

### **Response No. IND 176-4**

The comment expresses general concerns that the Project would create more problems for the City's youth, families, and seniors. The comments regarding societal conditions are not related to CEQA. However, the commenter is referred to Response No. IND 75-1 for a discussion of crime and public safety as related to the Project. Also, refer to Response No. IND 6-3 for a discussion of the Project's effect on homelessness. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration

### **Comment No. IND 176-5**

So many of my friends and contemporaries have moved from L.A. and California for lots and lots of reasons, losing Weddington Golf & Tennis is another good reason to leave L.A. and California; not good planning for this potentially wonderful city and State! Please do NOT do it.

## **Response No. IND 176-5**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 177

Ashley Hunt

Received May 9, 2022

### Comment No. IND 177-1

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis. I grew up walking distance from the Weddington complex and my parents still live in our family home blocks away. The thought of losing a properly public space with access to all to the expansion of an elite private school that we could never afford to attend would typify all that seems going the wrong way in our city. The years of construction, the increase in traffic, the absolute nuisance it will pose for the neighborhoods will destroy what has made our neighborhood special and hurt property values, stealing access to that land from its neighbors and from fellow citizens who've also come from around the city for affordable recreation.

As one of the cities with the least amount of public green space in the country, Los Angeles needs MORE open spaces, not to be losing ones to the elite interests of a few.

### Response No. IND 177-1

The comment expresses concerns regarding the loss of public access to the Project Site, years of construction, increased traffic, loss of property values, and loss of recreational facilities and open space.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

With regard to construction impacts, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix C, *Air Quality/Greenhouse Gas Emissions Technical Documentation*, of the Draft EIR. As

analyzed therein, air quality impacts would be less than significant after mitigation, where applicable. With regard to construction noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

In addition, see Topical Response No. 9 – Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR and all CEQA-required transportation impacts were determined to be less than significant without mitigation.

With regard to decreased property values, the commenter does not provide any substantive facts or support for this concern. Additionally, economic and social effects of a project are not treated as significant effects on the environment under CEQA unless they would lead to a physical impact on the environment. See CEQA Guidelines Section 15131.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 177-2**

We agree with all of the following information about the DEIR:

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 177-2**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-3 to 3-5.

## **Comment Letter No. IND 178**

Rebecca Baughman  
Received May 9, 2022

### **Comment No. IND 178-1**

As a long time user of the Weddington golf and tennis center (I use both) I would be devastated to see this wonderful resource change. Countless adults, seniors and children use this facility! Not to mention the amount of Tennis and Golf instructors who earn their livelihood here. It makes no sense to argue there are other places to go when other facilities do not offer nearly as much, this environment in this location.

Please think about the enormous number of people that would be impacted by this decision before making a commitment. We trust or elected officials to save our facilities, even to make them better, not take them away!

### **Response No. IND 178-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 179

Caren Lieberman  
Received May 9, 2022

### Comment No. IND 179-1

My children have grown up in Studio City and learned to play golf in Studio City. They have chosen to stay in Studio City. Our family owns 2 homes at 4326 and 4342 Bellaire ave [sic] 1.5 blocks from the golf course, and we also own a home at 12110 Cantura Street and we don't want to have a heat island there after they remove all of the trees. The trees are vital.

### Response No. IND 179-1

The comment expresses concern regarding the potential for heat island effects. Refer to Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. .

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR). Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

### Comment No. IND 179-2

Stating the obvious:

Massively out of scale and inappropriate for the neighborhood

Robs this neighborhood of mature trees and a space of tranquility

### Response No. IND 179-2

The comment expresses concerns over the massing of the Project, loss of trees and loss of space of tranquility. See Topical Response No. 4 – Aesthetics, regarding the Project's less than significant aesthetics-related impacts. Also, impacts related to views, scenic

resources and visual character were evaluated in the Initial Study (Appendix A of the Draft EIR) and also determined to be less than significant.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 179-3**

Harvard Westlake purchased the Weddington property knowing it's not zoned for what they wish to build. This is a far cry from their "pitch" of saving a neighborhood greenspace. Preserve every tree!

### **Response No. IND 179-3**

The comment expresses the concern that the Project Site is not zoned for school uses. The Project Site is zoned A1-1XL-RIO. The “A1” zone, which allows one-family dwellings, parks, golf courses, and farming among other uses, also permits a school use with a conditional use permit.<sup>6</sup> LAMC Section 12.24.T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a conditional use permit (CUP). Most private schools in the City operate under a CUP (public schools are not subject to the City’s zoning code). Therefore, the Project’s application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site’s existing zoning or the City’s Zoning Code.

Also, refer to Response No. IND 179-1 regarding impacts to trees and the Project’s tree replacement program.

<sup>6</sup> Los Angeles Municipal Code (LAMC) Section 12.05.A (A1 Zone defined uses).

## **Comment Letter No. IND 180**

Charlotte Glover  
Received May 9, 2022

### **Comment No. IND 180-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 180-1**

This comment expresses the same concerns presented in Form Letter 3. Responses to this comment are provided in Response to Comment Nos. FORM 3-1 and 3-3 to 3-5.

### **Comment No. IND 180-2**

I cannot stress enough the negative impact that this project will make on this community, today, tomorrow, and possibly decades in the future if their plans are allowed to continue. The fact that they have misled the public with information about what their construction will actually do to the environment as well as the community should be a lesson to us all. We are in a global climate crisis and this is not lost on any of us in California and the fact that we are even contemplating allowing this type of construction that will not only destroy green space, but destroy animal habitat AND affect the water table is unconscionable.

### **Response No. IND 180-2**

The comment expresses concerns about the Project based on its potential for adverse impacts to the community, global climate change, loss of green space, animal habitat, and the water table. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. In addition, the Draft EIR addressed greenhouse gas emissions (GHG) impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and birds.

Also, the Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. Further, refer to Response No. ORG 9-5, which explains that infiltration at the Project Site is not feasible and that the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Fernando Valley Groundwater Basin, and groundwater recharge impacts would be less than significant.

### **Comment No. IND 180-3**

Let's say this project were to move forward, in addition to the students who use the facility, they say they are going to rent it out for events, then the other children and, in theory, those within the neighborhood who will somehow find time to use the 500+ underground parking spots? How many people is it actually going to accommodate and how many many hours is it is it actually going to be in use? How many lights will be used? Mark how many trees will get torn down? How much noise will there be? How many cars, buses, and vans will be driving up and down what now is a very quiet residential street where are the busiest activity includes people walking their dogs, riding their bikes, and pushing strollers with their children.

Please see through all the misinformation that they've been spreading. Please understand the damage this will do to so many people. Please stop this construction.

Thank you so much for reading.

### **Response No. IND 180-3**

With regard to on-site parking, note that current updates to the Project would reduce the overall parking capacity from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17

spaces. See Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, and Topical Response No. 2 – Modifications to the Project Design, of this Final EIR, which provides these Project updates. As discussed in Topical Response No. 9 – Transportation and Parking During Construction and Operations, all parking for events on site would be provided on-site. No off-site parking for events on the Project Site would be permitted.

With regard to on-site activity, use of the Project Site will vary throughout the year. For a description of public use of the Project Site, see pages II-33 to II-35 in Chapter II, Project Description, of the Draft EIR. School operations at the Project Site are described on pages II-47 to II-51 of the Draft EIR.

See Topical Response No. 4 – Aesthetics, of this Final EIR, regarding the impact of the Project's field lights and other outdoor lighting. As discussed in Topical Response No. 4, the Project's light and glare impacts were fully analyzed in the Draft EIR's Section IV.A, Aesthetics, and updated under a revised lighting plan provided in Appendix B of this Final EIR. As discussed therein, the Project's lighting would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance pertinent to locations near the Los Angeles River. Moreover, the Project's lighting system would generally represent an improvement for surrounding residential uses, with less off-site glare and spillover, than existing conditions. The analysis in Section IV.A. Aesthetics, of the Draft EIR, concluded that the Project's light and glare impacts would be less than significant. However, as further discussed in Topical Response No. 2 – Modifications to the Project Design, and as shown in the updated Figure II-27, *Light and Signage Plan for the Project*, in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR modifications would reduce the overall number of light poles on the Project Site from the two athletic fields, swimming pool, and tennis courts from 39 to 22 poles. The height of the four light poles on each of Field A and Field B would all be 80 feet. As further discussed in Chapter 3, these modifications would result in an overall decrease in luminance and illuminance relative to the Project's less-than-significant light and glare impacts.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR). Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Construction and Operation Noise and Vibration.

With regard to traffic, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Also see the level of service (LOS) analysis of the study area intersections in the Transportation Assessment (TA) in Appendix M of the Draft EIR. As evaluated therein, the Project would not adversely impact existing or future service levels. However, it is noted that the CEQA Guidelines do not require the evaluation of street and intersection service levels in a Draft EIR, and as such, are non-CEQA issues.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 181

Cindy Abrams  
Received May 9, 2022

### Comment No. IND 181-1

I am writing to voice my opposition to the destruction of the precious open green space in Studio City. The loss of trees, additional traffic congestion and heavily restricted access does not maintain the open space that is so appreciated in this area.

### Response No. IND 181-1

The comment expresses opposition to the Project based on the loss of open space and trees, additional traffic, and restrictions on public access to the Project Site.

It is noted that the Project Site is not public property. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

In addition, see Topical Response No. 9 – Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR and all CEQA-required transportation impacts were determined to be less than significant without mitigation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 181-2**

This is why people moved to the area for use of this culturally significant location. To have green space, tennis, golf and community access is what makes our hometown so special. Allowing one group to circumvent the zoning and build on this Agricultural open space is not something that should be allowed.

### **Response No. IND 181-4**

The comment expresses the opinion of the commenter that the Weddington Golf & Tennis facility is a culturally significant location and community access to green space, tennis, and golf contributes to the area's hometown character. See Response No. IND 181-1 for a discussion of the existing property rights and on-site uses, and access to the Project Site under the Project.

Also, the comment claims that the Project would circumvent the zoning and build on Agricultural open space. The Project Site is zoned A1-1XL-RIO. The "A1" zone, which allows one-family dwellings, parks, golf courses, and farming among other uses, also permits a school use with a conditional use permit.<sup>7</sup> LAMC Section 12.24.T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a CUP. Most private schools in the City operate under a CUP (public schools are not subject to the City's zoning code). Therefore, the Project's application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site's existing zoning or the City's Zoning Code.

### **Comment No. IND 181-5**

Please listen to the voices of your community and note the impact it will have on Studio City.

### **Response No. IND 181-5**

The comment expresses that the Project would have an adverse impact on Studio City. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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<sup>7</sup> Los Angeles Municipal Code (LAMC) Section 12.05.A (A1 Zone defined uses).

## **Comment Letter No. IND 182**

Janine Milne

Received May 9, 2022 (two letters)

### **Comment No. IND 182A-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

### **Response No. IND 182A-1**

This comment expresses the same concerns presented in Form Letter 3. Responses to this comment are provided in Response to Comment Nos. FORM 3-1, 3-3, and 3-4.

### **Comment No. IND 182A-2**

The DEIR shows clearly that the much touted "6 acres of community open space from 7:00am to 9:00pm" is in reality the 30 foot set back required for the development by the City. They propose "an extensively planted 3/4 mile long pedestrian path would be created to circumnavigate the perimeter of the Project Site providing opportunities for cardiovascular exercise, shaded areas, and bench seating for relaxation, bird watching, dog walking and general enjoyment of the natural environment." in table 11-3 Public Use Days it "outlines days and hours for access to facilities available to the public, public use of tennis courts and other facilities would be by RESERVATION, WHEN they are not in use BY THE SCHOOL. The Project would support field, gym based sports by PRE-APPROVED COMMUNITY GROUPS, or SWIM PROGRAM MEMBERS WHEN NOT IN USE BY THE SCHOOL. Regular access to 236,224 square feet of passive open space."

### **Response No. IND 182A-2**

The comment asserts that the Project's open space is in actuality the required zoning setback. A setback is the area, which is privately owned property without a requirement to provide any public access, located between the property line and the built structures and is a maximum of 25 feet in the A zone. The Project's open space areas on the other hand average 50 to 75 feet in width. The purpose of the Project's pathway location is not to keep the pathway within the required setback but to locate the pathway where the public would have use of the open space without interference with or from other recreational users. In fact, sections of the pathway, particularly in the south sector of the

Project Site and near the gymnasium, are outside the setback area. The pathway would be heavily landscaped and provide amenities such as seating and direct access to the Zev Greenway. The public would also have all day free access to the putting green, café, and clubhouse, which are generally outside the maximum 25-foot setback. The public would have access to the tennis courts, including concurrent use of the tennis courts with the School when open tennis courts are available. The purpose of reservations for the tennis courts is to ensure availability of tennis courts and security of the Project Site for community users. Note that based on the scheduling for the School, public access (with reservations or for approved public groups) would be available for the majority of hours during weekdays, and a greater majority of hours on the weekends. Hours of public access to the pool are more limited, consisting of weekday access between 7:00 a.m. and 9:00 a.m., given the need to provide certified lifeguard supervision. See Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 182A-2**

So the above is directly from the DEIR, they are clearly stating that the set-back, which they will landscape, throw a few benches on, is available to the public OUTSIDE THE WALLS- and that is the only true public access space. So folks can walk it, jog it (cardiovascular exercise) walk their dogs on it- and enjoy whatever birds might be around after they destroy over 250 mature trees that house birds, endangered bats, and further devastate the eco system with over 25 40 foot, 60 foot and 80 foot stadium lights, LED large billboard score boards and a massive P.A. system. They have completely been disingenuous with the Community by trying to pretend this acreage is a park within the walls. I have neighbors, who with extensive marketing and mis-leading assertions, believe they will get to take their dogs to a 6 acre (converted from square footage) dog park like setting within the walls- 6 acres together- not a set- back that is landscaped. I have neighbors who believe because of this marketing that they will be able to go with friends and play basketball, swim laps, etc. when only "pre-approved community groups" will have access, and then only when Harvard Westlake is not using those amenities. They believe this because Harvard Westlake has mis-lead them. Harvard Westlake has presented liberal use of the tennis courts and other amenities. I have sat in multiple Neighborhood Council meetings thru the SFV when both Ari and Stacey have said that the community would have essentially unlimited use of amenities until after school. It has honestly changed many times. Harvard Westlake has a long history of renting their facilities and so "when not in use by the school" will be pretty much never. There has been such a smoke and mirrors marketing campaign to deceive the Community into believing they will have shared access, and that the unlimited recreation the Community has enjoyed for over 7 decades, will actually be increased. The DEIR, that in its large scale is not likely to be read by the majority of the Community, shows the opposite in writing to be true. A deception has truly been perpetrated on members of the Community thru massive money to spend. Because of that mis-information campaign, this DEIR should be re-circulated so the Community has an opportunity to know the reality of "shared public and

private recreational access”. I can send the Council office multiple marketing pamphlets dropped by or mailed to my home over the last two years or more, that clearly show a pattern of mis-representation.

### **Response No. IND 182A-2**

The comment expresses that the Project’s facilities and use of the facilities by the public have been misrepresented by the Harvard-Westlake. Further, this comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Nonetheless, it should be noted that the comment does not accurately reflect the information provided in the Draft EIR. Please refer to Chapter II, *Project Description*, pages II-33 through II-35 regarding public use of the Project Site and pages II-47 to II-51 regarding use of the Project Site by the School. The Draft EIR states that “most of the School’s outdoor events would occur in the late afternoons and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m.” The School would use the Project facilities Monday through Friday during the school year and students would generally begin to arrive after 3:00 p.m. at the end of the academic day. During weekends and summers, School use would be lighter.

Also, please refer to Topical Response No. 3 – Enforcement of Public Access and Topical Response No. 11 – Parks and Recreation: Golf and Tennis Facilities in this Final EIR regarding the comparison between School use and public use of the Project Site.

### **Comment No. IND 182A-3**

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 182A-3**

This comment is identical to Comment No. FORM 3-5. Please refer to Response No. FORM 3-5.

### **Comment No. IND 182B-1**

This DEIR should be recirculated for many reasons- the below, one of the alternatives named, is but one. Alternative #3 is an example of Harvard Westlake’s not acting in good faith to address the deep Community concerns expressed since 2017. Alternative 3

actually exacerbates those concerns in a deeply troubling way and creates larger public safety concerns. In the below you can see that alternative 3# calls for 230 surface level parking spaces at the corner of Bellaire and Valley Spring. Both which are residential two lane streets with homes almost directly on the streets, particularly Valley Spring. The amount of spaces and the massive traffic both coming and going on such small roads with high pedestrian traffic, would be extremely dangerous to the neighborhood. Dangerous to pedestrians, a neighborhood and City public safety liability.

### **Response No. IND 182B-1**

This comment expresses opposition to Alternative 3 in the Draft EIR citing traffic and safety concerns. As with the Project, the design of Alternative 3 would provide driveways and on-site improvements that would be subject to review and approval by the City. As discussed in Chapter V of the Draft EIR, with the implementation of appropriate setbacks of the parking lot serving driveways from street intersections, Alternative 3 would not significantly contribute to any roadway geometric design hazards. Also, there is no specific threshold regarding when an increase in pedestrian volumes at a location with a very limited history of pedestrian collisions would be significant. However, the commenter's concerns about pedestrian safety are noted, given that Project-generated vehicle activity would increase with implementation of Alternative 3 and that increases in pedestrian crossings would occur as nearby residents would utilize the community and recreational spaces in the Project. In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area. This comment will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 182B-2**

The developer has always committed traffic would not come thru the neighborhood, as did previous Council- and would remain on Whitsett (which is already rated a D for traffic several years ago and has only gotten busier). Clearly, having 500 underground parking spaces on a sensitive water table by a river is an issue that has been brought up by the Community - as that kind of excavation would most certainly leach ground water. But to then expose a quiet residential neighborhood that is constantly walking, (Valley Spring does not have sidewalks), is not a good faith alternative and proposes danger to adults, babies and dogs. Not only is this coming and going high volume car traffic- but it is car traffic with teenage drivers!

## Response No. IND 182B-1

This comment expresses concerns regarding traffic, impacts to the ground water table, noise and safety. The issue of traffic and parking is discussed in Topical Response No. 9 – Transportation and Parking During Construction and Operations. As evaluated therein, impacts with respect to transportation and traffic would be less than significant and no mitigation measures are required.

The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. Further, refer to Response No. ORG 9-5, which explains that infiltration at the Project Site is not feasible and that the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Fernando Valley Groundwater Basin, and groundwater recharge impacts would be less than significant.

The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts.

The comment also expresses concern about pedestrian safety as much of the neighborhood does not have crosswalks and people walk in the street. Please refer to Response Nos. IND 42D-6 and IND 70-2, above, regarding intersection and pedestrian safety.

## Comment No. IND 182B-2

Community alternatives are, building such a massive complex NOT in a quiet residential neighborhood, that does not support the traffic without dire public safety consequences. The noise, lights, destruction of an ecosystem and the climate issues that brings -the quality of life and real loss of property value. The community alternative is an already commercially zoned property like Valley College, a Staples or other commercial development where this kind of huge Sports complex makes sense for zoning, infrastructure and public safety.

## Response No. IND 182B-2

The comment expresses general opposition to the Project and recommends the Project be built on an alternative commercial site. With regard to alternatives evaluated in the Draft EIR, refer to Response No. IND 87A-7 which includes a discussion substantiating how the Draft EIR included a reasonable range of alternatives as required by CEQA. Refer to Response Nos. IND 34-4 and 34-5 for a discussion of alternative sites considered in the Draft EIR. For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-104 through ORG 1B-106, and ORG 7A-146 to ORG 7A-174.

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Construction and Operation Noise and Vibration.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts.

The comment also expresses concerns about impact to the ecosystem and climate effects. Refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 183**

S. Gregory  
Received May 10, 2022

### **Comment No. IND 183-1**

I am writing in opposition to ENV – 2020 – 1512 – EIR.

If the development proposed by Harvard Westlake is approved, not only will Studio City be adversely affected, but a precious resource enjoyed by people from far and wide be lost forever.

### **Response No. IND 183-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 183-2**

The environmental impact is shameful. Old growth trees will be cut down and the replacements planned by Harvard Westlake are a travesty. They are a mere drop in the bucket that will in no way mitigate the loss of these trees so crucially important to this area.

### **Response No. IND 183-2**

The comment expresses concerns regarding the loss of trees. Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 183-3**

Light and sound pollution will also be created. Long-established residential neighborhoods surrounding the project will suffer for the brief pleasures enjoyed by a select few.

### **Response No. IND 183-3**

The comment expresses concern over light and sound pollution associated with the Project. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The commenter is referred to Topical Response No. 4 – Aesthetics regarding the impact of the Project’s field lights and other outdoor lighting. Also, please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts for a discussion of construction and operational noise impacts.

### **Comment No. IND 183-4**

The Weddington Golf Course is a treasure and a gem in our city. It cannot be sacrificed.

Thank you.

### **Response No. IND 183-4**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 184**

Josh Silver

Received May 9, 2022

### **Comment No. IND 184-1**

I have been following Ms. D'Antonio's work on behalf of LA's trees, along with it's entire environment, and feel she understands the issues, both from a scientific and human perspective. I've copied her email and am sending it to you with my endorsement, as she lays out the entire issue re: Harvard Westlake far better than I can. Thank you.

### **Response No. IND 184-1**

The comment refers to and attaches the comments provided by Joanne D'Antonio in Comment Letter No. ORG 14. The comments in the attachment are identical to Comment Letter No. Org 14. The responses would also be identical to those prepared for Comment Letter No. ORG 14. This comment does not otherwise raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 185

Keith Blaney  
Received May 9, 2022

### Comment No. IND 185-1

Thank you for sharing so much of your precious time and attention to this extremely important environmental community emergency.

I was on the recent community zoom call where it was publicly uncovered that indeed Harvard Westlake (referred to moving forward as, “hw”) has been continually, purposefully spreading misleading information to the entire Studio City community regarding the size, scope, and nature of their proposed multi-sport stadium-arena, where hw is deliberately destroying hundreds of trees and the last public green space for miles and miles, all in order to construct a 2nd sports stadium, just over a mile from the stadium they already have on their campus, just up the hill.

The blatant lies, often carried out on the zoom call with prepared, boiler-plate statements read aloud by hw parents and students – many of whom may not have understood the words they were saying in public – concerning hw’s sudden, passionate interest in conserving water, while at the same time HIDING the engineering portion of their plans regarding the environmental altering/adjusting of the water table to include the proposed 500 underground parking spots.

This now publicly exposed information is more than reason enough to stop any progress of this unwanted & unneeded community nightmare...now.

### Response No. IND 185-1

The comment expresses that the Project’s proposed features and facilities, as well as the use of the facilities by the public have been misrepresented by the Harvard-Westlake. However, the commenter does not provide any substantive facts or evidence to support these concerns or opinions. Further, this comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The Project being considered for approval by the City is described in Chapter II, *Project Description*, of the Draft EIR, with any subsequent revisions included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. Also, note that the Project would provide high school playing fields and bleachers, which do not constitute a stadium.

It is noted the Project Site is not public property. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late

2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR). Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

Regarding the portion of the comment that the Project would alter or adjust the water table, please refer to Response Nos. ORG 7A-74 and 7A-75 which address impacts to groundwater. As discussed therein, impacts to groundwater would be less than significant.

Also, as discussed in Topical Response No. 2 – Modifications to the Project Design, with the Project design modifications, the Project's number of parking spaces would be reduced from 532 to 403, for a reduction of 129 spaces.

### **Comment No. IND 185-2**

The school was pleading with us on the zoom about the passionate cause of saving water, while at the same time, planning to: disrupt the water table that's been there for centuries.

### **Response No. IND 185-2**

The comment states that the School shows the intent to save water but that it would disturb the water table.

The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. Further, refer to Response No. ORG 9-5, which explains that infiltration at the Project Site is not feasible and that the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Fernando Valley Groundwater Basin, and groundwater recharge impacts would be less than significant.

### **Comment No. IND 185-3**

That is who & what hw is. Please, never forget this.

With 500 proposed underground parking spots, and each car only brings 2 people... it's easy to do the math. That's 1000 more people making their way into and out of a tiny area, in a small community, to attend the different multi-sport events that hw described in great detail would be happening, night and day. There was also talk on the zoom about hw renting out the planned facilities when the school isn't using them.

How is that supposed to work? Crowds? More parking? More screaming?

### **Response No. IND 185-3**

The comment expresses the opinion that the Project would result in the day and night use of the Project Site by 1,000 people resulting in large crowds and noise.

The issue of traffic and parking is discussed in Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR. As evaluated therein, impacts with respect to transportation and traffic would be less than significant and no mitigation measures are required. Please refer to Chapter II, *Project Description*, pages II-33 through II-35 regarding public use of the Project Site and pages II-47 to II-51 regarding use of the Project Site by the School. Regarding School use, page II-48 indicates there are fewer than 400 spectators for 90 percent of interscholastic games. Though instances of larger spectator groups are relatively infrequent, LAMC nonetheless requires the provision of school parking spaces in proportion to the number of fixed seats (including bleachers), regardless of how often such capacities are actually utilized.

Note that current updates to the Project would reduce the overall number of seats provided by the Project from 2,217 seats to 2,005 seats, which is a reduction of 212 seats. The changes to seating include: 1) pool area bleacher seats reduced from 348 to 214; 2) Field B bleacher seats reduced from 255 to 109; 3) Field A bleacher seats increased from 488 to 542; 5) gymnasium seats increased from 1,026 to 1,056; and 6) tennis bleacher seats reduced from 100 to 84. Also, the overall parking capacity has been reduced from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade

surface parking lot has been reduced from 29 spaces to 17 spaces. See Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts.

Also, refer to comment to Topical Response No. 3 – Enforcement of Public Access, which describes why an approval process is needed for the use of the sports fields, pool, and gym-based sports by pre-approved community groups or swim program members when not in use by the School. Topical Response No. 3 for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 185-4**

On the zoom, it was also described by hw that there would be a constant shuttle service bringing students, etc., back and forth from the Coldwater Canyon campus, all day long in order to accommodate so many different sporting events

This shuttle service – would be IN ADDITION – to all the cars and people attending the daily and nightly sporting events. Take all those hypothetical people being shuttled to the hw arena and add them to the cars and people already in attendance.

What happens when there’s not enough parking for all the events? Park on Whitsett? People running across Whitsett? At the fire house? Park on Ventura? Every available parking meter? Park at the Bed, Bath, & Beyond parking lot or The Coffee Bean? Park all over the neighborhood in front of every house and apartment that never wanted or needed this monstrosity forced into our lives and neighborhood in the first place?

### **Response No. IND 185-4**

The comment expresses concern that the Project would result in constant shuttle service around the Project Site resulting in off-site parking spillover.

As discussed in Topical Response No. 9 – Transportation and Parking During Construction and Operations, all parking for events on site would be provided on-site. No off-site parking for events on the Project Site would be permitted. Therefore, the commenter’s speculation that spectators and visitors would wander the streets before/after events is unfounded and incorrect. The School would shuttle its students and employees whenever School activities are underway at the Project Site, and require all Project Site visitors use the shuttles on days in which maximum concurrent attendance is estimated to be 300 or more individuals. Three shuttles would be provided with a 24-rider capacity each. Page II-55 in Chapter II, *Project Description*, of the Draft EIR, describes that shuttle service is anticipated every 5 to 10 minutes. A single shuttle would remain

stationary for the same amount of time before departing and would be parked, temporarily, in the roundabout accessed from the Project's southern driveway.

All access to the Project Site would be via Whitsett Avenue, which is classified as an "Avenue II," an arterial street that is intended to accommodate higher traffic levels and to receive vehicle traffic from collector and local streets. Since the shuttle buses and other vehicle activity would be from Whitsett Avenue, or from Whitsett Avenue via Valleyheart Drive, vehicles would not have a need to use local residential streets to access the Project Site.

### **Comment No. IND 185-5**

If our community cannot believe anything hw says in public about this project, how is the community supposed to go about believing, anything hw says, at all?

If hw went so far out of their way to hide these really important, relevant things from the public it's going to directly impact the most in order to get what they want, it seems they're willing to say and do...anything, no matter who or what it hurts and destroys along the way.

The head of hw's pr department (Stacy Marble at hw) has been reaching out to me periodically, personally, begging for a zoom with "the school" and me. Like I got called to the principal's office for telling the truth. What do they want with me? Are they attempting to offer me something in order to change my mind? Are they going to try and intimidate me? They refuse to tell me what they want with me. That alone is a form of intimidation.

So, excuse me if I've become curious what in the world hw wants with me, just because I don't like their rotten project and the lies they continually spread about it.

I did directly ask her in one email, how many seats are being installed at the hypothetical arena-stadium & how many parking spots would be installed. I asked her repeatedly in one email. She's never responded with that specific information, the specific numbers that were finally made public on the zoom.

I've engaged in a minimal dialogue with her via a few emails inviting her to join me for a cup of coffee at the golf course marked for destruction, instead of the zoom. I've received no response to my multiple invitations. I believe she was on the zoom call as well that evening, and if it was her, sat in the shadows and let all the hw students spread the lies for them.

The intention of hw that evening, was to rebrand lies about community destruction, and present them as unselfish conservation activism and neighborhood birthday presents. It was quite a performance. I believe our community is more than smart enough to realize and deter such a classic, nefarious bait and switch operation.

It's a sad and sickening tactic far too reminiscent of Florida's present governor's obsession with using young children as props in pr stunts in order to get across dangerous, nefarious messages that can have very harmful outcomes for a lot of innocent people.

This alone shows how serious hw is in making something happen, that no one else other than hw, wants to... happen.

First, it was a gated river park nobody knew they needed. Then, it was the trees. Then, it was the water. Now in addition to trying to convince everyone that their proposed complex is "good" for the neighborhood and the environment, they've also included a sudden focus on: special needs children. This is an important and admirable cause, to say the least.

For me, this shift in focus could be described by one familiar sports analogy: "that's the most sickening Hail Mary I've ever seen."

### **Response No. IND 185-5**

The comment contends that the School has not been forthcoming with the public about the Project. However, the commenter does not provide any substantive facts or evidence to support these concerns or opinions. Further, this comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The Project being considered for approval by the City is described in Chapter II, *Project Description*, of the Draft EIR, with any subsequent revisions included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR. Also, refer to Response No. IND 185-3 for a discussion of the Project's current seating and parking, which have been reduced from that described in the Draft EIR.

### **Comment No. IND 185-6**

Perhaps, since hw cares as much about special needs children playing sports as it does conserving water, instead of having the children in question have to travel back and forth from all over the valley, to play sports at the hypothetical hw sports arena, hw could build one, two, maybe three or more different very specific special needs sports facilities all over the valley, closer to where the kids who really need them actually live.

I think the hopeful possibility of hw doing that, instead of the proposed hw stadium project that the neighborhood does not want, and one the public still doesn't really know all the facts about, would be an excellent option to address hw's concerns about special needs children having proper access to playing sports whenever they want and are able to do so.

### **Response No. IND 185-6**

The comment states that the School should consider constructing additional athletic facilities throughout the San Fernando Valley to serve special needs children. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 185-7**

As I've seen, the school continually changes its public messaging every time it doesn't get what it wants. Please, as a 16-year resident of Studio City, do not believe one word that makes its way to us from hw, about: anything.

Please, on behalf of our neighborhood and our community, please stop this development from ever happening. Thank you.

### **Response No. IND 185-7**

The comment states again that the School has continually changed its public message and expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 186**

Kim Tashman

Received May 9, 2022

### **Comment No. IND 186-1**

The following reflects my professional comments and opinion with regards to the Draft Environmental Impact Report (DEIR) for the Harvard-Westlake River Park Project (Case Number ENV- 2020-1512-EIR), based on the information about the project available as of March, 2022.

### **Response No. IND 186-1**

This is an introductory comment regarding Kim Tashman's comments and opinions on the Draft EIR. The comment, however, does not discuss the adequacy of the Draft EIR and no further response is necessary.

### **Comment No. IND 186-2**

I hold a Master's degree in Historic Preservation-Heritage Conservation from the University of Southern California, and work as an architectural and historic preservationist. I wrote my Master's thesis on the historical and cultural aspects and value of the Weddington Golf site and its landscape. Based on this experience, and in my expert opinion, the Cultural Resources Impact Analysis in the DEIR is inadequate for the following reasons:

First, the analysis is defective because it fails to address the impacts of the project on all of the character-defining features of the site. Per my thesis research, and according to the 2012 Architectural Resources Group Historical Resources Assessment Report (ARG Report) regarding the site, Weddington Golf's historic and character-defining features include: the 9-hole golf course, the clubhouse, the putting green located in front of the clubhouse, the driving range, the golf ball light standards, and the open green space and park-like setting of the site (including the extensive canopy of mature trees). These features are not adequately nor individually addressed in the DEIR. The DEIR arbitrarily limits its own list of "character defining features" to only the clubhouse, putting green, and golf ball light standards. The DEIR's Cultural Resources analysis asserts that because the site will retain these limited features, there will not be significant cultural or historic losses. But this limited list is inaccurate, and contradicts their own statement on DEIR page IV-D-22 that the "primary physical characteristics" of the site include both the nine-hole golf course and the driving range. This more detailed list of character defining features is also supported by the ARG Report, which is referenced throughout the DEIR. Should the Project go forward as planned, these conveniently excluded historic elements will be either damaged or lost entirely – a significant impact on the site's historic characteristics.

## **Response No. IND 186-2**

This comment states the Draft EIR's Cultural Resources analysis is defective because it fails to address the impacts of the project on all of the character-defining features of the site. Please refer to Response No. ORG 1B-165 which addresses concerns related to cultural resources impacts raised in this comment.

## **Comment No. IND 186-3**

Furthermore, the DEIR has completely failed to reference the existing lawsuit filed by Save Weddington Inc. against the City of Los Angeles (Superior Court of California, County of Los Angeles Case Number: 21STCP04158) regarding the last-minute removal of historically and culturally significant terms from final HCM determination. The essential defining terms "golf club" and "golf course" were improperly removed at the last minute during the final vote for the nomination. This was done without any evidence, as is required by law, as to why these essential historical and cultural terms were to be removed. This needs to be addressed and responded to in the DEIR, as once the case is settled it may alter the mitigation measures required to sustain the historic nature of the site. The removal of these terms is suspect, given how convenient their removal is for the developer's desired outcome for the site. Ignoring, or outright invalidating, the historic nature of the golf course's landscape only serves to benefit the developer's interests.

## **Response No. IND 186-3**

The comment asserts that the Project should have discussed a lawsuit filed by Save Weddington, Inc. Please refer to Response No. ORG 1B-166 which addresses concerns related to cultural resources impacts raised in this comment.

## **Comment No. IND 186-4**

Moreover, the DEIR is incorrect when it states on page IV-D-39 that "[c]umulative impacts to historic resources...were determined to be less than significant...and no mitigation measures are required." Once the lawsuit is settled, it is likely that numerous mitigation measures will be required in order to protect the golf course and driving range from significant damage to their historic character.

## **Response No. IND 186-4**

The comment states that the Draft EIR was incorrect in the conclusion of "less than significant" regarding cumulative impacts to historic resources. Please refer to Response No. ORG 1B-167 which addresses concerns related to cultural resources impacts raised in this comment.

**Comment No. IND 186-5**

The historic nature of the course's design is thoroughly documented in my thesis research attached. In removing these terms from the HCM, and ignoring the significance of the golf course itself in the DEIR, the DEIR is deliberately downplaying or outright denying the historic quality of the course, relegating the defining features of the historic site as irrelevant. As such, the DEIR has failed to accurately assess the impact of the Project on the HCM, a California Register eligible resource, and the site's cultural and historic landscape. It has failed to identify significant and unmitigated impacts of the Project.

If you have any questions regarding the content of this document, please contact me using the information below. Thank you for your time.

**Response No. IND 186-5**

The comment asserts that the Draft EIR deliberately downplayed the significance of the golf course as a contributing historic feature. Please refer to Response No. ORG 1B-168 which addresses concerns related to cultural resources impacts raised in this comment.

**Comment No. IND 186-6**

*Ms. Tashman Master's thesis is provided as an attachment to her comments. Refer to Appendix A of this Final EIR for copies of these attachments.*

**Response No. IND 186-6**

Ms. Tashman Master's thesis is provided as an attachment to her comments. However, the thesis does not include comments on the Draft EIR. Refer to Appendix A of this Final EIR for copies of these attachments.

## **Comment Letter No. IND 187**

Kimberly Turner  
Received May 9, 2022

### **Comment No. IND 187-1**

I am writing in opposition to Harvard Westlake's massive project that will result in the loss of Weddington Golf and Tennis. Weddington Golf & Tennis is an iconic site, open to the public for nearly 70 years, that possesses historic, recreational, environmental, and sentimental value.

Harvard-Westlake School has proposed a massive \$100-million development plan to build a sports complex, which has alarmed our community. Angelenos have an unwavering commitment to preserving this irreplaceable green open space in the heart of the San Fernando Valley.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space. At the very least, the scope requires a Health Care Assessment.

### **Response No. IND 187-1**

The comment expresses opposition to the Project based on the scale of the proposed development, the loss of the Weddington Golf & Tennis facility, and a presumed detriment to the quality of life, property values and access to recreational open space. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Please refer to Response No. FORM 3-3 which addresses the environmental concerns raised in this comment.

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. Please see below for additional discussion related to this comment.

### **Comment No. IND 187-2**

The project will include the removal of 250,000 cubic yards of undisturbed soil and the elimination of 246 trees, leaving a barren pit in the middle of Studio City.

### **Response No. IND 187-2**

The comment claims that Project would leave a “barren pit” and eliminate 246 trees. As discussed in Response No. IND 185-3, updates to the Project would reduce the parking capacity of the underground structure from 503 spaces to 386 spaces. With this reduction, the amount of grading would be reduced from 250,000 cubic yards to 197,000 cubic yards, a reduction of approximately 53,000 cubic yards. See Chapter 3, *Revisions*,

*Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates. The excavated area would be temporary, until the Project's parking structure and underground water treatment are constructed. As such, there would be no long-term barren pit from Project implementation.

Also, please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

### **Comment No. IND 187-3**

It will interrupt wildlife connectivity -- disturbing and displacing all species of wildlife that currently call Weddington home.

### **Response No. IND 187-3**

The comment expresses that the Project would disturb wildlife connectivity. Please refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds.

### **Comment No. IND 187-4**

The school is trying to mask the massive development under the guise of outdoor areas and public access but the scale of this project can't be disguised. It will be massive with stadium lights, bleachers and noise. Operations could be seven days a week, 16 hours a day. Please be reminded that this sports complex will be in the middle of a quiet neighborhood and will be highly disruptive to residents.

### **Response No. IND 187-4**

The comment expresses concerns based on the Project's lighting and noise (including presumably noise from the bleachers) from Project operations. Refer to Response No. IND 6-3 which addresses these similar concerns.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 187-5**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. Other impacts include intrusive light, air quality, and greenhouse gases. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

## Response No. IND 187-5

This comment is similar to Comment No. FORM 3-4 in that it raises concerns regarding traffic, noise, construction, climate and alternative plans. Please refer to Response No. FORM 3-4 which addresses these concerns.

The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts.

The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

## Comment No. IND 187-6

An example of impacts that were not sufficiently addressed are the cumulative noise impacts from relocated Burbank Airport NextGen flight paths that moved over Studio City from historical paths. Jet noise concentrates primarily over and south of the project area, and therefore aircraft noise and related health impacts must be studied as part of the requirement to study cumulative noise impacts.

## Response No. IND 187-6

The comment states that jet noise from the Hollywood Burbank Airport (BUR) was not sufficiently addressed in the evaluation of cumulative noise impacts. Refer to Response No. ORG 9-16 for a discussion of aircraft noise. As discussed therein, the noise analysis included evaluation of the Project's contribution of ambient noise to determine if the Project's noise would exceed the thresholds of significance. Ambient noise measurements were taken as part of the noise analysis in the Draft EIR in 2020 and 2022. Thus, aircraft noise from relocated flight paths from BUR and Van Nuys Airport (VNY) airports was included in the existing conditions noise measurements. Therefore, the jet noise generated by the airports was included as part of the ambient noise in the Project vicinity. The Project would not exacerbate any existing noise issues that the community may have with airport noise; therefore, no additional analysis is required by CEQA.

## Comment No. IND 187-7

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know

more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

**Response No. IND 187-7**

This comment is identical to Comment No. FORM 3-5. Please refer to Response No. FORM 3-5.

**Comment No. IND 187-8**

As a former HW parent, I am usually supportive of their endeavors, however in this instance, I think the school has ignored the cries of the surrounding neighborhood of Studio City. The benefits of the project to the students are far outweighed by the damaging and destructive impacts forced upon neighborhoods in Studio City, not only during construction, but during ceaseless operations for decades to come.

**Response No. IND 187-8**

The comment expresses general opposition to the Project due to short-term construction and long-term operational impacts. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 188**

Kyle Biren

Received May 9, 2022

### **Comment No. IND 188-1**

I am a 36 year old man who was born and raised in Sherman Oaks. My father brought me to Weddington, or as we call it “Whitsett,” when I was 8 years old to hit golf balls. I developed a love for the sport and have been playing golf ever since. My dad and I still regularly hit balls together on Friday nights at Weddington. This place is a gem of the neighborhood and loved by all. It also serves as one of the few decent options in the area to get people outside, especially kids who are mainly on some sort of screen all day. It would be a real shame to lose a major bright spot of the community.

Please consider the positive impact this place has on so many and not let it be turned into an unnecessary center for the privileged few.

### **Response No. IND 188-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 189**

Lee Haxall

Received May 9, 2022

### **Comment No. IND 189-1**

Upon reading the EIR, I was horrified to see that the city somehow thinks the impact of this project would be “less than significant,” once construction was finished. This development is, quite simply, a nightmare for our neighborhood. I live a block over from what will now be years of noisy construction and devastation to our tree filled green space if this “project” goes.

### **Response No. IND 189-1**

The comment expresses disagreement with the findings on the Draft EIR that impacts would be less than significant during the operation phase (after construction). The determination of significant impacts is based on the standards established under the CEQA thresholds and are not arbitrary conclusions. With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

Also, please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 6A-1 for a discussion of impacts to trees and the Project’s tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

### **Comment No. IND 189-2**

Over half of the oxygen producing canopy of old growth trees, some of which have been here since before the neighborhood houses were built, will be torn out and replaced with little trees that will take 60 years to grow to the height of the current trees. The 16 acres of oxygen producing cooling grass used by the public to enjoy a 9 hole golf course, will be smothered by hot, toxic, plastic astro turf fields available only to the wealthy kids who pay their tuition.

### **Response No. IND 189-2**

The comment expresses concerns regarding the removal of the oxygen-producing canopy of old growth trees and replacement with hot, toxic, plastic astro turf fields.

Refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

Also, see Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health, which addresses concerns related to the Project’s use of artificial turf fields.

### **Comment No. IND 189-3**

Speaking of oxygen, we all know that everyone drives to school in LA. The traffic will greatly increase on our little neighborhood streets which are currently mainly used by pedestrians. This neighborhood is a very walking and bicycling friendly neighborhood, with very little automobile traffic. Everyone in the neighborhood feels safe to walk or roller skate or bicycle, even with baby strollers, little kids, and dogs. Our strolling lifestyle will be destroyed as students and teachers crowd our streets driving their cars and school busses to and from the facility.

### **Response No. IND 189-3**

The comment asserts that the Project would increase traffic and cause a hazard to pedestrian traffic. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels. Please refer to Response No. IND 42D-6 and IND 70-2 regarding intersection and pedestrian safety.

Also, the Project would reduce the number of driveways on Whitsett Avenue from two to one (the south driveway is considered an extension of Valleyheart Drive, which is an existing street), which would overall be a benefit since there would be reduced potential driveway conflicts between vehicles and pedestrians. In addition, vehicle traffic into the Project from Whitsett Avenue would be right turns only, which would further reduce pedestrian/vehicle conflicts. Because Whitsett Avenue is an arterial street, the Project’s vehicle traffic would have no purpose or convenience to use the local neighborhood streets to enter or leave the Project Site. Also, as discussed in Response No. IND 185-4, the School would utilize a shuttle system to reduce the number of students and visitor driving to the Project Site. It is further noted that the Project would provide a landscaped pathway through the Project Site, which would be available to the public. This pathway, which would provide access through the Project Site to the Zev Greenway would contribute to the area’s “strolling” lifestyle.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 189-4**

Then there’s the wildlife. I am an avid birdwatcher and enjoy watching our Western Bluebirds, Goldfinches, Oregon Juncos, Phoebes, Warblers, Hawks, Owls, and the local murder of Crows all hang out on the golf course and in the huge trees with the squirrels, skunks and opossums. I can see the golf course through the open fencing on Valley

Spring and Bellaire, despite not being a golfer. The devastation to these habitats will break my heart. Birds and animals don't hang out on plastic astro turf, and they shy away from loud noises like screaming teenagers. And what about those 11 foot tall fences along Valley Spring Rd? The Harvard Westlake project drawing shows Valley Spring with 6 foot tall open fences bordered by lots of mature trees. But then the "Requested Actions" state that the fence will be an 11 foot tall fence along Valley Spring and Bellaire. This essentially fences us public stakeholders completely out, especially if it is a solid fence. Just yesterday a magnificent, huge skunk came trotting out of the golf course under the fence and walked right in front of me, headed into one of the neighbor's yards. His huge, puffed out tail and confident walk cracked me up and made my day. His path will be cut off with the monstrous new walls. No more wildlife viewing for us.

### **Response No. IND 189-4**

The comment expresses concerns that wildlife would be adversely affected by the Project due to fencing/walls, artificial turf and noise. Please refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. Refer to response No. IND 42D-28 for a discussion of noise impacts to wildlife and proposed fencing adjacent to the Zev Greenway. See pages II-27 and II-28 in Chapter II, *Project Description*, of the Draft EIR for a discussion of the Project's walls and fencing. With regard to walls along Whitsett Avenue and Valley Spring Lane, as stated on page II-19 in Chapter II, *Project Description*, of the Draft EIR, a generally 8-foot-tall sound attenuation wall, with some sections as high as 11 feet above the track, would be located at the north and west of Field B to reduce noise levels in the surrounding neighborhood and separate Field B from public pathway areas.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 189-5**

Oh and let's not forget the impact of parking. Despite building an underground parking lot, we all well know that nobody will use it until our streets are filled to capacity with parked cars. Everyone hates parking underground, especially if there's a valet you have to wait for. So next thing you know, we will all be turning our streets into restricted parking streets, which means we residents will have to pay for parking permits. I had to do this in my old neighborhood and it was expensive and really annoying!

### **Response No. IND 189-5**

The comment states that Project Site visitors would not use the subterranean parking structure until the neighborhood streets are parked to capacity. Please see Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic impacts and parking. As discussed therein, all parking for the Project would be provided on-site. No off-site parking would be permitted.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 189-6**

Which brings me to the noise. Isn't noise pollution considered an environmental impact? I can already hear the Harvard Westlake kids cheering at their football games and swim meets, over 1/2 mile from my house. Now with 2 fields, tennis courts, a pool and the gym 2 blocks away, I figure there will be some sort of match occurring every day and night until 9:00 pm. While the sounds of occasional cheering and children playing may be music to some peoples' ears, to hear it all day every day, will be trying, to say the least.

### **Response No. IND 189-6**

The comment expresses concerns regarding noise impacts from the Project's proposed athletic and recreational facilities. The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding operational noise impacts. As discussed therein, operational noise impacts from the Project would be less than significant.

Also, the commenter states that noise would occur all day every day. This statement is not supported by the facts of the Project. School operations and activities on the Project Site are described beginning on page II-47 in Chapter II, *Project Description*, of the Draft EIR, under Subsection 4.b), School Operations at the Project Site. As stated therein, "Most of the School's outdoor events, including those at the athletic fields, would occur in the late afternoons and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. Indoor activities in the gymnasium would end no later than 9:30 p.m. although indoor activities would generally cease by 7:30 p.m. Other than the tennis courts, members of the public would not have access to Project Site athletic facilities when they are in use by the School."

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 189-7**

And for what? This very wealthy private school already has a swimming pool, gymnasium and athletic field on its main campus. Why does it need to destroy 16 acres of open, green, wildlife filled space and public golfing and public tennis courts, to erect a bunch of buildings, plastic fields and an 80,000 square foot behemoth gym?

### **Response No. IND 189-7**

The comment questions the need for the Project when the School already has a swimming pool, gymnasium and athletic field on its main campus. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 189-8**

This is an environmentally devastating project to our neighborhood, our pedestrian lifestyle, and the local wildlife. I am sure there are other things to consider as well, which I don't know much about, like whether this will be a drain on the local water, power, and sewer systems, and whether the requested giant lights will keep the neighbors from ever sleeping again. How could this all be deemed environmentally "less than significant?"

### **Response No. IND 189-8**

The comment states that the Project would be "environmentally devastating" and would impact the area's pedestrian lifestyle and local wildlife. The comment questions whether the Project would drain local water, power, and sewer systems, and whether the lights would "keep the neighbors from ever sleeping again." The commenter is referred to Response No. IND 189-3 which addresses pedestrian activity and Response No. IND 189-4 for a discussion of wildlife impacts. In addition, impacts to water and sewer systems were evaluated in Sections IV.O.1 and IV.O.2, *Utilities and Services Systems*, of the Draft EIR. Also, Section IV.E, *Energy*, of the Draft EIR evaluated impacts with respect to energy consumption. The analyses provided therein concluded that all such impacts would be less than significant or less than significant after mitigation, where applicable (wastewater only).

The commenter is also referred to Topical Response No. 4 – Aesthetics, regarding the impact of the Project's field lights and other outdoor lighting.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 189-9**

We need this open green space left as it is – one of the last open green spaces in the valley, available to the public and to the animals and birds. And yes, I'd rather be smelling a skunk than the cigarette smoke, pot, and vaping smoke of the crowds of students and spectators who will be crowding the neighborhood until 9:00 every night.

## Response No. IND 189-9

The comment expresses an interest in keeping the Project Site in its current open green space condition. The comment regarding cigarette and vaping smoke is primarily based on conjecture and personal opinion and is not substantiated by facts or evidence.

It should also be noted the Project Site is not public property. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 190**

Lisa Fimiani

Received May 9, 2022

### **Comment No. IND 190-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 190-1**

This comment expresses the same concerns presented in Form Letter 3. Responses to this comment are provided in Response to Comment Nos. FORM 3-1 and 3-3 to 3-5.

### **Comment No. IND 190-2**

While I am sending this email as an Angeleno, not representing the organizations I am affiliated with below, I can tell you that living in SOCAL for the past 35 years has taught me the value of trees, open space, and the need to save these things as the climate keeps changing. Our Urban footprint needs to be reduced and consolidated – not expanded into mature tree growth areas. Thank you!

### **Response No. IND 190-2**

The comment expresses concerns for loss of trees and effects regarding climate change. Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. . In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas*

*Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. The commenter is also referred to pages II-60 and II-61 in Chapter II, *Project Description*, of the Draft EIR for a list of sustainability features provided by the Project.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 191**

Michael Levy  
Received May 9, 2022

### **Comment No. IND 191-1**

Please save Weddington Golf!

I have lived in the area my entire life and would love to see it kept as an open space for our local wildlife and for our own quality of life. Please do whatever is in your power to save this local treasure.

### **Response No. IND 191-1**

The comment expresses an interest in keeping the Project Site in its existing condition as an open space for local wildlife and quality of life. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 192**

Patrice Berlin  
Received May 9, 2022

### **Comment No. IND 192-1**

I was born in the area and have owned my present home at Alcove and Valleyheart across the river from Sportsmans for 26 years.

I am OPPOSED to the project for all the reasons 14,000 others have signed a petition against it. It is way too big and does not belong in a residential neighborhood.

### **Response No. IND 192-1**

The comment describes the commenter's proximity to the Project Site and expresses general opposition to the Project based on its size. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 192-2**

Weddington is the crown jewel of Studio City and should not be lost to an elite school that already has a sufficient campus. The loss to the community will be devastating to so many stakeholders, the environment, traffic, peace & quiet, the trees, birds, and other living things and replaced with concrete, a wall around it, and toxic grass.

### **Response No. IND 192-2**

The comment questions the need for the Project and expresses concerns about impacts to the environment, traffic, peace and quiet, trees, wildlife, and toxic grass (presumably artificial turf).

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

In addition, please refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to

existing conditions – a 36 percent increase. Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds.

Also, see Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health. Topical Response No. 7 addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 192-3**

An elite school with its deep pockets and rich connections should not be allowed to take this away from the community.

Harvard Westlake deny that the Olympics may be involved and other events where they will pocket tons of money at our neighborhood's expense. They all already have a relationship with the Special Olympics that have had events at the campus on Coldwater.

### **Response No. IND 192-3**

This comment questions whether the Project Site will be used for the Olympics given its current relationship with Special Olympics and related events at the Upper School campus. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 192-4**

What about the emissions and traffic that an added 500-car parking garage will mean to our neighborhood?

### **Response No. IND 192-4**

The comment questions the emissions and traffic associated with the 500-car garage.

Note that current updates to the Project would reduce the overall parking capacity from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

With regard to air quality impacts, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

As discussed in Topical Response No. 9 – Transportation and Parking During Construction and Operations, all parking for events on site would be provided on-site. No off-site parking for events on the Project Site would be permitted.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 192-5**

I have attached the petition below I initiated in 2020 if you did not see it in the 6000+ page DEIR.

Our neighborhood will be directly affected by a switchback ramp on the north side of the river and are overwhelmingly adamantly opposed to it.

There is already a ramp on the south side of the river. Approving this ramp that cost millions of dollars, and it is a ramp to nowhere. You cannot cross Coldwater to the other side, so Krekorian's reasoning to continue the greenway is inaccurate and doesn't make sense. It would be deadly for people to try and cross Coldwater at that location.

Since the south side ramp was built, there has been nothing but crime, encampments, graffiti, and gang activity. If the north side is opened, it exposes our neighborhood to easy access and dangerous for us.

### **Response No. IND 192-5**

The comment expresses opposition to the Coldwater Canyon Riverwalk Path Ramp and includes reference to the petition the commenter initiated in 2020 which opposes the ramp. This comment states that the ramp on the south side of the Los Angeles River at Coldwater Canyon Avenue has resulted in increased crime, encampments, graffiti, and gang activity. The commenter speculates that similar circumstances would occur if a ramp is built on the north side of the river at Coldwater Canyon Avenue. Regarding these crime-related issues, CEQA does not require analysis of speculative conditions. Furthermore, the comment does not provide any substantial evidence that Project operation would result in substantial crime risks. Pursuant to CEQA Guidelines Section 15143, “[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.” Furthermore, CEQA Guidelines Section 15064(d)(3) states that “[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.”

The comment also expresses concern that the Project's Coldwater Canyon Riverwalk Path Ramp may result in increased encampments. The Project's effect on homelessness is an economic/social effect, which under CEQA Guidelines Section 15131, shall not be treated as a significant effect on the environment. Further, the issue is related to the effects of the existing environment on the Project, which is not evaluated in the Draft EIR in accordance with the *California Building Industry Association v. Bay Area Air Quality Management District* (2015) Cal.4th (Case No. S213478). This case held that the impact of existing environmental conditions on a project's future users or residents is not required in a Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 192-6**

In addition, as you know, they are short of parking at Sportsmans. During planning, we fought this, knowing there would not be enough parking for the project. The lot is full most of the time, with just the market and a few restaurants and stores. Once the gym is open, it would give people easy access to our neighborhood to park, with gym hours starting at 6 am.

This ramp would also be another way for HW students /staff to access the new campus through our neighborhood when there already is access at the south side ramp to Whitsett.

The ramp would also cause additional pedestrian and auto traffic and parking to our once quiet and safe neighborhood.

### **Response No. IND 192-6**

The comment indirectly speculates that the Coldwater Canyon Avenue Riverwalk Path Ramp would be used to access the Sportsmen's Lodge project site across the Los Angeles River and for Harvard-Westlake students and employees to access the new campus. However, the commenter does not provide any substantive facts or support for this concern. There is no evidence provided in the comment to support the statement that there is a parking shortage at the Sportsmen's Lodge project site. All projects are required to provide parking to meet their user needs based on City parking requirements. Also, as discussed in Topical Response No. 9 – Transportation and Parking During Construction and Operations, all parking for events on the Project Site would be provided on-site. No off-site parking for events on the Project Site would be permitted.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 192-7**

More importantly, Three 80-YEAR-OLD pine trees would be sacrificed for this ramp. It's unconscionable!

**Response No. IND 192-7**

The commenter correctly indicates that three pines are located near the Coldwater Canyon Avenue Riverwalk Path Ramp. The final design of the ramp structure would avoid and retain the trees in their current location. This will be included in as part of Mitigation Measure BIO-MM-3 for the final ramp design. This clarification has also been made in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR.

**Comment No. IND 192-8**

It does not make sense that millions of dollars are spent on a ramp to nowhere when the neighbors are adamantly against it, and it makes no sense to build.

**Response No. IND 192-8**

This comment expresses general opposition to the Coldwater Canyon Avenue Riverwalk Path Ramp. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 192-9**

Has anyone from the City looked at the many accident reports in the last few years on Coldwater between Ventura and Moorpark as well as on Whitsett? There have been many injury accidents including my neighbor on Alcove that totaled her car at Valleyspring [sic] and Whitsett. If the project is approved the number of accidents and injuries will explode in number.

If the City approves this ramp and someone is hurt or killed trying to cross Coldwater after this being brought to the City's attention, the City will be responsible for those injuries or even death.

**Response No. IND 192-9**

The comment expresses that, with the construction of the Coldwater Canyon Avenue Riverwalk Path Ramp, the Project would increase the potential for accidents and injuries. The comment is speculation without support for the contention. CEQA does not require analysis of speculative conditions. Furthermore, the comment does not provide any substantial evidence that Project operation would result in substantial safety conflicts. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical

change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.” Additionally, the Coldwater Canyon Avenue Riverwalk Path Ramp would be constructed in accordance with all ADA and applicable safety standards, and the LAMC, and would be reviewed by the City during the plan check process.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 192-10**

*A photograph of the south and north sides of the Los Angeles River at the Coldwater Canyon Avenue Riverwalk Path Ramp location is provided as an attachment to the comment letter. Refer to Appendix A of this Final EIR for copies of these attachments.*

### **Response No. IND 192-10**

The photograph does not include comments on the Draft EIR. Refer to Appendix A of this Final EIR for a copy of the photograph.

### **Comment No. IND 192-11**

A copy of the signed petition opposing the Coldwater Canyon Avenue Riverwalk Path Ramp is included as an attachment.

### **Response No. IND 192-11**

The petition is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 193**

Peter Cole

Received May 9, 2022

### **Comment No. IND 193-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

I own a home on Alcove about 1,000 feet from the proposed Harvard Westlake Sports Complex, and I am against the project as described in the DEIR.

### **Response No. IND 193-1**

The comment expresses general opposition to the Project and described the commenter's proximity to the Project Site. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 193-2**

#### **BULLET POINTS:**

- Massively out of scale and inappropriate for the neighborhood
- Harvard Westlake paid experts do not make their case that the sound from the Sports Complex and during construction can be mitigated to an acceptable level.
- Two to three years of construction is too long and an undue burden on the neighborhood. Show stopper.
- The applicant purchased the Weddington property knowing it's not zoned for what they wish to build.
- The neighborhood does not want the "public benefit" ADA ramp to Coldwater (see the petition in DEIR)
- Too many large scale projects that potentially overlap.
- Obvious major environmental issues – Haul route, destruction of trees, creating a heat island, wildlife.

### **Response No. IND 193-2**

With regard to the commenter's bullet point describing the School's "paid experts," while the Draft EIR technical studies were paid for by Harvard-Westlake (the Project Applicant), this is standard practice for all development projects in the City that require the preparation of an environmental impact report. The Draft EIR was prepared under the City's supervision, authority, and input and is the City's document, as the Lead Agency.

The City, using its independent judgment, reviewed all technical studies associated with the Draft EIR, prepared by licensed and highly qualified experts in their respective fields of work, and determined they met the requirements of CEQA, as applicable.

The commenter states that the applicant purchased the Weddington property knowing it does not have the “right” zoning. It should be noted that the Project Site is zoned A1-1XL-RIO. The “A1” zone, which allows one-family dwellings, parks, golf courses, and farming among other uses, also permits a school use with a conditional use permit.<sup>8</sup> LAMC Section 12.24.T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a CUP. Most private schools in the City operate under a CUP (public schools are not subject to the City’s zoning code). Therefore, the Project’s application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site’s existing zoning or the City’s Zoning Code.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project’s tree removal and replanting program was fully analyzed in the Draft EIR’s Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan*, of the Draft EIR). Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

Refer to Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project’s use of artificial turf fields.

The remaining bullet points and issues cited by the commenter are individually articulated and addressed in Response Nos. IND 193-3 through IND 193-9, below.

### **Comment No. IND 193-3**

#### **SIZE:**

Massively over scale for this residential neighborhood. Harvard Westlake provided misleading artist renderings that use the trick of forced perspective to make the project appear smaller than it is in reality. If Harvard Westlake truly believes this project is a win for all, they should not be hiding behind unrealistic artist representations. Why does the school “need” two olympic sized pools? It’s so large it spills over into county property on

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<sup>8</sup> Los Angeles Municipal Code (LAMC) Section 12.05.A (A1 Zone defined uses).

the LA River. City Planning should require the applicant to put up story poles (not balloons) for all structures proposed. Gym, Pool, spectator bleachers, 80-foot tall light poles, location of speakers, scoreboards, or any other structures not currently part of Weddington Golf and Tennis.



### Response No. IND 193-3

The comment expresses concerns regarding the scale of the Project. Please refer to Topical Response No. 4 – Aesthetics, which discusses the aesthetics impacts of the Project. The comment also contends that the artist renderings are unrealistic. However, no specific examples from the Draft EIR or evidence are provided in the comment to support this contention. The renderings provided in the Draft EIR are used to illustrate the conceptual features of the Project. Additional, numerous graphics/plans included in Chapter II, *Project Description*, of the Draft EIR, also illustrate the floor plans and elevations of the Project, most of which include dimensions and/or scales, to indicate the size of the Project’s various features/components.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The comment requests that City require the School to install “story poles” prior to construction. The proposed “story poles” could be required at the discretion of the Project’s decision-makers but are not a part of the Project evaluated in the Draft EIR, nor are they required by or related to any impacts evaluated in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 193-4****LACK OF PUBLIC BENEFIT:**

Councilman Krekorian asked to build a ramp from Coldwater to the north side of the LA River as a public benefit. There was no discussion with the adjacent residents on this item. Adding a ramp at this location may allow overflow parking from the recently opened Sportsmen's Lodge Mall to park on Alcove and Valley Spring. Parking at the new Mall is already showing signs of nearing capacity. The Mall is not fully operational, and many stores are not yet open, including one of the anchor tenants, Equinox gym.

*The comment also includes an aerial view of the Sportsmen's Lodge site with labels indicating the Project's proposed ramp location, existing ramp on the north side of Los Angeles River, trees, and building descriptions. Please refer to Appendix A in this Final EIR for the complete commenter letter, including this graphic.*

**Response No. IND 193-4**

The comment speculates that the Coldwater Canyon Avenue Riverwalk Path Ramp would be used to access the Sportsmen's Lodge project site across the Los Angeles River. Please refer to Response No. IND 192-6 which addresses this issue.

**Comment No. IND 193-5****SOUND:**

After reviewing the DEIR, I find I have more questions than answers. This document of 6,503 pages is conspicuously lacking in detail. One of those areas is sound, where I have made my living for over four decades as a re-recording mixer for television.

**Response No. IND 193-5**

The comment claims that the Draft EIR does not adequately evaluate sound. The comment does not provide any detail as to the type of noise evaluation presumed missing in the Draft EIR. The Project's noise impacts, including construction and operational noise, are evaluated in Section IV.K, Noise, of the Draft EIR. The Noise evaluation is supplemented by a detailed and extensive Noise Technical Study provided in Appendix K of the Draft EIR. In a worst-case study of operational noise, the Draft EIR evaluates composite noise from combined crowds, amplifiers, vehicles, and other noise sources on page IV.K-54 and in Table IV.K-20, *Composite Noise Impacts* (page IV.K-55), of the Draft EIR. As evaluated in the Draft EIR, in accordance with CEQA protocols, any disturbance from activities, such as an increase in operation noise levels from composite activities and vehicles, would not exceed threshold levels at any of the sensitive receptor sites or within the adjacent residential neighborhood.

## Comment No. IND 193-6

For example, if tasked with setting up a sound system on the proposed site to the specifications cited in the DEIR, I would have lots of wiggle room. There is no specificity in the speaker system's coverage area (vertical or horizontal). There is a specification for a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system that doesn't state if that measurement is on-axis or off-axis. Suppose the goal is to protect the surrounding neighborhood from amplified noise from the "special event" located on the north side of Field A. In that case, the height of the stage is a critical factor in reducing the spill of sound into the surrounding neighborhood. Harvard Westlake provided vague technical specifications with no specificity of the proposed events.

Once sound arrives at its intended target from the PA system, it doesn't just stop. It continues.

## Response No. IND 193-6

The comment expresses that the Draft EIR did not adequately evaluate noise from amplified sound. As discussed in Draft EIR, Appendix K, Noise Technical Study, page 18, the regulatory limit for amplified sound is established under Section 112.01 of the LAMC. Section 112.01 specifies that operation of an amplified sound system (i.e., machine or device producing, reproducing or amplification of the human voice, music, or any other sound) shall not exceed the ambient noise level on the premises of any other occupied property by more than five (5) decibels. Project Design Feature NOI-PDF-2 requires that the Project's "amplified sound system for special events at Field A be installed and designed using a line-array speaker system, so as to not exceed a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system. In addition, the stage for special events will be located at the north side of Field A, with the amplified sound system facing south in the opposite direction from the nearest off-site sensitive uses to the north of Field A, which would reduce speaker noise at the nearest off-site sensitive uses to the north and east of Field A." The objective of the noise analysis and the amplification system for the purpose of the Draft EIR is not to result in silence or no discernable sound but to comply with LAMC requirements in accordance with the CEQA threshold. With regard to stage height, stage heights could vary, but typically can be up to approximately four to five feet high. Regardless of the stage height, Project Design Feature NOI-PDF-2 conservatively requires the noise level to be at a maximum of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system. As the speaker height increases, the noise level requirement at 50 feet stays the same. At this distance, the noise levels from the amplified system would not significantly impact nearby noise sensitive receptors, as shown in Tables IV.K-14 and IV.K-15 of the Draft EIR. Furthermore, even under a conservative, worse-case scenario evaluating composite noise impacts, which evaluates all Project-related noise sources (including speakers) operating simultaneously plus existing ambient noise levels, the Draft EIR shows that operational noise impacts would be less than significant. Also, it is acknowledged that sound does continue after reaching its target, but since the noise analysis evaluates the

nearest noise sensitive receptors, any receptors beyond those analyzed in the Draft EIR would experience lower noise levels due to natural attenuation and, thus, reduced less than significant noise impacts.

### **Comment No. IND 193-7**

Wind, temperature, and nearby reflective surfaces like the large proposed gym, structures to the south behind Ventura blvd, [sic] etc., may act as points of reflection, as does the LA River. I have first-hand knowledge that sound travels unpredictably near the LA River. I can hear the crowd reactions from games at the Coldwater Harvard Westlake Campus at my house. A few years ago, the Sportsmen's Lodge Hotel had a lucrative business hosting tour buses. These buses had onboard generators that would run all night. I could hear these generators parked on the east side of the property loud and clear inside my house, specifically when I was lying on my den's couch.

The neighborhood to the north is a mixture of old and new construction, and it's a collection of single-story 1940-era homes adjacent to modern two-story McMansions. Some residents will experience significantly different levels of sonic irritation depending on home construction and where the errant sound from the proposed site decides to land.

My point is that the math necessary to predict how sound will travel on and around the proposed project is too complicated to quantify. With the current use as golf and tennis, in 35 years, I have never heard a sound from the Weddington property walking past it on Valley Spring except for occasional wildlife up close. The idea that Harvard Westlake wants to radically change the current site usage and replace nearly all of the soft natural sound-absorbent surfaces with plastic turf and concrete, stating the adjacent neighborhood will be protected simply by making vague claims with some technical sound jargon that few understand is preposterous.

### **Response No. IND 193-7**

The comment claims that noise levels from the Project are too complicated to quantify given the noise reflection caused by the Los Angeles River and various hard and soft surfaces on and off the Project Site. However, the commenter does not provide any substantive facts or support for these concerns or opinions. As evaluated in Section IV.K, *Noise*, of the Draft EIR, operational noise levels included noise levels associated with future on-site recreational activities and special events. Noise was estimated according to conservative assumptions to provide maximum impacts and to avoid underestimating impacts. The noise from use of the Project's recreational facilities would primarily be from the athletic facilities (i.e., Field A and B, pool, and tennis courts) located on the northern and western portions of the Project Site. Maximum noise levels from use of these Project facilities were calculated at the noise sensitive receptors immediately across the adjacent streets, and was compared to existing (i.e., ambient) noise levels at the same sensitive receptors. Operational composite noise levels would increase by 3 dBA or less at the nearest noise sensitive receptors (see Table IV.K-20 in the Draft ER). A change of 3 dBA in ambient noise levels is considered to be a barely perceivable difference. Given the

Project's largely imperceivable noise increase, intervening trees/landscaping as part of the Project, and the fact that the L.A. River is below grade from the Project Site, any noise refracted from the L.A. River would not change the noise levels at the nearest noise receptors as provided in the Draft EIR. Also, it is acknowledged that noise impacts were assessed at the property line of the noise sensitive receptors, thus, the construction type/date of the noise receptor buildings does not factor into the determination of noise impacts. The commenter is also referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, in this Final EIR, which discusses the adequacy of the operational noise analysis included in the Draft EIR.

### **Comment No. IND 193-8**

On pages IV.K-46 and IV.K-49, when the DEIR says off-site noise for residential uses would be designated to not exceed 92 dBA", but dBA does not reflect the annoyance from the sub-bass (boom boom) content. Page IV.K-47 does not consider the varying sound levels from activities – the intermittent nature of crowd noise, and the sound system is annoying and a nuisance.

### **Response No. IND 193-8**

The comment asserts that the dBA level would not deflect certain sounds, such as intermittent crowd noise and the sub-base sounds. The Draft EIR analysis is based on LAMC regulatory standards in accordance with CEQA thresholds. Various intermittent sound types that do not exceed the standard set forth in LAMC Section 112.01 could result in temporary or short-term annoyance are not considered to be significant noise impacts. However, please note that field activities and special events would terminate at 8:00 p.m. and, thus, would not extend into the quieter evening hours in which sound types such as sub-bass sound would be more perceptible and annoying.

### **Comment No. IND 193-9**

#### **CONSTRUCTION AND THE BURDEN ON THE NEIGHBORHOOD – DESTROYING OUR QUALITY OF LIFE:**

There are many large-scale construction projects in the planning stages within 1,000 feet or so of the proposed Harvard Westlake Sports Complex. Sportsmen's Lodge Apartments/Mixed Use on the Sportsmen's Lodge hotel site. The Sportsmen's Mall isn't fully open for business yet. The Sunswept Place Mix use project on the south side of Ventura Blvd. The Pinz Bowling Property on Ventura Blvd, to name a few.

Harvard Westlake has shared with the neighborhood they plan on starting construction in 2022-2023. The DEIR appears to be missing the complete haul route and realistic amount of truck trips for the project. Work has just started on Ventura Blvd. Mainline Improvement Project. <https://files.constantcontact.com/f20e008b001/272c5fd5-0d3d-49ad-849e-c79af0203a08.pdf>

The Mainline Improvement project is scheduled to be completed in 13 months.

This is a recipe for how to destroy a community.

Two to three years of construction is too much of a burden on the neighborhood for a project that belongs in a more appropriate location.

*The comment also includes a map of the Ventura Boulevard Mainline Improvement Project with reference to the locations of the Project. Please refer to Appendix A in this Final EIR for the complete commenter letter, including this graphic.*

## **Response No. IND 193-9**

The comment states that the combined construction of the Project and related projects would be too much of a burden on the neighborhood. The comment also states the Draft EIR appears to be missing the complete haul route and realistic amount of truck trips for the project.

As stated on page II-62 in Chapter II, *Project Description* of the Draft EIR, the inbound haul route would come from US-101, head southbound on Coldwater Canyon Avenue, eastbound on Moorpark Street, and southbound on Whitsett Avenue to access the Project Site. The outbound haul route would leave the Project Site and head southbound on Whitsett Avenue, westbound on Ventura Boulevard, and northbound on Coldwater Canyon Avenue to reach US-101. During the first month of Project construction, with concurrent demolition and site preparation activities, 252 maximum daily haul truck trips would be generated, and during the subsequent grading and excavation phase, up to 300 haul truck trips would be generated on peak haul days. Hauling hours are anticipated to begin at 8:00 a.m. and continue to 4:00 p.m.

Also, updates to the Project would reduce the parking capacity of the underground structure from 503 spaces to 386 spaces. With this reduction, the amount of grading would be reduced from 250,000 cubic yards to 197,000 cubic yards, a reduction of approximately 53,000 cubic yards. This reduction in grading would reduce the duration of grading from approximately 7 months to 5.5 months, and reduce the number of grading truck trips from 35,714 trips to 28,142 trips. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provide these Project updates. However, the overall construction duration would remain the same.

With regard to impacts from other future construction projects, the Draft EIR identified a list of related projects in Chapter III, *Environmental Setting*. For each issue analyzed in Chapter IV of the Draft EIR, an analysis of cumulative impacts was included which evaluated the combined impacts of the Project together with the related projects. The Draft EIR did disclose the potential significant and unavoidable cumulative impacts related to on-site construction equipment noise, off-site construction noise – mobile sources, off-site construction noise from the Coldwater Canyon Avenue Riverwalk Path

Ramp, and off-site improvements at Coldwater Canyon Avenue Riverwalk Path Ramp for construction vibration – human annoyance.

Also, as discussed in Section IV.M, *Transportation*, page IV.M-26 of the Draft EIR, Project Design Feature TRAF-PDF-1 would require a Construction Management Plan (CMP). Under the CMP, construction procedures will be formalized and specific actions will be identified and required to reduce effects on the surrounding community. The CMP will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction-related project representatives (i.e., construction contractors), whose projects will potentially be under construction at around the same time as the Project, will be conducted bimonthly, or as otherwise determined appropriate by City Staff. This coordination will ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with one another and the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 194**

Rita Levy  
Received May 9, 2022

### **Comment No. IND 194-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 194-1**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response to Comment Nos. FORM 3-1 and 3-3.

### **Comment No. IND 194-2**

Not to mention, it will ruin the habitats of many skunk and ground squirrel families.

### **Response No. IND 194-2**

The comment states that habitats of many skunk and ground squirrels would be adversely affected by the Project. Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife.

### **Comment No. IND 194-3**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 194-3**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-4 and 3-5.

## **Comment Letter No. IND 195**

Ryan Carl O'Meara  
Received May 9, 2022

### **Comment No. IND 195-1**

I am writing you this email in hope that you consider an alternate location for this project.

Weddington is a historic golf facility that provides an inclusive green space for the public.

It would be a mistake to pursue the project in this location. Please find a solution other than the one proposed. Many thanks for your time and consideration.

PLEASE DONT DO IT!?!

### **Response No. IND 195-1**

The comment requests an alternate location for the Project. The comment, however, does not suggest or recommend an alternative site(s).

Also, to clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 196**

Sara Haskins  
Received May 9, 2022

### **Comment No. IND 196-1**

I'm writing to register my concerns about the upcoming Harvard-Westlake takeover and renovation of the Weddington property.

I think it's a sign of how drastically we're failing the kids in our community that something like this is being built for the express use of kids at one of the city's most exclusive private schools. Sure Harvard-Westlake they might share it, they might rent it out but once they invest in this project there will be no chance to change the fact that they will own and operate a massive tract of land in the middle of a dense urban neighborhood that only belongs to them, probably forever. Their interest and cooperation with the community will depend solely on their sense of noblesse oblige and there will be no vested public right to that space.

One could argue that Weddington is private now – but it's so inexpensive that it truly is a space that can serve the public and instead of transitioning to something LESS accessible, why not make it more?

There is already an unequal playing field between public and private schools (pun intended and literal) – this project is just a massive example of how much goes to so few.

### **Response No. IND 196-1**

The comment expresses general opposition to the Project based on the private use of the Project Site by Harvard Westlake. As noted by the commenter, the Project Site is currently private property, although public access is allowed with payment of fees. Contrary to the commenter's claim that the Project would make the Project Site less accessible, public access to the various recreational amenities onsite would be provided free of charge upon completion of the Project. Thus, the Project would increase accessibility to the Project Site. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 197**

Steve Caplan  
Received May 9, 2022

### **Comment No. IND 197-1**

I am writing in opposition to Harvard Westlake's proposed elimination of Weddington Golf and Tennis. This effort by a well-heeled private school to provide less than 1,000 students with a **\$100 million dollar sports facility** at a space that has provided generations of Angelenos with a respite from the stress, noise, and concrete of our City (at the same time our schools struggle to get the most basic of services and supplies!) is truly a disgrace.

### **Response No. IND 197-1**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 197-2**

This huge project will degrade the integrity and character of not just Studio City and its adjacent communities, but will eliminate one of the last remaining open spaces for those of us who live in the San Fernando Valley to enjoy outdoor recreation, connect with friends, and enjoy a low-cost, stress free day with our families.

### **Response No. IND 197-2**

The comment expresses opposition to the Project based on degraded integrity and character of Studio City and detriment to quality of life, property values and access to recreational open space. This comment is similar to Comment No. FORM 3-3. Please refer to Response No. FORM 3-3 which discusses the issues raised in this comment.

### **Comment No. IND 197-3**

I could write at length about my concerns with the DEIR and the impacts of this project on traffic, noise, and our climate, but I think this issue goes even deeper than that. It is about our quality of life, and what we value as a community.

### **Response No. IND 197-3**

The comment expresses concerns regarding traffic, noise, and climate impacts. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding traffic impacts; and Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding noise impacts. Also, the Draft EIR

addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

#### **Comment No. IND 197-4**

I am thankful that we have elected officials and policymakers who have the ability to determine what is best for our neighborhoods regardless of the power and influence wielded by deep pocketed, politically connected interests. Our City has lost too many valuable spaces over the years to allow another irreplaceable part of our community to be swallowed up by those who are only looking out for their own interests.

Please, oppose this misguided plan and find a fair alternative that will preserve something that is so important to thousands of us in this community -- and not just a select few.

#### **Response No. IND 197-4**

The comment expresses general opposition to the Project and requests an alternative to the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 198**

Susan Gleason

Received May 9, 2022

### **Comment No. IND 198-1**

I am writing to express my extreme concern about the above proposed Harvard Westlake project. This property has been a community golf and tennis resource for decades and it is beloved by thousands of people in the cities that surround it. Generations of families have enjoyed the golf course, driving range, putting green, and tennis courts. It seems very unfair that a well funded private school could destroy this beloved community resource and turn it into a private facility reserved for 900 wealthy students who already have an athletic facility of this nature at their primary campus nearby.

### **Response No. IND 198-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility and private use of the Project Site by Harvard Westlake. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR

### **Comment No. IND 198-2**

This property is the last undeveloped land on the LA River. It is a travesty that Harvard Westlake wants to destroy the integrity of our neighborhood and this pristine open land with exterior stadium lighting, a massive amount of additional traffic and noise, huge underground and surface parking lots, massive walls, and bleacher seating. It is also upsetting that the community service it provides for golf and tennis facilities that are used by all walks of life in our community will be demolished for the benefit of the wealthy few.

## Response No. IND 198-2

The comment expresses opposition to the Project based on the location of the Project adjacent to the Los Angeles River and expresses concerns over operational lighting, traffic, noise, parking, walls and bleacher seating. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The commenter is referred to Topical Response No. 4 – Aesthetics, regarding the impact of the Project’s field lights and other outdoor lighting. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s parking, traffic patterns, effects on local streets, and consistency with CEQA threshold levels; and Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts.

Note that current updates to the Project would reduce the overall number of seats provided by the Project from 2,217 seats to 2,005 seats, which is a reduction of 212 seats. The changes to seating include: 1) pool area bleacher seats reduced from 348 to 214; 2) Field B bleacher seats reduced from 255 to 109; 3) Field A bleacher seats increased from 488 to 542; 5) gymnasium seats increased from 1,026 to 1,056; and 6) tennis bleacher seats reduced from 100 to 84. Also, the overall parking capacity has been reduced from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provide these Project updates.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 198-3

Your report does not adequately quantify the negative environmental and emotional impact this massive development will have on our neighborhood.

## Response No. IND 198-3

The comment makes a general statement that the report (presumably the Draft EIR) does not adequately quantify the negative environmental and emotional impact this massive development will have on the neighborhood. The comment does provide any evidence that CEQA-required subjects are not adequately addressed. The City confirmed that the Draft EIR adequately complies with the procedures and thresholds set forth in the CEQA Guidelines in addressing the Project’s environmental effects.

## **Comment Letter No. IND 199**

Joseph & Joanne Gallagher  
Received May 8, 2022

### **Comment No. IND 199-1**

As our elected representative, we urge you to stand up for your constituents, and oppose this catastrophic proposal.

This huge project conceived and developed by wealthy special interests from outside our neighborhood, is of NO BENEFIT to this community. This project led by lobbyists on behalf of influential Westside families and business interests, would disrupt & permanently damage our neighborhood.

Weddington Golf & Tennis was one of the main reasons we came to this pristine, unspoiled neighborhood to buy our home. It is a piece of beautiful green space which provides a natural habitat for the wildlife here, and a place of peaceful refuge to those of us seeking a quiet neighborhood in busy Los Angeles.

### **Response No. IND 199-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility and private use of the Project Site by Harvard-Westlake. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 199-2**

This extensive construction will greatly increase traffic and noise to this community which already suffers from horrible traffic congestion. This project will destroy any quiet time we homeowners and residents have left. This is NOT acceptable!

### **Response No. IND 199-2**

The comment expresses concerns regarding traffic and noise impacts. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s parking, traffic patterns, effects on local streets, and consistency with CEQA threshold levels. Please also refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 199-3**

Also, extensive construction will disrupt the geological terrain, and pose possible risks of earthquakes & damage to the water table!

This NEEDS to be studied!

### **Response No. IND 199-3**

The comment expresses concerns regarding geotechnical issues and damage to the water table. Section IV.F, *Geology and Soils*, of the Draft EIR addressed geology and soils impacts, including those associated with earthquakes, , based on the *Geotechnical Engineering Investigation – Proposed Academic and Athletic Development at 4141 Whitsett Avenue, Studio City, California* (“Preliminary Geotechnical Report”),<sup>9</sup> which is provided as Appendix G of the Draft EIR. The Draft EIR concluded that geology and soils impacts would be less than significant.

The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. Further, refer to Response No. ORG 9-5, which explains that infiltration at the Project Site is not feasible and that the Project would not substantially decrease groundwater supplies. Furthermore, the Project would not interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Fernando Valley Groundwater Basin. As such, groundwater recharge impacts would be less than significant.

### **Comment No. IND 199-4**

PLEASE PROTECT THIS RARE & BEAUTIFUL GREEN SPACE FROM RUIN & DESTRUCTION OF STUDIO CITY BY SPECIAL INTERESTS & WEALTHY FAMILIES WHO DON'T EVEN LIVE HERE.

Our STUDO[sic] CITY residents treasure this pristine and unspoiled neighborhood blessed with Weddington Golf & Tennis, a recreational green space, like NO OTHER!

Council member Raman, please stand with us and save the history & integrity of Weddington Golf and Tennis for us and our families to enjoy!

<sup>9</sup> Geotechnologies, Inc., *Geotechnical Engineering Investigation – Proposed Academic and Athletic Development at 4141 Whitsett Avenue, Studio City, California, 91604*, Revised June 19, 2020.

## **Response No. IND 199-4**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 200**

Teryne Dorret  
Received May 9, 2022

### **Comment No. IND 200-1**

I urge you to reject this project proposed by Harvard Westlake. It will be detrimental to the existing trees and natural area that many residents in the community now enjoy. As a member of the Neighborhood Council Sustainability Alliance and the Trees Committee, I am aware of the rapidly diminishing tree canopy in the San Fernando Valley. It is a devastating situation. The City Council has projects to plant trees and encourage tree planting, yet does not address the trees that are destroyed by private property projects. This is an issue that matters to all of us, as trees are crucial to our health and to keeping our valley liveable as the climate warms.

Please do not approve this detrimental project.

### **Response No. IND 200-1**

The comment expresses opposition to the Project based on the loss of trees and changes in the tree canopy in the region. Please refer to Topical Response No. 5 – Biological Resources/Trees, a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 201**

Andrew Johnson

Received May 10, 2022

### **Comment No. IND 201-1**

As a co-founder of a womens startup in a male [sic] dominated industry of golf (sports in general) – we sincerely encourage you to reconsider the proposal to remove this historic and landmark facility that has had open arms to women joining the sport.

The rise of golf in past two years and push for inclusiveness is incredible and can only continue to succeed where institutions that foster the development of new participants is encouraged.

Thank you for your consideration.

### **Response No. IND 201-1**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility, which the commenter states has been welcoming to women joining the sport of golf. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The commenter is referred to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

Also, please refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, in this Final EIR for a discussion regarding the relocation of existing golf course users and adequacy of other nine-hole golf courses in the area.

## **Comment Letter No. IND 202**

Eric Preven

Received May 10, 2022

### **Comment No. IND 202-1**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons.

1. With LA's green open space disappearing, Harvard-Westlake plans to service a privileged, select few by replacing 16 irreplaceable acres with artificial turf and concrete buildings, as well as by exerting their influence to secure variances to Weddington Golf & Tennis' A1 Agricultural Open Space zone allowances from the City.

### **Response No. IND 202-1**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 202-2**

2. By destroying the property's significant existing urban tree canopy along the LA River and replacing it with 12-foot walls, artificial turf, saplings, and towering light poles, the end result allows practices, games, and special events that will generate increased noise and traffic, which does not conform to the surrounding community.

### **Response No. IND 202-2**

This comment expresses concerns regarding loss of tree canopy, noise and traffic impacts.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts.

In addition, please refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 202-3**

3. Weddington Golf & Tennis is often referred to as “the gem of Studio City” and considered a local landmark for nearly 70 years. The LA Cultural Heritage Commission (CHC) supported Historic-Cultural Monument (HCM) designation for the ENTIRE 16-acre Weddington Golf & Tennis subject property. For that reason, we strongly support the mysterious, last-minute revisions be reversed and the designation restored to the CHC’s original recommendation: preserving the subject property, which encompasses the golf course, driving range, and a majority of the site’s green open space and tree canopy.

### **Response No. IND 202-3**

The comment asserts that the entire Weddington Golf & Tennis should be part of the HCM designation, which encompasses the golf course, driving range, and a majority of the site’s green open space and tree canopy. The commenter is referred to Topical Response No. 6 – Historic Resources, which addresses the historical resources on the Project Site. The assertion that the entire site should be part of the HCM designation is the opinion of the commenter and is not part of any official determination or designation of the Project Site as a historical resource. The City reviewed all of the evidence related to the history of the Project Site, and determined the historical significance and character-defining features as identified in the Draft EIR. It is the City’s identification of the character-defining features of the Project Site that appropriately provides the basis for the analysis in the Draft EIR.

### **Comment No. IND 202-4**

4. Millions of Angelenos from all over the City and San Fernando Valley have experienced Weddington Golf & Tennis since its opening in 1956. It is incumbent upon the City to protect precious affordable public spaces from developers and special interests, like Harvard-Westlake, who only serve a privileged few.

### **Response No. IND 202-4**

The comment requests the City decision-makers to oppose the Project. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Also, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 202-5**

5. Traffic and congestion continue to grow at an alarming rate in LA. If allowed to proceed, Harvard-Westlake will spend the next four to five years building a massive \$100 million dollar sports complex for its students, while the rest of the community grapples with the plan’s significant impact on our roads, traffic, and commutes to work and school. This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted.

### **Response No. IND 202-5**

This comment raises concerns regarding the Project’s potential traffic impacts. Please refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations in this Final EIR for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

Also, the comment states that findings needed for approval of a CUP are not met by the Project. This comment that the Project does not meet the criteria to grant a CUP is not founded in substantiated facts cited and represents the opinion of the commenter. Also, please note that most public and private schools in the City operate under a CUP in accordance with LAMC Section 12.24.T.3(b), which allows school uses in residential and agricultural zones. For addition discussion of the Project’s CUP, refer to Response Nos. ORG 7A-78, ORG 7A-79 and ORG 9-22. The comment, however, is primarily a request for project disapproval. The comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary.

### **Comment No. IND 202-6**

Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety.

These individuals are counting on you to subscribe to a higher standard, support the public’s interests, stand firm against Harvard-Westlake’s lobbyists and moneyed special interests, and deny approval of the CUP and certification of the DEIR.

Thank you for your time and consideration of this most important matter.

<https://www.dailynews.com/2017/11/12/a-weight-is-lifted-as-harvard-westlake-abandons-parking-plan/>

<https://www.citywatchla.com/index.php/los-angeles-for-rss/14116-huge>

<https://www.citywatchla.com/index.php/los-angeles/13786-story-behind-the-studio-city-nc-controversial-harvard-westlake-vote>

<https://www.citywatchla.com/index.php/los-angeles/13762-studio-city-nc-says-no-to-harvard-westlake-s-improvement-plan-controversial-public-hearing-looms>

<https://www.citywatchla.com/index.php/los-angeles/13549-coldwater-canyon-parking-project-not-every-harvard-westlake-parent-is-on-board>

<https://www.citywatchla.com/index.php/los-angeles/13392-tony-winning-ben-platt-provides-some-positive-headlines-for-la-s-westlake-high>

<https://www.citywatchla.com/index.php/los-angeles/13290-high-end-harvard-westlake-school-stuck-in-park>

<https://citywatchla.com/index.php/the-la-beat/10670-paul-krekorian-and-the-harvard-westlake-project-headed-for-a-buzz-saw>

<https://citywatchla.com/index.php/the-la-beat/10592-hey-reporters-how-about-a-few-questions-please-on-the-harvard-westlake-scam>

<https://citywatchla.com/index.php/the-la-beat/10109-harvard-westlake-school-pays-to-play-stokes-resentment-in-coldwater-canyon>

## **Response No. IND 202-6**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 202-7**

*The text below is provided as an attachment to Mr. Previn's e-mail correspondence, which appears to be an excerpt from the "citywatchla" website.*

Hopefully, we'll be able to cut through the confusion as we expose the many interesting characters through a compelling plot with real stakes and, you know, if all goes well, we'll open to a strong box office.

And if we win an award, we'll be sure to leave plenty of time to get over Laurel Canyon.

Pay to Play (and get away): The Washington Post had the inside scoop (behind a paywall) about the newly released "Pandora Papers" showing how wealthy people, including national leaders, accumulate secret assets and dodge accountability. I was hoping to scan for references to Charles Munger or Warren Buffett.

These fellows, and I'm only including Buffett, who has nothing to do with Weddington, because I know he's a folksy guy who read some of the screeds my brother and I wrote about Mayor Garcetti's alma mater-antagonist, Harvard Westlake, have done a lot of things. Charlie Munger, Buffett's right hand man, is a big donor to the elite athletics-obsessed school and recently plunked down \$43 million to buy up the Weddington Golf and Tennis Courts in Studio City. One of our last most treasured open space assets.

The United States has apparently become an "oligarchy" in which "unlimited political bribery" has created "a complete subversion of our political system as a payoff to major contributors." Seems a bit strong coming from former President Jimmy Carter, but please stop in to Studio City to see for yourself.

The casualness with which acts seem to be done, and the apparent unconcern that there might be harsh consequences, is severely problematic. The pervasive culture of corruption and their individual experiences with it have told Paul Krekorian and Karo Torossian that they have little to fear.

Golf and Tennis (open to) anyone!

When I went over to the local par nine to revisit my roots recently I was surprised at how rude the gal who ran the register was when I started taking pictures. She shut me right down.

I was a social tennis player back in the day and would invite several of my friends over for a morning game of tennis and maybe brunch at Jerry's or Belwood Bakery. Eventually, we moved our doubles game to my neighbor Mel Shavelson's house. Mel was a former president of the Writers Guild of America who wrote scripts for Bob Hope, so he embodied the authentic Studio City Slicker ethos. Smart and funny.

After he passed away, I bought some of his art and furniture from his kids because he and his wife Lucy had good taste and I was striving to stay connected to a time I knew was going to slip away.

A new TV couple that I do know, Linwood Boomer and Tracy Katsky of Malcolm in the Middle and HBO respectively redid the house that sits on what must be several acres of prime Studio City, approximately 300 feet from the now Charter elementary school, Carpenter Avenue. I would support fines for people whose places seem ultra lush during a drought.

But when I was playing tennis, it was a different time: there was water and a path to home ownership. At barely thirty years old, I moved off of a rental on Arch Drive at Vineland and Ventura into a small house in the hills above Carpenter Avenue school. Each and every day, I would drive to the Sportsmen's lodge wearing my bathing suit, slip in the side entrance, and take a short swim.

Rather than fussing around about changing clothes on site, I would just hop in the car, drive 300 feet to Belwood Bakery and still dripping gather the blueberry bran muffins, warm ham and cheese croissants, pain au chocolat, almond croissants... etc. In the afternoon I would tee off at the par nine... not really, but ...

Enayat was a good man, and worked the poolside security beat at Sportsmen's diligently and after eight months or so had detected that, though I appeared to swim there daily, and our eyes often met in greeting, I was not staying in the hotel. I was what you call, "a fence jumper."

Enayat said, "Sir, please, may I talk to you..." motioning me over to the side of the pool. I swam over, "What's up?"

Enforcement is reasonable and I could not argue with Enayat that I was a guest, because I was not. I decided, as I normally do, to go with the truth. "I'm a local guy, but we put people in this hotel for the shows that I'm constantly working on...my dad stays here!"

At the time this was all true information, we had memorably housed Margot Kidder at the Lodge, prior to her dumpster drama, alongside many others. "Is there a problem?"

He pointed out that the hotel pool was for guests only. I told Enayat that I would speak to the manager. Steve Scheck, who approved the plan of me being given permission to use the pool. "No problem, Mr. Preven, I'll speak with Enayat. We appreciate your business."

Sportsmen's Lodge was a popular gathering spot for cast and crew in old Hollywood, including Clark Gable, Bette Davis, John Wayne, Humphrey Bogart, Lauren Bacall, Spencer Tracy and Katharine Hepburn. The Ventura Boulevard restaurant which had murals of 2nd rate cowboy actors, quickly became a hot spot, a place where patrons could hook their dinner and have it fried fresh in the kitchen.

One year I personally arranged for a convention of Soap Opera fans and brought hundreds of paying customers to the hotel to meet the stars of NBC's Santa Barbara, A Martinez and Marcy Walker, Nancy Grahn and Lane Davies.

Local producers could be seen swimming laps in the good-sized and well maintained swimming pool as 3rd rate cowboy stars and stunt guys would chain smoke, so infuriating poolside guests.

The pond and trees surrounding the common areas were magnificent and the hot tub by the pool was an early tasteful version of what has become de rigueur for fancy hotels everywhere.

The whole Sportsmen's lodge property had been set for designation as a cultural historic landmark on the research and write-up by Ken Bernstein, himself.

Charlie Munger and Warren Buffett are the two greatest sources of incredible investing anecdotes. It's fair to say they are fanatics about their craft—which includes investing and clever quips.

There's one funny story about how Buffett agreed to caddie for the winning bidder of a round of golf with Tiger to benefit the Tiger Woods Foundation. After Buffett had caddied as he said he would, Woods made a final bet with him at the final hole, "For \$5, I'll play you on my knees," he said.

Amazingly, Tiger drove over 250 yards while kneeling. Buffet shanked it and lost but when he spoke to his right-hand man, Charlie Munger, on the plane ride home, Buffett said, "On 18, I brought Tiger to his knees."

At the end, Buffet handed Tiger the \$5 but reminded him. "The caddie gets 10% of your winnings, so give me 50 cents back."

Local Course Correction: I had never seen so many local signatures, allegedly 13,000 calling for the inclusion of the Studio City Golf and Tennis Club on the list of Historic-Cultural Monuments. At least not since we came together as a community to block the horrific Bridge Over Coldwater fiasco from same local villain, Harvard Westlake. In April The Heritage Commission voted to change the proposed monument name of the subject property to the "Studio City Golf and Tennis Club," to reflect the original, historic name with which it was associated for 50 years. The whole community has called it Weddington Golf & Tennis since as long as I can remember.

Edgar Khalatian of Mayer Brown and the team of lobbyists and Harvard Westlake boosters would love to erase the actual legacy of the place by casting it as a sort of "underutilized, dilapidated climate killer" is a false narrative.

At least a dozen Neighborhood Councils, the Los Angeles Conservancy and environmental groups, were caught completely off guard and surprised by the revised findings – which were presented at the very last minute with absolutely no notice to the public.

The City's revised findings narrowing the property's distinctive characteristics to the "clubhouse, golf ball light standards, putting green, and brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property" failed to meet the legal standards outlined in *Topanga Ass'n for a Scenic Cmty. v. Cnty. of Los Angeles*.

Nowhere in the findings does the commission or the city recommend removing both the terms "golf course" and "golf club."

Public comment was not allowed on the significant amendments that changed the very heart of the motion around Weddington Golf. Instead of the entire site being preserved, the council moved to only preserve part of the site.

I have reviewed and support at least two cure and correct letters under the Brown Act calling for the City to have a fair hearing. Good faith negotiations require trust.

Clear shot of the tee: When I went by that day to take some pictures, I started to dread what Harvard Westlake has been planning. Golf was once considered a rich man's sport... but Weddington had opened up the possibility for years for folks who could not afford to join a country club for access.

Our narrative could be a... golf showdown with the fate of the course at stake. A three-way battle to win, the local kid, a fancy player from Orange County who attends Harvard Westlake and is going to the 2028 Olympics. Best score takes it all ...

A good golf shot like telling a good story takes a lot of practice. You learn how to aim, like a bow and arrow. How to get the power at the right spot... whip of the wrist. It's challenging but fun. Giving a public comment is not so different.

"There's something about golf, it's very physical. It's the only game you have to play outside, other than tennis... but golf, golf is a giant ass course, you're gonna be walking. Gotta be outside."

There have been many red flags on the Harvard Westlake deal to acquire our public amenity and rezone it for private usage.

We can quibble over whether walking around a private school athletic facility, one of the big gives from Harvard Westlake is open space access, but one thing that can never be disputed is the joy when a golfer of any age makes a hole in one.

Consider, "It landed ten yards out, bounced twice and then rolled right into the cup." Make a grown woman cry. A hole in one is a super rare occurrence, some folks have said, a professional golfer might see ten or fifteen in the course of an entire lifetime of golf. There's no equivalent in any other game. A double eagle is when you sink it in 2 on a par 5. Dropping it in on the second shot. It's less rare than a hole in one, but still rare. What about a walk off grand slam? Much more likely than a double eagle or a hole in one. The odds of getting a hole in one, must be ... ask Harvard Westlake. They're allegedly very sharp over there.

(Eric Preven is a longtime community activist and is a contributor to CityWatch.)

## **Response No. IND 202-7**

This comment includes references to the commenter's personal history and reflections to various events and circumstances in and around the Project Site area.

Refer to Response No. IND 202-3 for a discussion of the site's designated historical resources.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 203**

Mark Cohen

Received May 10, 2022

### **Comment No. IND 203-1**

I do support Harvard Westlake's mission to grow and provide a quality sports and educational experience to its private community. THAT SAID, I just don't think taking over Weddington is the answer because it is at the expense of a community that already is shortchanged on open space and recreational space.

### **Response No. IND 203-1**

The comment expresses an interest in keeping the Project Site in its current condition. To clarify the existing property rights and on-site uses, the Project Site is not public property. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 203-2**

We need to protect what we have. I'm a tennis player and longtime Studio City resident. There are so few options to get outside and enjoy the outdoors here in the Valley. There is a lack of parks and recreational facilities in this city. And that is your job as a city representative to advocate for us. There used to be a tennis center on Vineland. Gone. Now it is a Ralph's. The courts at Beamon Park are few, not lit and [sic] night and crowded. The tennis courts on LAVC on Burbank Blvd are NOT open to the public. Where is one

supposed to go to enjoy some outdoor time? All the way over to Balboa Park. One should have to drive 30 minutes from Studio City to hit a tennis ball on cracked and old courts?

I personally think it would be better to let HW develop the property around its existing location on Coldwater. Please protect our scarce open recreational space to the public.

### **Response No. IND 203-2**

This comment expresses concerns about the loss of tennis courts and recreational spaces available to the public. Refer to Response No. IND 203-1 regarding public access to the Project Site and recreational opportunities available to the public with Project implementation. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, regarding public use of the Project’s tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public as under existing conditions.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 204

Riley McCluskey  
Received May 10, 2022

### Comment No. IND 204-1

My name is Riley McCluskey, and I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. Weddington represents an all-too-rare gem in our city – a beautiful, accessible outdoor space that everyone can enjoy. When I visit Weddington, I feel like I am stepping back into a simpler, more idyllic time – there are families everywhere enjoying the sun and little kids learning the great game of golf. Weddington is an anachronistic jewel that we should protect.

### Response No. IND 204-1

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 204-2

**The symbolism of an elite institution, bloated with cash, destroying this historic property and turning it into a private playground for its wealthy students couldn't be more on the nose – an indictment of our modern age where private interests gobble up public goods without remorse.**

### Response No. IND 204-2

The comment expresses general opposition to the Project citing the loss of a historic property and conversion of the site to a “private playground”. The commenter is referred to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

Contrary to the commenter's implication that the facilities currently on the Project Site are “public goods,” the Project Site is and has historically been private property. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 204-3**

I went to Loyola High School but many of my close friends are Harvard Westlake alums. Trust me – future generations of Wolverines will be just fine and still get into fancy colleges without their extra special tennis facility built on the remains of Weddington.

Please, please protect this beloved part of LA History. There is a deeper symbolic message at stake here and I urge you to intervene and help keep a little magic alive in this amazing town.

**Response No. IND 204-3**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 205**

Robert Baer

Received May 10, 2022

### **Comment No. IND 205-1**

I hope this email finds you well. I live in Studio City and am writing to express my strong opposition to the proposed development of the beloved Weddington Golf/Tennis by Harvard Westlake.

In fact, I am disgusted that a Valley institution that serves tens of thousands of local residents could be sold out to an elite High School where approximately only 300 students participate in sports.

I play tennis there every week with a neighborhood friend, play golf with my father-in-law and practice at the putting green. I was there a couple of weeks ago with a different neighbor and his son to play golf. When we left – every hitting practice bay was filled.

I can't tell you how upsetting it is that this beautiful space could be basically shut down for a PRIVATE high school.

### **Response No. IND 205-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. To clarify the existing property rights and on-site uses, the Project Site is not public property. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 205-2

Here are just some of the reasons AGAINST the project:

- Harvard Westlake has a campus – the community should not be negatively impacted b/c HW can't make do with the campus they have. We should not be punished b/c they keep increasing enrollment!
- The HW development will benefit the few (who can pay \$40,000+ year to attend) versus the tens of thousands of local residents who benefit from this community resource
- There will be many jobs lost at the facility from the coaches and staff at both facilities
- Many of the kids who go to HW are not even local

## Response No. IND 205-2

The comment claims that the Project would only benefit a few, that the School keeps increasing enrollment, that the School needs to use the campus it has, and that jobs will be lost. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location. Also, the Project does not propose to increase enrollment. Any future discretionary projects, including potential expansions of the Project Site or on either School campus, would be subject to future environmental review under the CEQA. It is up to the discretion of the City to approve or reject future projects.

With regards to jobs, economic considerations are not CEQA issues and are not addressed in the Draft EIR.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 205-3

- It's one of the few green spaces left in Studio City
- It is a treasured part of Studio City and one of the reasons I fell in love with SC when I bought a house here 15 years ago

## Response No. IND 205-3

The comment expresses opposition to the Project based on the loss of green space. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 205-4**

- The noise, light and destruction of trees

## **Response No. IND 205-4**

The comment expresses opposition to the Project based on noise, light and destruction of trees. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts and Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts. Also, please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 205-5**

It is so obvious that this is all about money and has nothing to do with the community that it will be impacting – it's disgusting!

We all know Garcetti is an alum of HW. This just really reeks of cronyism. Whomever is trying to push this through should be ashamed of themselves.

HW does not need this facility that will clearly devastate the community. THEY HAVE IDENTICAL FACILITIES ALREADY ON THEIR CAMPUS – WE SHOULD NOT BE PUNISHED B/C THEY WANT MORE FACILITIES

Just because HW purchased the property it does not mean that they can do whatever they please with it. I'm sure it's not zoned for what they want to do. They took a risk buying the property without proper entitlements. The community should not suffer. This would be like someone buying the house next to yours and then deciding to put in a convenience store just because they own the land.

## **Response No. IND 205-5**

The comment questions the need for the Project and expresses the commenter’s opinions based on unsubstantiated evidence or facts. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The comment expresses the concern that the Project Site is not zoned for school uses. The Project Site is zoned A1-1XL-RIO. The “A1” zone, which allows one-family dwellings, parks, golf courses, and farming among other uses, also permits a school use with a conditional use permit.<sup>10</sup> LAMC Section 12.24.T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a conditional use permit (CUP). Most private schools in the City operate under a CUP (public schools are not subject to the City’s zoning code). Therefore, the Project’s application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site’s existing zoning or the City’s Zoning Code.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 205-6**

Part of the reason we purchased our home in Studio City nearly 17 years ago was because of the community feel that is greatly enhanced by amenities like this Golf and Tennis club. I also sell Real Estate in the area and this project will have a negative impact on property values.

Thank you for your consideration. I hope that you can help do the right think for the community that you represent.

### **Response No. IND 205-6**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility and decreased property values. With regard to decreased property values, the commenter does not provide any substantive facts or support for this concern. Additionally, economic and social effects of a project are not treated as significant effects on the environment under CEQA unless they would lead to a physical impact on the environment. See CEQA Guidelines Section 15131. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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<sup>10</sup> Los Angeles Municipal Code (LAMC) Section 12.05.A (A1 Zone defined uses).

## **Comment Letter No. IND 206**

Tal Meirson

Received May 10, 2022

### **Comment No. IND 206-1**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons.

### **Response No. IND 206-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility and private use of the Project Site by Harvard Westlake. To clarify the existing property rights and on-site uses, the Project Site is not public property. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 206-2**

1. Harvard Westlake is not that close to their proposed sport center. The students will have to be shuttled through our neighborhood and will increase pollution and traffic. Will be dangerous to bike and walk with strollers with vans and busses added.

### **Response No. IND 206-2**

The comment expresses concerns about increased pollution and traffic. The comment further expresses concerns about bike and pedestrian safety in the neighborhood, which will be impacted by the addition of vans and buses.

With regard to increased pollution, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse

Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, in this Final EIR for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels. Refer to Response No. IND 185-4 for additional discussion of the School's shuttle service to/from the Project Site.

The comment also expresses concern about pedestrian safety as much of the neighborhood does not have crosswalks and people walk in the street. Please refer to Response No. IND 42D-6 and IND 70-2 regarding intersection and pedestrian safety.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 206-3**

2. With LA's green open space disappearing, Harvard-Westlake plans to service a privileged, select few by replacing 16 irreplaceable acres with artificial turf and concrete buildings, as well as by exerting their influence to secure variances to Weddington Golf & Tennis' A1 Agricultural Open Space zone allowances from the City.

3. By destroying the property's significant existing urban tree canopy along the LA River and replacing it with 12-foot walls, artificial turf, saplings, and towering light poles, the end result allows practices, games, and special events that will generate increased noise and traffic, which does not conform to the surrounding community.

4. Weddington Golf & Tennis is often referred to as "the gem of Studio City" and considered a local landmark for nearly 70 years. The LA Cultural Heritage Commission (CHC) supported Historic-Cultural Monument (HCM) designation for the ENTIRE 16-acre Weddington Golf & Tennis subject property. For that reason, we strongly support the mysterious, last-minute revisions be reversed and the designation restored to the CHC's original recommendation:

### **Response No. IND 206-3**

This comment expresses the same concerns presented in Comment No. IND 202-1 to IND 202-3. Responses to this comment are provided in Response to Comment Nos. IND 202-1 to IND 202-3.

### **Comment No. IND 206-4**

5. Noise from the sport event and other events will affect the living conditions that this quaint neighborhood is known for and change the quality of life for many residents.

## **Response No. IND 206-4**

The comment expresses concerns about noise from sporting and other events the commenter states will change the quality of life for many residents. The commenter is referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding operational noise impacts. As discussed therein, operational noise impacts from the Project would be less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 207**

Tama Winograd  
Received May 10, 2022

### **Comment No. IND 207-1**

Wedding [sic] Golf & Tennis has been an important recreational site for the public for almost 70 years. It disgusts me that Harvard-Westlake wants to destroy it so their privileged students have another place to play sports. How about a little basic fairness instead of catering to the wealthy?

### **Response No. IND 207-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 208**

Thomas Perry  
Received May 10, 2022

### **Comment No. IND 208-1**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The residents of Studio City all seem to feel the same way. Rather than repeat the main objections, which you will hear from others, I have a few other thoughts that I believe deserve notice.

### **Response No. IND 208-1**

The comment expresses opposition to the Project based on the loss of Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 208-2**

Every public meeting regarding this expansion, and the one proposed before it for a giant parking structure with alighted athletic field on its top has been a travesty, in which the school's administrators and lawyers made highly questionable assertions before an audience packed with Harvard Westlake parents and students, who live elsewhere and would suffer none of the consequences of these terrible projects. The sale itself, and every alteration to the original proposal, has been done in secret and then announced as an accomplished deal, which people could then comment on.

### **Response No. IND 208-2**

The comment describes general opposition to the Project and states Project meetings were largely attended by Harvard-Westlake parents and students, who live elsewhere and would suffer none of the consequences of the Project. Further, the comment implies the sale of the Project Site as well as evolvment of the Project to its current presentation in the Draft EIR have been done in secret. This statement is not supported by substantiated evidence or facts. To the contrary, the School has conducted numerous community meetings to refine the scope of the Project in consideration of community input and the Project Objectives included on pages II-13 and II-14 in Chapter II, *Project Description*, of the Draft EIR. The Project as described in Chapter 2, *Project Description*, of the Draft EIR, and the revisions included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, have been made available for public review in advance of the City's forthcoming hearing process.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 208-3**

Weddington, the area around it, and above the water beside it provide habitat and food for a surprising variety of birds, a good share of the trees in the district, and other irreplaceable natural features.

### **Response No. IND 208-3**

The comment indicates the Project Site and surrounding area provide habitat and food for birds, a good share of trees, and other natural features.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR with supporting data provided in Appendix D, *Biological Resources Technical Report*, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 208-4**

The increased traffic in the area, which will go on from early morning until late evening, will have a negative impact on everyone living in Studio City.

### **Response No. IND 208-4**

The comment asserts that the Project’s traffic would have a negative impact on everyone in Studio City. Please refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations in this Final EIR for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 208-5**

Harvard Westlake already has the best athletic spaces in the San Fernando Valley. There is no educational benefit to adding more. This is a vanity project, which will cause real harm to the residents. If it is allowed it will simply be one more triumph of money over principle.

### **Response No. IND 208-5**

The comment expresses the opinion that the Project is not needed by the School. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 209**

Adele Slaughter & Jeff Kober  
Received May 10, 2022

### **Comment No. IND 209-1**

I wish we all could have met under different circumstances. I am sure that we will have a very long and fruitful relationship ahead of us. Kimberly, I have only seen you on various Zoom meetings. Jorge and I met at our Studio City Neighborhood Council Sustainability meeting, on which I volunteer, and I met Ms. Raman at the Studio City Residence association meeting where I asked a question about CEQUA [sic] having more “teeth”. I have lived in Studio City since 1994 when I moved here with my 8 year old son who attended Carpenter Elementary, then North Hollywood High.

### **Response No. IND 209-1**

The comment introduces a presentation. Since the comment is introductory in nature and does not address the Project or information contained in the Draft EIR, no further response is necessary.

### **Comment No. IND 209-2**

As you might imagine, I am not in favor of Harvard-Westlake School’s planned construction at Weddington Golf & Tennis. The conversion of the property into a private high-school sports facility is an unacceptable plan for this site. I have been looking into this project for over two years and the list of reasons that this is over-development is inappropriate for this site is long. Attached is my list of things that are inadequate in the DEIR. And while my list is not complete, it speaks to some of the most egregious things omitted from the Draft Environmental Report.

### **Response No. IND 209-2**

The comment states opposition to the Project on the basis that it is inappropriate for the Project Site. The comment introduces, but does not include a discussion of specific inadequacies of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-3**

The DEIR does not accurately portray how this proposal will destroy an open green park space and eliminates a park space that the Master Plan has counted on for decades. I am attaching my detailed response to the DEIR as a PDF as well as a Landscape Response as a PDF from a certified Landscape architect. Please put these into the record responses to the DEIR.

### **Response No. IND 209-3**

The comment states that the Project would destroy open green park space and introduces additional comments to the Draft EIR and a landscape plan provided as attachments to the comment letter.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-4**

I am quite certain that this massive development is too big for the neighborhood. I also want Ms. Henry and Ms. Raman to know, that I have written to the school's administration and the Board of Directors asking for a community "think tank" to address some of these issues and more, but received no response.

### **Response No. IND 209-4**

The comment states that the Project would be too massive for the neighborhood. See Topical Response No. 4 – Aesthetics, regarding the Project's less than significant aesthetics-related impacts. Additionally, impacts related to views, scenic resources and visual character were evaluated in the Initial Study (Appendix A of the Draft EIR) and also determined to be less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-5**

Please consider aligning City Planning and CD4 with Barry Milofsky, Gail Kennard and Richard Barron historic commissioners who voted in favor of the HCM designation as well as council members who understand the unique nature of saving such a piece of open green space. Councilmembers like Paul Koretz and Mitch O'Farrell who actually work to fight climate change and protect our natural resources.

## Response No. IND 209-5

The comment provides a suggestion to the City regarding the process via which the Project is evaluated for potential environmental impacts. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 209-6

*Response Nos. IND 209-6 to 209-42 are included in the commenter's attachments to their May 10, 2022 e-mail.*

### AESTHETICS

Stands of trees next to the tennis courts Photo #1



Scenic quality refers to the visual appeal of an area and is informed by features that contribute to overall aesthetic character. Aesthetic features may include unique or prominent natural or man-made attributes or several small features that, when viewed together, create a whole that is visually interesting or appealing.

Ariel [sic] view From Northwest to Southeast Photo #2



The Initial Study prepared for the Project, determined that impacts related to scenic vistas, scenic resources, and consistency with applicable scenic quality regulations would be less than significant. From The DEIR IV.A. Aesthetics (Light and Glare) p 95.

We disagree. The DEIR inadequately describes the views of the existing stands of trees and the value of the scenic views from the hills above Studio City, as well as along Valley Spring and Bellaire. As you can see in the above photographs #1 and #2. The stands of trees were planted to delineate the golf course and at almost 70 years old the trees are majestic and create an urban forest.

### **Response No. IND 209-6**

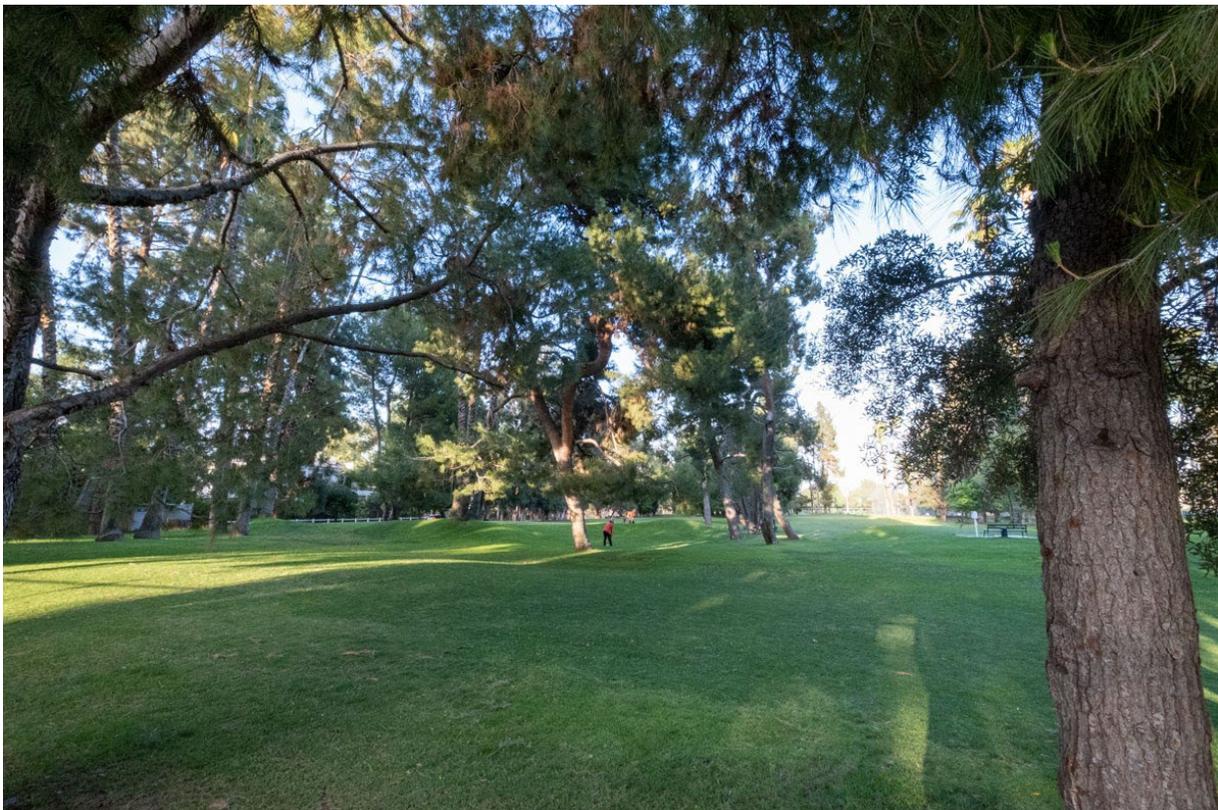
The comment challenges the conclusions of the Initial Study regarding aesthetics impacts. However, the commenter does not provide any substantive evidence that the Project would result in significant aesthetics impacts. The commenter is referred to Topical Response No. 4 – Aesthetics, regarding the aesthetic impacts of the Project. The commenter generally states that because of the stands of trees on the Project Site, some of which maybe be removed by the Project, the Project would cause significant aesthetics impacts. Removal of trees alone on the Project Site is not reason enough on its own to cause a significant aesthetic impact. The totality of the visual elements, including the tree stands, were considered in the aesthetics analysis. However, with regard to trees specifically, see Topical Response No.5 – Biological Resources/Trees, for a discussion of impacts to on-site trees. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as

compared to existing conditions – a 36 percent increase. Note that the mature eucalyptus trees along Bellaire Avenue and most of the eucalyptus trees on Valley Spring Lane, as well as along the Zev Greenway would be preserved by the Project. Based on the totality of the visual elements of the Project features, including its tree replacement program, preservation of most of the perimeter trees, and new landscaping, the Initial Study correctly concluded aesthetics impacts would be less than significant based on the threshold questions established in Appendix G of the CEQA Guidelines.

### **Comment No. IND 209-7**

The Project would not substantially damage scenic resources, including but not limited to trees... From The DEIR IV.A. Aesthetics (Light and Glare) p 95.

We disagree. The plan calls for the removal of 209 significant trees and the study of the impact of the removal of these trees is inadequate and needs further consideration. In the photo #3 below a golfer is next to an Aleppo Pine, a significant mature tree. The scenic resources would be significantly impacted and altered by the proposed construction of a walled-in sports complex. This open space view from Valley Spring and Bellaire would be extinct.



Aleppo Pine with Golfer in red Shirt #3

## Response No. IND 209-7

The comment disagrees with the conclusion that the Project would not damage scenic resources. The aesthetics analysis in the Initial Study addresses scenic resources within the view field of a state scenic highway per the CEQA Guidelines Appendix G checklist questions. Because views of the Project Site are not available from a scenic highway, no impacts would occur, as properly concluded in the Initial Study.

Furthermore, the comment omits information provided in Chapter II, *Project Description*, page II-1 and II-29 and Section IV.C, *Biological Resources*, Figures IV.C-4, *Tree Removal Plan*, page IVC.-36; Figure IV.C-5, *Tree Planting Plan*, page IV.C-37; and Figure IV.C-6, *Planting Zone Plan*, page IV.C-38 ,and page IV.C-53, that show or state that the Project would plant 393 new trees, resulting in 574 trees, which would be an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. Refer to Response No. IND 209-6 above for additional discussion of tree replacement.

## Comment No. IND 209-8

### **If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

As discussed in the Initial Study (Appendix A of this Draft EIR), the Project Site is located in an urbanized area and as applicable to Threshold (c), the Project would not conflict with applicable zoning and other regulations governing scenic quality. As such a less-than significant impact would occur with respect to Threshold From The DEIR IV.A. Aesthetics (Light and Glare) p 95.



Panoramic View of the golf course from Valley Spring Photo #4

We disagree. In title 22 Planning and Zoning, Chapter 22.16.010 states that the Open Space Zone (Zone O-S) is established to provide for the preservation, maintenance, and enhancement of the recreational, natural, and environmental resources of this County as defined in the General Plan. And specifically to protect sites of historical, archaeological, scenic, or scientific value. As you can see in photo #4 this is a natural recreational course that offers environmental resources such as sequestering carbon, cleaning water, keeping water runoff to a minimum and providing a view of nature in an other wise urban

environment. It has also been deemed an historical site by the City. We think that the DEIR gives these elements short shrift and ignores the impacts of building 387,086 square feet of building across the property.

### **Response No. IND 209-8**

The comment states that the Project would not comply with the Open Space zone. The comment is not supported by facts. The Project Site is located within the A1-1XL-RIO zone, not the Open Space (OS) zone. Therefore, the requirements of the Open Space (OS) zone do not apply to the Project Site.

The commenter is referred to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

### **Comment No. IND 209-9**

NOTE: in 1973 when the zoning was changed to A1-A Open Space the then owner of the 50-year-lease, Art Anderson wanted to build a tennis club with bathrooms and showers but the city only allowed him to build a 500-square foot house with one shower and two bathrooms. Joel Wachs the Councilmember at the time of the zoning change, wrote me in an email: “Congratulations on your efforts to keep the Weddington Golf and Tennis property green, recreational and open for public use. It’s been nearly fifty years since I was first elected to office and began working with the community and the Weddington family to preserve the property for such uses.” (Joel Wachs, Councilmember Second District 1971-2001)

### **Response No. IND 209-9**

The comment states that the zoning of the Project Site was changed to Agriculture/Open Space in 1973 to provide for open space. The Project Site’s zoning was changed from Residential (R) to Agriculture (A) in the 1970s to reduce tax liability prior to Proposition 13 and to provide similar zoning to other golf course operations in the area. It was not the intention of the A zone to provide for agricultural activities or open space. The Project Site was never zoned OS. The zone change was discretionary on the part of the owner, who could have “by right” subdivided the property into almost 150 residential lots consistent with the surrounding residential neighborhood, if the owner had elected to do so. In addition to the tennis shack, the property continued to include a 2,700 square-foot residence used as the operating office and a clubhouse with café.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-10**

The DEIR does not adequately investigate the impacts of the following

- 2 artificial turf sports fields (1 with synthetic track)
- 1 Olympic-size swimming pool and locker rooms
- 8 newly-constructed tennis courts and locker rooms
- 387,086 square feet of building across the property
- 80,249 square-foot multi-purpose gymnasium and locker rooms
- 2,217 spectator seats spread across the property
- Removal of 240 mature, heritage trees
- 33 light poles (ranging between 26 and 80 ft high)
- 5-acre, 503-space parking structure (roughly 600% increase)

### **Response No. IND 209-10**

The comment states that the Draft EIR does not adequately evaluate the impacts of the Project's features as listed in the comment. The comment does not provide any specific issues with regard to any of the listed features. The Draft EIR analyzed the potential effects of the combined listed components, including composite noise effects, total construction activity, maximum attendance, maximum traffic, and other effects. The City, in the preparation of the Draft EIR, determined that the Draft EIR adequately meets the requirements of the CEQA Guidelines (Draft EIR, page ES-1) in the Draft EIR's scope. The claim in the comment that the Draft EIR does not adequately evaluate the impacts of the Project is not supported by fact or substantial evidence.

See Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields.

Please refer to Topical Response No. 5 – Biological Resources/Trees for a discussion of impacts to trees and the Project's tree replacement program.

In addition, please refer to Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, which provides updates to the Project's light poles and bleacher seats. As evaluated in Section IV.A, *Aesthetics*, of the Draft EIR, light and glare impacts would not exceed existing ambient light and glare levels in the off-site area or exceed RIO standards within the Project Site. The Project's lighting program has been revised to reduce the number of field and tennis court lights. The revised Lighting Study is attached as Appendix

B.1 to this Final EIR and, as further evaluated in Topical Response No. 4 – Aesthetics, the reduction in lighting would further reduce the Project's light and glare levels. Consistent with the analysis in Section IV.A. light and glare impacts would be less than significant.

Also, current updates to the Project would reduce the overall number of seats provided by the Project from 2,217 seats to 2,005 seats, which is a reduction of 212 seats. The changes to seating include: 1) pool area bleacher seats reduced from 348 to 214; 2) Field B bleacher seats reduced from 255 to 109; 3) Field A bleacher seats increased from 488 to 542 (accomplished by using prefabricated metal bleachers in lieu of the poured-in place concrete system previously proposed by the School); 5) gymnasium seats increased from 1,026 to 1,056; and 6) tennis bleacher seats reduced from 100 to 84. Also, the overall parking capacity has been reduced from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Topical Response No. 2 - Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

## **Comment No. IND 209-11**

### **PUBLIC SERVICES – PARKS AND RECREATION – SOCIAL EQUITY**

The impact on the parks and recreation has been given short shrift in the DEIR and is inadequately studied. This project will heavily impact the distribution of wealth, opportunities, and privileges within our community. In the DEIR they state that the tennis courts will be used "when they are not in use by Harvard-Westlake." And also for "for pre-approved Studio City-based organizations."

In Cy Carlberg tree planting plan in the DEIR she names it the "Harvard- Westlake River Park Campus". It will be a campus for the school, not a publicly accessible recreational facility as it is today.

This newly formed recreational site will have access to a select few. The school has not adequately explained how they will screen the people who walk onto their "campus" which by definition is not public access.

Currently, we estimate at least 100,000 Angeleno's use this property annually. They are a broad selection of people from all walks of life. In fact, as a Captain of two USTA teams that call Weddington home, I can tell you that my teams are a diverse group of women both in age and ethnicity.

The DEIR suggests that the tennis players will easily relocate to other tennis courts and golfers will find other places to play. Their reasoning is inadequate and uses "cold data" which does not reflect the community's experience. Loosing [sic] those courts will be a

net loss to tennis players and even greater loss for golfers who will lose all but the putting green. There are insufficient places for tennis players and golfers to utilize in the area.

### **Response No. IND 209-11**

The comment expresses concerns about the availability of the tennis courts to the public and public access to recreational facilities. Please refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. The commenter is also referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, in this Final EIR for a discussion of impacts related to the Project’s provision of tennis facilities for public use. As discussed therein, the Project would accommodate the same number of weekly sessions, including existing and future student use, as under existing conditions. Tennis would be available to the public under a reservation system that would allow concurrent use with students (who use the courts in the late afternoons) when courts are available.

Further, with respect to parks and recreation, the CEQA Guidelines do not provide a threshold or address the personal interests or perception of convenience of users of a land use but do consider the potential physical deterioration that potentially relocated users would create on existing public parks and recreational facilities. The CEQA thresholds also evaluate whether the Project would require the expansion or addition of parks and recreational facilities that would result in potentially significant adverse physical effects on the environment.

Also, the comment states that an estimated 100,000 Angelenos use the property annually. The stated number is misleading in that the number is generally estimated based on the daily number of visitors to the Project multiplied by 365 days/year. Since many of the daily visitors are regular/repeat visitors to the Project Site, the stated number of Angelenos using the property is highly overstated. For comparison, by using this same math, Harvard-Westlake users of the Project Site would be above 100,000 users per year, which is not accurate since the students would be repeat visitors to the Project Site.

### **Comment No. IND 209-12**

Additionally, the DEIR states the following about the fire station: "development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following: 1. Increased staffing for existing facilities. (i.e., Paramedic Rescue Ambulance and EMT Rescue Ambulance resources.) 2. Additional fire protection facilities. 3. Relocation of present fire protection facilities.

The DEIR indicates this development will impact the fire protection facilities and will seriously impair the fire station and their ability to provide services. Putting the recreational needs of 900 students above fire fighters who currently work next to the Weddington Golf & Tennis is the definition of “social inequity”.

## Response No. IND 209-12

The comment claims that the Project would place student needs above the needs of the LAFD. Also, the comment points out the Draft EIR indicates the Project and related projects may result in increased staffing and additional or relocated facilities. However, the comment fails to include or reference the impact analysis provided in the Draft EIR on this topic.

As discussed in on page IV.L.1-28 in Section IV.L.1, *Fire Protection*, of the Draft EIR, according to the service letter received from the LAFD, dated February 20, 2021, the LAFD stated that the development of the Project and related projects in the immediate area may result in the need for increased staffing for existing facilities, additional fire protection facilities, and relocation of present fire protection facilities. The comment letter is provided in Appendix L.1 of the Draft EIR. Note also that page IV.L.1-28 of the Draft EIR states: “However, as previously discussed, the LAFD continuously evaluates fire station placement and overall service capabilities as part of its obligation to provide fire services throughout the City. Currently, the LAFD has no plans to expand or construct new facilities to service the Project Site vicinity.”

The analysis concludes that the Project's contribution to cumulative impacts associated with the provision of new or physically altered fire facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection would not be cumulatively considerable, and cumulative impacts would be less than significant. As discussed in Section IV.L.1, *Fire Protection*, page IV.L.1-26, the Project would “provide a system to maintain adequate access for emergency vehicles to enter and return to the adjacent LAFD Fire Station 78 and, thus, would not interfere with the operation of that fire station or substantively increase response times.”

Also, the Draft EIR does not state that the Project “will seriously impair the fire station and their ability to provide services,” as the commenter claims. The Draft EIR appropriately evaluated impacts to fire protections services based on the CEQA Guidelines and impacts, and concluded that impacts would be less than significant.

## Comment No. IND 209-13

### HAZARDOUS MATERIALS

#### Trees & Artificial Turf & Green House Gas Emissions

Taking out significant 70-year-old trees that have sequestered many tons of carbon to put in 46” box trees that are 4 to 7 years old (even if they are Natives) is a net loss of carbon sequestration. The effects of human-caused global warming are happening now. The latest IPCC (Intergovernmental Panel on Climate Change) report shows greenhouse gas emissions continue to rise, and current plans to address climate change are not ambitious enough and will worsen in the decades to come.

The DEIR has failed to address the impacts of the removal of mature trees that have sequestered carbon at a fantastic rate.

### **Response No. IND 209-13**

Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.. In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

### **Comment No. IND 209-14**

Also the DEIR has failed to address that synthetic turf emits methane gas which is more than 25 times as potent as carbon dioxide at trapping heat in the atmosphere.

### **Response No. IND 209-14**

The comment raises concerns about methane from the Project's artificial turf and the potential heat island effects. See Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. Section IV.H, *Hazards and Hazardous Materials*, and Appendix H-2, Artificial Turf Technical Memorandum, of the Draft EIR, included a detailed evaluation of potential health impacts related to use of artificial turf. Based on the analysis, the Draft EIR determined that health-related impacts from inhalation, ingestion, dermal contact, and heat related would be less than significant.

In addition, pages IV.G-72 through IV.G-74 in Section IV. G, *Greenhouse Gas Emissions*, of the Draft EIR, included an analysis of urban heat island effects from Project implementation. As analyzed therein, the Project's artificial turf would not substantially contribute to an increase in the urban heat island effect for the area.

### **Comment No. IND 209-15**

The DEIR has given short shrift to the replacement of real turf with plastic grass. Not only are plastic grass fields heat islands, but verified research shows that Artificial turf has PFAS (forever chemicals) and microplastics both which pollute our water/aquifer. The DEIR has inadequately studied the carcinogens in synthetic turf as well as high injury rate to athletes.

### **Response No. IND 209-15**

The comment expresses concern regarding the presence of PFAS in the proposed artificial turf. The commenter is referred to Topical Response No. 7 – Artificial Turf and

Effects on Localized Heat and Health, and Response No. ORG 1B-75 which address potential hazards associated with artificial turf and PFAS. As discussed therein, the presence of PFAS in artificial turf would not create substantial adverse effects to users of the turf fields, the public, or the environment.

The comment also expresses the concern that the use of artificial turf would increase the incidence of athletic injuries. Athletic injuries are not treated as significant effects on the environment under CEQA and, therefore, are not evaluated in the Draft EIR. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-16**

Additionally the DEIR fails to report that artificial turf requires as much water as real turf to cool it down and to clean it so students don't get infections.

### **Response No. IND 209-16**

The comment states that the Draft EIR fails to report that artificial turf requires as much water as grass to cool and clean. No irrigation lines will be run to the turf fields, and based on information received from the School regarding their extensive use of existing artificial turf fields, watering is not necessary. Thus, irrigation water will not be used to lower the temperature of the fields or clean it.

### **Comment No. IND 209-17**

This development inadequately assesses effects of greenhouse gas emissions. The IPCC also notes the wealthiest countries are responsible for disproportionately more emissions than developing countries.

This DEIR shows an insufficient regard for climate change; although the applicant is putting in native trees and plants, they giving short shrift to the impact of the destruction of 209 significant trees that keep the city breathable. This development concept is a 1950s idea of a sports facility for a few students.

### **Response No. IND 209-17**

The comment claims that the Draft EIR does not adequately evaluate GHG emissions. The comment, however, does not include any evidence as to how the Draft EIR analysis is insufficient. In accordance with CEQA requirements, Section IV.G, *Greenhouse Gas Emissions*, of the Draft EIR determines the Project's consistency with applicable GHG reduction strategies and local actions approved or adopted by CARB, SCAG, and the City. For informational purposes, the analysis also calculates the amount of GHG emissions that would be attributable to the Project using recommended air quality models. The primary purpose of quantifying the Project's GHG emissions was to satisfy CEQA

Guidelines Section 15064.4(a), which requires a good-faith effort by the Lead Agency to describe and calculate emissions. The estimated emissions inventory is also used to determine if there would be a reduction in the Project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions. The significance of the Project's GHG emissions impacts is not based on the amount of GHG emissions resulting from the Project but is evaluated solely on the Project's consistency with GHG reduction plans, policies, and regulations. Because the Draft EIR met the CEQA requirements for the determination of significance and went beyond this requirement to quantify emissions, the evaluation of GHG emissions is not considered to be inadequate.

Also, refer to Topical Response No. 5 – Biological Resources/Trees, a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

## **Comment No. IND 209-18**

### **WASTEWATER and WATER USE**

Currently, there are 4 toilets and 2 showers on site. One shower and 2 bathrooms in the golf club house and the other shower and 2 bathrooms are in the Tennis shop. The DEIR fails to detail how many bathrooms and showers will be in the locker rooms and gymnasium on the property. And therefore inadequately describes how much water will be used by those facilities. Also the DEIR inadequately describes how they will provide bathrooms, showers and locker rooms for home teams, visiting teams, and in full consideration for the expanded spectrum of needs, including male, female, nonbinary and be in compliance with the Americans with Disabilities act (ADA).

## **Response No. IND 209-18**

The comment claims that the Project inadequately evaluated water demand since it did not specifically estimate water demand for showers, locker rooms, and bathrooms. The Draft EIR summarizes the Project's estimated water demand in Section IV.O.1, *Water Supply* (see Table IV.O.1-8, *Maximum Estimated Project Domestic Water Demand*, page IV.O.1-29) and the Project's wastewater generation in Section IV.O.2, *Wastewater* (see Table IV.O.2-2, *Maximum Daily Estimated Wastewater Generation During Project Operation*, page IV.O.2-11). Table IV.O.1-8 includes estimated demand associated specifically with the gymnasium, parking structure, locker rooms, restrooms, storage and sheds, swimming pool, clubhouse, and irrigation. The CEQA threshold for water supply is whether "the Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years." The threshold for wastewater is whether the Project would require or result in the "relocation or construction of new or expanded water or wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects." As

evaluated in detail in these two Draft EIR sections, the Project would not exceed water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years, or require or result in the relocation or construction of new or expanded wastewater treatment facilities. For the purpose of the Draft EIR, building plans are conceptual and the Draft EIR only evaluates Project components that are pertinent to the requirements of the CEQA Guidelines. CEQA does not require evaluation of finished building plans, in which details are presented to the City's Department of Building and Safety by the Project's architect and engineers. In the installation of facilities and consistency with ADA regulations, the Project would be required to comply with the Building Code, as determined by the City's Department of Building and Safety. This phase of design and development occurs subsequent to Project approval and is not required content of the Draft EIR.

### **Comment No. IND 209-19**

Additionally, the DEIR inadequately anticipates how much water will be needed during construction, to water down the dirt and pour concrete. These studies need to be revisited and completed.

Attached is The River Project May 9, 2022 MEMO. Appendix I

### **Response No. IND 209-19**

The comment asserts that the Draft EIR inadequately anticipates water demand during construction. This claim is not correct. Section IV.O.1, *Water Supply*, page IV.O.1-25 of the Draft EIR provides an evaluation of water demand associated with construction activities. As concluded therein, Project construction would not require or result in the relocation or construction of new or expanded water facilities, the construction of which would cause significant environmental effects. Construction impacts under the Project on water infrastructure would be less than significant.

### **Comment No. IND 209-20**

#### **EXCEPTIONS**

The 8 to 12 foot walls around the property should be denied since they will block the scenic views of open space.

The impacts of eighty foot tall lights on sports field have been inadequately studied. This net increase of lights currently on site will adversely affect the neighborhood. Birds and the bats cannot live in an environment where night is day. They can't mate, or sleep or migrate.

The DEIR is lacking in a complete description of the state of the art sound system. Additionally, it is lacking in information of the unnamed events: movies in the park, concerts, Olympics, sporting events. The description of the state of the art press box in

the field along Whitsett is lacking in concrete detail. We have inadequate information about the events the school is anticipating/planning and the sound systems they plan on installing.

## Response No. IND 209-20

The comment states that the 8-to-12-foot walls around the property should be denied since they will block the scenic views of open space. See Topical Response No. 4 – Aesthetics, regarding the Project’s less than significant aesthetics-related impacts. Additionally, impacts related to views, scenic resources and visual character were evaluated in the Initial Study (Appendix A of the Draft EIR) and were also determined to be less than significant. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The comment states that the impacts of the Project’s field lights are inadequately evaluated in the Draft EIR. The commenter is referred to Topical Response No. 4 – Aesthetics, regarding the impact of the Project’s field lights and other outdoor lighting. As discussed in Topical Response No. 4, the Project’s light and glare impacts were fully analyzed in the Draft EIR’s Section IV.A, *Aesthetics*, and were based on the Lighting Technical Study contained in Appendix B of the Draft EIR. As discussed therein, the Project would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance pertinent to locations near the Los Angeles River. The Project’s outdoor lighting would be in use from dusk to no later than 8:00 p.m. daily (9:00 p.m. for the tennis courts). Field lights would not be used on a daily basis. Existing tennis court lights are kept on up to 10:00 p.m. and lighting for the existing driving range extends daily to 11:00 p.m. Moreover, the Project’s lighting system would generally represent an improvement for surrounding residential uses, with less off-site glare and spillover, than existing conditions. See Response No. IND 209-10 which discusses updates to the Project lighting program included in this Final EIR. Section IV.C, *Biological Resources*, of the Draft EIR, pages IV.C-35 and IV.C-39 to IV.C-42 provided a detailed discussion of the indirect impacts, including those associated with noise and lighting. As evaluated therein, on-site light and glare levels and noise would not significantly impact wildlife. Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, also updates the number of light poles in Section IV.C of the Draft EIR, although the indirect impact conclusion with the Project design modifications remains the same as analyzed in the Draft EIR.

The Draft EIR is not lacking a description of the proposed sound system. The Project’s required sound system is determined based on performance parameters established under Project Design Feature NOI-PDF-2, not on a specific brand. As described in Section IV.K, *Noise*, of the Draft EIR, Project Design Feature NOI-PDF-2 (see page IV.K-39) requires that the Project’s “amplified sound system for special events will be installed and designed using a line-array speaker system, so as to not exceed a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system.” The stage

for special events will be located at the north side of Field A, with the amplified sound system facing south in the opposite direction from the off-site sensitive uses to the north of Field A. This location would reduce speaker noise at the nearest off-site sensitive uses to the north and east of Field A. The summary noise levels results, based on the type of amplification system required under NOI-PDF-2 and the attenuation of sound over distance, are discussed on pages IV.K-46, IV.K-49, and IV.K-50 of the Draft EIR (also see Table IV.K-14, *School Related Special Events Noise Levels*, and Table IV.K-15, *Public Events Noise Levels*). As shown therein, the Project's amplified sound would not exceed ambient noise levels by 5 dBA at sensitive receptor sites. Therefore, the Draft EIR correctly concluded that noise impacts from the amplification system would be less than significant. The analysis of a sound system's performance standards, not the identification of a specific brand, is adequate for the purposes of comparing future maximum sound levels to CEQA threshold standards.

Regarding future special, non-school events, Chapter II, *Project Description*, page II-34 of the Draft EIR states: "events in the gymnasium would include such activities as performances, lectures, or community meetings, with outdoor events on Field A including such activities as "Movies in the Park," local concerts, or other performances." The Draft EIR does not cite "Olympics" or "sporting events" as stated by the commenter. The Draft EIR identifies the potential for future special events and provides a limit of annual special events (including School-related special events) and approximate maximum attendance, which are evaluated in the Draft EIR. Although attendance and special events would be limited by potential conditions of approval, an additional mitigation measure, NOI-MM-4, is provided in Chapter 3 of this Final EIR which provides additional clarity regarding the maximum attendance and number of events already discussed and analyzed in the Draft EIR. Finally, the Project would not include a press box, contrary to the comment. However, there would be a booth where livestream broadcasts would be managed, which in effect would likely reduce the number of game spectators.

## **Comment No. IND 209-21**

### **THE CONDITIONAL USE PERMIT**

**The CUP asks that that "the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region."**

Response: Services provided by the school are not essential to the community, and can be provided at their Coldwater campus. The project will erase the current services to the people who currently use the site.

## **Response No. IND 209-21**

The comment includes the commenter's responses to a CUP request, which convey the necessary findings are not met by the Project. This comment that the Project does not meet the criteria to grant a CUP is not founded in substantiated facts cited, and represents

the opinion of the commenter. Also, please note that most public and private schools in the City operate under a CUP in accordance with LAMC Section 12.24.T.3(b), which allows school uses in residential and agricultural zones. For additional discussion of the Project's CUP, refer to Response Nos. ORG 7A-78, ORG 7A-79 and ORG 9-22. Also, note that the findings for a CUP are non-CEQA issues. The comment, however, is primarily a request for project disapproval. The comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary.

The comment states that the services provided by the Project are not essential to the community and can be provided at the Upper School campus. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location. Also, the Project would provide a beneficial service to the community by allowing public access to the onsite recreational amenities free of charge. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

### **Comment No. IND 209-22**

**The CUP asks that "the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety."**

Response: The project is too big for our neighborhood. The lights too tall, the sound too loud, the services too many, and will force people to move due to the traffic increasing, events with thousands of people arriving, and the loss of open green space.

### **Response No. IND 209-22**

The comment includes the commenter's responses to a CUP request, which convey the necessary findings are not met by the Project. This comment that the Project does not meet the criteria to grant a CUP is not founded in substantiated facts cited and represents the opinion of the commenter. See Response No. IND 209-21 which discusses the CUP being requested for the Project. Also, note that the findings for a CUP are non-CEQA issues. The comment, however, is primarily a request for project disapproval. The comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary.

The comment expresses concerns that the Project is too big, the lights are too tall, the sound is too loud and that there will be a loss of open space. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Please refer to Response to Comment No. IND 209-4 regarding the Project's scale. See Response No. IND 209-10 which discusses updates to the Project lighting program

included in this Final EIR and Response No. IND 209-20 for a discussion of lighting impacts. The commenter is also referred to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of operational noise impacts. and to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

In addition, refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, including open space, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-23**

**The CUP asks that "the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan."**

Response: The DIER [sic] is inadequate and does not accurately portray how this proposal will destroy an open green park space and eliminates a park space that the General Plan has defined as essential for decades.

### **Response No. IND 209-23**

The comment includes the commenter’s responses to a CUP request, which convey the necessary findings are not met by the Project. This comment that the Project does not meet the criteria to grant a CUP is not founded in substantiated facts cited and represents the opinion of the commenter. See Response No. IND 209-21 which discusses the CUP being requested for the Project. Also, note that the findings for a CUP are non-CEQA issues. The comment, however, is primarily a request for project disapproval.

The comment states that the Draft EIR is inadequate in evaluating the conflict of the Project with the General Plan’s designation of the Project Site as park space. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The Project’s consistency with the City’s General Plan Framework Element, the General Plan Conservation Element, the General Plan Open Space Element, the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan is thoroughly analyzed in Section IV.J, *Land Use and Planning*, of the Draft EIR. As analyzed therein, the Project would not conflict with applicable objectives and policies of the General Plan and Community Plan adopted for the purpose of avoiding or mitigating an environmental effect, and impacts with respect to the General Plan and Community Plan would be less than significant.

Further, as discussed in Response No. IND 209-3, the Project Site is currently a private property, not generally considered a public facility open to the public as implied by the comment, and, unlike public property, may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Please refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion regarding recreational uses available to the public under the Project. As discussed within the topical responses, the proposed use of the Project Site would provide publicly-accessible open space and would thus meet the intent of the General Plan regarding the park uses at the Project Site (more so than Weddington Golf & Tennis facility, a private tennis and golf facility).

### **Comment No. IND 209-24**

*Appendix 1 is the above referenced letter from The River Project, which is included as Letter ORG 12-1.*

### **Response No. IND 209-24**

Refer to Response Nos. ORG 12-1 to 12-7 which addresses comments letter from The River Project.

### **Comment No. IND 209-25**

*Comment Nos. IND 209-25 to 209-43 are from the commenter's Landscape Response attachment.*

## **LANDSCAPE RESPONSE**

### **WEDDINGTON GOLF AND TENNIS PARK. LANDSCAPE CULTURAL HERITAGE**

This document is a LANDSCAPE RESPONSE to the Draft EIR for the Proposed Harvard Westlake River Park Project Draft Environmental Impact Report (dated March 2022). ENV-2020-1512-EIR

### **Response No. IND 209-25**

The comment introduces the "LANDSCAPE RESPONSE" but does not discuss the adequacy of the Draft EIR. No further response is necessary.

## **Comment No. IND 209-26**

### **ACKNOWLEDGEMENT**

While the landscape masterplan and amenities described in the Proposed Harvard Westlake River Park Project Draft Environmental Impact Report of March 2022 is wonderfully presented and looks to be a dynamic sporting facility, as determined by the analysis outlined below, it is widely felt that this particular site is not suited to the intensity of development and intrusion on the local micro ecosystem that exists at Weddington Golf and Tennis Park.

## **Response No. IND 209-26**

The comment states that the Project would intrude on the local micro ecosystem. The comment is introductory and does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 209-27**

### **EXISTING CONDITIONS**

The Weddington property rests on the last 16 acres of unprotected green open space along the Los Angeles River in the San Fernando Valley.

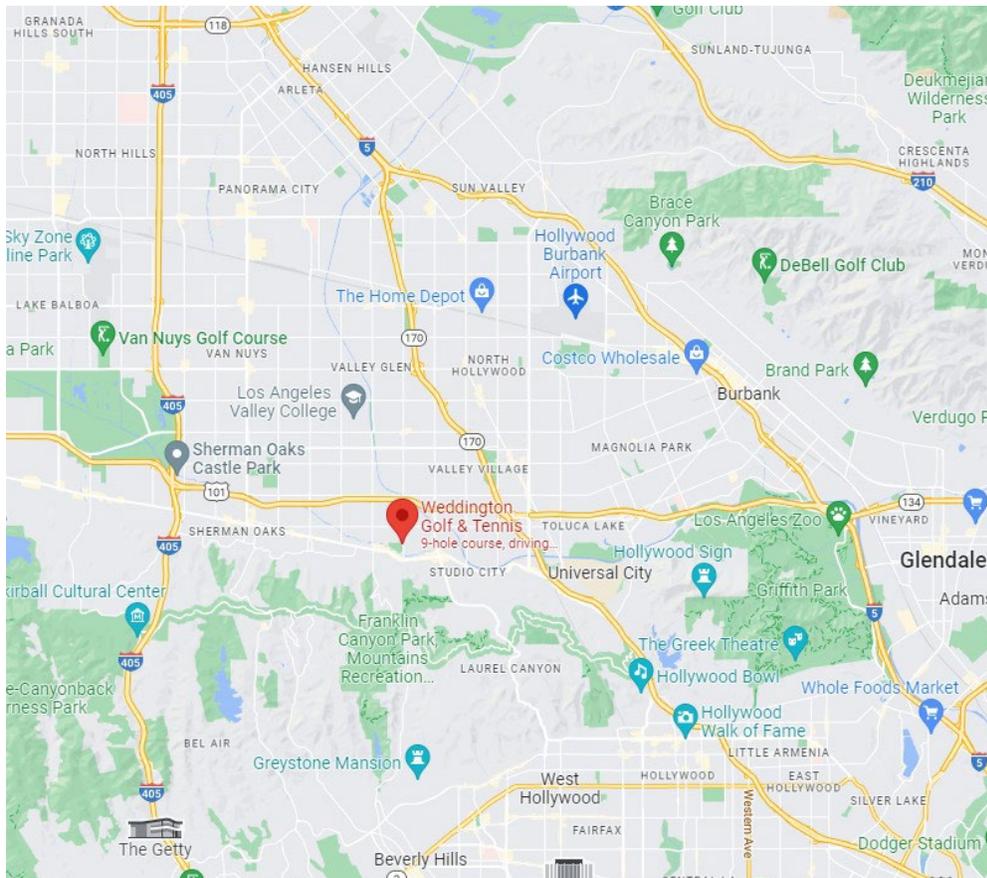
The existing parkland at Weddington Golf and Tennis demonstrates a simple and classic example of suburban parkland that reinforced and contributed to the culture and values of family life from the 1950s San Fernando Valley, California. Set within a significant stands of shade trees and iconic palms, Weddington Golf and Tennis Park transcends time and allows for a peaceful and restorative experience. The park is an inviting oasis and offers a cool serenity; a peaceful respite from the traffic and over built hard surfaced density of much of Los Angeles and San Fernando Valley. Both passive and active recreation is provided on site in a way that evokes a sense of community with the edges of the park sweetly permeable without significant boundaries, high walls or intrusive lighting and meanders down to the Los Angeles River as one of the only purely green edges to the riparian strip. Earmarked as a floodplain, the park provides a permeable buffer for the community in extreme rain events and a safe habitat for many local wildlife species including a significant number of bird communities as out lined [sic] in the attached tree survey and habitat report.

### **BACKGROUND + CULTURAL LANDSCAPE VALUES**

As mentioned, **Weddington Golf and Tennis Park** and associated parkland is a green respite in the urban sea that surrounds the little pocket of simple, timeless suburban nature.

Kissing gently the Los Angeles River with an innocent lack of fuss or fanfare, **Weddington Golf and Tennis Club** evokes remnant memories of a classic thriving 1950s Californian suburban community, a recreational facility and recreational open space in the San Fernando Valley when America was a beacon of light to the world. This positive feeling of sunshine and optimism, hopes and dreams, growth and possibilities [sic] emanated from California through the stories told by cinema and television, of inspiring landscapes and the lifestyles it afforded; [sic] living in thriving communities with all the commercial and natural amenities anyone could hope for – the idea of the neighborhood park, a relaxed and simple place people could connect was as essential as the front yard. In beautiful Californai [sic] and this dynamic Los Angeles, the dream of a happy life was the sunshine everyone craved in a post World War II world, at a time when everything had almost lost all sense of meaning.... a time very much like NOW.

A time very much like the world we have awoken to yet again.



## Response No. IND 209-27

The comment expresses opinions of the Project Site by the commentor and describes the existing Project Site as “open green space” and “neighborhood park.” However, these terms mischaracterize the commercial Weddington Golf & Tennis facility.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-28**

The value of our Cultural Landscape is evident in the history of **Weddington Golf & Tennis Park** and the quaint layout of the site. Weddington opened in 1956 as a 9-hole, par-three golf course, putting green, and driving range and became a gathering spot for community members and celebrities (even to this day). Tennis courts and a disc golf course were added over time, which reflected those sports' rise in popularity and 65 years later, the site still functions as it was originally intended to when it opened – as a publicly accessible recreational facility families have enjoyed for generations.

Infused with a sense of calm and steadiness in this rapidly changing world, the steadiness of this community park hold the memories and stories of the families and newlyweds, silver dreams of the entertainment industry, [sic] the businesses and the business deals, the clubs, parties, lazy Sunday afternoons and brisk morning walks – encapsulating a unique community identity and hopes – the California dream. There is a feeling that the shade filtered onto the quiet open space; the golf course, the tennis courts, the soft and imperfect recreational space, the walking paths and the sounds of birds that enjoy the park as their home, dapples what seems like evaporating hope for the simple pleasures of life; a salve for the complicated, competitive nature of our cities and money driven developments that provide nothing but a sensory overload and a feeling of existential angst.

In contrast to the overly commercialized and programmed shopping malls, stadiums and campuses disguised as 'public' open space, **Weddington Golf and Tennis Park** offers a softness, a retro throwback to a simpler time, a genuineness and a connectedness to LOCAL ecosystems, to LOCAL community, to LOCAL stories that defy generic developments and weave themselves into San Fernando Valley, into Los Angeles, into California.

## Response No. IND 209-28

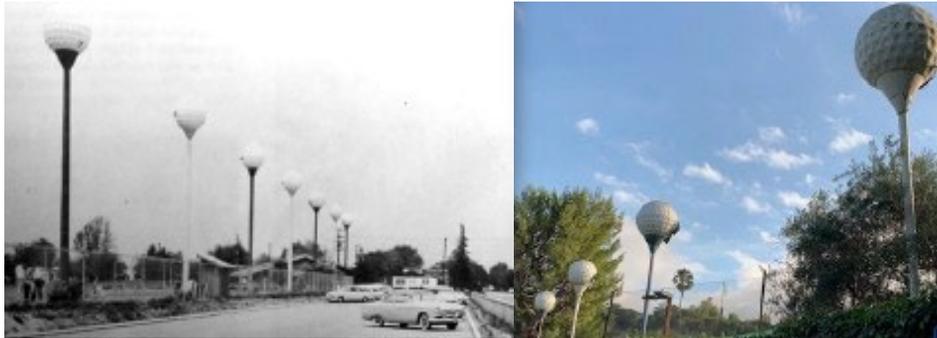
The comment expresses nostalgia and opinions for Weddington Golf & Tennis facility. As indicated in Response No. IND 209-27, the Project Site is not generally considered a public facility open to the public as implied by the comment, but rather is a private property that may be closed at the property owner's sole discretion.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 209-29

Golf ball-shaped lights that line the driving range identify the property's historical importance to the story of larger than life 1950s and 1960s Southern California classic iconic emblems that celebrated the car culture of the time and locals and tourists alike flock to see (others are such as Randy's Donuts, Pinks, Norms).

Remnant iconic landscape such as these, such as the classic Los Angeles palm lined streets deserve our kind protection, reverence and respect.



## Response No. IND 209-29

The comment discusses the historic importance of the Project Site's iconic golf-ball shaped light standards. The commenter is referred to Topical Response No. 6 – Historic Resources, in this Final EIR for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. As discussed in Chapter II, *Project Description*, and Section IV.D, *Cultural Resources*, of the Draft EIR, the Project would preserve the clubhouse, café, and the golf ball-shaped light standards. Regarding the Mexican fan palms that comprise the majority of existing Project Site trees, it is noted that the California Invasive Plant Council considers them to be invasive species and the City's and County's landscaping guidelines expressly forbid their planting along the Los Angeles River, including the Project Site.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-30**

#### **RECREATIONAL AMENITY**

While there are compelling reasons to increase active recreation facilities, sporting fields, gymnasiums and respond to the growing enthusiasm for new sports – the soft, passive and community orientated recreational amenities provided at **Weddington Golf and Tennis Park** also hold significant recreational value and community amenity. Considering the importance of mental health and the importance for equal access to outdoor recreational space (both passive and active) – for ‘fresh air’ – the current conditions provides in abundance to the local community these very things.

### **Response No. IND 209-30**

The comment states that Weddington Golf & Tennis has significant recreational and community value. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-31**

#### **THE LOS ANGELES RIVER – RIVER HABITAT AND REVITALIZATION OF INDUSTRIAL EDGE OPPORTUNITES**

As we gaze along the edges of the Los Angeles River we can see very simply here that very few emeralds shine, few opportunities exist where the edges are soft and verdant; able to percolate what little precious water is collected into the land that for millenia was a braided stream; flowing and then drying in the California sun through the seasons making for a woven tapestry through the desert.

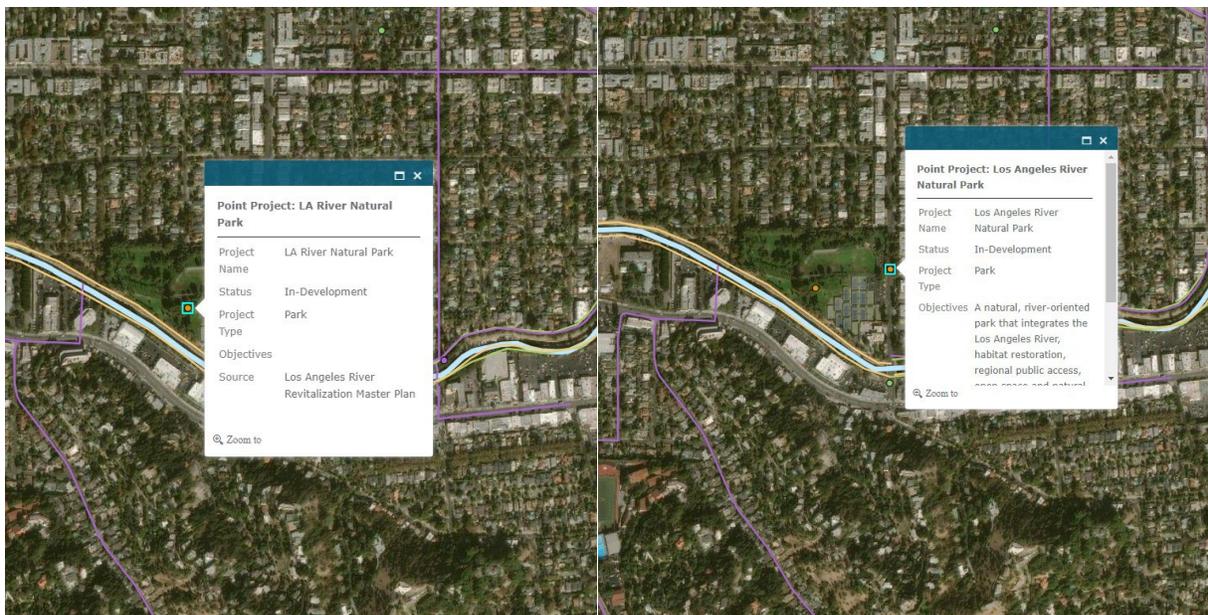
The Los Angeles River became an engineering solution to an environmental problem in the late 1800s and early 1900s and over the last century concrete replaced the grasses and verdant wetlands, changing river and stream edges as we sought to control the environment and support the hopes and dreams of those that found Los Angeles [sic] and California to be their home. These Engineers were doing the very best with the technology and information they had. Now we know more, we can do more. We know very well, the necessity of soft permeable surfaces, the need to cleanse and redirect urban runoff [sic] and the need to cherish and protect what sacred green edges we have.

**Mia Lehrer and Associates** devoted many years to the modern archeological dig and reimagining of the Los Angeles River as a legacy project to last generations; the unearthing and revealing of potentialities and opportunities to puncture and perforate the

concrete blight, brown lands, asphalt and concrete surfaces, parking lots, abandoned [sic] warehouses and toxic yards that beg for regeneration, rejuvenation, rehabilitation and sustainable growth.

In the Masterplan that Mia Lehrer as Landscape Architects, other landscape visionaries, engineers, architects and Masterplanners imagined as part of the team that worked on the Los Angeles River Masterplan, the **Weddington Golf and Tennis Park** has been noted as a 'Natural River Park' as defined below for best use of the land as part of the green infrastructure of the LA River:

“A natural, river-oriented park that integrates the Los Angeles River, habitat restoration, regional public access, open space and natural treatment of runoff to improve water quality.”



## Response No. IND 209-31

The comment expresses the need for soft permeable surfaces to cleanse and redirect urban runoff. The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. Further, refer to Response No. ORG 9-5, which indicates that infiltration at the Project Site is not feasible and that the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Fernando Valley (SFV) Groundwater Basin, and groundwater recharge impacts would be less than significant.

As discussed in Chapter II, *Project Description*, of the Draft EIR, the Project would include native landscaping enhancements along the Zev Greenway which is located adjacent to the Los Angeles River (see pages II-51 and II-52 of the Draft EIR), which in effect would maintain soft, passive connection between the Project Site and the Zev Greenway. Also, Mia Lehrer is the Project's landscape architect, and as such, will ensure the Project's consistency with relevant and applicable policies, as well as the vision, of the Los Angeles River Master Plan.

Furthermore, the Project is proposing an underground stormwater system that would capture and treat stormwater runoff from the Project Site. The captured stormwater could be used on-site for irrigation purposes and excess treated stormwater during larger storm events would be discharged back onto Whitsett Avenue where it would flow into the Los Angeles River. Stormwater and other urban runoff currently sheet flows (untreated) from impervious surfaces such as City streets, directly into the Los Angeles River.

Again, as indicated in Response No. IND 209-27, the Project Site is not generally considered a public facility open to the public as implied by the comment, but rather is a private property that may be closed at the property owner's sole discretion. In other words, the Project Site has never been considered a "natural, river-oriented park" in the past.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 209-32**

### **SUSTAINABILITY AND ECOLOGY**

#### **Existing Vegetation**

Throughout the site there are stands of significant existing trees providing shade, habitat and structure to the soil (refer Tree Survey) in the DEIR.

While the tree survey denotes many stands of ornamental or non-native species present on the site, these deep rooted trees provide structure and stability to the soil, shade to the environment and habitat for birds and other animals living on the site.

Obviously, long term – the most prudent planting agenda would be mass planting of California Native plant material, however given that the most strict water restrictions in response to the most prolonged and devastating droughts in California history are in place (and this is becoming the new normal), a more nuanced, staged and gentle introduction of new planting material on site would be recommended to minimize or greatly reduce disturbance to the vegetation balance and harmony on site. Slowly introducing native understory shrubs, groundcovers and mulch to protect the soil and sensitively placing native trees to reinvigorate the landscape story of **Weddington Golf and Tennis Park**

would be the most respectful strategy and long term solution for the site planting rejuvenation.

While a beautiful curation of native plant species is proposed, the new development would require the removal of many of the larger structural trees on the site (for site works, access, construction etc) to be replaced with smaller native specimens. Further, the overall disruption and trauma that the massive site excavation, construction (noise and light intrusion, traffic and air quality issues) in the middle of one of the most historically harsh droughts the State has ever seen – the new plant material will be required to thrive in a most hostile environment and that shock, soil nutrient loss, the loss or dramatic change of habitat would be devastating to the ecology of the **Weddington Golf and Tennis Park** microhabitat and to the quality of life for surrounding residents. Much if not all of the wildlife would be decimated.

Over time, the staged introduction of California native species will transform the nature of the site in a way that allows for water conservation, respect of habitat. This is our recommendation.

### **Response No. IND 209-32**

The comment expresses concerns about the loss of trees and states that the loss or change in habitat would be devastating to the ecology of the Project Site. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Refer to Response No. IND 209-6 for a discussion of the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable. In addition, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. Note that as discussed in Topical Response No. 2 – Modifications to the Project Design, the subterranean parking structure would be reduced from 503 spaces to 386 spaces. This modification would result in a reduction of 53,000 cubic yards of excavation materials, which would reduce the overall amount of excavation from 250,000 cubic yards to 197,000 cubic yards. Although noise impacts during construction-related excavation activities would still be significant and unavoidable, the modification would reduce the duration of excavation activities. See Topical Response No. 2 and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

Further, the Project would primarily remove invasive and undesirable species and replace such with low water demand species consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. These species would improve the sustainability of the Project Site. The Project's native species landscaping, which would

exclude invasive exotic plant species, would help to enhance this sensitive natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas. As further evaluated in Section IV.C of the Draft EIR, with the implementation Project Design Feature BIO-PDF-1 for nesting birds and Mitigation Measure BIO-MM-1 for roosting bat species and Mitigation Measure BIO-MM-2 regarding sensitive natural communities, impacts to biological resources during construction activities would be less than significant.

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Construction and Operation Noise and Vibration. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion regarding operational light and glare impacts. Refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding traffic-related construction and operation impacts. Also, the Draft EIR addressed construction and operational air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

### **Comment No. IND 209-33**

#### Habitat Protection, Preservation and Renewal

The landscape proposed for the new development professes to create habitat congruent with Los Angeles and California but omits the observation that an existing thriving bird and wildlife habitat already exists at **Weddington Golf and Tennis Park**. Given that the parkland is one of the only areas of natural respite in the local urban context, it is certain that the local habitat will be devastated perhaps without opportunity to recover. In addition, obviously the radical overhaul of land use, the introduction of stadium lighting, vastly increased human and vehicular traffic, noise and the infrastructure on the site will create a vastly different baseline habitat that would be hostile to the species that inhabit the site already.

Our recommendation again, is to stage gently and with intention a strategic planting plan and guidelines for ongoing maintenance and surgical removal of existing trees only if necessary and supported by the, [sic] subtle site works and development improvements, pivot the local landscape and vegetation at Weddington to invite more diverse and local wildlife to the site particularly along the river edge.

### **Response No. IND 209-33**

The comment states that Project change to land use, lighting and increased human and vehicle traffic and noise would adversely impact the Project Site's habitat and species currently on the Project Site. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

Refer to Response No. IND 209-20 which address indirect impacts to wildlife on the Project Site. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

### **Comment No. IND 209-34**

#### Liquifaction [sic]

Due to the liquifaction [sic] issues of this part of the Los Angeles River, significant engineering will be required to stabilize amenities and buildings proposed on the site. Caisson [sic] structural support will be required to stabilize the site infrastructure and buildings with massive and invasive soil disturbance, removal and construction.

### **Response No. IND 209-34**

The comment states that due to liquefaction, significant engineering, such as the use of caissons that would result in massive and invasive soil disturbance, will be required to stabilize the Project's facilities. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Mat foundations, not caissons, would be used for the Project's gymnasium and parking structure foundation support. Liquefaction hazards were evaluated on pages IV.F-23 and IV.F-24, in Section IV.F, *Geology and Soils*, of the Draft EIR. As evaluated therein, through compliance with regulatory requirements and site-specific geotechnical recommendations, including construction on a mat foundation system, the Project would not exacerbate, cause, or accelerate geologic hazards related to seismically induced ground failure, including liquefaction.

### **Comment No. IND 209-35**

#### Permeability

If we reference and overlay the current existing conditions versus the proposed Harvard Westlake River Park Project it is evident that much of the sites' existing permeable conditions are compromised and devoured by the new construction. In other areas of the report percentages indicate over the majority of the site will be covered with hard surfaces in complete opposition to the Masterplan mandate of the Los Angeles River. In addition the **Weddington Golf and Tennis Park** is a floodplain area. (map below)

Worryingly 9 acres of the total 16 acres are to be non permeable surfaces in the proposed plan.



1st Street Foundation current analysis of 5% Risk of flooding. Purple is 3' of water.

### **Response No. IND 209-35**

The comment indicates that the Project would convert permeable to impermeable surface and implies the majority of the Project would be covered with hard surfaces. However, the commenter does not provide any reference to impacts evaluated in the Draft EIR. Nonetheless, the commenter is referred to Response No. ORG 9-5, which indicates that infiltration at the Project Site is not feasible and that the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Fernando Valley Groundwater Basin, and groundwater recharge impacts would be less than significant. Also, the Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant, and impacts regarding flooding were also determined to be less than significant. The comment also includes a map sourced to the First Street Foundation which shows various areas in and around the Project with 5 percent risk of flooding and areas with 3 feet of water. However, no background or support for this graphic is provided. The analysis included in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR, is based on City approved hydrological modeling, and this is appropriately relied upon to address hydrology and flooding impacts consistent with the CEQA Guidelines.

### **Comment No. IND 209-36**

#### **LOOKING FORWARD – ALTERNATIVE PLANS**

Given the vast amount of paved surfaces in Los Angeles and in the San Fernando Valley that could be transformed into renewed habitat, advanced and sustainably designed sporting facilities, gymnasiums, stadiums and fields, additional offstreet parking and public transportation hub and servicing Harvard Westlake and other schools, the delicate urban habitat and ecosystem, the subsequent engineering [sic] challenge and historic

community nature of Weddington Golf and Tennis Park seems to be [sic] point to the fact that this site selection for the proposed sporting facilities is a frivolous and unadvisable site choice.

It is without a doubt that the existing facilities and landscape at **Weddington Golf and Tennis Park** could do with some upgrading and strategic sustainable reevaluation of the landscape strategy and landscape masterplan moving forward (see attached Conceptual Sketch) that incorporates strategic planting and sustainability guidelines to bring the site into alignment with current climate conditions, global warming and local sustainable responsibility, however such drastic siteworks would have catastrophic and irreversible [sic] deleterious impact on the natural, cultural and community ecosystems of the area and the Los Angeles River would lose one of the very few ‘natural’ edges.

### **Response No. IND 209-36**

The comment states that the selection of the property for the Project is a “frivolous and unadvisable site choice” and that the Project would have “catastrophic and irreversible [sic] deleterious impact on the natural, cultural, and community ecosystem of the area and the Los Angeles River.” This comment is not supported by substantial evidence or facts, as demonstrated in the responses to comments relating to Comment Letter No. IND 209 regarding aesthetics, parks and recreational facilities, hazardous materials, wastewater and water use, biological resources, historical resources, habitat sustainability, hydrology, or liquefaction.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-37**

#### **ALTERNATIVE PLAN – LOS ANGELES VALLEY COLLEGE**

A collaborative approach to providing the sporting amenities that are in demand would be a sustainable and visionary option.

Aligning with a local school such as **Los Angeles Valley College (5800 Fulton Avenue, Valley Glen, CA 91401)** to provide a blended facility and enhance an already established sporting infrastructure on an expanded campus. This would be a respectful and sustainable use of resources and would establish a precedent for schools and colleges in Los Angeles to value the landscape and cultural fabric from which these sites emerge [sic] and become true leaders in community driven collaboratively sustainable developments for the prosperity and success of all stakeholders especially the land itself.

### **Response No. IND 209-37**

The comment suggests that another option to the Project Site’s recreational facilities, such as aligning with a local school, such as Los Angeles Valley College, should be developed based on the information provided in the commenter’s other statements. The alternative site included in this comment would not satisfy the Project Objectives. The reasons that alternative sites were considered and rejected are provided in Section V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake’s Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Section V of the Draft EIR, no other location with adequate acreage and topography exists within proximity to the Upper School campus, and the notion that the Project could be built at Los Angeles Valley College is entirely speculative and unsubstantiated.

### **Comment No. IND 209-38**

Finally, the time for organizations such as Harvard Westlake to renew their visible and their actual commitment to creating or developing campuses, sporting facilities and infrastructure that reflect the changing values and emergency that we have finally awoken to is right now. It is right now.

The time that was – where every piece of open land had every potentiality to develop wrung from the ground has passed, we should as a collective stand in stewardship of the land, of the soil, of the stories that we will leave behind. As it stands we exist under the shade of trees that others planted generations ago. Who are we to rip them from the ground? To quote Charles De Lint, ““We have not inherited the earth from our fathers, we are borrowing it from our children.”

### **Response No. IND 209-38**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 209-39**

Please find attached landscape sketches to illustrate the concepts shared in this document.

## **ADDENDUM 01 – EXISTING CONDITIONS (NTS)**



### Notes:

Most of the site is permeable and is a devoted parkland setting.

Existing stands of mature/historic trees exist on site.

Boundary and edges are soft and permeable, welcoming to the community.

Lack of shade around Tennis Court area.

Compact off street parking lot.

### **Opportunities:**

Connection to Los Angeles River bikeway could be enhanced.

Additional pathways and landscape programming to be proposed onsite at River Park.

Review pathways and site access to and within site including onsite lighting for safety.

Provide additional shade to parking areas + review onsite vehicular circulation.

Maintain all historical features onsite including [sic] Retro Golf Ball Lighting.

Create bioswales within site to capture rainwater and minimize runoff.

Increase native California plant palette onsite in a staged and managed way.

Review and enhance irrigation.

Engage specialist for habitat management plan.

### **Response No. IND 209-39**

Addendum 01 provides comments on existing conditions and identifies “Opportunities” for the Project Site. The commenter is referred to Chapter II, *Project Description*, of the Draft EIR, which discusses the Project’s proposed features, which reflect many of the “opportunities” cited in the comment.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. No further response is necessary.

### **Comment No. IND 209-40**

#### **ADDENDUM 02 – HARARD [sic] WESTLAKE PROPOSED REDEVELOPMENT SITE PLAN (NTS) LANDSCAPE ANALYSIS**

The following features of this development significantly and deleteriously negatively affect the social and ecological infrastructure of the site:



Harvard-Westlake River Park Project  
**Figure 4**  
 Harvard-Westlake School Athletic and Recreational Facilities Conceptual Site Plan

Proposed Landscape Items	Comment
<p>2 artificial turf sports fields (1 with synthetic track)</p> <ul style="list-style-type: none"> <li>- 1 Olympic-size swimming pool and locker rooms</li> <li>- 8 newly-constructed tennis courts and locker rooms</li> <li>- 387,086 square feet of building across the property</li> <li>- 80,249 square-foot multi-purpose gymnasium and locker rooms</li> <li>- 2,217 spectator seats spread across the property</li> <li>- 5-acre, 503-space parking structure (roughly 600% increase)</li> </ul>	<p><b>NEGATIVE EFFECT</b></p> <p><b>ADDITION OF NON PERMEABLE AREAS (TOTAL 9 ACRES OF 16)</b></p> <p><b>INCREASED VEHICULAR AND PEDESTRIAN TRAFFIC</b></p> <p><b>INCREASED NOISE POLLUTION</b></p> <p><b>INCREASED LIGHT POLLUTION</b></p>

<p>Removal of 240 mature, heritage trees</p>	<p><b>REMOVAL OF NATURAL AMENITY WITH MAJOR NEGATIVE ENVIRONMENTAL IMPACTS</b></p> <p><b>REMOVAL OF SHADE AND HABITAT</b></p> <p><b>IMPACT TO SOIL STABILITY</b></p>
<p>Privacy Wall</p>	<p><b>CUTS COMMUNITY OFF FROM PARKLAND</b></p> <p><b>CREATES A DISCONNECT AND A SENSE OF THAT COMMUNITY USE IS UNWELCOMED</b></p> <p><b>DISRUPTS HABITATS + WATER RUNOFF TO AND WITHIN SITE</b></p>
<p>Decomposed granite pathways</p>	<p><b>PERMEABLE PATHWAYS – EXCELLENT CHOICE</b></p> <p><b>(***NEED TO REVIEW ACCESSIBILITY ISSUES for ADA compliance)</b></p>
<p>Addition of 33 light poles (ranging between 26 and 80 ft high)</p>	<p><b>LIGHT POLLUTION</b></p> <p><b>RELOCATION OF HERITAGE GOLF BALL LIGHTS</b></p> <p><b>DISSOCIATES THE FEATURES FROM THE HISTORIC USE</b></p>
<p>Bio habitat feature, River Park</p>	<p><b>EXCELLENT FEATURES AND COULD BE A WONDERFUL FUTURE ADDITION TO THE PARK AND CONNECTION TO BIKEWAYS.</b></p> <p><b>RIVER EDGE AND EXISTING HABITAT SHOULD BE PRESERVED AND ENHANCED NOT REPLACED.</b></p> <p><b>Please refer to attached inclusion of this design piece into proposed upgrade to provide Tennis Courts as a shared sporting amenity</b></p>

## Response No. IND 209-40

Addendum 02 provides general information regarding the commenter's position on impacts to traffic, noise, lighting, loss of trees, and cultural resources. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, regarding traffic impacts; Topical Response No. 8 – Noise: Construction and Operation Impacts, regarding noise impacts; Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program; and Topical Response No. 6 – Historic Resources, regarding direct and indirect impacts on historical resources. In addition, see Topical Response No. 4 – Aesthetics, for a discussion of operational field lighting impacts and Response No. IND 209-10, which discusses further updates to the Project lighting program included in this Final EIR.

The Draft EIR addressed geology and soils impacts, including slope stability hazards, in Section IV.F, *Geology and Soils*, with supporting data provided in Appendix E, Geotechnical and Paleontological Resources Documentation, of the Draft EIR. As analyzed therein, the Project Site is suitable from a geotechnical perspective and slope stability hazards would be less than significant.

As discussed in Chapter II, *Project Description*, of the Draft EIR, the Project would include native landscaping enhancements along the Zev Greenway which is located adjacent to the Los Angeles River (see pages II-51 and II-52 of the Draft EIR), which in effect would maintain a soft, passive connection between the Project Site and the Zev Greenway.

The Draft EIR addressed hydrology and water quality impacts in Section IV.I, *Hydrology and Water Quality*, with supporting data provided in Appendix I, Hydrology and Water Quality Report, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant.

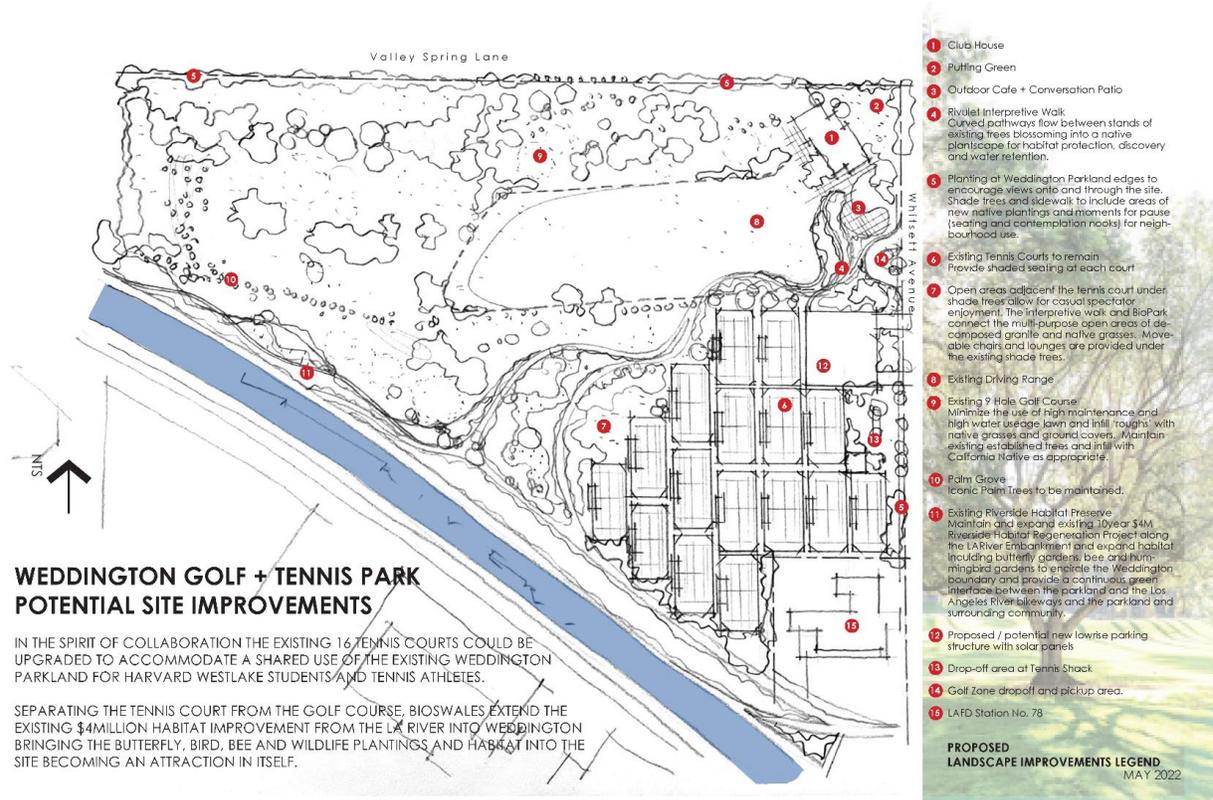
The Draft EIR addressed biological resources impacts in Section IV.C, *Biological Resources*, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

See Response No. IND 209-18 which discusses ADA compliance.

The commenter's opinions relating to landscape items do not address the adequacy or content of the Draft EIR and are not supported by substantiated evidence or facts. However, the comments are noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 209-41**

**ADDENDUM 03 – WEDDINGTON GOLF AND TENNIS PARK POTENTIAL IMPROVEMENTS FOR SHARED FACILITIES**



**Weddington Golf + Tennis Park Potential Site Improvements**

In the spirit of collaboration, the existing 16 tennis courts could be upgraded to accommodate a shared use of the existing Weddington Parkland for Harvard Westlake Students and tennis Athletes.

Separating the tennis court from the golf course, bioswales extend the existing \$4 million habitat improvement from the LA River into Weddington bringing the butterfly, bird, bee and wildlife plantings and habitat into the site becoming an attraction itself.

**Proposed Possible Landscape Improvements – Reinforce Ecologically and Culturally Sustainable Narrative**

Enhanced wildlife corridors and habitats, site planting with Native Planting Palette, protection of soil, existing shade trees and cultural landscape, minimize onsite disruption and construction and seismic hazards.

Enhance existing Tennis Court Facilities.

Offered as an example of how potential collaborative use of space could co-exist at Weddington Golf and Tennis Park without destroying the Cultural Landscape and Green Community Amenity.

### **Response No. IND 209-41**

This comment suggests potential site improvements, including the provision of upgrading the 16 existing tennis courts and shared use of the tennis courts between the School and the general public. Note that as discussed in Topical Response No. 11 – Recreation: Golf and Tennis Facilities, recreational opportunities would be available to the public with Project implementation, including shared use of eight (8) proposed tennis courts.

However, this suggested alternative would not meet the underlying purpose of the Project to supplement the School's athletic and recreational facilities, and would not provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future. This alternative would not include new athletic fields, a gymnasium, and pool, which are recreational facilities that are in line with the underlying purpose of the Project and consistent with the Project Objectives (see pages II-13 and II-14) of the Draft EIR.

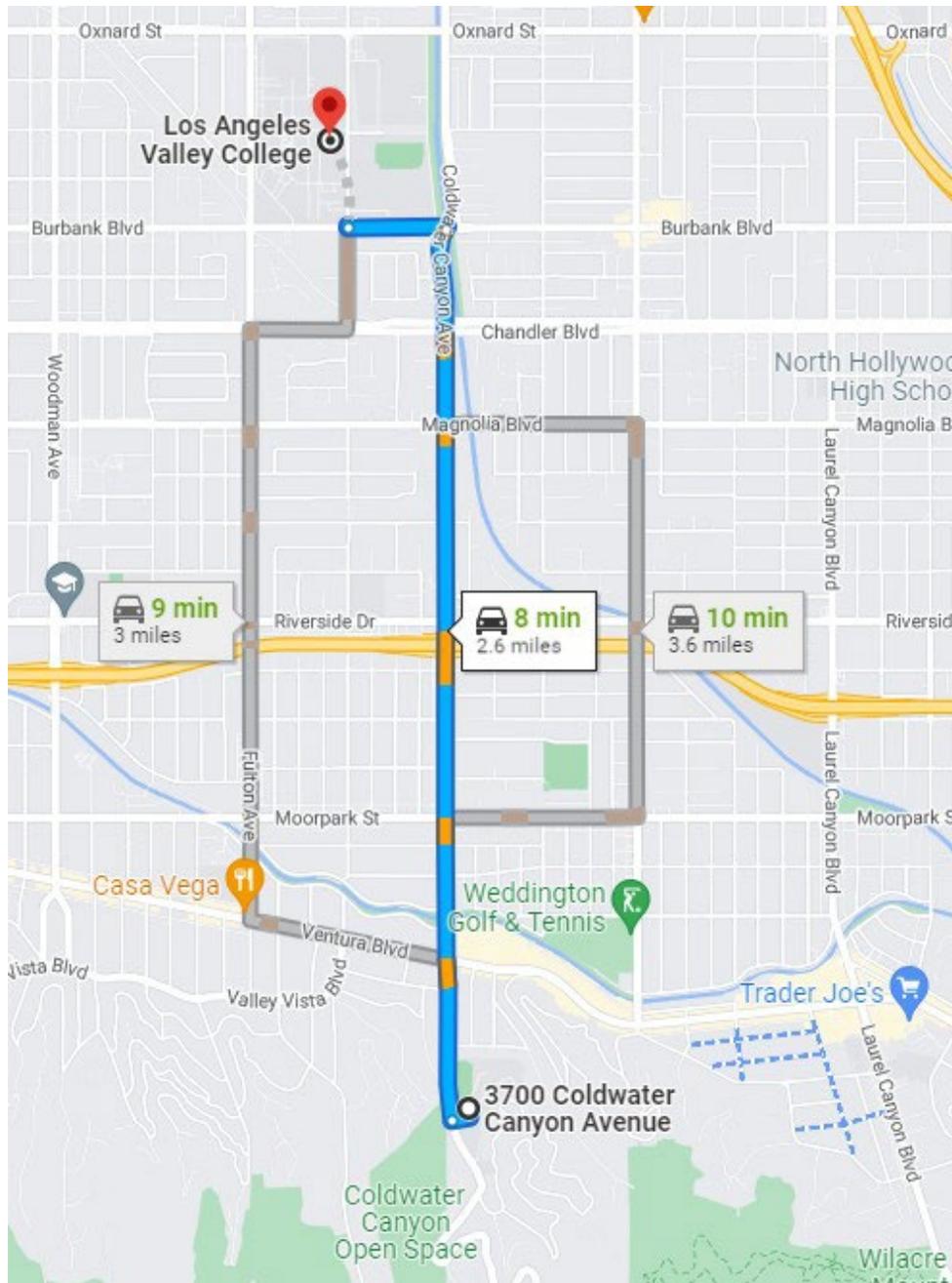
For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-105, ORG 1B-106, and ORG 7A-146 to ORG 7A-176. Please also refer to Topical Response No. 13 – Need for Project (Non-CEQA) for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

### **Comment No. IND 209-42**

#### **ADDENDUM 04 – Los Angeles Valley College**

Los Angeles Valley College is a direct route north from Harvard Westlake UPPER SCHOOL CAMPUS on 3700 Coldwater Canyon Avenue Studio City, CA 91604 to LAVC.

Los Angeles Valley College possesses ample land and facilities that could be transformed into combined sustainable and efficient facilities and shared with Harvard Westlake. Without the liquifaction [sic] issue the potential for larger facilities [sic] and combining underground parking etc onsite is greatly increased. Additionally, Los Angeles Valley College would be substantially [sic] enhanced by the planting plan Harvard Westlake proposes for Weddington Golf & Tennis.



## Response No. IND 209-42

This comment suggests Los Angeles Valley College as an alternative site. Refer to Response No. IND 209-37 which addresses Los Angeles Valley College as an alternative site location.

## Comment No. IND 209-43

### ADDENDUM 05 – Los Angeles Valley College VS WEDDINGTON COMPARATIVE SCALE, FACILITIES AND INFRASTRUCTURE



#### SUGGESTED COMBINED LOS ANGELES VALLEY COLLEGE AND HARVARD WESTLAKE BLENDED CAMPUS

FOR COMPARATIVE PURPOSES, THE SITEPLANS OF WEDDINGTON GOLF AND TENNIS (WITH THE PROPOSED HARVARD WESTLAKE REDEVELOPMENT FACILITIES) AND LOS ANGELES VALLEY COLLEGE ARE SHOWN AT THE SAME SCALE.

#### LOS ANGELES VALLEY COLLEGE POTENTIAL SHARED REDEVELOPMENT:

- STADIUM
- POOL
- GYMNASIUM
- TRACK
- ADDITIONAL UNDERGROUND PARKING

#### WEDDINGTON GOLF AND TENNIS PARK POTENTIAL SHARED SOFT REDEVELOPMENT:

- 16 TENNIS COURTS
- RIVER PARK AND NATIVE HABITAT GARDENS
- POTENTIAL FOR ADDITIONAL LOW RISE PARKING STRUCTURE WITH SOLAR PANELS TO MINIMISE ONGRADE ASPHALT PARKING ON SITE



## **Response No. IND 209-43**

This comment suggests Los Angeles Valley College as an alternative site. Refer to Response No. IND 209-37 which addresses Los Angeles Valley College as an alternative site location.

## **Comment Letter No. IND 210**

Anthony Allen

Received May 10, 2022

### **Comment No. IND 210-1**

I strongly oppose approval for the destruction of most of the Weddington-Golf & Tennis complex. This is an important community asset and greenbelt that our city vitally needs.

Please don't be swayed by Harvard's paid lobbyists, influence and \$\$\$.

Please stand up for our community and save this important community asset for the benefit of our residents.

I grew up playing both golf and tennis at Weddington and know how important it is.

Please use your influence and vote to keep the Weddington Golf and Tennis Complex totally intact and let it continue as a vital part of our community. Thank You!

### **Response No. IND 210-1**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 211**

Beth Miller

Received May 10, 2022

### **Comment No. IND 211-1**

I feel very strongly opposed to the proposed development at Weddington Golf Course. I've been a Studio City resident since 2003 and have raised my family here, my kids attended Carpenter Elementary, Walter Reed and Notre Dame High School. I've bought two houses in Studio City. I'm a former Disney executive, now independent producer. I love my community passionately. Which is why I am so against the Harvard-Westlake development. It's infuriating that the needs of the privileged few are being considered over the needs of the many in the Studio City community. My friends, family and neighbors have enjoyed the open, green space at Weddington for decades. It's what makes up the fabric of life and community. My kids took classes there. My friends met there for golf and tennis. I enjoyed the beauty every day driving my kids to school or on errands.

### **Response No. IND 211-1**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 211-2**

From the looks of the plan - it's a second sports facility for private school kids who already have one. And the plan for public space is a small handout - 1/3 of the space on the periphery - with the facility behind high walls.

### **Response No. IND 211-2**

The comment states that the School has similar facilities on its existing campus. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

Also, refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR; and Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 211-2**

And with the existential threat of global warming at our doorstep - do we really want to sacrifice all the green space we have for a pool and stadium?

### **Response No. IND 211-2**

The comment expresses concern that the use of the Project Site would be a sacrifice of green space for a pool and stadium. Refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.. In addition, the Draft EIR addressed greenhouse gas emissions (GHG) impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 211-3**

It’s bad enough that we’ve lost the Sportsman Lodge property to an upscale mall. That mall was sold to the community as a great project, but after visiting several times, I won’t be returning. It’s a shame, because I have so many wonderful memories at Sportsman’s Lodge - going to the bar and restaurant there, celebrating my daughter’s Bat Mitzvah, my parents coming from out of town and staying at the hotel, going to the pool at the Sportsman’s Lodge for \$25 a day with the whole family, eating at the little coffee shop there... it was really a place the whole community could enjoy.

But now, even just the simple act of taking a ticket from a gate to enter the parking lot that holds so many memories feels like a deterrent. And as a single mother with teenagers, it’s just not in my budget to shop at Erewon. I’ll be sticking to the Ralphs across the street.

### **Response No. IND 211-3**

The comment expresses personal opinions regarding the redevelopment of the Sportsmen’s Lodge site. This comment does not raise any issues with respect to the

content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 211-4**

I think the proposed development is short-sighted, completely tone deaf and against the best interests of the community. Quality of life and access to recreational open space should be a right for all not a privilege of the few. I really hope you'll recognize the will of the people on this important subject.

**Response No. IND 211-4**

The comment expresses opposition to the Project based on the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 212

Carey Smith  
Received May 10, 2022

### Comment No. IND 212-1

Good day to you.

Please note we live a block off Whitsett and the traffic grade currently a D. The street between Ventura and Moorpark is a speedway during commuting which has caused accidents and fatalities in recent decade.

### Response No. IND 212-1

The comment describes the commenter's opinions regarding traffic conditions on Whitsett Avenue. With regard to traffic, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. Also see the level of service (LOS) analysis of the study area intersections in the Transportation Assessment (TA) in Appendix M of the Draft EIR. As evaluated therein, the Project would not adversely impact existing or future service levels. However, it is noted that the CEQA Guidelines do not require the evaluation of street and intersection service levels in a Draft EIR. and as such, are non-CEQA issues.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 212-2

This MAJOR Development is for the good of whom? The community and its environment will suffer trauma from the years of Development, the wildlife will relocate, old established trees will be removed and replaced with trees from outside areas bringing with it new insects to the community.

### Response No. IND 212-2

The comment questions the need for the Project and expresses concerns regarding impacts to wildlife, trees, and new insects from trees.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location. The commenter is referred to Topical Response No. 5 – Biological Resources/Trees, for a detailed discussion regarding the Project's tree removal and

replacement program. In addition, refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. Also, the Project would replace removed trees with native trees that are consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement trees would arrive from local certified nurseries which in effect would minimize the potential for the introduction of new insects/pests to the local area.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 212-3**

Air quality will suffer due to the disruption of soil, 'the water resource need [sic] this development will pull on the community is HUGE.

### **Response No. IND 212-3**

The comment expresses concerns regarding air quality and water supply impacts. The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable. The issue of water use and supply is fully evaluated in Section IV.O.1, *Water Supply* of the Draft EIR. As analyzed therein, adequate water supplies are available from LADWP to meet the future needs of the Project, with water supply impacts being less than significant.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 212-4**

So again we ask to whom will this benefit. It's a shame Mr. Weddington's wish to have this property for the community is lost on the mighty dollar. Please rethink this Development [sic] AS IF YOU LIVED A BLOCK AWAY.

Additionally we are not thrilled having teenager drivers in and out of our neighborhood. [sic] If the Development [sic] goes thru we will ask to have a committee started to log the accidents around this new complex and the model age of said drivers involved.

Thank you for taking the time to review.

### **Response No. IND 212-4**

The comment expresses the commenter's belief that the original owner's interest was to preserve the property for the community. This comment is not supported by evidence or

facts. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The comment also expresses general concerns about teenage drivers and states that if the Project is approved, the commenter will ask to have a committee started to log the accidents around the Project Site and the model age of said drivers involved. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 213**

Chris Trent

Received May 10, 2022 (2 letters)

### **Comment No. IND 213-1**

I'm writing in response to the proposed Harvard-Westlake sports facility at Weddington project as a 55 year resident of Studio City. After much consideration to both sides, I am strongly against this project and hope that you will also consider not supporting the project. There are many reasons this project is not a good fit for this neighborhood. My three main points are as follows...

### **Response No. IND 213-1**

The comment expresses opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 213-2**

Firstly, this project is way too large for the existing neighborhood. With 500 parking spaces and constant bussing back and forth between the facility and Harvard Westlake and other schools and entities using this facility, the traffic and noise is going to be unbearable in this small neighborhood. Clearly looking at the proposed artist renderings show the scope of this massive facility in the tiny neighborhood is overwhelming.

### **Response No. IND 213-2**

The comment expresses opposition to the Project based on the size and scale of the Project, traffic, and noise. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion of the Project's aesthetics impacts, including impacts related to the visual character and quality of the Project Site. Of note, all built structures, other than light poles and short segments of perimeter walls, will be at or below conforming heights based on the Project Site's existing zoning. In addition, the Project's floor area ratio is several times below what is permitted on the Project Site (and less dense than many residences in the adjacent community). The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels. Also, refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of noise impacts.

Note that current updates to the Project would reduce the overall parking capacity from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Topical

Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 213-3**

Secondly, I've been a wildlife photographer for almost 15 years and have spent thousands of hours in urban parks, golf courses and the like and, based on drawings and proposals, can see that what Harvard-Westlake is proposing, despite promising more trees, is clearly taking out a much used natural area for the local and migrating wildlife and replacing it with concrete which will severely negatively impact one of the few remaining green areas left in the Valley. I photograph wildlife, both perpetual and migratory, there regularly and have seen projects similar to this devastate once wildlife friendly areas.

### **Response No. IND 213-3**

The comment expresses concerns about the Project's impacts to wildlife, including migratory wildlife. Please refer to Response No. ORG 14A-15 for a discussion of impacts to wildlife. Also, refer to Response No. ORG 7A-39 for a discussion of impacts to migratory birds.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 213-4**

Offering to plant new trees (while taking out dozens of mature trees) is offering little to nothing if the new trees are surrounded by concrete, steel buildings, loud and large groups of people, car traffic and bright lights at night. I'd ask you to look at the available overhead photographs of the new trees planted at the nearby Sportsman's Lodge project, which are just crammed in between parking spaces surrounded by cars and concrete as an example of how developers can make a proposal sound appealing but offer something quite different in practice. This is also that case at Weddington after examining the artist's renderings.

### **Response No. IND 213-4**

The comment states the Project's tree replacement program is not appealing if the new trees are surrounded by new buildings, concrete, large groups of people, car traffic and bright lights. This comment expresses an opinion of the commenter, but does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted

for the record and will be forwarded to the decision-makers for their review and consideration. The commenter is also referred to Response No. ORG 1C-25 for additional discussion of the Project's tree planting program and spacing needed for the new trees to mature.

### **Comment No. IND 213-5**

Thirdly, this is an environmental disaster. The amount of mature trees being taken out is going to have a decades long affect on carbon sequestration, the added concrete is a carbon producing nightmare and the massive amount of artificial turf being installed which is, by all scientific studies being determined to be exceedingly toxic and may soon require a California Prop 65 carcinogen warning sign for anyone in close proximity to it. It's not good for anyone or anything.

### **Response No. IND 213-5**

The comment states that the Project would have long-term carbon sequestration impacts and hazards associated with artificial turf. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. Also, see Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields.

### **Comment No. IND 213-6**

I understand on the outside this proposal sounds like a fine idea, but when you take any time and inform yourself on the outcome of this project it is clearly not acceptable on multiple fronts for it to happen at this property. There is another proposal to have Harvard-Westlake build and share facilities at L.A. Valley College. This sounds like a far better use of resources and use of existing facilities without destroying precious green open space. I'd ask you please consider looking into this alternate proposal as it seems like a win/win/win alternative for Studio City, LAVC and Harvard Westlake.

Thank you for your time and consideration.

### **Response No. IND 213-6**

The comment expresses general opposition to the Project and asks the City to consider an alternative site at Los Angeles Valley College for the Project. Refer to Response No.

IND 209-37 which discusses the potential for alternative off-site locations, including Los Angeles Valley College.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 213-7**

*Comment No. 213-7 is included in a separate e-mail from the commenter.*

I'm sending a supplement to my earlier email where I mentioned being a wildlife/nature photographer. Recently I've made a few outings to Weddington for just an hour or two each time and have compiled a list of identified species that I think you should have available. Every time I go I see something I hadn't seen before and there are many insect species that I'm still in the process of identifying so this is by no means a complete list of what is there ... there is MUCH more. But for just the recent few visits, here is a list of identified species to supplement DEIR and biologist reports...

Weddington Species List 20220321-20220504

#### Birds

Allen's Hummingbird Anna's Hummingbird  
 Northern Rough-winged Swallow Bewick's Wren (2 pairs with 5 chicks) Bushtit  
 Cedar Waxwing  
 Dark-eyed Junco (Nesting behavior)  
 Hooded Oriole (Male & Female nesting behavior) House Finch  
 Lesser Goldfinch Song Sparrow  
 White-breasted Nuthatch Black Phoebe  
 Brown-headed Cowbird  
 Cassin's Kingbird (Nesting behavior) Northern Mockingbird  
 Cooper's Hawk

#### Insects

Black-tailed Bumble Bee  
 West Coast Lady Butterfly  
 Checkered White Butterfly  
 Monarch Butterfly  
 Valley Carpenter Bee  
 Acmon Blue Butterfly  
 Orange Sulphur Butterfly  
 Foothill Carpenter Bee  
 Arizona Mantis  
 Umber Skipper  
 Toltec Scoliid Wasp

Leafhopper Assassin Bug  
Western Tiger Swallowtail Butterfly  
Gray Bird Grasshopper  
Tripartate Sweat Bee  
Fiery Skipper  
Alconeura Lappa Leafhopper (Exceedingly rare)

Mammals

California Ground Squirrel  
Desert Cottontail Rabbit  
Striped Skunk

Reptiles

Western Fence Lizard

**Response No. IND 213-7**

A list of wildlife is provided in the comment, which the commenter has identified to supplement the Draft EIR and biologist reports. A comprehensive list of wildlife is provided in Appendix B, Floral and Fauna Compendia, of the *Biological Resources Technical Report*, in the Draft EIR. The *Biological Resources Technical Report* is included as Appendix D in the Draft EIR. The list included in the Draft EIR is based on field observations by qualified biologists. In addition to field observations by qualified biologists, the analysis of biological resources in the Draft EIR includes searches of reputable government and organization databases to identify the potential for sensitive species to occur on the Project Site. Together, the field observations and database reviews, provided appropriate and adequate identification of observed and potentially occurring species on the Project Site to analyze impacts to biological resources in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 214**

Connie Acos

Received May 10, 2022

### **Comment No. IND 214-1**

Please do not approve or vote in favor of the motion that entails the removal of 250 Trees onsite at the Golf Area in Studio City.

This goes against the Fed/State Resolution & City Green New Deal that City Council voted to approve in 2019. Plant more trees, not cut them down.

### **Response No. IND 214-1**

The comment expresses concern regarding the loss of trees. Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions.

The comment also states the removal of trees goes against the federal/state resolution and L.A.'s Green New Deal. However, the commenter does not provide any substantive facts or evidence to support this concern or opinion.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 215**

David Campanelli  
Received May 10, 2022

### **Comment No. IND 215-1**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis and the proposed conversion into a private high school sports complex.

My family and friends and I have been coming to this facility since the early 1960s and have many great memories of our experiences. And we would love to continue creating more great memories at this historic landmark.

### **Response No. IND 215-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 215-2**

It should not be torn down in favor of an individual high school supported by a group of relatively few wealthy people. The noise and traffic factors alone should be enough to stop this SELFISH AND SHORT-SIGHTED PROJECT for a privileged few.

### **Response No. IND 215-2**

The comment expresses concerns regarding traffic and noise impacts. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's parking, traffic patterns, effects on local streets, and consistency with CEQA threshold levels. Please also refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 215-3**

This facility has been enjoyed by neighborhood families for miles around since the 1950s and should continue to be used as such.

Thank you for your time and consideration of this most important matter.

## **Response No. IND 215-3**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 216**

David Kellen

Received May 10, 2022

### **Comment No. IND 216-1**

The Weddington property is not about new and meaningless open space. The City knows when Councilmembers [sic] are being dishonest.

This is about saving a treasured historic entity. Enough historic spaces have been destroyed in Los Angeles. This one should be saved.

Councilmembers [sic] might lie because they get something by associating with Harvard Westlake. You are a City Planner. Do the right thing for the City and history.

In the end, you will do better for it.

### **Response No. IND 216-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility as a historic property. The commenter is referred to Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 217**

Diana Nicole

Received May 10, 2022

### **Comment No. IND 217-1**

**Case Number: ENV-2020-1512-EIR; Harvard Westlake River Project Draft EIR State Clearinghouse Number: 2020090536**

In the built-up areas of the City of Los Angeles, green open space is in precipitous decline. Weddington Golf and Tennis has historically made golf an accessible activity to a diverse group of users. It functions as a bird refuge, cools the surrounding areas and provides a meaningful treed [sic], green buffer for the community.

But the Draft Environmental Impact Report (DEIR) for the Harvard Westlake development project at Weddington falls short of protecting and enhancing this green open space and would result in significant adverse impacts over the course of project implementation. Key deficiencies in the analysis include the following.

### **Response No. IND 217-1**

The comment lists the benefits of the Project Site to the community as an open space, golf facility, bird refuge, and green buffer and states that the Draft EIR is deficient in the protection and enhancement of open space and that implementation of the Project would result in significant adverse impacts. Refer to Response Nos. IND 217-2 to IND 217-8 below which address the commenter's specific comments on the Draft EIR and/or Project.

### **Comment No. IND 217-2**

First, the proposed project would result in significantly less open green space than before the project. Given how few green open spaces exist in park-poor Los Angeles and that the City's open space element hasn't been updated since Nixon was president, it is logical to assume that eventually one green open space reducing project will be one too many for the well-being of the City.

### **Response No. IND 217-2**

The comment states that the Project would result in less open space than under existing conditions. To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property,

the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

The commenter is referred to Response Nos. ORG 14A-3 and ORG 14A-5 for a description of the Project's public use and recreational components. As discussed therein, the Project's open space and recreational features are consistent with the City of Los Angeles Department of Recreation and Park's current Citywide Community Needs Assessment for the South San Fernando Valley geographic area and will provide expanded open space and recreational opportunities for the public when compared to existing conditions.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 217-3**

Second, the project will result in the destruction of a Sensitive Natural Community, California brittle brush scrub, with a State rarity rank of S3. The California Department of Fish and Wildlife (CDFW) recommended mitigation protocol for Sensitive Natural Communities with an S3 rank is a ratio of between 5:1 to 7:1 by area affected under CEQA, but the DEIR only proposes an inadequate 1:1 mitigation.

### **Response No. IND 217-3**

The comment states that the Project will result in the destruction of a Sensitive Natural Community and that the 1:1 replacement is not adequate. The assertion is not correct. Please refer to Letter AG 4 (CDFW) and Response Nos. AG 4-7 through AG 4-11, which address impacts to California brittlebrush scrub. As discussed therein, Mitigation Measure BIO-MM-2, as revised (see Chapter 3 of this Final EIR), would provide assurance that the sensitive natural community of California brittlebush scrub would be successfully restored to pre-project conditions. Also note that the CDFW does not suggest or require a 5:1 to 7:1 replacement ratio in their comment letter.

### **Comment No. IND 217-4**

Third, the DEIR fails to adequately study the wildlife in the area. A one-day site visit from a biologist in November during the off-season when wildlife activity is low is a patently cynical attempt to minimize the adverse impacts to wildlife. Rare species exist at courses like Weddington where mature vegetation is maintained and there are native buffers such

as the Zev Yaroslavsky Los Angeles River Greenway, and the California brittle brush scrub Sensitive Natural Community abutting the course, or near-by offsite native habitats such as the Coast Live Oak-California Walnut Woodland located south of the project site in the Santa Monica Mountains. A full wildlife permeability review should be conducted as part of the DEIR.

### **Response No. IND 217-4**

The comment states that the Draft EIR failed to study adequately the wildlife in the area. The wildlife study for Draft EIR included an evaluation of wildlife both within and outside (adjacent to) the Project Site. A general reconnaissance-level biological survey and vegetation mapping was conducted by ESA biologist Maile Tanaka on November 12, 2020. In addition to the site survey, ESA biologists reviewed wildlife databases to compile and inventory of faunal species potentially occurring on the Project Site. See Appendix B (Floral and Faunal Compendium) and Appendix D (Special Status Wildlife Species) of the Biological Resources Technical Report, which is provided as Appendix D of the Draft EIR.

As described in Methodology on page IV.C-30 of the Draft EIR, the analysis of wildlife movement in and near the Biological Study Area is based on information compiled from literature, analysis of aerial photographs and topographic maps, direct observations and recordings made in the field during the biological survey, and an analysis of existing wildlife movement functions and values, such as observed habitat and native vegetation that could support wildlife movement, as well as trails and evidence of frequent use. The evaluation of existing wildlife conditions is considered complete by the City, the lead agency, in its review of the Draft EIR.

### **Comment No. IND 217-5**

Fourth, the project would result in the removal of a large number of tree species that are beneficial to wildlife without in-kind mitigation. This would result in a significant adverse impact on migratory bird species. Research by Professor Eric Wood at Cal State Los Angeles has documented the relative use of different tree species by wintering migratory birds on Los Angeles street trees. These important species include non-native trees such as Chinese Elm, and Camphor trees that would be removed by the project and not replaced in-kind. The American Sweetgum trees designated for removal have value for resident birds such as sparrows but they will not be replaced in-kind, under the DEIR. The 121 Palm trees that would be removed hold unique value for nesting birds such as hooded orioles, owls, and bats but they will not be replaced in-kind, under the DEIR. By failing to replace trees in-kind, the ecological impacts will not be mitigated because the habitat type will be changed entirely. This element of the project alone is a significant adverse impact to birds.

### **Response No. IND 217-5**

The comment states that the Project removal of certain trees would not be replaced with in-kind species, and therefore, impacts would occur to birds and migratory species.

However, the commenter provides no facts or evidence that ecological impacts will occur because habitat and/or trees will not be entirely replaced with in-kind species. The commenter is referred to Response Nos. ORG 14A-7 and ORG 14A-15 which address impacts to birds and migratory species.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

As discussed in Topical Response No. 5, the Project would replace a large number (but not all) on-site Mexican fan palms and other invasive species. Replacement trees would be consistent with the Los Angeles River Master Plan Design Guidelines and Plant Palettes, which are selected based on biological suitability for the river environment. The long-term benefit would be trees that are more drought tolerant and would ultimately benefit native plant and animal species. As discussed in Response No. AG 4-36, the Mexican fan palms make up more than half of the removed trees and provide minimal foraging or habitat opportunities for most animal species in the area. This species is specifically identified by the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes under the heading “Plants That Should Never Be Planted Along the River.” The invasive or introduced tree species cited in the comment are common throughout the Studio City area and the removal of such would not have an adverse impact on highly mobile birds or bats with the majority of mature street trees remaining on-site. Because of the long-term sustainability of tree and plant species provided in the Angeles River Master Plan Landscaping Guidelines and Plant Palettes, the Project’s tree replanting program would not have a significant impact on wildlife species.

### **Comment No. IND 217-6**

Lastly, the project site will be subject to significant disturbance by construction, planting and maintaining the 100’s of replacement trees proposed for the project mitigation. Mortality from disturbance is greater than reproduction by most species, so the populations of wildlife residing at the project site will decline. And, although oak trees provide excellent wildlife value, the proposed tree planting plan uses an ornamental landscape approach with little resemblance to a “natural habitat” as claimed in the DEIR. Cumulatively, the project would provide significantly less habitat than before the project. The remaining habitat will be subject to light and noise pollution from the sports facilities that would surround the new plantings, reducing the benefit of the remaining habitat and this mitigation even further.

### **Response No. IND 217-6**

The comment states construction, planting, and maintaining replacement trees would result in wildlife mortality that would be greater than reproduction rates. The commenter also states the Project’s tree planting plan provides little resemblance to a “natural habitat” and that there would be less habitat than under existing conditions. In addition, the

comment expresses concern regarding light and noise impacts to wildlife. However, the commenter provides no facts or evidence that to support these statements.

Please refer to Response No. IND 217-5 which discusses the Project's tree planting plan. Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife during construction. Also, construction activity would comply with Project Design Feature BIO-PDF-1 that includes protective measures for nesting habitat of raptors or songbirds, which would support reproduction activity during construction. Refer to Response No. IND 209-20 for a discussion of the Project's lighting impacts on wildlife. Also, refer to Response No. IND 42D-28 for a discussion of noise impacts to wildlife. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

### **Comment No. IND 217-7**

People often imagine that wildlife at a development site will simply move to a new area after development but this is not true; mortality occurs during movement. Any suitable habitat surrounding will already be occupied and the wildlife numbers are reduced each time habitat is lost through development.

### **Response No. IND 217-7**

The comment states that wildlife experience high mortality during relocation. The commenter provides no facts or evidence to support this statement. Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife and nesting birds. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

### **Comment No. IND 217-8**

I also support the list of wildlife observed at the project site by local wildlife photographer Chris Trent and submitted in his May 10, 2022 supplemental comment letter.

### **Response No. IND 217-8**

The comment expresses support for the list of wildlife provided under Comment No. IND 213-7, above. Please refer to Response No. IND 213-7 regarding Mr. Trent's list of potential on-site fauna.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 218

Donald McLeod Keefer  
Received May 10, 2022

### Comment No. IND 218-1

Along with the CBS (formerly MTM and Republic) movie and television studio on Radford on the East side of town, "Kirkwood's" (aka Weddington) Golf Course is a true defining "anchor" of the Studio City showbiz community.

Like the studio itself, the golf course has a long and distinguished history of being owned and frequented by a number of unpretentious Hollywood locals and luminaries -- from golfer-turned actor-Joe Kirkwood (star of the "Joe Paluka" series of prize-fighting films), the original owner of the golf course (as well as much of the surrounding area, including "Ringside" Liquor on Whitsett) in the 50s, to TV actress/director Betty Thomas (Hill St Blues), to a (then very modest) Will Smith carrying his own modest bag of clubs as he prepared for his starring role in The Legend of Bagger Vance.

In addition to any number of retired Hollywood producers, I also recall having hilarious conversations with George Gallo, the screenwriter (now acclaimed painter) of Midnight Run in the clubhouse's restaurant, back when it was still known as "The Cuckoo's Nest" -- all this was (and still is) on offer at this "Country Club For the People" (ie [sic] no prohibitively expensive membership required).

A true cultural magnet for everyone -- torn down for bigger, fancier facilities for the already over-advantaged rich, and their offspring? REALLY??

Would New York City ever consider "redeveloping" Rockefeller Center, or the Empire State Building? Why would Studio City voluntarily destroy one of the architectural pillars that define it as an artistic community?

### Response No. IND 218-1

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility and questions the need for the Project. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 218-2

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons.

1. With LA's green open space disappearing, Harvard-Westlake plans to service a privileged, select few by replacing 16 irreplaceable acres with artificial turf and concrete buildings, as well as by exerting their influence to secure variances to Weddington Golf & Tennis' A1 Agricultural Open Space zone allowances from the City.
2. By destroying the property's significant existing urban tree canopy along the LA River and replacing it with 12-foot walls, artificial turf, saplings, and towering light poles, the end result allows practices, games, and special events that will generate increased noise and traffic, which does not conform to the surrounding community.
3. Weddington Golf & Tennis is often referred to as "the gem of Studio City" and considered a local landmark for nearly 70 years. The LA Cultural Heritage Commission (CHC) supported Historic-Cultural Monument (HCM) designation for the ENTIRE 16-acre Weddington Golf & Tennis subject property. For that reason, we strongly support the mysterious, last-minute revisions be reversed and the designation restored to the CHC's original recommendation: preserving the subject property, which encompasses the golf course, driving range, and a majority of the site's green open space and tree canopy.
4. Millions of Angelenos from all over the City and San Fernando Valley have experienced Weddington Golf & Tennis since its opening in 1956. It is incumbent upon the City to protect precious affordable public spaces from developers and special interests, like Harvard-Westlake, who only serve a privileged few.
5. Traffic and congestion continue to grow at an alarming rate in LA. If allowed to proceed, Harvard-Westlake will spend the next four to five years building a massive \$100 million dollar sports complex for its students, while the rest of the community grapples with the plan's significant impact on our roads, traffic, and commutes to work and school.

This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted.

## **Response No. IND 218-2**

The comment expresses opposition to the Project based on a variety of issues including loss of green space, reduction in tree canopy, impacts to historic resources, popularity with the public, traffic impacts, and CUP approval. These same comments are addressed under Comment Nos. IND 202-1 to IND 202-5. Please refer to Response Nos. IND 202-1 to IND 202-5.

## **Comment No. IND 218-3**

It's shocking that Harvard-Westlake would consider spending \$100 million on a sports complex for a privileged few, when hundreds of thousands of students citywide are lacking the most basic tools needed to succeed. Therefore, we urge Harvard-Westlake to move its proposed complex to a more cost-effective alternative site, like the nearby Los

Angeles Valley College, which the School has previously used for its tennis operations – even recently refurbishing the College’s tennis courts. With this good neighbor gesture, Harvard-Westlake would not destroy a beloved community asset, but rather, provide for the community and service a much wider area by improving facilities at Los Angeles Valley College.

Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. These individuals are counting on you to subscribe to a higher standard, support the public’s interests, stand firm against Harvard-Westlake’s lobbyists and moneyed special interests, and deny approval of the CUP and certification of the DEIR.

Thank you for your considering, and respecting, the creative roots of this still-casual, open access local entertainment industry hot spot, and community.

Harvard Westlake can bulldoze someplace else down.

## **Response No. IND 218-2**

This comment requests Harvard-Westlake to consider alternative sites like L.A. Valley College and provides general opposition to the Project. The alternative site included in this comment would not satisfy the Project Objectives. The reasons that alternatives sites were considered and rejected is provided in Section V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake’s Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Section V, no other location with adequate acreage and topography exists within proximity to the Upper School campus, and the notion that the Project could be built at L.A. Valley College is entirely speculative and unsubstantiated.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 219**

Ingred Mellman

Received May 10, 2022

### **Comment No. IND 219-1**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. I have been a Studio City resident for many years. We need this open space to continue our lovely comfortable way of life for our families and for the future community and families. This is the reason we chose to live here in a low density area rather than an urban crowded city.

### **Response No. IND 219-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 220**

Janice Jordan

Received May 10, 2022

### **Comment No. IND 220-1**

Please do not allow Harvard-Westlake to destroy an icon of Studio City. Do not allow them to ruin the lives of so many Studio City residents.

Please choose an alternate location for this selfish and ill-conceived project.

### **Response No. IND 220-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility. The comment also requests an alternative site be chosen for the Project. The reasons that alternative sites were considered and rejected is provided in Section V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Section V, no other location with adequate acreage and topography exists within proximity to the Upper School campus.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 221**

Jeffrey Hartwick  
Received May 10, 2022

### **Comment No. IND 221-1**

I am concerned that the Harvard-Westlake River Project will adversely impact the local community as follows:

### **Response No. IND 221-1**

The comment is introductory and does not in itself discuss the adequacy of the Draft EIR. No further response is necessary.

### **Comment No. IND 221-2**

#### **Noise and Vibration Impacts**

The DEIR notes that the Project “would have significant and unavoidable noise impacts during the Project’s construction activities that cannot be fully mitigated through feasible noise control measures.” (DEIR at V-4) There is thus no way to get around this large and deleterious affect on the neighborhood. If such impacts are “significant and unavoidable,” then why should the Project continue as contemplated? A better plan would be Alternative 1, or no project. Thirty (30) months of unmitigated and significant noise and vibration is a huge impact on the health and mental well-being of local residents and stakeholders. No one would want to live nearby under such circumstances.

If Alternative 1 is not chosen, then Alternative 2 would be a better that the current Project. I note in Table V-1 that Alternative 2 would lessen the duration of the Project by 4 months, and reduce the excavation of soil by nearly 20,000 truck trips. (Imagine 35,714 dump truck trips if the Project is unaltered, a completely unreasonable number for a residential community near the Valley’s main artery, Ventura Boulevard.)

### **Response No. IND 221-2**

The comment questions why the Project would continue as contemplated with significant and unavoidable impacts. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts. It is not uncommon for projects evaluated in an Environmental Impact Report (EIR) to include significant and unavoidable impacts. As described in Sections 15121(a) and 15362 of the California Environmental Quality Act (CEQA) Guidelines, an EIR is an informational document that will inform decision-makers and the general public of the environmental impacts resulting from a project, identify possible ways to minimize any significant effects, and consider reasonable project alternatives.

As concluded in Section VI, *Other CEQA Considerations*, of the Draft EIR, the Project is being proposed, notwithstanding significant unavoidable construction noise and vibration impacts, because it would support the RIO District Ordinance for revitalization of the Los Angeles River environment, enhance public enjoyment of the open space environment, and meet the needs of the School in providing recreational and academic opportunities to its students. In addition, as a result of the conclusions of the analysis contained within the Draft EIR, a statement of overriding considerations supported by substantial evidence will be prepared and reviewed by the City of Los Angeles in accordance with the CEQA Guidelines Section 15093 when determining whether to approve the Project.

Also, the comment advocates for Alternative 1 (the No Project/No Build Alternative), then Alternative 2 (at Grade Parking Alternative), be chosen over the Project. The commenter prefers these alternatives primarily due to fewer construction activities compared to the Project. As this portion of the comment states the commenters preferences, the comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 221-3**

#### **Public Access**

I am concerned about public access. Most of the property would NOT be readily accessible to the public, though H-W continues to propagate this untruth. Only portions would be readily accessible. In the alternative, the Project should be reduced in scope near the river to include more publicly accessible open space and preservation of old-growth trees.

### **Response No. IND 221-3**

The comment expresses concerns about public access and advocates that the Project should be reduced in scope near the Los Angeles River to include more publicly accessible open space and preservation of old-growth trees.

To clarify the existing property rights and on-site uses, the Project Site is not public property. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the

Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

Refer to Topical Response No. 5 – Biological Resource/Trees, for a discussion of impacts to trees. As discussed in Topical Response No. 5, the Project's tree removal and replanting program was fully analyzed in the Draft EIR's Section IV.C, *Biological Resources*. As discussed in Section IV.C and Chapter II, *Project Description*, of the Draft EIR, the Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 trees, located both on the Project Site and off-site surrounding areas (e.g., within portions of the public right-of-way), and plant 393 trees, resulting in a net increase of 153 trees (or 36 percent). The majority of street trees would remain and any removed street trees would be replaced at a 2:1 ratio. The existing mature trees along the Zev Greenway, Bellaire Avenue, and Whitsett Avenue would remain. The majority of mature street trees along Valley Spring Lane would also remain, except for two smaller sections along the street front (see Section IV.C, *Biological Resources*, Figure IV.C-4, *Tree Removal Plan, of the Draft EIR*). The Project would result in a total of 574 trees within the on- and off-site Project areas (see Section IV.C, Figure IV.C-5, *Tree Planting Plan, of the Draft EIR*). Please also refer to Response No ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 221-4**

### **Traffic**

Traffic would be adversely impacted, particularly at Coldwater and Ventura. And it would go on for at least 30 months, or 26 under Alternative 2. This is too much. A further consideration is what if the Sportsman Lodge construction project of 500+ apartments in a nearby area is permitted at the same time? The noise, pollution, land traffic would be apocalyptic for the area. The potential impact of that project should be factored in on the H-W River Project.

## **Response No. IND 221-4**

The comment expresses concern that Project-specific and cumulative (from the Sportsmen's Lodge project) construction-related traffic, noise and pollution would adversely affect the surrounding area. With regard to traffic, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation

impacts would be less than significant without mitigation. Also see the level of service (LOS) analysis of the study area intersections in the Transportation Assessment (TA) in Appendix M of the Draft EIR. As evaluated therein, the Project would not adversely impact existing or future service levels. However, it is noted that the CEQA Guidelines do not require the evaluation of street and intersection service levels in a Draft EIR, and as such, are non-CEQA issues.

Also, as discussed in Section IV.M, *Transportation*, page IV.M-26 of the Draft EIR, Project Design Feature TRAF-PDF-1 would require a Construction Management Plan (CMP). Under the CMP, construction procedures would be formalized and specific actions would be identified and required to reduce effects on the surrounding community. The CMP would be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City staff and other surrounding construction-related project representatives (i.e., construction contractors), whose projects would potentially be under construction at around the same time as the Project, would be conducted bimonthly, or as otherwise determined appropriate by City staff. This coordination would ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with the Project.

With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Construction and Operation Noise and Vibration.

With regard to air quality and pollution, the Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

Also, with regard to impacts of the Project combined with other related projects in the area, the commenter is referred to the “Cumulative Impacts” subsection included in each of the sections in Chapter IV of the Draft EIR. The cumulative impact analyses address impacts of the Project combines with the list of related projects, which include the Sportsmen’s Lodge Project.

## **Comment No. IND 221-5**

### **Tribal Cultural Impact**

The DEIR mentions that the city sent notices to 10 tribal entities but only had a consultation with 2 tribes. A 20% response rate is insufficient. The city must do a better job in seeking the input of the 80% of potentially affected tribes. It is the right thing to do.

## **Response No. IND 221-5**

The comment states that the response rate from the tribal entities to the City’s formal notifications is insufficient. It is the responsibility of the tribes that were notified by the

City to request consultation with the City pursuant to AB 52. The City does not control the response rates by the tribal entities, which vary project-by-project. The City complied with applicable AB 52 regulations pertaining to Native American Consultation, including all notification requirements.

### **Comment No. IND 221-6**

In closing, I believe the Project is too large and should be scaled back to increase green spaces and public access if the Project is not eliminated altogether. The DEIR states that noise and vibrations would be significant and unavoidable for 30 months. This is not acceptable. A CUP should therefore not be granted and the DEIR not certified unless massive changes are made.

### **Response No. IND 221-6**

The comment expresses general opposition to the Project based on its scale, loss of green space and public access, and significant and unavoidable noise and vibration impacts. See Topical Response No. 4 – Aesthetics, regarding the Project's less than significant aesthetics-related impacts including scale. Also, impacts related to views, scenic resources and visual character were evaluated in the Initial Study (Appendix A of the Draft EIR) and also determined to be less than significant. Refer to Response No. IND 221-3 for a discussion regarding open space and public access. Refer to Response No. IND 221-2 for a discussion regarding the Project's noise and vibration impacts.

The comment also states the CUP should not be granted and the Draft EIR not certified unless massive changes are made. This comment that the Project does not meet the criteria to grant a CUP is not founded in substantiated facts cited and represents the opinion of the commenter. Also, please note that most public and private schools in the City operate under a CUP in accordance with LAMC Section 12.24.T.3(b), which allows school uses in residential and agricultural zones. For addition discussion of the Project's CUP, refer to Response Nos. ORG 7A-78, ORG 7A-79 and ORG 9-22. The comment, however, is primarily a request for project disapproval. The comment does not discuss the adequacy or content of the Draft EIR and no further response is necessary. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 222**

Kaitlin Gleason

Received May 10, 2022

### **Comment No. IND 222-1**

I am writing today to express my dismay about the above proposed Harvard Westlake project. This property has been a community golf and tennis resource for decades and it is beloved by thousands of people in the cities that surround it. Generations of families have enjoyed the golf course, driving range, putting green, and tennis courts. It seems very unfair that a well funded private school could destroy this beloved community resource and turn it into a private facility reserved for 900 wealthy students who already have an athletic facility of this nature at their primary campus nearby.

### **Response No. IND 222-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. To clarify the existing property rights and on-site uses, the land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 222-2**

This is the last open green space on the LA River. It is a travesty that Harvard Westlake wants to destroy the integrity of our neighborhood and this pristine open land with exterior stadium lighting, a massive amount of additional traffic and noise, huge underground and surface parking lots, massive walls, and bleacher seating. It is also upsetting that the community service it provides for golf and tennis facilities that are used by all walks of life in our community will be demolished for the benefit of the wealthy few.

## Response No. IND 222-2

The comment expresses opposition to the Project based on the location of the Project near to the Los Angeles River and expresses concerns over operational lighting, traffic, noise, parking, walls and bleacher seating and loss of open space and golf and tennis facilities. However, the commenter does not provide any substantive facts or support for these concerns or opinions. The commenter is referred to Topical Response No. 4 – Aesthetics, regarding the impact of the Project’s field lights and other outdoor lighting. Of note, all built structures, other than light poles and short segments of perimeter walls, will be at or below conforming heights based on the Project Site’s existing zoning. Also, as shown in Chapter II, *Project Description*, Figures II-15 to II-20, the walls around the perimeter of the Project Site would be designed and constructed of an organic stacked stone material and heavily landscaped. Vegetation growing on and around the fences and walls would help mask the built elements, complement the trees that would be maintained and planted on-site, and deter graffiti.

The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s parking, traffic patterns, effects on local streets, and consistency with CEQA threshold levels. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts.

Also, refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR; and Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

Note that current updates to the Project would reduce the overall number of seats provided by the Project from 2,217 seats to 2,005 seats, which is a reduction of 212 seats. The changes to seating include: 1) pool area bleacher seats reduced from 348 to 214; 2) Field B bleacher seats reduced from 255 to 109; 3) Field A bleacher seats increased from 488 to 542; 5) gymnasium seats increased from 1,026 to 1,056; and 6) tennis bleacher seats reduced from 100 to 84. Also, the overall parking capacity has been reduced from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 222-4**

Besides destroying a historical landmark, this development would irreparably change the ecosystem, remove trees, and establish a dangerous precedent for private development in this community.

## **Response No. IND 222-4**

The comment states that the Project would destroy a historical landmark, change the ecosystem, remove trees, and establish a dangerous precedent for private development. The commenter is referred to Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. Also, with regard to the ecosystem, the commenter is referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

The statement that the Project would set a “dangerous precedent” for private development is unclear and the commenter does not provide any substantive facts or evidence to support this concern or opinion. See Response No. IND 222-1 clarifying the existing property rights and on-site uses, and the property owner's right to close the facilities at the property owner's sole discretion.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 222-5**

Your report does not adequately quantify the negative environmental and emotional impact this massive development will have on our neighborhood.

## **Response No. IND 222-5**

The comment asserts that the Draft EIR does not adequately quantify the negative environmental and emotional impact of the Project on the neighborhood, but does not provide any substantive facts or support for these assertions. The emotional effects of a project are not impacts on the environment and are, thus, appropriately not evaluated in the Draft EIR.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 223**

Krycia Plonka

Received May 10, 2022

### **Comment No. IND 223-1**

Tennis and golf are built around community. Sports build character, help with mental health, and of course, keep us in good physical health. More than that, public sports are a great equalizer, people can socialize with all levels of social strata and that's just important for life. Just because one really rich school and select group of people want more land doesn't mean they should get it at the expense of an entire community. With all the money they have they should do a little more research into the land they want to acquire being the correct land. As I understand it, this would be the second gaff [sic] they have made in not considering rules in the first case, and humanity in the second.

I understand you are the only council member who has a master's degree in urban planning. It is arguable that you know more about this subject of community and the importance of green spaces than any other council member. I play tennis there twice a week, and my husband plays golf there twice a week. Having this facility at our disposal has single-handedly changed our life and our health. Please consider the impact of everyone's health and well-being with the demise of Weddington. It means so much to so many.

### **Response No. IND 223-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. Please refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also refer to Topical Response No. 11 - Recreation: Golf and Tennis Facilities, regarding public use of the Project's tennis courts and the capacity of the future courts to accommodate the same number of sessions for the public, including tournament play, as under existing conditions.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 224**

Laurissa James Gold  
Received May 10, 2022

### **Comment No. IND 224-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

I live on Whitsett Avenue just north of Weddington and have enjoyed many happy afternoons on the golf course. I'm currently teaching my daughter to play golf there. Weddington is a special corner of Studio City. It allows for a few hours of cherished, low-key, relaxation that is increasingly difficult to find in LA. There is history and community here-- and that cant be easily replicated-- not to mention open spaces, lots of trees, and a little bit of fresh(er) air.

### **Response No. IND 224-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 224-2**

I am also very worried about the increase in traffic. Both during the construction-- which will be extensive and long-lasting-- and when the new athletic center is in use. Whitsett is a critical artery for getting around Studio City. Laurel Canyon and Coldwater Canyon are always congested because they provide access to the 101 and go over the hill. Whitsett is the way residents move quickly around town without getting mired down on the other avenues. If it gets congested because there are big crowds coming and going from the facility it will have significant ramifications for all of Studio City.

### **Response No. IND 224-2**

The comment expresses concern regarding the Project's construction and operational traffic. Please refer to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 224-3**

The Weddington property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 224-3**

This comment provides the same comment presented in Form Letter 3. A response to this comment is provided in Response No. FORM 3-5.

### **Comment No. IND 224-4**

Thank you for your help saving Weddington Gold [sic] & Tennis-- many future residents of Studio City will thank you too.

### **Response No. IND 224-4**

The comment requests the preservation of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 225**

Lee Rosenberg  
Received May 10, 2022

### **Comment No. IND 225-1**

My name is Lee Rosenberg, and I am a close neighbor of the proposed site of the Harvard-Westlake River Park project. I'm pleased to submit the attached comment to the project. Subject to the attached comment addressing a mitigation measure related to pedestrian safety, we are pleased to support the project and believe it will be an asset to the community.

### **Response No. IND 225-1**

The comment states that with the implementation of a proposed pedestrian mitigation measure the commenter would be pleased to support the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 225-2**

We are close neighbors of what is currently Weddington Golf & Tennis who live on Wilkinson Avenue in Studio City between Valleyheart Drive and Valley Spring Lane, which is on the opposite side of Whitsett to the east, and less than 70 yards away from the above-referenced project (the "Project"). In fact, we are among the closest residential neighbors to the Project site. More broadly, we are located within the Footbridge Square pocket of Studio City, which is bounded between Valleyheart Drive in the south, Moorpark Street in the north, Whitsett Avenue in the west, and Laurel Canyon Boulevard in the East. We are writing to provide public comment to the Draft Environmental Impact Report ("DEIR").

### **Response No. IND 225-2**

The comment describes the location of the commenter's residential neighborhood and indicates the commenter's intent to provide public comment on the Draft EIR. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 225-3**

We believe that on the whole, the proposed Harvard-Westlake River Park project will likely add significant value to the Studio City community in creating open spaces, gathering spaces, and recreational facilities for the public that do not currently exist, and look forward to working with the Project Developer, Harvard-Westlake, to achieve

objectives that are in the mutual interest of the community and Harvard-Westlake's students. Subject to the below comment, as close neighbors to the Project, we otherwise support the Project in light of Harvard-Westlake's commitments to public access and public use of the site and its facilities, which we expect will be detailed, further developed, and affirmed as the process continues, and as a condition of approval. We appreciate Harvard-Westlake's efforts to mitigate noise, light, and parking concerns.

### **Response No. IND 225-3**

The comment expresses support for the Project in consideration of its open spaces and recreational facilities. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 225-4**

As neighbors, we raise a significant safety concern that we request be addressed through a required mitigation measure and offsite improvement as part of the approval of the EIR and overall project, specifically, the need for a safe, signaled pedestrian crossing or traffic light across Whitsett at or between Valleyheart Drive and Valley Spring Lane. We believe that this is necessary to avoid crossing-related deaths and serious injuries to children, adults, and senior citizens who will be expected to access the Project. This comment, and the mitigation measure we are seeking, is consistent with the City of Los Angeles' Vision Zero, the City's commitment to livable streets and eliminating all traffic deaths by 2025, (see <https://ladotlivablestreets.org/programs/vision-zero>), and other policies and initiatives of the City to ensure safety and livability.

The Project will add vehicle trips to Whitsett but will not be adding any safe pedestrian crossings to that street. Figure 6 in Appendix M shows there are no pedestrian crossings for approximately 0.5 miles on that street, and the dangers to pedestrians will be made worse by the Project. As residents who live on the other side of that street, we know firsthand from our lived experience and observations that Whitsett Avenue is a busy street and that it is dangerous for pedestrians to cross to access the site. There is a large residential neighborhood to the east of that street, and families will continue to cross the even busier street without protection once the Project is developed, at great risk of bodily injury and death.

The posted speed limit is 40 MPH, but drivers regularly exceed that, at speeds that appear to be beyond 50 MPH. Whitsett has four lanes of traffic, with parked cars on both sides. Given the speed of drivers, and parked cars, pedestrians are not readily visible to drivers, and drivers frequently ignore or do not see pedestrians standing by close to lanes of traffic seeking to cross. Because the closest traffic lights are spread half a mile apart, i.e., a quarter of a mile in each direction from the central access point to the project, thus, a pedestrian between wishing to cross Whitsett at a signaled intersection must traverse and backtrack upwards of half a mile to cross safely. We frequently encounter pedestrians make unsafe crossing of that road with their families without pedestrian protection.

We note that the dangerous conditions on Whitsett are detailed on several online postings, for example:

*Many neighbors have voiced their concern about cars speeding on Whitsett Avenue and the numerous accidents that have occurred there. My neighbor totaled her car at Valley Spring Lane and Whitsett Avenue in a two-car accident that led to the fire department having to use the jaws-of-life to extricate the driver whose car had flipped over. I personally try to not cross the street there. The drivers totally ignore pedestrians. Where do we stand with studies and a possible light or stop sign at Valley Spring Lane?*

(<http://studiocityresidents.org/wp-content/uploads/2017/09/SCRA-Newsletter-July-2017.pdf>)

*I've noticed in the past two months that there has been an inordinate number of serious accidents at the corner of Whitsett and Valley Spring Lane (right by Weddington Golf and Tennis). If you are a Studio City local who frequents the golf course or tennis court, please be extremely careful making a left or right onto Whitsett. If you often shop at the Whitsett/Ventura Coffee Bean and Tea Leaf, Bed, Bath, and Beyond, Kriser's, Staples, or Aaron Brothers, please take good care. Watch the road. Watch your fellow drivers. Please have a happy and safe Independence Day, neighbors.*

(<https://patch.com/california/studiocity/an-accidentprone-intersection--neighbors-please-be-careful/>)

Fatal Accident Report:

*Location: Whitsett Ave and Valley Spring Lane in Studio City Summary: Vehicle-2, northbound on Whitsett Ave at a high rate of speed, estimated by witnesses in excess of 80 mph, collided with the left side of Vehicle-1 when it pulled onto Whitsett Avenue from an apartment building driveway.*

(<https://www.lapdonline.org/newsroom/traffic-collision-news-release/>)

The current amenities at the site, golf and tennis, have an active but limited and specific audience that appears to draw relatively few families and young children from the neighborhood. The proposed Project, which will add walking paths, nature paths, seating areas, connections with the LA River, in addition to athletic facilities and fields, is expected to appeal to substantially more families and children than the current site. It is expected that the desire and need to cross Whitsett will increase significantly – as neighbors should – to realize the community benefits that the project is proposing to create in light of the loss of the current public uses at Weddington Golf & Tennis.

But again, it is not safe to cross Whitsett as it is. Given the expected new attraction of the Project to the community once completed, it is expected that there will be an increase in pedestrian utilization, and that traffic on Whitsett will increase meaningfully at peak times and occasions as a consequence of the Project, e.g., for games and special events.

Notably, the project will have capacity for upwards of 2,000 spectators and 532 cars, which at peak times, will increase the number of vehicles and pedestrians traveling on Whitsett to access the Project.

The DEIR acknowledges that “[t]he Project would increase pedestrian and vehicle volume around the Project Site,” that the activities related to the Project “would increase pedestrian activity as well as vehicle activity,” and observes that “[a]ll crosswalks at the intersections surrounding the Project Site are unmarked and uncontrolled.” (DEIR, Appendix M, PDF pg. 52.) Although the DEIR contains no assessment of pedestrian activity/crossing counts, in 2012, when the site was proposed to be developed into senior housing, the report at the time indicated a “moderate level of pedestrian activity at Whitsett Avenue/Valley Spring Lane and Whitsett Avenue/Valleyheart Drive, including 114 pedestrians crossing at the peak AM hour and 135 pedestrian crossers at the PM hour. ([https://planning.lacity.org/eir/StudioCity\\_SeniorLiving/DEIR/Appendix%20G\\_Pedestrian%20Study.pdf](https://planning.lacity.org/eir/StudioCity_SeniorLiving/DEIR/Appendix%20G_Pedestrian%20Study.pdf)). These counts were of course, pre-project, and did not estimate the increased pedestrian activity expected as a consequence of that project. Here, the Project is anticipated to increase pedestrian and vehicle activity, and it should be expected that that what is currently a “moderate level of pedestrian” activity will become a more significant level of pedestrian activity.

While the DEIR recognizes that “[t]he Project is expected to generate an increase in pedestrian volumes in the vicinity,” it only is “recommended that tactile warnings and marked crosswalks be installed along at the intersections of Whitsett Avenue & Valley Spring.” (DEIR, Appendix M, PDF pg. 92.) We disagree that this mitigation measure is sufficient. The DEIR does not include substantial evidence to support the City's findings under transportation impact, threshold (a) that the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. (*Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.) Especially with respect to the City's policies related to pedestrian safety, the DEIR does not show the Project will not conflict with those policies.

The Project will lead to a significant impact under this threshold, as the Project, without further mitigation, will conflict with the City's policies related to pedestrian safety. The City's finding that no further mitigation is required lacks sufficient evidence. To support the City's finding of a less than significant impact, the City and Project Applicant must consider a project design feature or mitigation measure that will substantially lessen the Project's significant transportation impacts. (See Pub. Resources Code Section 21002, 21081; CEQA Guidelines Section 15126.4.) Specifically, the City and Project Applicant must consider a project design feature or mitigation measure that adds a protected pedestrian crosswalk along Whitsett Avenue that will be accessible to the large neighborhood adjacent to the Project.

## Response No. IND 225-4

The comment raises concerns regarding pedestrian safety and suggests the need for a safe, signaled pedestrian crossing or traffic light across Whitsett Avenue at or between Valleyheart Drive and Valley Spring Lane. The comment cites concerns regarding high speeds on Whitsett Avenue, the lack of marked and controlled pedestrian crossings in the vicinity of the Project, and potential increases in both vehicle volumes and pedestrian crossings with implementation of the Project, and references historical postings and reports regarding collisions along Whitsett Avenue. The comment further states that the Project's effect on pedestrian safety would be a significant impact under CEQA requiring mitigation, on the grounds that it is in conflict with City policies related to pedestrian safety including the City's Vision Zero program. As discussed below, a traffic signal has been installed by the City at the intersection of Whitsett Avenue and Valley Spring Lane, and crosswalks will be provided at the intersection.

The comment includes anecdotal comments from online postings, references a fatal accident report, and states that it is not safe to cross Whitsett Avenue as it is. It should be noted that the specific collisions mentioned in the comment were vehicle-vehicle collisions not involving pedestrians and that the fatal accident mentioned in the comment occurred in 1999.<sup>11</sup> In addition, a review of collision records obtained from the Transportation Injury Map System (TIMS) by SafeTREC and UC Berkeley based on the CHP's Statewide Integrated Traffic Records System (SWITRS) database, found that 12 collisions resulting in injuries (and none involving fatalities) have occurred at the Whitsett Avenue/Valley Spring Lane intersection in the 11 year period between January 2011 and December 2021. Of these, only one involved a pedestrian and the pedestrian was crossing Valleyheart Drive, not Whitsett Avenue. Furthermore, the City of Los Angeles maintains a High Injury Network (HIN) that identifies streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on those involving people walking and bicycling. The City of Los Angeles has not identified Whitsett Avenue as one of these streets and it is not on the HIN.

The comment also states that a report conducted for a previously proposed senior housing project indicated a "moderate level of moderate level of pedestrian activity at Whitsett Avenue/Valley Spring Lane and Whitsett Avenue/Valleyheart Drive, including 114 pedestrians crossing at the peak AM hour and 135 pedestrian crossers at the PM hour. A review of the referenced study<sup>12</sup> indicates that it indeed stated that a "moderate level of pedestrian activity currently occurs at the Whitsett Avenue/Valley Spring Lane and Whitsett Avenue/Valleyheart Drive intersections" but it does not mention 114 pedestrians crossing at the peak AM hour nor 135 pedestrians crossing at the PM peak hour. Those numbers do not appear in the study. Rather, a close inspection of the pedestrian volumes shown on Figure 3 of the study shows that only two pedestrians

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<sup>11</sup> <https://www.lapdonline.org/newsroom/traffic-collision-news-release/>, referenced December 22, 2022.

<sup>12</sup> Memorandum from David S. Shender, et al, to Durre Shamsi dated May 31, 2012 regarding *Pedestrian Safety Study, 4141 Whitsett Avenue, City of Los Angeles*.

during the AM peak hour and two pedestrians during the PM peak hour were counted crossing Whitsett Avenue at Valley Spring Lane and eight pedestrians during the AM peak hour and four pedestrians during the PM peak hour were counted crossing Whitsett Avenue at Valleyheart Drive.

The comment also states that the Project would have a capacity of upwards of 2,000 spectators and 532 cars which would increase the number of vehicle and pedestrians traveling on Whitsett to access the Project. Only three events with up to 2,000 attendees are anticipated per year, with the vast majority less than 500 attendees. Importantly, meaningful increases in pedestrian crossings by students, spectators, and employees of Harvard-Westlake are not anticipated given that students would be shuttled to the Project Site for after-school activities, sufficient parking would be provided on-site to accommodate anticipated athletic competitions and events, and Harvard-Westlake would implement a Parking and Transportation Management Plan including a parking reservation system and management controls to ensure that students, spectators, and employees do not park in the neighborhood and walk onto the Project Site (see Topical Response No. 9 Transportation and Parking During Construction and Operations and to the revised version of Project Design Feature TRAF-PDF-3 in Chapter 3, *Revisions, Clarifications and Additions to the Draft EIR*, of this Final EIR).

Nevertheless, the commenter's concerns about pedestrian safety are noted, given that Project-generated vehicle activity would increase with implementation of the Project and that increases in pedestrian crossings would occur as residents of the neighborhood to the east utilize the community and recreational spaces in the Project. However, there is no specific threshold regarding when an increase in pedestrian volumes at a location with a very limited history of pedestrian collisions would be significant. As discussed in Chapter 4 of the Transportation Assessment (TA) (included as Appendix M of the Draft EIR), per the City's criteria, the Project would not create an excessive burden on any of the surrounding residential streets in either the Non-Event Scenario or the Special Event Scenario. That is, the City's criteria for an impact to a residential street segment is the addition of 120 trips. Furthermore, given the lack of a history of pedestrian-related collisions and the fact that the City of Los Angeles has not identified Whitsett Avenue as part of its high injury network, the increase was not identified as a significant impact.

In addition, as indicated in Topical Response No. 9 – Transportation and Parking During Construction and Operations, following circulation of the Draft EIR, the City installed a traffic signal at the intersection of Whitsett Avenue and Valley Spring Lane. The intersection of Whitsett Avenue and Valley Spring Lane was unsignalized at the time of publication of the Draft EIR. The addition of the traffic signal would allow for pedestrian and bicycle crossings from the surrounding areas to the Project Site through the intersection in marked crosswalks, thus, enhancing pedestrian safety in the Project Site area.

**Comment No. IND 225-5**

We know that we all have a mutual interest in protecting children, adults, seniors, students, spectators, and employees of Harvard-Westlake accessing the Project by foot. We have appreciated our dialogues with Harvard-Westlake's staff and the dedication they have expressed to ensuring that the Project is ultimately consistent with the interests of the community, and ultimately, safe to access. We stand ready to work with the City and Harvard-Westlake to achieve the objectives of the Project to create new community and recreational spaces in Studio City, and protect the safety of area residents. Thank you for your consideration.

**Response No. IND 225-5**

The comment expresses a mutual interest in protecting children, adults, seniors, students, spectators, and employees of Harvard-Westlake accessing the Project by foot, expresses appreciation for dialogues with Harvard-Westlake staff, and offers to work with the City and Harvard-Westlake to achieve the objectives of the Project and protect the safety of area residents. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 226**

Patty Kirby  
Received May 10, 2022

### **Comment No. IND 226-1**

Attached is my comment letter for the DEIR review. (Two hours early!). Thanks for your continued help.

### **Response No. IND 226-1**

The comment is introductory and does not in itself discuss the adequacy of the Draft EIR. No further response is necessary.

### **Comment No. IND 226-2**

(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate representation of the facts about Tennis and its use by the public. An RDEIR should be given to address further issues and correct misrepresentations in the current DEIR.

I oppose the development of Weddington Golf & Tennis to create the HW River Park development.

### **Response No. IND 226-2**

The comment states that the Draft EIR Project provides an inaccurate and inadequate representation of the facts about tennis at the Project Site. The commenter does not specify what facts were inaccurate and/or misrepresented. The comment also expresses general opposition to the Project.

The use of the tennis courts by the public is explained in detail in Chapter II, *Project Description*, pages II-33 through II-35 and in Section IV.L.3, *Parks and Recreation*, of the Draft EIR. The use of the tennis courts is further summarized in Topical Response No. 11 – Recreation: Golf and Tennis, in this Final EIR.

The commenter's opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 226-3**

The department of City Planning and Harvard Westlake had over 18 months to develop this DEIR. The community was only given 60 days to respond. We the community feels severely cheated. The opposition groups and community do not have the money and the power that HW does. We are scratching together our response knowing we have not been

able to hire experts needed to refute the claims in the DEIR and to cover all aspects in response to the DEIR.

### **Response No. IND 226-3**

The comment states the community did not have adequate time or the financial resources to properly review and refute the claims in the Draft EIR. Refer to Topical Response No. 1 – Public Participation and Review, which discusses public participation and CEQA public review requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 226-4**

**My comments relate to the section: IV. Environmental Impact Analysis**

#### **L.3 Public Services – Parks and Recreation**

I begin my comment letter from three of the 30 teaching tennis pros at the Weddington Golf & Tennis Courts regarding tennis court availability should HW reduce the # of courts from 16 to 8 courts.

Note: Additional letters and comments from other teaching pros follow at the end of this letter. They are all remaining anonymous for fear of retribution by the property owner.

#### **Letter 1:**

From: Author name redacted for fear of retribution by the property owner.

Teaching Tennis Pro at Weddington Golf & Tennis > Date: Fri, Apr 22, 2022 at 1:45 PM

Subject: Re: Response on HW DEIR

To: patty.a.kirby@gmail.com <patty.a.kirby@gmail.com>

Please forward to LA City Planning regarding DEIR for Weddington Golf & Tennis.

I want to respond to you regarding the courts at Weddington. My family has a long history in this area. I personally started playing tennis in this area in 1977 and coaching full time 1989. Every tennis facility I have played at has been torn down. Racquet Centre at Ventura and Vineland had 20 courts which closed in September 1998 which is when I came to Weddington after a brief four weeks at Burbank Tennis Center. People in this area did not like going to Burbank Tennis Center because the traffic was really bad, so I moved to Weddington. I know the current Staples right here at Ventura had 4-6 courts that were removed. At Weddington 4 courts were sold to the city to build the fire station about ten years or so ago as well. We went from having 44-46 courts in the area to only 16 not including the public park courts which we are not allowed to run classes on.

During the pandemic, the 16 courts at Weddington were booked most days from 8 am-5 pm and many days until 7:00 pm or 8:00 pm. I had many students tell me this was their only exercise, and it was how they were keeping their sanity during the pandemic. The wonderful thing about the pandemic is so many people have taken up tennis as their form of exercise. I figured once the gyms reopened tennis would ease up a bit but happily people are still playing.

Currently, the courts are so busy that several of us pros are paying a VERY large amount of money each week to guarantee we have a court to coach on during the week. For weekend courts we need to call in when they first open at 7:30 am and the first people through get the courts. I got through by 7:33 am last week and the courts were sold out. I am currently on the waiting list for a court to teach my Saturday morning children's class. I tried today to book a court on Sunday from 3:00-5:00 for my ladies team to do a weekend practice and the courts are sold out. It is not just the prime morning spots that are booked.

Next week I will not be able to coach my Monday and Wednesday kids groups because all the courts will be booked from 1:00-6:00 pm by the high schools. This has happened several times during the high school tennis season.

I was informed that I will only have one court during the summer to run camps as the Harvard Westlake will be taking most of the courts for their private camps. There are three of us who run junior camps in the summer and with each of us having only one court, I am not sure how this will be possible. Last year we had two courts and that was challenging. Some of my students are low-income so I give them scholarships to participate. Where will these children play this summer? Where will the adult morning leagues play?

The 16 courts are fully booked now, I can't begin to imagine what it will be like with only 8 courts. Plus, how long will the courts be out of action as they are relocating the courts to the other side of the facility. The noise was horrendous when they were building the fire station so even if they kept the courts and moved them after things were built between the dust and noise, playing will be unbearable.

Yes, there are courts at Burbank Tennis Center and Balboa Park but kids who go to school in this area, to travel on the 101 at 3 pm or 4 pm to get to a lesson will spend more time in traffic than they will on the court. This is such a tragedy for tennis in our community. Tennis is such an amazing family and to lose a facility like Weddington will forever end tennis in this area. You can't do much with 8 courts.

Continued on 5/10/22

## **Response No. IND 226-4**

The comment provides the personal experiences regarding existing court availability from a tennis teaching professional that uses the Project Site's existing tennis facilities. The

commenter states his preferred teaching times are not always available at certain times of the week.

The commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of impacts related to the Project’s provision of tennis facilities for public use. As discussed therein, the existing tennis courts are not fully booked each day and the Project would accommodate the same number of weekly sessions that actually take place under existing conditions, including existing and future student use. Tennis would be available to the public under a reservation system that allows concurrent use with students (who use the courts in the late afternoons) when courts are available.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 226-5**

### **Letter 2:**

5/9/22 Author name redacted for fear of retribution by the property owner

I have over 200 students throughout the year in between Private, Groups, Tournaments, and Camps, both Adults and Kids from various local schools like Colfax Elementary, Carpenter, Walter Reed, Dixie, Miliken, Laurence, Wesley, Campbell hall, Country school, Oakwood and even Harvard Westlake...

My yearly court fees have doubled in 3 years’ time, from \$45K to \$90K. it’s a Joke, I have been working at Weddings goon [sic] since 1999, and I spent 1 million Dollars on court fees since then ...

I bought my house in Valley Village because I thought I will be working at Weddington for the rest of my working life, I have a mortgage and a kid to take care of and my workplace is going to be taking away from me and my family as well as all my students ...

So over the past 23 years (past & present time ), I taught many, many celebrities. (names I can provide to you confidentially.) More importantly, I coach kids at Weddington from 5 years old all the way to division 1 college, USC, Vanderbilt, Loyola, FSU, UC Irvine etcetera

I also taught too [sic] professional players at Weddington Ronald Agenor former #22 in the world, George Bastl former top 59 in the world and #1 player for USC, Gabriella Volekova former top #150 WTA, and many more

There is no other place like Weddington in the whole LA county, everything else is private clubs, country clubs, and public parks (not open for teaching).

Also, most of our students are in Local public schools...Kids in private schools go to country clubs and tennis clubs, not Weddington .

### **Response No. IND 226-5**

The comment is primarily a discussion of the user's experience with current conditions as a private teaching coach using the existing tennis facility and the commenter's concerns regarding potentially reduced access to these facilities. Please refer to Response No. IND 226-4 for a discussion regarding the use of tennis facilities under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 226-6**

#### **Letter 3:**

**5/25/22** Author name redacted for fear of retribution by the property owner

There are currently more than 30 teaching pros who teach at Weddington Tennis. Their livelihood, me included, truly counts on these Weddington courts daily. And most importantly the countless people we teach on a daily basis. From kids to adults to camps to tournaments etc.

The list is endless. There is nowhere else like these privately owned courts for us to teach on in Los Angeles or the Valley. Clubs are limited and parks are in disrepair with a first come first serve basis if you can even get a court. What makes Weddington so special is that the pros and the community can all live in harmony with the current amount of courts that are there. If you take away another 8 courts, there will no longer be enough to go around.

I have been a tennis teaching professional at Weddington Tennis for 22 years. I currently teach 8 cardio tennis classes a week and each one of them has 8 players in each class. That's 64 people that come to my classes alone, let alone the numerous other players who come to play with other pros. And then there are everyday players who want to play singles or doubles.

I have seen it all in my 22 years at Weddington. I understand that these courts, all 16 need to stay in the community so everyone can continue to enjoy them. Taking 8 courts away will be like cutting off an arm. They are ALL NEEDED.

ALL 16 courts give players and students an outlet for exercise, mingling with friends and reduce stress from their lives. We all need this in a hectic city like Los Angeles.

Without these courts, you are taking away a tennis community of teachers and students who count on these courts to be there. Please consider and understand how valuable these courts are to everyone.

Continued in letter 5/9/22

I teach 64 people every week in my 8 cardio tennis classes. Plus some privates and semi-privates. So let's say 70 people.

Also, I asked HW in a meeting a long time ago about the valley college courts. They are sitting empty. They said we couldn't use them. But nobody uses them! I would be more than happy to reach there.

It's always difficult to get courts because so many people in the community use them. Also, expensive to use courts.

These courts need to stay in the community and be used by the community. There aren't the courts available to play near here!

**Response No. IND 226-6**

The comment is primarily a discussion of the user's experience with current conditions as a private teaching coach using the existing tennis facility and the commenter's concerns regarding potentially reduced access to these facilities. Please refer to Response No. IND 226-4 for a discussion regarding the use of tennis facilities under the Project.

Also, refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 226-7**

**COMMENT TO SECTION:**

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**IV. Environmental Impact Analysis**

**L.3 Public Services – Parks and Recreation**

Page: IV.L.3-13 a. Tennis Court Facilities

As shown in Table IV.L.3-3, the current demand for the on-site tennis courts, on average, is 91 one-hour sessions per weekday and 74 sessions per weekend day. This indicates that the courts are not used to maximum capacity at any period throughout a typical weekday or weekend.

(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate.

#### (4) Off-Site Tennis Courts with Public Access

The City provides a wide range of public tennis facilities. The RAP tennis facilities in the east San Fernando Valley (the area in which the majority of existing users of the Project Site resides), as well as schools that have tennis courts for public use, including free-to-the-public tennis courts and fee-required courts. Existing public courts or private courts to which the public has access in the area are listed in Table IV.L.3-4, Tennis Courts in the East San Fernando Valley Available to the Public, below. The geographic location of courts in Table IV.L.3-4 reflects the origins of existing users of the Project Site. As shown in Table IV.L.3-4, there are 58 public courts that do not charge a fee and 50 fee-required public courts in the geographic area served by the Weddington facilities. The off-site no fee courts are available on a “first-come, first-served” basis and the fee-required courts are available with reservations. Fees for tennis courts in the City’s RAP system are approximately \$12.00 per hour. With the exception of the three school sites (Grant High School, North Hollywood High School, and Valley College), all of the “no fee” courts are public courts operated and maintained by the RAP. Because current tennis players at the Weddington facility reside primarily in the east San Fernando Valley, courts located in the east San Fernando Valley are listed in Table IV.L.3-4. However, some members who use the Weddington tennis facilities also reside in Hollywood, Burbank, Toluca Lake and areas within the west Los Angeles basin, and would have access to additional public tennis facilities in those communities, not listed in Table IV.L.3-4.

Table Description automatically generated

**(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate.**

#### **Response No. IND 226-6**

The comment cites text from the Draft EIR and claims that the information is inaccurate and inadequate. However, the comment does not describe any disputed facts or provide factual evidence to contradict the information provided in the Draft EIR. As such, no further response is necessary.

**Comment No. IND 226-7**

Page: IV.L.3-22

**(b) Operation**

The Project would not include a residential component and, thus, would have no impact on existing public parks and recreational facilities caused by population increase. In addition, while the Project would eliminate play-for-fee golf and eight of 16 tennis courts available for fee, it would substantially increase publicly-available parkland for a wide variety of users in the nearby neighborhood and broader community.

In conclusion, the Project's construction workers or the relocation of tennis and golf users during Project construction is not expected to require the need for new or physically-altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios. As such, impacts to public parks and recreational facilities during Project construction would be less than significant.

**(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate.**

**Response No. IND 226-7**

The comment cites text from the Draft EIR and claims that the information is inaccurate and inadequate. However, the comment does not describe any disputed facts or provide factual evidence to contradict the information provided in the Draft EIR. As such, no further response is necessary.

**Comment No. IND 226-8**

Page: IV.L.3-24 &amp; IV.L.3-25

**(i) Reduction in Tennis Facilities**

Table IV.L.3-6, Projected Capacity of Future, On-Site Tennis Courts, illustrates the average weekday and weekend use of the existing 16 tennis courts and the future capacity of the Project's eight tennis courts. As shown in Table IV.L.3-6, the existing tennis courts provide, on average, 96 sessions during a single weekday and 78 sessions during a weekend day, for a total week average of 174 sessions. The future tennis courts would have the capacity to accommodate 88 sessions per weekday and 104 sessions per weekend day, for a total week capacity of 192 sessions. The table reflects the School's use of the tennis courts on weekdays between 3:00 p.m. and 6:00 p.m., which is a conservative assumption since the School would not use all eight courts every weekday during the year, particularly during summer months and School breaks. In addition, outside the hours of 8:00 a.m. to 11:00 a.m. and 4:00 p.m. to 8:00 p.m., the

Project would have capacity to accommodate the same number of sessions as the current facility. In addition, on weekends, there would be adequate capacity offered by the Project's eight courts, other than between the hours of 8:00 a.m. and 11:00 a.m. Although the weekday capacity would be 8 sessions below the existing average daily use, the weekend, during which the School would generally not conduct School-associated tennis, has a capacity of 26 sessions more than the current average use. As such, over a period of a week, the Project would have adequate capacity to accommodate the same number of tennis court sessions as the current Weddington Golf & Tennis facility.

**(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate.**

### **Response No. IND 226-8**

The comment cites text from the Draft EIR and claims that the information is inaccurate and inadequate. However, the comment does not describe any disputed facts or provide factual evidence to contradict the information provided in the Draft EIR. As such, no further response is necessary.

### **Comment No. IND 226-9**

Page: IV.L.3-27

#### **(iii) Conclusion**

As described above, the Project would provide all-day public access to 5.4 acres of landscaped walking trails, direct access through the Project Site to the Zev Greenway, and tennis courts for public use (with reservations). Other facilities, such as the multi-purpose athletic fields, swimming pool, gymnasium sports, and eight tennis courts, would be available to approved public groups. These features would reduce demand for off-site parks and recreation uses and meet the criterion of neighborhood park uses within walking distance of the surrounding neighborhood, as well as provide the highest priority recreational use (walking paths) identified in the RAP's Citywide Community Needs Assessment for the South San Fernando Valley geographic area.

Therefore, the Project would not require the need for new or physically-altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios. Impacts to public parks and recreational facilities during Project operation would be less than significant.

**(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate.**

## **Response No. IND 226-9**

The comment cites text from the Draft EIR and claims that the information is inaccurate and inadequate. However, the comment does not describe any disputed facts or provide factual evidence to contradict the information provided in the Draft EIR. As such, no further response is necessary.

## **Comment No. IND 226-10**

### **(2) Mitigation Measures**

Impacts were determined to be less than significant. Therefore, no mitigation measures are required.

**(DEIR) ENV-2020-1512-EIR Harvard Westlake Riverpark Project provides an inaccurate and inadequate.**

## **Response No. IND 226-10**

The comment cites text from the Draft EIR and claims that the information is inaccurate and inadequate. However, the comment does not describe any disputed facts or provide factual evidence to contradict the information provided in the Draft EIR. As such, no further response is necessary.

## **Comment No. IND 226-11**

**There are 30 Teaching Pros at Weddington Golf & Tennis. See more letter below.**

### **Letter 4: Author name redacted for fear retribution by property owner**

I teach about 30 hours a week at Weddington and tennis. I teach private lessons, semi-private lessons and clinics. I teach some kids but mainly adults. My clinics I can get up to 6 per class on a court. Even as difficult as it is to get courts now. I can't imagine what people are going to do with know [sic] Weddington here anymore

## **Response No. IND 226-11**

The comment is primarily a discussion of the user's experience with current conditions as a private teaching coach using the existing tennis facility and the commenter's concerns regarding potentially reduced access to these facilities. Please refer to Response No. IND 226-4 for a discussion regarding the use of tennis facilities under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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## **Comment No. IND 226-12**

### **Letter 5: Author name redacted for fear retribution by property owner**

Thank you for all of your work on the preservation of this important community source of recreation and landmark. I have been fortunate enough to be coaching at Weddington for a number of years now. I average about 34 hours a week on court with Players aging from three through 78

It has been so important for everybody during these trying Covid times for sure, and hopefully can continue to be a source of joy in the community.

Cutting the number of courts in half ,as indicated by the current plan, would certainly impact the chances for enjoying our great sport.

Please let me know if there's anything I can do to aid in the endeavor of preserving Weddington Golf & Tennis

With much Gratitude and hope

## **Response No. IND 226-12**

The comment is primarily a discussion of the user's experience with current conditions as a private teaching coach using the existing tennis facility and the commenter's concerns regarding potentially reduced access to these facilities. Please refer to Response No. IND 226-4 for a discussion regarding the use of tennis facilities under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 226-13**

### **Letter 6: Author name redacted for fear retribution by property owner**

I am a full time tennis instructor at weddington, it's my 5th year there. I teach over 100 people at weddington. Some of my students come 4-5 times per week. I spend about \$2,500-\$3,000/month on court fees. Seeing weddington disappear would be a tragedy for all of us.

Let me know if you need any additional information about my activity at weddington or if you need my students to speak up.

## **Response No. IND 226-13**

The comment is primarily a discussion of the user's experience with current conditions as a private teaching coach using the existing tennis facility and the commenter's concerns

regarding potentially reduced access to these facilities. Please refer to Response No. IND 226-4 for a discussion regarding the use of tennis facilities under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 226-14**

### **Letter 7: Author name redacted for fear retribution by property owner**

Dear Ms. Henry,

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons. 1. With LA's green open space disappearing, Harvard-Westlake plans to service a privileged, select few by replacing 16 irreplaceable acres with artificial turf and concrete buildings, as well as by exerting their influence to secure variances to Weddington Golf & Tennis' A1 Agricultural Open Space zone allowances from the City. 2. By destroying the property's significant existing urban tree canopy along the LA River and replacing it with 12-foot walls, artificial turf, saplings, and towering light poles, the end result allows practices, games, and special events that will generate increased noise and traffic, which does not conform to the surrounding community. 3. Weddington Golf & Tennis is often referred to as "the gem of Studio City" and considered a local landmark for nearly 70 years. The LA Cultural Heritage Commission (CHC) supported Historic-Cultural Monument (HCM) designation for the ENTIRE 16-acre Weddington Golf & Tennis subject property. For that reason, we strongly support the mysterious, last-minute revisions be reversed and the designation restored to the CHC's original recommendation: preserving the subject property, which encompasses the golf course, driving range, and a majority of the site's green open space and tree canopy. 4. Millions of Angelenos from all over the City and San Fernando Valley have experienced Weddington Golf & Tennis since its opening in 1956. It is incumbent upon the City to protect precious affordable public spaces from developers and special interests, like Harvard-Westlake, who only serve a privileged few. 5. Traffic and congestion continue to grow at an alarming rate in LA. If allowed to proceed, Harvard-Westlake will spend the next four to five years building a massive \$100 million dollar sports complex for its students, while the rest of the community grapples with the plan's significant impact on our roads, traffic, and commutes to work and school. This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted. It's shocking that Harvard-Westlake would consider spending \$100 million on a sports complex for a privileged few, when hundreds of thousands of students citywide are lacking the most basic tools needed to succeed. Therefore, we urge Harvard-Westlake to move its proposed complex to a more cost-effective alternative site, like the nearby Los Angeles Valley College, which the School has previously used for its tennis operations –

even recently refurbishing the College's tennis courts. With this good neighbor gesture, Harvard-Westlake would not destroy a beloved community asset, but rather, provide for the community and service a much wider area by improving facilities at Los Angeles Valley College. Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. These individuals are counting on you to subscribe to a higher standard, support the public's interests, stand firm against Harvard-Westlake's lobbyists and moneyed special interests, and deny approval of the CUP and certification of the DEIR. Thank you for your time and consideration of this most important matter.

### **Response No. IND 226-14**

The comment described as Letter 7 raises the same comments and issues included in Form Letter No. 4. Please refer to Response Nos. Form 4-1 to Form 4-9 which addresses these comments.

### **Comment No. IND 226-15**

#### **OTHER COMMENT:**

- **A Conditional Use Permit should not be granted. Should one be granted, Harvard-Westlake, the developer should be required to TRANSPORT or MOVE the trees to another location, not destroy them by chopping them down. There are companies that do this and this should be a requirement.**
- This development is just too big of a footprint for the last 16 acres of unprotected open space along the LA River in the San Fernando Valley.
- HW should move it to another location and improve another property with this development and open to College and High School Students along with the community as they claim they will do.
- Cutting down mature trees to replace with saplings that could not possibly grow to the heights of existing trees due to lack of space in the concrete complex! See this picture.

A FUTURE BILLBOARD if Harvard Westlake is given a CUP:



## Response No. IND 226-15

The comment expresses opposition to the Project and states that, if a CUP were granted, mature trees to be removed should be replanted elsewhere. In this regard, please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of the Project’s tree replacement program. The majority of trees to be removed would be exotic or invasive species, such as the Mexican fan palm considered an invasive species by the California Invasive Plant Council. Trees, such as removed eucalyptus and Mexican fan palms, would not be appropriate species for re-planting. In addition, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. The mature eucalyptus trees along Bellaire Avenue and most of the eucalyptus trees on Valley Spring Lane, as well as along the Zev Greenway would be preserved. Replacement trees would be consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes and would be more sustainable than existing non-RIO-compliant species. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

The comment states that the Project would be too big for the last 16 acres of unprotected open space along the LA River in the San Fernando Valley. To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently

comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

Also, with regard to the size and scale of the Project, see Topical Response No. 4 – Aesthetics, regarding the Project's less than significant aesthetics-related impacts. Also, impacts related to views, scenic resources and visual character were evaluated in the Initial Study (Appendix A of the Draft EIR) and also determined to be less than significant.

Also, the Draft EIR did consider alternative sites to the Project Site. The reasons that alternatives sites were considered and rejected is provided in Chapter V, *Alternatives*, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Chapter V, no other location with adequate acreage and topography exists within proximity to the Upper School campus. Refer to Response Nos. IND 34-4 and IND 34-5 for additional discussion of alternative sites considered in the Draft EIR.

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## **Comment Letter No. IND 227**

Paul Ketrick  
Received May 10, 2022

### **Comment No. IND 227-1**

I am writing to let you know I strongly oppose the plans put forth by Harvard-Westlake for Weddington Golf & Tennis. I am a longtime user of the tennis courts and other facilities there, and it would be a terrible loss to the community to have any tennis courts destroyed or to lose the golf course or other open, green spaces at the location.

### **Response No. IND 227-1**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 227-2**

This space is zoned as Agricultural and needs to remain that way, with no zoning changes or conditional-use permits granted.

### **Response No. IND 227-2**

This comment expresses similar zoning-related concerns to those presented in Comment No. FORM 3-5. Refer to Response No. FORM 3-5.

### **Comment No. IND 227-3**

The entire DEIR is many hundreds of pages and I have not yet had time to read all of it; I hope to submit to you more specific comments after I have read it all. But the sheer size of the DEIR speaks to the money behind it and the massive impact it will have on the neighborhood near Weddington.

### **Response No. IND 227-3**

The comment suggests the size of the Draft EIR is an indication that impacts on the neighborhood would be significant. The size of the Draft EIR and potential impacts of the project are unrelated. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 227-4**

We have already been through several attempts to try to destroy this lovely property, and each time it has been denied due to the negative impact it would cause to the surrounding area and the extreme loss to the community of this Valley treasure. I hope that once again the proposal to destroy this wonderful refuge will be denied.

Thank you for your consideration and concern for the residents who live near Wedding [sic] Golf & Tennis and the rest of us across the Valley who use and benefit from this great open space and recreational center.

### **Response No. IND 227-4**

The comment expresses general opposition to the Project based on the removal of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 228**

Scott Mandell

Received May 10, 2022

### **Comment No. IND 228-1**

I am the Vice President of the Studio City Neighborhood Council however this email is coming from Scott Mandell the private citizen.

I feel that the release of the DEIR just before a holiday and tax period, along with its sheer size and complexity, made a Neighborhood Council review impossible based on the deadline. Even with the extension, there was simply not enough time to properly review one of the largest if not the largest most complex document ever to come across our NC as it relates to the largest construction project to take place in Studio City in recent memory.

### **Response No. IND 228-1**

The comment states that the review period was not adequate to review the Draft EIR. Refer to Topical Response No. 1 – Public Participation and Review, which discusses public participation and CEQA public review requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR. Also, refer to Response Nos. FORM 1-1 and FORM 1-2 regarding public review of the Draft EIR. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 228-2**

I do not support the Harvard-Westlake River Park Project Case Number: ENV-2020-1512-EIR at this time due to the size, scope, length of construction.

### **Response No. IND 228-2**

This comment expresses general opposition to the Project based on the size, scope, and length of construction. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 228-3**

I was unable to properly review the DEIR due to the size, scope and length of the document.

Thank you for your time and consideration of this most important matter.

### **Response No. IND 228-3**

The comment states the commentor was not able to review the Draft EIR due to the size, scope and length of the document. Refer to Response No. IND 228-1 which addresses this similar comment.

## Comment Letter No. IND 229

Suellen Wagner  
Received May 10, 2022

### Comment No. IND 229-1

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

Attached, please find the comment from Save Coldwater Canyon!, which I endorse and which represents my comment on the Project, as a resident homeowner in Studio City for more than thirty years.

### Response No. IND 229-1

The comment expresses general opposition to the Project and introduces comments from "Save Coldwater Canyon!". The "Save Coldwater Canyon!" comments are addressed in Letter No. ORG 9 in this Final EIR. The commenter is referred to Response Nos. ORG 9-1 to ORG 9-23.

### Comment No. IND 229-2

I have made one small, additional comment, in the text below, regarding my neighborhood, the Silver Triangle, and traffic protections that would be necessary if the Project was approved.

If the Project is approved, Laurel Terrace Drive, a 30-foot wide collector street south of Ventura that traverses the Silver Triangle neighborhood, and designated as HCM "Laurel Terrace Residential Historic District," would need to be protected from masses of traffic seeking to bypass Ventura and enter the neighborhood from the north or west. Laurel Terrace Drive is not a continuation of Whitsett and isn't mentioned a single time in the DEIR. However, it would surely become a cut-through route and be heavily overburdened with traffic during Project destruction, construction and operations. Traffic calming measures, including physical barriers like bulbouts to limit or prevent entry from the north or west, permanent turn restrictions, turn arrows, signage, and signal timing would be needed to restrict or block through traffic to Laurel Terrace and right turns to Laurel Terrace from eastbound Ventura. The Silver Triangle is used by many pedestrians, cyclists, and students. It is the gateway to Carpenter Avenue Charter and The Bridges School.

### Response No. IND 229-2

The comment claims that Laurel Terrace Drive could experience an increase in cut-through traffic due to the Project. The Transportation Assessment (TA), contained in Appendix M of the Draft EIR, provided an analysis of cut-through traffic on residential streets. The analysis was conducted on four local residential street segments near the

Project Site, which were selected in conjunction with the City of Los Angeles as it was determined to have a greater likelihood of experiencing neighborhood cut-through traffic from the Project. These segments include: Valley Spring Lane west of Whitsett Avenue; Valley Spring Lane east of Whitsett Avenue; Woodbridge Avenue west of Whitsett Avenue; and, Woodbridge Avenue east of Whitsett Avenue. Under the analysis of cut-through traffic, an impact would be considered significant by the City if it increased daily traffic by 120 trips. The Project would not reach this threshold on any of the most impacted analyzed residential street segments, and therefore, would also not exceed the City's threshold for a traffic impact on Laurel Terrace Drive. Based on this analysis, traffic calming measures as referenced in the comment are not required for the Project.

During construction, the inbound haul route would come from US-101, head southbound on Coldwater Canyon Avenue, eastbound on Moorpark Street, and southbound on Whitsett Avenue to access the Project Site. The outbound haul route would leave the Project Site and head southbound on Whitsett Avenue, westbound on Ventura Boulevard, and northbound on Coldwater Canyon Avenue to reach US-101. The staging area is expected to be located on the Project Site. Thus, no construction vehicles are anticipated along Laurel Terrace Drive.

In addition, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

### **Comment No. IND 229-3**

The Applicant did not include any traffic calming measures in the DEIR. This is a serious omission worthy of review in a revised and recirculated DEIR (RDEIR).

### **Response No. IND 229-3**

The comment suggests that the Draft EIR was inadequate in not evaluating or proposing traffic calming measures but does not present any facts or support for the need of such measures. During construction, as discussed in Section IV.M, *Transportation*, page IV.M-26 of the Draft EIR, Project Design Feature TRAF-PDF-1 would require a Construction Management Plan (CMP). Under the CMP, construction procedures would be formalized and specific actions would be identified and required to reduce effects on the surrounding community. The CMP would be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction-related project representatives (i.e., construction contractors), whose projects would potentially be under construction at around the same time as the Project, would be conducted bimonthly, or as otherwise determined appropriate by City staff. This coordination would ensure

construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with the Project.

In addition, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation. It is noted that the final Project design is subject to review and approval by the Los Angeles Department of Transportation (LADOT), to confirm all applicable transportation-related City design and safety standards are met by the Project. Under the current design, the north driveway along Whitsett Avenue would be flat for at least 25 feet within the Project Site before it intersects with the Whitsett Avenue sidewalk. To reduce conflicts and enhance safety, a triangular median island would be provided on the north driveway configured to restrict turns into and out of the driveway to right-turns only. However, no traffic calming devices, such as speed bumps or other roadway constraints, are required to be analyzed in the Draft EIR under CEQA, and recirculation of the Draft EIR would not be required under this issue.

## **Comment Letter No. IND 230**

Tim McGeary  
Received May 10, 2022

### **Comment No. IND 230-1**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. It is one of the few green spaces in the area, and is a treasured recreational facility that is available to the public. Harvard-Westlake's plan will benefit a privileged few, to the detriment of the surrounding community.

### **Response No. IND 230-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. To clarify the existing property rights and on-site uses, the Project Site is not a public recreational facility. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided.

The commenter is referred to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 231**

Tracy Bodis  
Received May 10, 2022

### **Comment No. IND 231-1**

Everything the community was told about Harvard-Westlake acquiring Weddington Golf and Tennis has been false. We believed an agreement was made when they acquired it:

- 1) they would never tear it down
- 2) they just needed additional tennis space for their teams to train for competition
- 3) they promised they would always work with the public so we all continue to have access to this historic wonderful facility here in Studio City
- 4) and more promises and more promises

### **Response No. IND 231-1**

The comment suggests information provided to the public regarding the Project has been inaccurate or misleading but does not provide any evidence or facts to support these claims. To the contrary, the School has conducted numerous community meetings to refine the scope of the Project in consideration of community input and the Project Objectives included on pages II-13 and II-14, in Chapter II, *Project Description*, of the Draft EIR. The Project as described in Chapter 2, *Project Description*, of the Draft EIR, and the revisions included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, of this Final EIR, have been made available for public review in advance of the City's forthcoming hearing process to determine whether or not to approve the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 231-2**

Now there are some serious rumors demolishing the entire historical property and then they have an unbelievable plan of what they want to do to develop in that space.

We all understand that life's not fair but in this case, they're taking their money and abusing their power with it.

Can you imagine if someone had enough money to buy the Eiffel tower because they love the location so much they want to tear that structure down and put up apartment buildings? Can you imagine how the French would feel about that?

OK the two structures are in slightly different levels, but I think you get my point. Money shouldn't always win.

Hear the voice of the people We're asking the city to support us for once.

And considering all the losses the people of Los Angeles have sustained since summer of 2020

Riots

Defund the police

An uptick in crime like Los Angeles has never seen before Homelessness

The list goes on and on

Let us just have something

Something to give us a little bit of joy

Because it hasn't been such a happy place living in LA lately.

### **Response No. IND 231-2**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility, and specifically that the Project would demolish the entire historical property. Please refer to Chapter II, *Project Description*, in the Draft EIR regarding the scope of the Project. Also, the commenter is referred to Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. As discussed therein, the Weddington Golf & Tennis clubhouse, including its café, the putting green to the northeast of the clubhouse, six existing golf ball-shaped light standards and poles, and the low brick retaining wall along the northeastern edge of the Property would remain under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 232**

Adam Grealish

Received May 10, 2022

### **Comment No. IND 232-1**

I am opposed to the proposed development plan of Weddington Golf and Tennis by Harvard-Westlake. I am not opposed to development of the area in general; however, I am specifically concerned that, under the current proposed plan, the limited public access to facilities are very much not in the best interest of the community.

### **Response No. IND 232-1**

The comment expresses opposition to the Project based on loss of a public recreational facility. To clarify the existing property rights and on-site uses, the Project Site is not a public recreational facility. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided.

The commenter is referred to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 232-2**

Additionally, I am concerned about the size of the proposed parking structure and the level of congestion the current plan will create.

### **Response No. IND 232-2**

The comment expresses concern over the size of the parking structure and traffic associated with operation. The Project's parking structure maximum capacity would only

be needed for larger, onsite events that are infrequent in nature. The Project's parking capacity is provided to ensure that parking does not spill over into the adjacent residential neighborhoods. No off-site parking for events on the Project Site would be permitted. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

Note that current updates to the Project would reduce the overall parking capacity from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 232-3**

Again, this is very much not in the best interest of the community. Thank you for your consideration on this matter.

### **Response No. IND 232-3**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 233**

Angela Martinez

Received May 10, 2022

### **Comment No. IND 233-1**

This letter is to state my opposition to Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons.

Plans to demolish this property will fundamentally alter the feeling of an area that is steeped in historic Americana. A place where figures from Hollywood's Golden Age played golf. A place that has defined Studio City for generations.

For most of that time it was known as the Studio City Golf and Tennis Center, a fitting name because it seemed to belong not just to the neighborhood, but to the people who loved and enjoyed it. A place so diverse in its unique appeal that it's not unusual to find accomplished golfers and tennis players at one end, and fledgling putters and servers at the other.

I moved my family to this area 14 years ago, partly because its mature trees and greens provided a peaceful oasis to an area that has become increasingly developed and urbanized. We are not a family of great means, but my own two sons have, since grade school, been able to pay the modest fee and practice their drives and forehands. Visits often included a stop at the tiny grill where, for years, a kind Korean-American couple served up giant hamburgers and French fries. My sons are now 24 and 26 years old, and I hope they are not the last generation of young people to enjoy the pleasures of this neighborhood jewel because when people have access to areas filled with historic significance, those places become a kind of living history lesson in themselves.

### **Response No. IND 233-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 233-2**

I find it sadly ironic that Harvard-Westlake, the most exclusive, elite prep school in Los Angeles, is seeking to demolish a neighborhood institution in which children and families from all backgrounds have loved and learned to play sports for generations. Please don't allow this to happen.

**Response No. IND 233-2**

The comment expresses general opposition based on the loss of recreational resources. Please refer to Topical Response No. 3, Enforcement of Public Access, and Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for discussions regarding public access and recreational uses available to the public under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 233-3**

This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted.

**Response No. IND 233-3**

This comment is the same as Comment No. FORM 4-7. Refer to Response No. FORM 4-7.

**Comment No. IND 233-4**

It's shocking that Harvard-Westlake would consider spending \$100 million on a sports complex for a privileged few, when hundreds of thousands of students citywide are lacking the most basic tools needed to succeed. Therefore, we urge Harvard-Westlake to move its proposed complex to a more cost-effective alternative site, like the nearby Los Angeles Valley College, which the School has previously used for its tennis operations – even recently refurbishing the College's tennis courts. With this good neighbor gesture, Harvard-Westlake would not destroy a beloved community asset, but rather, provide for the community and service a much wider area by improving facilities at Los Angeles Valley College.

**Response No. IND 233-4**

This comment is the same as Comment No. FORM 4-8. Refer to Response No. FORM 4-8.

**Comment No. IND 233-5**

Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. These individuals are counting on you to subscribe to a higher standard, support the public's interests, stand firm against Harvard- Westlake's lobbyists and moneyed special interests, and deny approval of the CUP and certification of the DEIR.

Thank you for your time and consideration of this most important matter.

## **Response No. IND 233-5**

This comment is the same as Comment No. FORM 4-9. Refer to Response No. FORM 4-9.

## **Comment Letter No. IND 234**

Betsy Thomas  
Received May 10, 2022

### **Comment No. IND 234-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

### **Response to Comment No. IND 234-1**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 234-1**

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to: traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 234-1**

This comment provides the same comments presented in Comment Nos. Form 3-3 to FORM 3-5. Please refer to Response Nos. FORM 3-3 to 3-5.

### **Comment No. IND 234-2**

**\*\*PLEASE DO NOT LET THEM DESTROY THIS!** This is truly A COMMUNITY SPACE — neighbors running into neighbors, kids, grandparents, everyone uses it. There is so little like Weddington left in this world, and especially in this city — please don't let these rich people who don't even live in the area take this away from us. Our kids have grown up playing tennis here and spending the summer with their friends hitting the golf ball

around the course. You let them destroy this, it erodes the entire character of the neighborhood.

### **Response No. IND 234-2**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. Please refer to Topical Response No. 3, Enforcement of Public Access, and Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for discussions regarding public access and recreational uses available to the public under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 235**

Carolyn LoBuglio  
Received May 10, 2022

### **Comment No. IND 235-1**

By way of introduction I am on the Board of Directors of my homeowners' association, Brentwood Hills Homeowners' Association ("BHHA"), the BHHA Representative for the Hillside Federation, a founding member of BACH and the BHHA alternate representative for the Brentwood Community Council. In addition, I have held leadership positions on numerous UCLA alumni and local organizations' boards. I am a licensed real estate broker, Associate Broker with Coldwell Banker Realty.

Early in my career, I worked in my hometown, Palo Alto, Congressman's Washington D.C. office as a staff member assigned to the area of Energy and the Environment. My Congressman chaired the Merchant Marine and Fisheries Committee, the Finance Committee and much more. Following working in Washington, D.C., I worked as a reporter for two major news outlets covering local, political and financial news stories. I have lived in both Pacific Palisades and Brentwood for many years. I moved to LA when I was 17 to attend UCLA. I attended graduate school at Pepperdine in Malibu. My knowledge of Los Angeles City and County coupled with my political and real estate knowledge work together to enhance my ability to comment on the Harvard Westlake River Project.

Weddington Golf and Tennis has been a fixture in the lives of many who have grown up in the San Fernando Valley and on the Westside of Los Angeles. The facility has enabled countless children through adults to learn, practice and perfect their golf skills in a beautiful environment. The environmental and health benefits of a facility [sic] such as the Weddington Golf and Tennis club in its current form are numerous. The facility proposed by Harvard Westlake is merely a gym on steroids, [sic] totally lacking in the benefits currently offered by the bucolic setting provided by the Weddington Golf Course.

### **Response No. IND 235-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment No. IND 235-2

My thoughts and comments align with Joan D'Antonio's letter copied below. I endorse Joanne D'Antonio's letter copied below and incorporated herein:

RE: Case Number: ENV-2020-1512-EIR  
 Council District: 4 - Raman  
 State Clearinghouse Number: 2020090536  
 Harvard Westlake River Project Draft EIR  
 Comment period March 10 - May 10, 2022

Dear Kimberly Henry and Councilmember Raman,

Please note that the comment period for this draft EIR, even at two months, was short to get through both document analysis and go through the process of neighborhood council committee agenda/vote to full board agenda/vote for most neighborhood councils.

The individual comments I am making in this email are informed by my having spent the last 8 years studying and understanding the tree and tree canopy environmental issues in the City of Los Angeles. I serve on the Community Forest Advisory Committee (at the Board of Public Works); I am the Founder and Chair of the Neighborhood Council Sustainability Alliance Trees Committee (since 2016) which has over 100 members from throughout the city of Los Angeles. I am the Sustainability Representative for the Greater Valley Glen neighborhood council. I also served on the Working Group for First Step Developing an Urban Forest Management Plan for the City of Los Angeles "the Dudek Report": [https://www.cityplants.org/wpcontent/uploads/2018/12/10939\\_LA-City-Plants\\_FirstStep\\_Report\\_FINAL\\_rev12-7-18.pdf](https://www.cityplants.org/wpcontent/uploads/2018/12/10939_LA-City-Plants_FirstStep_Report_FINAL_rev12-7-18.pdf)

I have observed truly great concern for the preservation of our City's trees by our stakeholders. Our challenge in the City of Los Angeles is holding on to the existing tree canopy provided by large mature trees, 90% of which are on private property (Dudek Report p. 10). Our canopy is diminishing as the state is requiring the building of housing under SB9 and SB10. And there is very little municipal code to preserve private property trees, though there are council file motions that have passed awaiting report back to protect non-native significant trees. These are CF 03-1459-S3 and CF 20-0720. I have been participating in these report backs, and soon municipal code will be created for the retention of such important trees.

My specific comments are below. The text from the Harvard Westlake River Park Project Draft EIR is cited in italics, and my comments follow without italics:

*2. Reasons Why the Project is Being Proposed, Notwithstanding Significant Unavoidable Impacts p. 5/12 (1) the Project would convert a former private golf and tennis club to provide access to landscaped open space, trails, and recreational opportunities to the public and the School in an area with a shortage of neighborhood parks;*

**Comment:**

The existing golf course, though privately-owned, is not private insofar as it is and has always been open to anyone for walk-in use. It is in fact utilized by the public, and it provides very inexpensive recreation in a park-like green setting. Yes, the San Fernando Valley is quite park poor, and this large open space is of value to the quality of life. Anyone can come in and enjoy it. Substituting a much more narrow walkway with slow-growing saplings along on a paved river does not have the same feel as the current open space setting that is home to what Assemblyman Adrin Nazarian described to me as some of the oldest trees in the San Fernando Valley: valuable tall trees that date back over a hundred years to when this site was the Weddington Estate. These trees were vetted as Historic Cultural Monuments by the HCM commission . . . even though former City Councilman for this District for whatever reasons did not support the HCM designation and pushed the City Council to support his amendment to eliminate the trees and golf area from the designation received by the clubhouse and golf ball stanchions.

The City Open Space Element has not been updated since the era of Richard Nixon. The San Fernando Valley has been losing its open space, which is important for the wellbeing of the community, and this is important open space that should not be filled with huge heat-attracting elements like a football stadium with lifeless heat-attracting artificial turf, that hardly fulfills the definition of open space according to the EPA's definition: "Open space is any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public. Open space can include:

Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation). Green space includes parks, community gardens, and cemeteries.

- Schoolyards
- Playgrounds
- Public seating areas
- Public plazas
- Vacant lots

Open space provides recreational areas for residents and helps to enhance the beauty and environmental quality of neighborhoods. But with this broad range of recreational sites comes an equally broad range of environmental issues. Just as in any other land uses, the way parks are managed can have good or bad environmental impacts, from pesticide runoff, siltation from overused hiking and logging trails, and destruction of habitat. Lack of community and public access to safe open and green space is a critical area of concern for urban residents" <https://www3.epa.gov/region1/eco/uep/openspace.html>

Ten San Fernando Valley neighborhood councils voted to support this golf course as a designated Historic Cultural Monument because its loss would be the disappearance of a longstanding community amenity. Disadvantaged kids learn to play golf here and then

play on teams at schools like North Hollywood High School. Knowledge of golf helps youth become upwardly mobile later in life when knowing how to play will get them included in circles they might not otherwise easily enter. If the owners do not want to run the facility, it should be purchased by the city and operated as a public park. Funds could be raised to do this -- just as the land near the Hollywood sign was purchased and turned into parkland. The community need amenities that are open throughout daylight hours, and the Harvard Westlake sports complex would be limited in its public use since the school would have priority for usage times.

The riverside walkway would not be a haven for birds as they would be frightened by the lighting and crowds at the football stadium. Birds don't like to fly over lighted areas. Yet the new oak trees would attract the birds, so the result would be a harmful situation for birds trying to get sustenance from the oaks and scared away when crowds arrive.

*2. Reasons Why the Project is Being Proposed, Notwithstanding Significant Unavoidable Impacts p. VI-5*

*(5) the Project would install a 1-million-gallon stormwater capture and reuse system that would help conserve the City's potable water supply and improve water quality received by the Los Angeles River from VI. Other CEQA Considerations Harvard-Westlake River Park Project City of Los Angeles Draft Environmental Impact Report March 2022 VI-6 the Project Site and a 39-acre, off-site drainage area consisting of single- and multi-family residential uses to the north of the Project Site*

**Comment:**

Mature trees provide hydrology as delineated by the forest service: [https://www.fs.fed.us/nrs/pubs/jrnl/2020/nrs\\_2020\\_coville\\_001.pdf](https://www.fs.fed.us/nrs/pubs/jrnl/2020/nrs_2020_coville_001.pdf) Robert Coville, Ted Endreny, and David J. Nowak In fact, as they point out in this white paper, if the new sports artificial turf facility did not install stormwater capture, the result would be flooding, or at best runoff into the river to the ocean. This is the result from the removal of this large number of trees and greenway that absorb rainwater as groundwater. So there really is no benefit to the stormwater capture, just the removal of mature trees that not only already produce hydrology, but according to this paper, also remove air pollution and produce shade.

*p. VI-6 reduce water demand and the use of pesticides by eliminating ornamental turfgrass in favor of artificial grass*

**Comment:**

“Artificial turf has a negative impact on invertebrates as it cuts off the supply of nutrients into the ground below, effectively creating a desert devoid of worms, centipedes and all the other soil dwellers.” We are making a deadzone with artificial turf. The existing golf course is habitat for wildlife and can be converted to be irrigated with non-potable water

similar to the Griffith Park golf course. This wildlife will die during construction because it will have no open natural space to re-locate to.

This EIR assumes pesticides are necessary at the golf course, but the City of Los Angeles does not allow pesticide weedkiller and still manages a successful golf course at Griffith Park.

*p. VI -6*

*The Project would promote compatibility with the surrounding neighborhood through a design that includes mature trees and extensive landscaping along the northern edge of the Project Site; reduces off-site noise effects through placement of recreational facilities internal to the Project Site; installs landscaped walls and berms, and use of canopy structures.*

**Comment:**

The surrounding residential neighborhood does not want the impact of construction – the noise and traffic that will continue once the project is operational. Walls and berms just create heat, and landscape has a harder time surviving in the Valley when it is next to hardscape.

*p. VI-7*

*The No Project/No Build Alternative would avoid the Project's significant and unavoidable construction noise impact, but would result in a dormant site and not achieve any of the Project Objectives, including public access.*

**Comment:**

This is not a dormant site as long it continues to operate as a community golf and tennis facility. The current owners have done nothing to promote and attract clientele, yet it is the preferred usage of the community. There are already public swimming pools at Valley College and Van Nuys/Sherman Oaks Recreational Center, and the usage time for the public at Harvard Westlake would be limited hours, likely not at the time people desire since the school has first rights to it. Not sure what the public would do with the football stadium except pay money to Harvard Westlake to hold high school football games. Do we need such a big complex to have a rock climbing wall for the community? Harvard Westlake already has swimming pools, a football field, and parking on its campuses. That should satisfy their need without overbuilding away from their campus.

*pp VI-7,8*

*The Project would necessarily consume limited, slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require*

*a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction would require the consumption of resources that are nonreplenishable or may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, VI. Other CEQA Considerations Harvard-Westlake River Park Project City of Los Angeles Draft Environmental Impact Report March 2022 VI-8 gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.*

**Comment:**

The world is having a building sand shortage because as this article explains desert sand is not usable for building, only beach sand. <https://www.bbc.com/future/article/20191108-why-the-world-is-running-out-of-sand> Sand is needed for building cement, and we should reserve it for needed housing, not discretionary building. We cannot sacrifice beaches and allow oceans to rise so kids can have an extra football stadium and swimming pool. We as citizens of the world have to live within our means, environmentally.

*p. VI-8*

*At the same time, as a result of the School's mandatory student and employee shuttle bus program, and use of shuttle buses for large gatherings that would potentially exceed on-site parking, the Project would reduce reliance on private automobiles, vehicle miles traveled, and the consumption of non-renewable resources when considered in a larger context. Most notably, the Project would reduce the vehicle miles generated by the existing golf and tennis club and, thus, reduce the related consumption of renewable resources, among other goals.*

**Comment:**

Soon all future vehicles sold in California will be electric and the City is on its way to 100% renewable energy, private cars will have not the same sort of impact in coming years. Plus the patronage at the golf and tennis facility will be far fewer than the number of people that attend a sporting event.

*pp. VI-10, 11*

*b) Biological Resources Mitigation Measures BIO-MM-1 through BIO-MM-3 require the restoration or protection of sensitive plant and animal species and habitat, including nesting birds, the western yellow bat, and City-protected and non-protected significant trees and shrubs. These VI. Other CEQA Considerations Harvard-Westlake River Park Project City of Los Angeles Draft Environmental Impact Report March 2022 VI-11*

*mitigation measures would reduce impacts on species to a level of less than significant. Because these requirements would apply only to plant and animal habitat and trees within the Project Site, within the public street right-of-way adjacent to the Project Site, or adjacent to the Zev Greenway, the implementation of these mitigation measures would not result in secondary environmental effects at neighboring residential properties or within the broader community.*

**Comment:**

Construction will scare the existing wildlife and it will not have anywhere to go during construction. Tall trees attract raptors and these larger birds do not nest in the smaller trees. Two other nearby construction projects at the Sportsman's Lodge and the Sunkist Building have removed hundreds of very tall trees. This project adds a nail to the coffin of these species for this area. Three billion birds have been lost in North America between 1970 and 2019, much of it due to habitat loss <https://www.nationalgeographic.com/animals/article/three-billion-birds-lost-north-america> This project would make a new contribution.

In conclusion, this project is not what the community needs but what a privileged private school wants to impose. They are trying to mitigate by planting trees at the river in a plan questioned by horticultural environmental planting experts and LA Audubon board members. Does purchasing land, not even adjacent to one's existing facility, allow whatever development they choose? This is a residential community that saw the golf and tennis as more of a playground with welcome open space. They did not envision a monster facility that draws heat, traffic and noise, plus removed the existing trees and vegetation that were cleaning the air, providing wildlife habitat and mitigating heat island effect. Even after the trauma of building, what the community will be left with is far worse than what was sacrificed. A successful realtor once told me that people want to come home to peace and quiet. Would you want a big walled sports complex built next to you, or would you prefer to have trees growing in a relatively quiet golf course with a few tennis courts that you knew were there when you moved to the neighborhood? This draft EIR misses a lot of import issues. Let's do the right thing for the environment and not approve this unnecessary detrimental project.

Joanne D'Antonio

Community Forest Advisory Committee (CFAC) Representative

Neighborhood Council Sustainability Alliance (NCSA) Trees Committee Founder and Chair

NCSA Representative - Urban Forestry Management Plan Working Group

Sustainability Representative, Planning and Land Use Committee Member and former Chair - Greater Valley Glen neighborhood council

(818) 387-8631

### **Response No. IND 235-2**

The comment refers to the comments provided by Joanne D'Antonio in Comment Letter No. ORG 14. The commenter is referred to Response Nos. ORG 14A-1 to ORG 14A-17.

### **Comment No. IND 235-3**

I endorse Joanne D'Antonio's letter in its entirety.

### **Response No. IND 235-3**

The comment endorses the D'Antonio letter. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 236**

Carrie Henderson  
Received May 10, 2022

### **Comment No. IND 236-1**

The community of Studio City and farther have long enjoyed the natural healthful atmosphere the Weddington sport complex has provided.

To destroy this oasis would tragically contribute pollution, noise, traffic for the immediate residents.

### **Response No. IND 236-1**

The comment expresses opposition to the Project based on the location of the Project within a natural, healthful environment and expresses concerns regarding pollution, noise, and traffic. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

The Draft EIR addressed air quality impacts in Section IV.A, *Air Quality*, with supporting data provided in Appendix B, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant after mitigation, where applicable.

Please also refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts.

Also, see Topical Response No. 9 - Transportation and Parking During Construction and Operations. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. Section IV.M, *Transportation*, of the Draft EIR determined that all CEQA-required transportation impacts would be less than significant without mitigation.

### **Comment No. IND 236-2**

At a time when health appears of highest concern the entire community must be considered not just the students of Harvard Westlake.

It is difficult to understand the need to destroy what is essential to the large community when there is a present campus available at Harvard Westlake. Duplication is not necessary.

Thank you for your attention.

## **Response No. IND 236-2**

The comment expresses general opposition to the Project and questions the need for the Project by Harvard Westlake. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 237**

Cory Blothenburg  
Received May 10, 2022

### **Comment No. IND 237-1**

I am a long time resident of Studio City. I have never written a public comment to a city council member before. A part of me is afraid, feels it's probably pointless — but here I am, involved, for the first time.

I think that is evidence of the magnitude of how much Weddington Golf & Tennis means to the community and the positive impact it has. It would be an absolute travesty if Harvard Westlake is allowed to destroy it. And I'm speaking for the many people who feel similarly but are also too passive to say something.

### **Response No. IND 237-1**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 238

Elizabeth Feuille  
 Received May 10, 2022

### Comment No. IND 238-1

I am concerned that Harvard-Westlake's planned sports complex will not benefit the community as promised. I have been told that public use of the area will be extremely limited. Is the below accurate? What does this mean, when not in use by the school? Could the school easily end up using all these resources with such frequency that the community may not have any real access to these? Especially use of the swimming pool seems exceedingly limited. As it stands Weddington golf and tennis serves our local community, and I currently do not have sufficient reassurance that this new sports complex would be a real community resource.

**Table 3-2, Public Use Days and Hours**, outlines the anticipated days and hours for access to facilities available to the public, recognizing that public use of the tennis courts and other athletic facilities would be by reservation when they are not in use by the School.

**TABLE 3-2  
 PUBLIC USE DAYS AND HOURS**

<b>Clubhouse, café, and putting green</b>	
Daily	7:00 a.m. to 9:00 p.m.
<b>Tennis Courts (when not in use by school)</b>	
Daily	7:00 a.m. to 9:00 p.m.
<b>Park Areas – Pedestrian paths, landscaped areas, water features</b>	
Daily	7:00 a.m. to 9:00 p.m.
<b>Gymnasium Community Room</b>	
Daily (for pre-approved Studio City-based organizations)	7:00 a.m. to 9:00 p.m.
<b>Gymnasium Courts (when not in use by school)</b>	
Daily (for pre-approved Studio City-based organizations)	7:00 a.m. to 9:00 p.m.
<b>Swimming Pool (when not in use by school)</b>	
Weekdays (for pre-approved swim program members)	7:00 a.m. to 9:00 a.m.
<b>Athletic Fields (when not in use by school)</b>	
Daily (for pre-approved Studio City-based organizations)	9:00 a.m. to 8:00 p.m.

SOURCE: Harvard Westlake School, 2020

Providing a greater variety and more accessible recreational opportunities than the existing golf and tennis uses, the Project would support field, pool, and gym-based sports by pre-approved community groups or swim program members when not in use by the School, as well as regular access to 5.4 acres (235,224 square feet) of passive open space and a three-quarter mile long pedestrian path with a new connection to the Zev Greenway for casual exercise by individuals or families. The multi-purpose gymnasium would include a community room that could be used for meetings and gatherings by Studio City-based organizations. The School would make available such uses via a reservation system that would support an enjoyable and safe experience.

## **Response No. IND 238-1**

The comment expresses concern over potential restrictions on public access. Refer to comment to Topical 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School’s commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 239

Eric and Caren Liberman  
Received May 10, 2022

### Comment No. IND 239-1

I am a neighbor and real estate agent writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis on behalf of myself and many of my clients in the Studio City area.

I own 2 homes on Bellaire Ave, at 4326 Bellaire Ave (owned since 1994) and also 4342 Bellaire Ave, 2 blocks from the proposed Harvard Westlake Sports Complex, and I am against the project as described in the DEIR.

### Response No. IND 239-1

The comment expresses general opposition to the Project and described the commenter's proximity to the Project Site. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### Comment No. IND 239-2

#### BULLET POINTS:

- Massively out of scale and inappropriate for the neighborhood
- Harvard Westlake paid experts do not make their case that the sound from the Sports Complex and during construction can be mitigated to an acceptable level.
- Two to three years of construction is too long and an undue burden on the neighborhood. Show stopper.
- The applicant purchased the Weddington property knowing it's not zoned for what they wish to build.
- The neighborhood does not want the "public benefit" ADA ramp to Coldwater (see the petition in DEIR)
- Too many large scale projects that potentially overlap.
- Obvious major environmental issues - Haul route, destruction of trees (which is the most important issue), creating a heat island, wildlife.

#### SIZE:

Massively over scale for this residential neighborhood. Harvard Westlake provided misleading artist renderings that use the trick of forced perspective to make the project appear smaller than it is in reality. If Harvard Westlake truly believes this

project is a win for all, they should not be hiding behind unrealistic artist representations. Why does the school “need” two olympic sized pools? It’s so large it spills over into county property on the LA River. City Planning should require the applicant to put up story poles (not balloons) for all structures proposed. Gym, Pool, spectator bleachers, 80-foot tall light poles, location of speakers, scoreboards, or any other structures not currently part of Weddington Golf and Tennis.

### **LACK OF PUBLIC BENEFIT:**

Councilman Krekorian asked to build a ramp from Coldwater to the north side of the LA River as a public benefit. There was no discussion with the adjacent residents on this item. Adding a ramp at this location may allow overflow parking from the recently opened Sportsmen's Lodge Mall to park on Alcove and Valley Spring. Parking at the new Mall is already showing signs of nearing capacity. The Mall is not fully operational, and many stores are not yet open, including one of the anchor tenants, Equinox gym.

After reviewing the DEIR, I find I have more questions than answers. This document of 6,503 pages is conspicuously lacking in detail. One of those areas is sound, where I know sound engineers that have made their living for many years and have explained to me how the sound travels.

For example, if tasked with setting up a sound system on the proposed site to the specifications cited in the DEIR, I would have lots of wiggle room. There is no specificity in the speaker system's coverage area (vertical or horizontal). There is a specification for a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system that doesn't state if that measurement is on-axis or off-axis. Suppose the goal is to protect the surrounding neighborhood from amplified noise from the "special event" located on the north side of Field A. In that case, the height of the stage is a critical factor in reducing the spill of sound into the surrounding neighborhood. Harvard Westlake provided vague technical specifications with no specificity of the proposed events.

Once sound arrives at its intended target from the PA system, it doesn't just stop. It continues.

Wind, temperature, and nearby reflective surfaces like the large proposed gym, structures to the south behind Ventura blvd, etc., may act as points of reflection, as does the LA River. I have first-hand knowledge that sound travels unpredictably near the LA River. I can hear the crowd reactions from games at the Coldwater Harvard Westlake Campus at my house. A few years ago, the Sportsmen's Lodge Hotel had a lucrative business hosting tour buses. These buses had onboard generators that would run all night. I could hear these generators parked on the east side of the property loud and clear inside my house, specifically when I was lying on my den's couch.

The neighborhood to the north is a mixture of old and new construction, and it's a collection of single-story 1940-era homes adjacent to modern two-story McMansions.

Some residents will experience significantly different levels of sonic irritation depending on home construction and where the errant sound from the proposed site decides to land.

My point is that the math necessary to predict how sound will travel on and around the proposed project is too complicated to quantify. With the current use as golf and tennis, in 35 years, I have never heard a sound from the Weddington property walking past it on Valley Spring except for occasional wildlife up close. The idea that Harvard Westlake wants to radically change the current site usage and replace nearly all of the soft natural sound-absorbent surfaces with plastic turf and concrete, stating the adjacent neighborhood will be protected simply by making vague claims with some technical sound jargon that few understand is postposterous.

On pages IV.K-46 and IV.K-49, when the DEIR says off-site noise for residential uses would be designated to not exceed 92 dBA", but dBA does not reflect the annoyance from the sub-bass (boom boom) content. Page IV.K-47 does not consider the varying sound levels from activities - the intermittent nature of crowd noise, and the sound system is annoying and a nuisance.

### **CONSTRUCTION AND THE BURDEN ON THE NEIGHBORHOOD - DESTROYING OUR QUALITY OF LIFE:**

There are many large-scale construction projects in the planning stages within 1,000 feet or so of the proposed Harvard Westlake Sports Complex. Sportsmen's Lodge Apartments/Mixed Use on the Sportsmen's Lodge hotel site. The Sportsmen's Mall isn't fully open for business yet. The Sunswept Place Mix use project on the south side of Ventura Blvd. The Pinz Bowling Property on Ventura Blvd, to name a few.

Harvard Westlake has shared with the neighborhood they plan on starting construction in 2022-2023. The DEIR appears to be missing the complete haul route and realistic amount of truck trips for the project. Work has just started on Ventura Blvd. Mainline Improvement Project. <https://files.constantcontact.com/f20e008b001/272c5fd5-0d3d-49ad-849e-c79af0203a08.pdf>

The Mainline Improvement project is scheduled to be completed in 13 months. This is a recipe for how to destroy a community.

Two to three years of construction is too much of a burden on the neighborhood for a project that belongs in a more appropriate location.

### **Response No. IND 239-2**

The comment includes the same comments provided in Comment Letter No. IND 193. The commenter is referred to Response Nos. IND 193-2 to IND 193-9.

## **Comment Letter No. IND 240**

Esra Hudson

Received May 10, 2022

### **Comment No. IND 240-1**

I am writing in opposition of Harvard Westlake's proposed project at Weddington Golf and Tennis, and to offer a compromise. As it stands, this huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 240-1**

The comment expresses opposition to the Project based on degraded integrity and character of Studio City and detriment to quality of life, property values and access to recreational open space. This comment is similar to Comment No. FORM 3-3. Please refer to Response No. FORM 3-3 which discusses the issues raised in this comment.

### **Comment No. IND 240-2**

The studies included in the recently released, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate.

### **Response No. IND 240-2**

This comment is similar to Comment No. FORM 3-4 in that it raises concerns regarding traffic, noise, construction, and climate. Please refer to Response No. FORM 3-4 which addresses these concerns.

### **Comment No. IND 240-3**

Short of blocking the project altogether, it has always been my contention that a reduction in the scope of this project could satisfy the community and meet the needs of the school.

### **Response No. IND 240-3**

The comment supports an alternative that would reduce the scope of the Project. Such an alternative is discussed in Comment No. IND 240-5. Refer to Response No. IND 240-5 which discusses the alternative suggested by the commenter.

### **Comment No. IND 240-4**

Two large fields with stadium seating, sound and lighting, a competitive pool with the same, and a gym, will create an excessive and unsustainable amount of activity, noise and traffic on this patch of land. It will destroy the peace of this neighborhood and

irrevocably alter the nature of this historic property and the neighborhood. There is simply no equivalent facility in any residential neighborhood in the city.

### **Response No. IND 240-4**

The comment expresses concerns regarding traffic, noise, lighting and historic resources. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s parking, traffic patterns, effects on local streets, and consistency with CEQA threshold levels; Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts; Topical Response No. 4 – Aesthetics, regarding the impact of the Project’s field lights and other outdoor lighting, and Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site.

Note that current updates to the Project would reduce the overall number of seats provided by the Project from 2,217 seats to 2,005 seats, which is a reduction of 212 seats. The changes to seating include: 1) pool area bleacher seats reduced from 348 to 214; 2) Field B bleacher seats reduced from 255 to 109; 3) Field A bleacher seats increased from 488 to 542; 5) gymnasium seats increased from 1,026 to 1,056; and 6) tennis bleacher seats reduced from 100 to 84. Also, the overall parking capacity has been reduced from 532 spaces to 403 spaces. Specifically, the parking capacity of the underground structure has been reduced from 503 spaces to 386 spaces and the capacity of the above grade surface parking lot has been reduced from 29 spaces to 17 spaces. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates.

This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 240-5**

Narrowing the scope of the project could be accomplished by eliminating one of the fields and moving all outside sports activity close to the Whitsett side of the property, where ambient traffic noise is already present, and retaining a broader piece of land adjacent to the neighborhood as green space, which could also potentially preserve the driving range. This would also leave more of the property available for public use, rather than the small path that is currently contemplated. Harvard Westlake can still have a sports facility, but share more space with the community in a way that would satisfy many stakeholders, including myself.

## **Response No. IND 240-5**

The comment suggests reducing the scope of the Project through elimination of one of the fields and relocating outside sports activity to the Whitsett side of the property. The suggestions are intended to provide additional public use of the Project Site.

The Alternatives evaluated in the Draft EIR, in accordance with CEQA requirements were designed to reduce the Project's significant construction noise and vibration impacts. The Project would not result in air pollution, greenhouse gas emissions, traffic, or operational noise impacts that would require the relocation of outdoor sports activities within the Site or a reduction in the scope of development. Also, the Draft EIR evaluates a reasonable range of alternatives consistent with the requirements of the State CEQA *Guidelines* Section 15126.6(a), which states an EIR need not consider every conceivable alternative to a project. For additional discussion of the Project's adequacy of alternatives in the Draft EIR, refer to Response Nos. ORG 1B-105, ORG 1B-106, and ORG 7A-146 to ORG 7A-176. Refer also to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

## **Comment No. IND 240-6**

Unfortunately the school has rebuffed any suggestions to modify the scope of the project. I sincerely hope that as our new representative, you can facilitate a win-win here.

Thank you for your time and consideration.

## **Response No. IND 240-6**

Please refer to Response No. IND 42D-19 which addresses the scope of the Project evaluated within the Initial Study, Draft EIR and this Final EIR as part of the CEQA process. Also, please refer to Response No. IND 240-5 regarding the absence of need with respect to environmental effects to reduce the scope of the Project per the comment. However, refer to Topical Response No. 2 - Modifications to the Project Design, which discusses the revisions and reductions to the scope of the Project. Nonetheless, the comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## Comment Letter No. IND 241

Heidi MacKay  
Received May 10, 2022

### Comment No. IND 241-1

Several years ago this same applicant had proposed Harvard-Westlake Parking Improvement Plan in Coldwater Canyon. They were going to carve out a hillside adjacent to conservancy land and a wildlife corridor to build a 231,000+ sq ft parking garage/sports field with a connecting bridge. After 4 years of the community fighting back against this egregious and extremely dangerous plan that would ONLY benefit HW, they stated that they listened to the community and shelved the project.

Shortly thereafter, they announced that they announced that they purchased Weddington Golf & Tennis, a Los Angeles Historical Cultural Landmark and green open space. Councilman Krekorian assured our community that Harvard-Westlake had made a promise of "maintaining the tranquility of Weddington and preserving as much open space as possible"

I vehemently oppose the proposed Harvard-Westlake River Park Project because their proposal is anything BUT tranquil and would negatively transform Weddington Golf & Tennis into another egregious and massive Sports Event Facility. The Project does not conform to the General or Community Plan and in fact, divides the Community, in both a physical and socioeconomic sense. Open space is irreparably lost.

With two full-size sports fields, an Olympic-size pool, and an 80,249-square foot gym, and a total of 45 light poles (up to 80 feet in height), there is simply no room left for a park.

### Response No. IND 241-2

The comment expresses opposition to the Project, stating that the Project does not conform to the General Plan or Community Plan, divides the community in both a physical and socioeconomic sense and does not include adequate open space for a park. However, the commenter does not provide any substantive facts or support for these concerns or opinions.

The Draft EIR evaluated the Project's consistency with relevant plans, policies and regulations, including those within the General Plan and the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, adopted for the purpose of avoiding or mitigating an environmental effect, as applicable in Section IV. J, *Land Use and Planning*, of the Draft EIR. As analyzed therein, the Project would not conflict with applicable objectives and policies of the applicable plans adopted to avoid or mitigate an environmental effect; as such, impacts with respect to land use and planning would be less than significant. Additionally, economic and social effects of a project are not treated as significant effects on the environment under CEQA unless they would lead to a

physical impact on the environment. See CEQA Guidelines Section 15131. No such impacts are relevant to the Project.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided. Refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, refer to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

### **Comment No. IND 241-3**

The excavation of 250,000 cubic yards of largely undisturbed soil would not only leave a 21-foot-deep pit, but would expose the neighborhood (and surrounding neighborhoods with any wind) to dangerous dust which increases the potential for coccidioidomycosis, otherwise known as valley fever, or cocci, a disease caused by inhaling the microscopic spores of *Coccidioides immitis*, a soil-dwelling fungus, which is prevalent in Arizona and California. After the earthquake of 1994, and multiple aftershocks, there was an upsurge in cases of Valley Fever. It exists right here in the Valley.

### **Response No. IND 241-3**

The comment expresses concern over the excavation of soil and dust exposure to the surrounding neighborhoods, including exposure to diseases such as Valley Fever from dust exposure. However, the commenter does not provide any substantive facts or support for these concerns or opinions related to Valley Fever. The Project would not leave a long-term pit and during the temporary construction activities, the Project would implement dust and particulate controls as described in Section IV.B *Air Quality*, in the Draft EIR. Such controls would comply with applicable South Coast Air Quality Management District (SCAQMD) regulations, such as Rule 403 for controlling fugitive dust. These controls are common construction practices implemented throughout the City on similar construction sites, which would minimize dust exposure to the neighborhood.

The Draft EIR addressed air quality impacts in Section IV.B, *Air Quality*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical

Documentation, of the Draft EIR. As analyzed therein, air quality impacts would be less than significant. Also, refer to Response Nos. ORG 1B-77 to 1B-79 for a discussion of health risks associated with construction activities, and Response No. ORG 1B-185 for a discussion of Valley Fever as it relates to Project grading activities. As discussed therein, toxic air contaminants (TACs) emissions from construction activities would not expose sensitive receptors to substantial TAC concentrations, nor would Project grading result in exposure to Valley Fever.

Also, updates to the Project would reduce the parking capacity of the underground structure from 503 spaces to 386 spaces. With this reduction, the amount of grading would be reduced from 250,000 cubic yards to 197,000 cubic yards, a reduction of approximately 53,000 cubic yards. This reduction in grading would reduce the duration of grading from approximately 7 months to 5.5 months, and reduce the number of grading truck trips from 35,714 trips to 28,142 trips. See Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which provides these Project updates. The excavated area would be temporary, until the Project's parking structure and underground water treatment are constructed. As such, there would be no long-term barren pit from Project implementation.

#### **Comment No. IND 241-4**

Surrounding neighborhoods will also be exposed to harmful GHGs, particulates and contaminants, along with constant noise and vibration during the 30-plus month construction period.

#### **Response No. IND 241-4**

The comment expresses concern over construction emissions including GHGs, particulates and contaminants, and noise/vibration. However, the commenter does not provide any substantive facts or support for these concerns or opinions. See Response No. IND 241-3 which discusses temporary air quality impacts from construction activities. In addition, the Draft EIR addressed GHG impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant. With regard to construction noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts.

#### **Comment No. IND 241-5**

The environmental loss is dramatic. Removing 240 mature trees (some of the oldest in the Valley) would displace or destroy any wildlife currently living on the property. Excessive light hurts wildlife by interfering with migration patterns and interrupts connectivity.

## Response No. IND 241-5

The comment expresses concerns regarding tree removal and impacts to wildlife, including lighting impacts. Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project’s tree replacement program. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years.

Refer to Response No. ORG 14A-15 for a discussion of impacts to common wildlife during construction. Also, construction activity would comply with Project Design Feature BIO-PDF-1 that includes protective measures for nesting habitat of raptors or songbirds, which would support reproduction activity during construction. Refer to Response No. IND 209-20 for a discussion of the Project’s lighting impacts on wildlife. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

In addition, please refer to Topical Response No. 2 – Modifications to the Project Design, and Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, which provides updates to the Project’s light poles and bleacher seats. As evaluated in Section IV.A, *Aesthetics*, of the Draft EIR, light and glare impacts would not exceed existing ambient light and glare levels in the off-site area or exceed RIO standards within the Project Site. The Project’s lighting program has been revised to reduce the number of field and tennis court lights. The revised Lighting Study is attached as Appendix B.1 to this Final EIR and, as further evaluated in Topical Response No. 4 – Aesthetics, the reduction in lighting would further reduce the Project’s light and glare levels. Consistent with the analysis in Section IV.A of the Draft EIR, light and glare impacts would be less than significant.

## Comment No. IND 241-6

The impacts to Hillside Residents living in the foothills, south of the project would experience light and glare from 45 light poles, of which many are directed toward the hillsides.

## Response No. IND 241-6

The comment expresses concern over light and glare impacts to nearby hillside residents. Hillside residents are separated from the Project Site by the channelized Los Angeles River and the high-glare Ventura Boulevard, and depending on the location, separated by the intervening hillsides. No lights from the project would be directed toward the hillsides, as they would be directed downward to the Project Site with shielding.

See Topical Response No. 4 – Aesthetics, regarding the impact of the Project’s field lights and other outdoor lighting, as well as impacts relating to scenic resources and visual character of surrounding land uses. As discussed in Topical Response No. 4, the Project’s light and glare impacts were fully analyzed in the Draft EIR’s Section IV.A, *Aesthetics*, which were based on the Lighting Technical Study contained in Appendix B of the Draft EIR. As discussed therein, the Project would not exceed CEQA threshold standards at any of the nearby residential uses nor would it exceed lighting standards of the Los Angeles River Improvement Overlay (RIO) District Ordinance pertinent to locations near the Los Angeles River. Moreover, the Project’s lighting system would generally represent an improvement for surrounding residential uses, with less off-site glare and spillover, than existing conditions. The analysis in Section IV.A, *Aesthetics*, of the Draft EIR, concluded that the Project’s light and glare impacts would be less than significant. Also, see Response No. IND 241-5 which discusses revisions to the Project’s lighting program that would result in a reduction in lighting, which would further reduce the Project’s light and glare levels.

### **Comment No. IND 241-7**

Amplified noise would result in exacerbated impacts to hillside residents, due to noise effects in hillside terrain, including echo, reflection and reverberation. The Public Address system and bleachers would be directed toward southern hillside residents.

### **Response No. IND 241-7**

The comment expresses concern over noise impacts to hillside residents. Please refer to Response No. ORG No. 9-8 for a discussion of noise impacts to hillside residents.

### **Comment No. IND 241-8**

To clear up any confusion from their current renderings of the actual footprint of this project it is an absolute must that they be required to hire a professional company to **install story poles**, unlike the balloons on strings blowing in the wind that they provided for the Parking Improvement Plan they shelved on Coldwater Canyon. The story poles must tell the WHOLE STORY, and describe ALL aspects of the project (light poles, scoreboards, both fields, all bleachers, perimeter walls and all structures). They should also be required to stay in place for at least 30 days.

### **Response No. IND 241-8**

The comment requests that the School hire a professional company to install “story poles” prior to construction. The proposed “story poles” could be required at the discretion of the Project’s decision makers but are not a part of the Project evaluated in the Draft EIR, nor are they required by or related to any impacts evaluated in the Draft EIR. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is necessary.

### **Comment No. IND 241-9**

There should NOT be an additional switchback ramp on the north side of the river. The entire neighborhood is overwhelmingly opposed to it. There is already a ramp on the south side. Why open up access to the neighborhood on the north side to additional pedestrian traffic, parking and other disturbances.

### **Response No. IND 241-9**

The comment expresses opposition to the Project's proposed ramp to the Zev Greenway at Coldwater Canyon Avenue. This comment does not raise any issues with respect to the adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 241-10**

This project is indefensibly disruptive and must be rejected.

### **Response No. IND 241-10**

The comment expresses general opposition to the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 242**

Jason Martinez

Received May 10, 2022

### **Comment No. IND 242-1**

I am writing you to let you know how alarmed I am at the Harvard Westlake (HW) project to convert Weddington Golf and Tennis Center into another one of their sports complexes. As I am sure you know, the Weddington family had the golf and tennis center zoned as light agricultural and open green space a long time ago. In order for HW to proceed with their massive construction project they need the Los Angeles City Council to provide a Conditional Use Permit.

### **Response No. IND 242-1**

The comment expresses general opposition to the Project based on a school use in an Agricultural (A) zone. Please refer to Response No. FORM 3-5 which addresses the Project's consistency with the site's zoning designation and the Project's application for a Conditional Use Permit (CUP).

### **Comment No. IND 242-2**

I am hoping you will vote to not grant them the permit, because of the environmental impact, loss of a historical landmark and the audacity of the privileged classes to take away low-cost athletic facilities from everyday Angelenos.

Harvard Westlake state this will be better for the environment, but that seems far from the truth.

### **Response No. IND 242-2**

The comment expresses opposition to the Project based on environmental loss of an historical landmark and the loss of low-cost athletic facilities. The commenter is referred to Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. In addition, please refer to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR; and Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 242-3**

First, they will remove over 240 mature trees. They argue they will replace them, but during their public presentation they confirmed the new trees would be 10 ft to 15 ft starter trees. It will take decades before these new trees they can provide the same animal habitat, shade, CO2 removal and climate fighting capabilities.

### **Response No. IND 242-3**

The comment states that the Project's tree replacement program will take decades before the new trees can provide the same animal habitat, shade, CO2 removal and climate fighting capabilities. However, the commenter does not provide any substantive facts or support for these concerns or opinions. Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Also, refer to Response No. 6B-2 which discusses the long-term carbon sequestration increase with the Project compared to existing conditions. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. The commenter is also referred to Section IV.C, *Biological Resources*, of the Draft EIR, with supporting data provided in Appendix D, Biological Resources Technical Report, of the Draft EIR. As analyzed therein, biological resources impacts would be less than significant with mitigation, where applicable.

### **Comment No. IND 242-4**

Second, they plan on removing all the grass and replacing it with artificial turf. A BYU study found that “The surface temperature of the synthetic turf was 37° F higher than asphalt and 86.5° F hotter than natural turf.” (source: <https://www.nrpa.org/parksrecreation-magazine/2019/may/synthetic-sports-fields-and-the-heat-island-effect/>) With rising temperatures due to climate change, it wouldn't be smart to remove acres of natural turf in the middle of an urban area.

### **Response No. IND 242-4**

The comment also expresses concern regarding the impact of artificial turf and associated heat island effects. See Topical Response No. 7 - Artificial Turf and Effects on Localized Heat and Health, which addresses the potential health-related and urban heat island effects due to the Project's use of artificial turf fields. In addition, the Draft EIR addressed greenhouse gas emissions (GHG) impacts in Section IV.G, *Greenhouse Gas Emissions*, with supporting data provided in Appendix C, Air Quality/Greenhouse Gas Emissions Technical Documentation, of the Draft EIR. As analyzed therein, GHG impacts would be less than significant.

### **Comment No. IND 242-5**

As someone who lives in the adjacent neighborhood, I appreciate the beauty and historical nature of the Weddington Golf and Tennis Center. Since 1956 people from all across Los Angeles have had the opportunity to learn how to play golf and tennis at an extremely low cost. Just walking the facility, you can sense its historical nature and I am not just talking about the building. The land and its landscaping have defined this neighborhood for years. In April 2021 the Cultural-Heritage Commission nominated Weddington as a Historic-Cultural Monument. It is not unusual for both a building and its surrounding green space to be considered historic. In 2020 the L.A. City Council approved a historic land mark designation for Union Bank Square's Plaza (the building's green space) and that was built in 11 years after Weddington. If the 3-acre Union Bank Square in the middle of downtown can be protected, why not 17.2-acres of greenspace in a residential neighborhood?

### **Response No. IND 242-5**

The comment states that the Project Site should be preserved in its existing condition due to its historic qualities. Please refer to Chapter II, *Project Description*, in the Draft EIR regarding the scope of the Project. Also, the commenter is referred to Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. As discussed therein, the Weddington Golf & Tennis clubhouse, including its café, the putting green to the northeast of the clubhouse, six existing golf ball-shaped light standards and poles, and the low brick retaining wall along the northeastern edge of the Property would remain under the Project.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 242-6**

As for why Harvard Westlake needs this complex, they say their students, who participate in sports, are burdened with having to stay late at school, because HW does not have enough fields, gyms and pools for their practices and meets. Comparing HW to the public high schools that support this area, HW has roughly 1600 students, North Hollywood High School's (NHHS) roughly 2600 students and Ulysses S. Grant High School's roughly 2100 students. HW, without demolishing Weddington, already has more facilities than these 2 schools. I am sure the students and coaches at NHHS and Grant would love to have the facilities that HW currently has. As HW says on their website, they have "first-rate athletic facilities," from their Taper Gymnasium, TedSlavin NFL-caliber football field and track, Copses Family Pool, to their recently renovated "state-of-the-art" O'Malley Family baseball field. For a school that charges \$44,500 in tuition, it seems like the overly privileged believe they have the right to destroy a local, low-cost, athletic facility.

## **Response No. IND 242-6**

The comment expresses opposition to the Project based on the need for the Project and the loss of a community, low-cost, athletic facility. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment No. IND 242-7**

They say the public will have some access, but they are really referring to the path around the outside of the facility.

## **Response No. IND 242-7**

The comment is concerned that public access would be limited to the path around the outside of the facility. The commenter is referred to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

## **Comment No. IND 242-8**

Also, from a security stand point, can you imagine any school allowing random people from the public coming on to their property throughout the day or at night when they are having school events?

## **Response No. IND 242-8**

The comment expresses concern that the School would not allow the general public access the Project Site during school events due to security issues. Regarding security at the Project Site, as provided in Project Design Feature POL-PDF-2 (see page IV.L.2-15 of the Draft EIR), the Project would incorporate a 24-hour security program to ensure the safety of its students, employees, and spectators, as well as public users of the Project Site. The Project's security features would help reduce the potential for on-site crimes and would reduce demand for LAPD services. Also, see page pages II-33 to II-35 in Chapter II, *Project Description*, of the Draft EIR, which discussed public access to the Project Site. Public access to the Project Site would be available during school events as described therein. The commenter is also referred to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of

the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 242-9**

In closing, I hope you agree with our neighborhood residents and not approve the conditional use permit, because of the impact on the environment, the loss of a cultural landmark and the loss of a low cost athletic facility that is completely open to the public.

### **Response No. IND 242-9**

The comment expresses opposition to the Project based on impacts to the environment, the loss of a cultural landmark and the loss of a public low-cost athletic facility. Each of these issues are addressed in the responses above. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 243**

Judith Wiggins

Received May 10, 2022

### **Comment No. IND 243-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 243-1**

The comments are the same as included Letter No. FORM 3. Please refer to Response Nos. FORM 3-1, FORM 3-2, FORM 3-4, and FORM 3-5.

### **Comment No. IND 243-2**

Added:

We've watched as the Studio City and Sherman Oaks area have become very different than the beautiful community many of us have moved to. Most of us have sought to leave the cities in which one is surrounded by cement, buildings, businesses, parking lots and homes and make our homes in areas in which we can live our lives closer to nature and green spaces in which one can escape the manic lifestyles and find peace and a semblance of solitude . We've watched as, in spite of this desire, our green spaces have been developed into the very types of developments we've wanted to get away from.

We've watched as hundreds of beautiful, mature trees have been destroyed, including the wildlife that has made their home's [sic] in those trees. They plant tiny trees to replace those huge, lush, shade producing trees and never, is there any comparison to what they've destroyed. After many years, those trees that were replacements, are still small and stick like, offering no shade nor homes to any wildlife.

It's important to try to find a balance in our cities, between growth and progress and beautiful green spaces that help us to enjoy nature, with beautiful mature trees and landscaping, filled with many types of birds and wildlife.

Weddington is such a place. Not only a wonderful historical landmark, but a rare gem that stands alone in a city that has gone too far in forgetting the importance of achieving a balance between progress and those unique and valuable green spaces that help to make life worthwhile.

We need to save Weddington, as we've already allowed way to many of our beautiful, green spaces, lush mature trees, and homes to wildlife and nature to be destroyed in our cities. This is the last public property left, standing next to the LA River, in which there are hundreds of birds and wildlife living. Even migrating birds are attracted to this property and there is just nowhere for the wildlife to go, if this property is destroyed.

## **Response No. IND 243-2**

The comment expresses general opposition to the Project based on the loss of a historic landmark, green space and trees, as well as impacts to wildlife living on the last remaining public property next to the LA River.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

The commenter is referred to Topical Response No. 6 – Historic Resources, for a discussion of direct and indirect impacts on historical resources resulting from the Project, including project design features that would preserve historic character-defining features of the Project Site. As discussed therein, the Weddington Golf & Tennis clubhouse, including its café, the putting green to the northeast of the clubhouse, six existing golf ball-shaped light standards and poles, and the low brick retaining wall along the northeastern edge of the Property would remain under the Project.

Please refer to Topical Response No. 5 – Biological Resources/Trees, for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase. In addition, please refer to Response No. ORG 14A-15 for a discussion

of impacts to wildlife, and to Response No. ORG 7A-39 for a discussion of impacts to migratory birds.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 244**

Justine Lieberman  
Received May 10, 2022

### **Comment No. IND 244-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis. I grew up just down the street from this location and it is a neighborhood staple. To destroy this golf course and replace it with something that kills so much nature is awful. This neighborhood is not Harvard Westlake's arena to build a ridiculously large complex. The only thing taking up this much space in a residential neighborhood should be a golf course.

### **Response No. IND 244-1**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 244-2**

Here are some important points:

- Massively out of scale and inappropriate for the neighborhood
- Harvard Westlake paid experts do not make their case that the sound from the Sports Complex and during construction can be mitigated to an acceptable level.
- Two to three years of construction is too long and an undue burden on the neighborhood. Show stopper.
- The applicant purchased the Weddington property knowing it's not zoned for what they wish to build.
- The neighborhood does not want the "public benefit" ADA ramp to Coldwater (see the petition in DEIR)
- Too many large scale projects that potentially overlap.
- Obvious major environmental issues - Haul route, destruction of trees (which is the most important issue), creating a heat island, wildlife.

### **Response No. IND 244-2**

The comment consists of a list of bullet points that assert specific issues with the Project. The same bullet points were previously addressed in Letter No. IND 193. Please refer to Response Nos. IND 193-2 to IND 193-9.

### **Comment No. IND 244-3**

This is a residential neighborhood and we would like it to stay that way. Please oppose their want to ruin such a beautiful space and place. It would be a terrible addition with no thought or consideration for the homeowners and people who live nearby.

Thank you for your time. It breaks my heart that this is even a thought. Seeing a rendering of what they want to build is shocking and terrible. Those of us who grew up and live in Studio City are terrified of what they're trying to do.

### **Response No. IND 244-3**

The comment expresses general opposition to the Project based on the loss of the Weddington Golf & Tennis facility. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 245**

Katherine Kato

Received May 10, 2022

### **Comment No. IND 245-1**

First, I am writing to request that the public comment period for DEIR case number ENV-2020-1512-EIR (aka Weddington Golf & Tennis) be extended from 45 days to 90 days, with the end date being June 9, 2022.

### **Response No. IND 245-1**

The comment requests the City to extend the Project's Draft EIR public review period. Refer to Topical Response No. 1 – Public Participation and Review, which discusses public participation and CEQA public review requirements and steps undertaken by the City to facilitate public participation in association with the Draft EIR. Also, refer to Response Nos. FORM 1-1 and FORM 1-2 regarding public review of the Draft EIR.

### **Comment No. IND 245-2**

More importantly, I am requesting an in-person hearing after the comment period closes.

### **Response No. IND 245-2**

The comment requests an in-person hearing following the end of the public review period. Public hearings would be in person if not dictated, otherwise, by Covid restrictions.

The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 245-3**

Some points that I am writing about is the lack of details in the DEIR that must be worked out.

Environmental Factors Potentially Affected:

#### **1. Aesthetics:**

The proposed name of "Harvard-Westlake River Park" is disingenuous. It removes the open park like facility and covers it with concrete and plastic. Perhaps a less objectionable name could be Harvard-Westlake Athletics or Sports.

### **Response No. IND 245-4**

The comment states the Project title misrepresents the nature of the Project. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 245-5**

Trees: Please consider a requirement that trees will be replaced with a species that will grow to the same height to the ones being removed. A towering 100 foot tree should be replaced with another tree that grows that height, not replaced by a species that only grows to 30 ft when mature. I would like to see very tall trees [sic] along the LA River and tying together with the LA River Master Plan is essential. O & M for the landscaped trails open to the public shall be provided by Harvard-Westlake.

### **Response No. IND 245-5**

The comment requests that the Project require that trees removed be replaced with a species that would grow to the same height as the trees being removed. Please refer to Topical Response No. 5 – Biological Resources/Trees, and Response No. ORG 14A-1 for a discussion of impacts to trees and the Project's tree replacement program. Please also refer to Response No. ORG 6A-1, which discusses how the Project would result in an increased tree canopy in less than 10 years. Note that the majority of the trees to be removed, 75 percent (179 trees), are not compliant with the Los Angeles River Improvement Overlay (RIO) District Ordinance (including 122 Mexican fan palms which are considered invasive species by the U.S. National Park Service and/or the California Invasive Plant Council). While some trees could ultimately be shorter than the current on-site trees, the new trees being planted would be RIO-compliant trees. Further, the Project's landscaping program is consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, and would consist entirely of native trees that would require significantly less water as compared to the ornamental or invasive species that currently exist on the Project Site.

Overall, the Project would plant 393 new trees, resulting in an overall net increase of 153 trees as compared to existing conditions – a 36 percent increase.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 245-6**

Fencing: 75% of the fencing on the outside perimeter should be required to have vegetation growing on them.

## Response No. IND 245-6

The comment requests that 75 percent of fencing should be required to be planted. As shown in Chapter II, *Project Description*, Figures II-15 to II-20, the walls around the perimeter of the Project Site would be designed and constructed of an organic stacked stone material and heavily landscaped. Vegetation growing on and around the fences and walls would help mask the built elements, complement the trees that would be maintained and planted on-site, and deter graffiti. Figures II-15 to II-19 have been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of this Final EIR, which include updates to light pole heights and numbers. However, the landscaping is the same as that shown in the Draft EIR figures.

## Comment No. IND 245-7

2. Land Use / Planning:

"Special allowances for schools" Do the needs of the school require this extent of the fields and facilities? Are special school zoning and building allowances carefully vetted when a private school uses it's facilities for rental? A private school should not be treated the same as a public school when it is used as a for profit rental or charitable facility.

## Response No. IND 245-7

The comment questions the need for the Project, and whether special school zoning or building allowances are vetted for renting of the School's private facilities. The commenter is referred to Topical Response No. 13 – Need for Project (Non-CEQA), for a discussion of the rationale as to why the School is proposing the Project at the Project Site location.

It is unclear what the comment is referring to with regard to zoning. However, it is noted that the Project Site is zoned A1-1XL-RIO. The "A1" zone, which allows one-family dwellings, parks, golf courses, and farming among other uses, also permits a school use with a conditional use permit.<sup>13</sup> LAMC Section 12.24.T.3(b) explicitly permits schools and school-related facilities within an agricultural (A) zone and in all residential (R) zones under a conditional use permit (CUP). Most private schools in the City operate under a CUP (public schools are not subject to the City's zoning code). Therefore, the Project's application for a CUP to operate its athletic and recreational facilities is not an unusual circumstance that indicates a conflict with the Project Site's existing zoning or the City's Zoning Code. Also, Harvard-Westlake will thoroughly vet and review organizations and community groups wanting to use the on-site recreational facilities to ensure use by families, school clubs, and other public groups for which they are intended. See Response No. ORG7A-13 for additional discussion of the use of the Project's recreational facilities by pre-approved organizations.

<sup>13</sup> Los Angeles Municipal Code (LAMC) Section 12.05.A (A1 Zone defined uses).

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 245-8**

The four times per year events proposed must be specified as four DAYS per year and have a parking lot with shuttle identified in this proposal. If the parking lot reaches capacity at any time, a overflow lot must be provided. This will mitigate the burden on the surrounding neighborhood.

### **Response No. IND 245-8**

The maximum number of School-related and public-related special events would occur as daily events as described in the Project Description of the Draft EIR. During any special event and during daily use of the Project Site, all parking for the Project would be provided on-site. No off-site parking would be permitted. Thus, an overflow lot is not required. Please see Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s parking program.

### **Comment No. IND 245-9**

3. Noise: Noise from all the facilities should be designed to contain it away from the residential areas.

### **Response No. IND 245-9**

This comment expresses concern regarding noise impacts. With regard to noise impacts, see Response No. IND 6-3 and Topical Response No. 8 – Noise: Construction and Operation Impacts. Operational noise impacts, including a conservative analysis of all athletic facilities being used simultaneously (and including spectators) and a simultaneous 500-person Special Event, would not exceed noise impact standards established by the City and would be less than significant.

### **Comment No. IND 245-10**

4. Recreation:

“No potentially significant impact” for “Recreation” seems misleading. Reducing or eliminating the recreation for the public and replacing with student recreation is a loss for the community. In addition, spectators should not be considered “recreation” in the same category as actual golf / tennis recreation.

### **Response No. IND 245-10**

The comment states that the evaluation of recreation impacts is misleading with the implication that the Project would reduce or eliminate community recreation uses. Under

Appendix G of the CEQA Guidelines, the analysis of recreation impacts is based on whether a project would: increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; and/or, whether a project includes recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Based on these thresholds, the Draft EIR correctly determined that the Project would not cause the substantial or accelerated physical deterioration of public park and recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. A change in the recreational use of the Project Site is not alone a significant impact on the environment under CEQA. Thus, the Draft EIR correctly identified recreation impacts as less than significant. In no way do “spectators” affect the recreational impact conclusions in the Draft EIR.

### **Comment No. IND 245-11**

I'd like to see guaranteed public access. I can see the school may say it is in use by Harvard-Westlake for maintenance or rental to other schools or organizations and the public times will gradually will be eliminated. As a suggestion, it would be great to have all of the facilities open to the public on Sundays.

### **Response No. IND 245-11**

The comment requests a commitment that public access be provided. Please refer to Topical Response No. 3 – Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Finally, as noted on page II-47 in Chapter II, *Project Description*, of the Draft EIR, no School athletic activities would take place on Sundays, thereby leaving those facilities available for non-School uses as suggested by the commenter.

## Comment Letter No. IND 246

Kurt Gulsvig  
Received May 10, 2022

### Comment No. IND 246-1

I am writing you this email in hope that you consider an alternate location for this project.

Weddington is an historic golf facility that provides an inclusive green space for the public.

It would be a mistake to pursue the project in this location. Please find a solution other than the one proposed.

Many thanks for your time and consideration. On a personal note, I was golfing at Weddington when I found out a dear friend of mine had passed away from cancer. We were both golfers, and I can't help but think he guided me to the course that day. This course, and its facilities, are very dear to me and so many others you've heard from already. Harvard Westlake has the means to find alternate accommodations. Do the right thing here!

### Response No. IND 246-1

The comment requests an alternate location for the Project. The comment, however, does not suggest or recommend an alternative site(s). Alternative site locations were evaluated in Chapter V, *Alternatives*, of the Draft EIR. The reasons that alternatives sites were considered and rejected is provided in Section V, page V-6, of the Draft EIR. In addition to a site with the size to accommodate the Project Objectives, the other criteria for the Project include proximity to the existing Harvard-Westlake's Upper School campus on Coldwater Canyon Avenue and a site with level topography to allow for the development of the contemplated recreational facilities. Proximity is a criteria factor because of the need for daily commuting from the Upper School campus, as it relates to higher daily vehicle miles. As concluded in Section V, no other location with adequate acreage and topography exists within proximity to the Upper School campus.

Also, to clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 247**

Michaela O'Toole

Received May 10, 2022

### **Comment No. IND 247-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis. I have lived in my house which overlooks the golf course on Sunswept Dr. since 1984. Over the years I have seen many changes but this would be a disastrous change with increased noise and negative environmental results.

### **Response No. IND 247-1**

The comment expresses general opposition to the Project and expresses concern over increased noise and environmental impacts. Please refer to Topical Response No. 8 – Noise: Construction and Operation Impacts, for a discussion of construction and operational noise impacts.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. IND 247-2**

I brought my children up in this house and we all used the golf course and have enjoyed the trees and expanse of green still left in Studio City. This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space. The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans. This property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

### **Response No. IND 247-2**

This comment provides the same comments presented in Form Letter 3. Responses to this comment are provided in Response Nos. FORM 3-3 to FORM 3-5.

## **Comment Letter No. IND 248**

Carl

Received May 11, 2022

### **Comment No. IND 248-1**

I am a resident of Los Angeles County since 1976. In that year the tennis in Los Angeles was abundantly supported in most communities. On the weekends especially, I would play in Studio City, Century City, Fairfax, Griffith Park, Rancho Cienega and other locations all in one weekend. I met many friends and a beautiful tennis culture existed. It was like a family. We all enjoyed the company and the environment. It was a great way to get out after the end of a heavy work week.

Over the years I continued to play tennis. I became a USPTA Certified Professional Coach and a USTA Certified Umpire. I was former tennis coach at Penmar Recreation Center for the City of Los Angeles. But I've also seen the tennis community that I loved vanish.

The public park tennis clubs had a severe decline in membership, as the public courts became pay courts. In addition, kids could no longer go out on a tennis court and learn the game from their older siblings, a parent or a nice guy like myself, due to the concession permits that established business monopolies (on giving tennis instruction) on public taxpayer courts, to the benefit of a few. You can still take a kid out and teach them baseball or basketball after school or on a weekend in a public space, but not tennis.

Weddington Golf & Tennis is the only tennis facility that I know of where I can teach tennis as an independent coach. That is, not as an employee of a monopoly concession permit holder (LA Tennis, iTennis, etc.) I have been teaching music composition for orchestra to kids 5 and older for ten years at the City of Los Angeles Public Libraries (Silver Lake and Baldwin Hills). All of the classes are year-round and free. It's impossible to reach kids like this anywhere except Weddington Golf & Tennis. They permit all coaches to coach without exception. I am in full support of all of the following:

### **Response No. IND 248-2**

The comment provides the personal experiences regarding existing court availability from a tennis teaching pro that uses the site's existing tennis facilities. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The commenter is referred to Topical Response No. 11 – Recreation: Golf and Tennis Facilities, for a discussion of impacts related to the Project's provision of tennis facilities for public use. As discussed therein, the existing tennis courts are not fully booked each day and the Project would accommodate the same number of weekly sessions that actually take place under existing conditions, including existing and future student use.

Tennis would be available to the public under a reservation system that allows concurrent use with students (who use the courts in the late afternoons) when courts are available.

### **Comment No. IND 248-3**

I strongly oppose Harvard-Westlake School's planned destruction of Weddington Golf & Tennis. The proposed conversion of the Weddington Golf & Tennis property into a private high school sports complex is concerning for a number of reasons.

1. With LA's green open space disappearing, Harvard-Westlake plans to service a privileged, select few by replacing 16 irreplaceable acres with artificial turf and concrete buildings, as well as by exerting their influence to secure variances to Weddington Golf & Tennis' A1 Agricultural Open Space zone allowances from the City.

2. By destroying the property's significant existing urban tree canopy along the LA River and replacing it with 12-foot walls, artificial turf, saplings, and towering light poles, the end result allows practices, games, and special events that will generate increased noise and traffic, which does not conform to the surrounding community.

3. Weddington Golf & Tennis is often referred to as "the gem of Studio City" and considered a local landmark for nearly 70 years. The LA Cultural Heritage Commission (CHC) supported Historic-Cultural Monument (HCM) designation for the ENTIRE 16-acre Weddington Golf & Tennis subject property. For that reason, we strongly support the mysterious, last-minute revisions be reversed and the designation restored to the CHC's original recommendation: preserving the subject property, which encompasses the golf course, driving range, and a majority of the site's green open space and tree canopy.

4. Millions of Angelenos from all over the City and San Fernando Valley have experienced Weddington Golf & Tennis since its opening in 1956. It is incumbent upon the City to protect precious affordable public spaces from developers and special interests, like Harvard-Westlake, who only serve a privileged few.

5. Traffic and congestion continue to grow at an alarming rate in LA. If allowed to proceed, Harvard-Westlake will spend the next four to five years building a massive \$100 million dollar sports complex for its students, while the rest of the community grapples with the plan's significant impact on our roads, traffic, and commutes to work and school.

This project hinges on the granting of a Conditional Use Permit (CUP) and since the proposed plan does not satisfy the necessary conditions, a CUP should absolutely NOT be granted.

It's shocking that Harvard-Westlake would consider spending \$100 million on a sports complex for a privileged few, when hundreds of thousands of students citywide are lacking the most basic tools needed to succeed. Therefore, we urge Harvard-Westlake to move its proposed complex to a more cost effective alternative site, like the nearby Los Angeles Valley College, which the School has previously used for its tennis operations –

even recently refurbishing the College's tennis courts. With this good neighbor gesture, Harvard-Westlake would not destroy a beloved community asset, but rather, provide for the community and service a much wider area by improving facilities at Los Angeles Valley College.

Finally, please note that more than 14,000 community members have signed a petition supporting the preservation of the 16-acre Weddington property in its entirety. These individuals are counting on you to subscribe to a higher standard, support the public's interests, stand firm against Harvard-Westlake's lobbyists and moneyed special interests, and deny approval of the CUP and certification of the DEIR.

Thank you for your time and consideration of this most important matter

### **Response No. IND 248-3**

This comment provides the same comments presented in Form Letter 4. Responses to this comment are provided in Response Nos. FORM 4-1 to FORM 4-9.

## **Comment Letter No. IND 249**

Carolyn Seeman  
Received May 11, 2022

### **Comment No. IND 249-1**

Please do not approve this project. It will destroy the character of the neighborhood and create a traffic nightmare.

### **Response No. IND 249-1**

The comment expresses general opposition to the Project and expresses concern over changes to community character and traffic. The commenter is referred to Topical Response No. 4 – Aesthetics, for a discussion of the visual impacts of the Project. The commenter is also referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project’s traffic patterns, effects on local streets, and consistency with CEQA threshold levels.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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## **Comment Letter No. IND 250**

Erna Toback  
Received May 11, 2022

### **Comment No. IND 250-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis.

This huge project will degrade the integrity and character of Studio City and will be detrimental to the quality of life, property values, and access to recreational open space.

### **Response No. IND 250-1**

This comment provides the same comments presented in Form Letter 3. Please refer to Response Nos. FORM 3-1 and FORM 3-3.

### **Comment No. IND 250-2**

Furthermore, the additional traffic adjacent to Coldwater Cyn and Ventura Blvd. created by this massive project, will increase dramatically—and it's already listed as one of the three worst intersections in the valley.

### **Response No. IND 250-2**

This commenter expresses concerns regarding traffic impacts adjacent to Coldwater Canyon Avenue and Ventura Boulevard. The commenter is referred to Topical Response No. 9 – Transportation and Parking During Construction and Operations, for a discussion of the Project's traffic patterns, effects on local streets, and consistency with CEQA threshold levels. As discussed in Topical Response No. 9, the Project's construction and operation transportation/traffic impacts were fully evaluated in Section IV.M, *Transportation*, of the Draft EIR. As determined therein, all CEQA-required transportation impacts would be less than significant without mitigation. Also see the LOS analysis of the Ventura/Coldwater intersection in the Transportation Assessment (TA) in Appendix M of the Draft EIR. As evaluated therein, the Project would not adversely impact existing or future service levels.

### **Comment No. IND 250-3**

The studies included in the recently released DEIR paid for by Harvard Westlake, do not adequately address the most serious impacts including, but not limited to; traffic, noise, construction, and climate. The mandatory "alternative plans" suggested are disingenuous and lacking in a realistic effort to offer alternate sites or plans.

**Response No. IND 250-3**

This comment provides the same comment as presented in Form Letter 3. Please refer to Response No. FORM 3-4.

**Comment No. IND 250-4**

In addition to all of the above, I was part of a Fryman Canyon neighborhood group, which worked for several years to save 200+ acres of native land, which was under the threat of destruction by a developer who planned to build around 200+ new homes on this land. Yet, our group attended hearings, we each stood-up and spoke to the committee, and Nancy Pohl--for whom the the [sic] lookout on Mulholland (between Laurel Cyn and Coldwater) was named, eventually partnered with The Santa Monica Mountain Conservancy, which eventually saved our native trees, plants, and wildlife from total destruction.

**Response No. IND 250-4**

The comment provides reference to the commenter's affiliation with the Fryman Canyon neighborhood group. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. IND 250-5**

Lastly, this property is zoned agricultural/open space and requires "special entitlements" and a "conditional use permit". Both would need your approval to be granted. You are the only councilmember who has a master's degree in urban planning. It is arguable that you know more about this subject than any other councilmember. Please use your unique skills to speak for over 100,000 Angelenos who enjoy this beloved facility annual and deny permission to build this project.

**Response No. IND 250-5**

This comment provides the same comment as presented in Form Letter 3. Please refer to Response No. FORM 3-5.

## **Comment Letter No. IND 251**

Marty Fortney

Received May 11, 2022

### **Comment No. IND 251-1**

I am writing in opposition to Harvard Westlake's destruction of Weddington Golf and Tennis. This is simply a case of a rich and powerful institution aggressively trying to change the character of an inclusive public space.

Weddington Golf and Tennis is an affordable recreational space for the community. For a private school to transform this space would be a gross misuse of power.

### **Response No. IND 251-1**

The comment expresses general opposition to the Project based on the loss of the existing Weddington Golf & Tennis facility.

To clarify the existing property rights and on-site uses, the Project Site is not public open space. The land that currently comprises Weddington Golf & Tennis, which was first purchased by the Weddington/Becker families and then sold to Harvard-Westlake in late 2017, has been privately owned since the late 1800s. No public access to the Project Site is allowed, except for fee-based tennis or golf uses, as well as access to the café. Thus, the ability to use the golf and tennis facilities on the Project Site has been controlled by the private property owners and is not generally considered a public facility open to the public as implied by the comment. Further, unlike a public property, the Project Site may be closed at the property owner's sole discretion. However, upon completion of the Project, public access to the various recreational amenities onsite would be provided.

The commenter is referred to Topical Response No. 3 - Enforcement of Public Access, for additional details regarding public access and use of the Project Site, and a discussion of the School's commitment to public access and shared use of recreational facilities as set forth in the Draft EIR. Also, see Topical Response No. 11 - Recreation: Golf and Tennis Facilities, for a discussion of recreational opportunities available to the public with Project implementation.

This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 252**

Roman Verba

Received May 11, 2022

### **Comment No. IND 252-2**

I am a retired city employee and have been resident of Studio City for more than 30 years. With all my heart I would like to ask for city to prevent disappearance of Weddington.

### **Response No. IND 252-2**

The comment expresses general opposition to the Project due to the loss of the Weddington Golf & Tennis facility. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 253**

Craig Stevens  
Received May 16, 2022

### **Comment No. IND 253-1**

Can you please notify me when the public hearings will be for this Case Number on the Harvard-Westlake River Park Project as I'm interested in attending the hearings.

### **Response No. IND 253-1**

The City of Los Angeles Department of City Planning Case Planner: "Thank you for your email regarding the proposed Harvard-Westlake River Park Project. Yes, I have included you on City Planning's Interested Parties list to receive future correspondence regarding the proposed Harvard-Westlake River Park Project, which will include notifications for public hearings regarding the Project."

The response above was provided by the Los Angeles Department of City Planning via email communication with Mr. Stevens. The numbered comment from Mr. Stevens is derived from email communication between Mr. Stevens and the Department of City Planning. This email communication is considered a comment for the purposes of this Final EIR and has been made part of the administrative record. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is necessary.

## **Comment Letter No. IND 254**

Harold Brody  
Received May 16, 2022

### **Comment No. IND 254-1**

I write to advise you of my enthusiastic support for Harvard-Westlake's River Park proposal. As background, I live in Sherman Oaks and am an avid recreational tennis player who, at present, plays once a week at Weddington. In addition our daughter graduated from Harvard-Westlake several years ago and I think very highly of the school.

I believe the proposal balances HW's justifiable need to build a gymnasium with the community's many objections. The proposal will still permit public use of the tennis courts (hardly a pressing need in light of the large number of courts in the vicinity) and addresses the community's concerns re noise and traffic. In addition, the proposal will add to available public parkland and permit greater public access to the property than is currently permitted.

Thank you for your consideration.

### **Response No. IND 254-1**

The comment expresses support for the Project based on the provision of publicly accessible recreational facilities. This comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

## **Comment Letter No. IND 255**

John and Michelle Hales  
Received May 9, 2022

### **Comment No. IND 255-1**

We fully endorse the following letter in its entirety written by Joanne D'Antonio.

*(The comment includes a copy of the letter from Joanne D'Antonio with the LA Community Forest Advisory Committee (CFAC) on May 9, 2022, which provided as Letter No. ORG 14A.)*

### **Response No. IND 255-1**

The comment provides support for Letter No. ORG 14A. The comment it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

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