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May 10, 2013

Via Email and U.S. Mail

Ms. Emily Dwyer
Los Angeles Department of City Planning
Los Angeles, CA 90012
Email: Emily.Dwyer@lacity.org

Re: Comments on Notice of Preparation and Scoping Comments on Harvard-Westlake Parking Plan; Public Records Act Request for Documents Related to Project Site since 2006; Request for Notice

Dear Ms. Dwyer:

Thank you for the opportunity to comment upon the Scope of the Proposed Environmental Impact Report (EIR) on the Harvard-Westlake Parking Improvement Plan (the Project). On behalf of Save Coldwater Canyon!, we submit the following comments to ensure the City's EIR will properly consider the Project's potential impacts on this precious, idyllic area of the City, and ways to reduce or avoid those impacts altogether.

We submit our comments as a supplement to those of Ms. Jennifer Rothman, Esq., dated May 9, 2013, and incorporate those comments by reference. (Enclosure 1.)

I. THE CITY MUST COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. The Notice Of Preparation Should Accurately Describe The Entire Project.

The California Environmental Quality Act (CEQA) requires a Notice of Preparation to include a description of the project, the location of the project, and the probable environmental effects of the project. (Tit. 14 Cal.Code Regs. (Guidelines), § 15082.) An EIR, like the Notice of Preparation, must contain a detailed statement of all significant effects on the environment of the proposed project. (Pub. Resources Code § 21100.) The courts have stated that: "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.)

Contrary to these principles, it appears that the project applicant has chosen to submit for review and approval only a portion of the entire project that it actually contemplates. As Ms. Rothman points out, the applicant has been buying property in the area and likely intends more development on the west side of Coldwater Canyon. The entire plan must be disclosed. The definition of “project” is “extremely broad” under CEQA. (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1188-1189.) A “project” is any activity by an agency which may cause either a direct or reasonably foreseeable indirect physical change in the environment, and encompasses “the whole of an action.” (Pub. Res. Code §21065(a); Guidelines § 15378(a).)

A project may not be segmented into individual pieces for purposes of review, and thus avoid analysis of the totality of the impacts. “The significance of an accurate project description is manifest, where, as here, cumulative environmental impacts may be disguised or minimized by filing numerous, serial applications.” (*Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346.) In *Arviv Enterprises*, a developer purchased various lots on a steep hillside in the Mulholland Scenic Parkway Specific Plan area of Los Angeles with the intention of building a house on each of 21 of them, but failed to submit an application analyzing the impact of building all of them. Rather, the developer impermissibly applied for each lot individually. Proper review must ensure that “environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Com. of Ventura County* (1975) 13 Cal.3d 263, 283–284; see also, *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 165, [county abused its discretion in adopting negative declarations for each portion of the project because it failed to consider the cumulative impacts of the project as a whole]; *Burbank–Glendale–Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592, 284 Cal.Rptr. 498 [“A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole.”])

B. The City Must Provide Adequate Notification to the Public.

Ms. Rothman identifies a number of defects in the public notice in connection with this Project application. (Rothman letter, p. 13.) The California Supreme Court has found that members of the public hold a “privileged position... in the CEQA process ... based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision-making....” (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936, 727 P.2d 1029, 1033.) We request that adequate notice be provided to a sufficient radius of

properties likely to be affected by the Project, and that a 45 day extension of time to comment about the Project be granted.

Additionally, we strongly suggest that potential responsible and trustee public agencies be provided with notice of the preparation of the EIR. It is our understanding that the Santa Monica Mountains Conservancy had no notice of the release of this NOP until local residents advised its representatives about it. We question whether other potentially interested agencies such as Caltrans, SCAQMD, or the Department of Fish and Wildlife have been advised about the proposal of this Project.

CEQA requires the NOP to include sufficient information describing the potential environmental effects of the project to enable responsible agencies to make a meaningful response. (CEQA Guidelines § 15082(a)(2).)

C. A Reasonable Range Of Alternatives To The Proposed Project Must Be Included In The EIR.

The alternatives analysis is “the core of the EIR.” (*In re Bay Delta, supra*, 43 Cal. 4th at 1162.) An EIR must include a reasonable range of alternatives “that could feasibly attain most of the basic objectives of the project *while avoiding or substantially lessening any of the significant effects of the project.*” (Guidelines §15126.6(f), emphasis added.)

CEQA’s core statutory purpose is to *avoid* adverse impacts. In order to avoid adverse impacts, the EIR’s consideration of alternatives cannot be overly constrained by the Project proponent’s desired set of objectives. CEQA requires the EIR to contain a “statement of the objectives sought by the project.” (14 Cal. Code Regs. [hereafter “Guidelines”] §15124(b).) While “a lead agency may not give a project’s purpose an artificially narrow definition” and thereby circumscribe the alternatives analysis (*In re Bay Delta Prog. Environmental Impact Report Coord. Proceedings* (2008) 43 Cal. 4th 1143, 1166), if the alternatives analysis includes “enough of a variation to allow informed decision-making” it will withstand judicial scrutiny. (*Mann v. Comm. Redev. Agency* (1991) 233 Cal. App. 3d 1143, 1151.) In assessing whether an EIR contains a reasonable range of alternatives, the reviewing court will determine whether “the range of alternatives is unreasonable in the absence of the omitted alternative.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 991.)

Ms. Rothman has identified a number of on-site design and off-site alternatives. (Rothman letter, pp. 12-13.) We urge you to meaningfully consider these alternatives, and not reject them as infeasible or unable to attain most project objectives.

D. The EIR Must Comprehensively Address All Of The Project's Potentially Significant Environmental Effects.

To be legally adequate, an EIR must comprehensively identify and address all of the "significant environmental effects" of a proposed project. (Public Resources Code § 21100(b)(1); CEQA Guidelines § 15126.2.) Both "[d]irect and indirect significant environmental effects" must be analyzed, "giving due consideration to both the short-term and long-term effects." (CEQA Guidelines § 15126.2(a).) It will be critical for the EIR to address impacts in the areas of aesthetics, biological resources, air quality, geology and soils, traffic and access, land use plans, noise, and hazardous materials. (Rothman letter, pp. 3-12.)

1. Biological Resource Impacts Must Be Detailed and Mitigated.

The Initial Study states that mature trees in an oak and walnut woodland would be impacted by the Project. (Initial Study, p. 27.) The EIR must address ways in which impacts to the protected trees can be avoided, not just mitigated by replacement. Alternative site designs could avoid some impacts to protected trees. As stated by Ms. Rothman, the project will "significantly and negatively impact the biodiversity of the flora and fauna of the neighborhood and of the Santa Monica Mountains." (Rothman Letter, p. 8.) Additionally, the potential existence of a wildlife movement corridor in the area must be considered. These biological resource impacts must be thoroughly analyzed and mitigated or avoided completely.

2. Air Quality and Human Health Could Be Adversely Affected.

The Initial Study states that 135,000 cubic yards of dirt will have to be transported during construction of the project. (Initial Study, p. 11.) The extent and nature of the construction activities will likely lead to extensive air quality impacts from heavy construction vehicle traffic necessary to remove this dirt. With nearby sensitive receptors in residential areas surrounding the Project site, avoiding or mitigating air pollution impacts to the fullest possible extent will be critical. Ms. Rothman correctly identifies numerous areas in which accurate, complete information about air quality impacts must be supplied. (Rothman Letter, p. 5.)

3. Land Use and Planning Inconsistencies Must Be Fully Addressed and Avoided.

CEQA requires an EIR to address any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. (Guidelines Section 15126 subd. (d).) The Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan should guide development in this area in addition to the City's Municipal Code. As Ms. Rothman correctly identifies, the initial study's anticipation of lack of conflicts is unsupported in light of the fact that much of the land involved is desirable open space and numerous variances are being sought. (Rothman Letter, p. 10.)

The Project would include numerous discretionary actions, many of which should not be granted absent special circumstances that entitle the applicant to special relief from Municipal Code requirements. The discretionary actions are:

Conditional use permit- pursuant to LAMC section 12.24-T,3(b)
Modification of setbacks;
Modification of height limits;
Modification of grading and export limits pursuant to section 12.24-F;
Waiver of Tentative Map requirement of LAMC section 91.7006.8.2;

(April 12, 2013 Notice of Preparation, Anticipated Discretionary Actions, p. 3.)

These are in addition to the applications for airspace vacation for a bridge, Cultural Affairs commission approval; removal and encroachment permits for protected trees (for which the applicable section of the LAMC is not identified); demolition and construction permits, and haul route approvals. (*Ibid.*)

By selection of an alternative design of the Project, or choice of an alternative location, many of these special approvals could be rendered unnecessary. Therefore, they may not be approved.

"The grant of dispensation [such as a variance] is a matter of grace, and a refusal is not the denial of a conditional statutory right; it merely leaves in operation the statute adopted by the legislative body." (*Rubin v. Board of Directors* (1940) 16 Cal.2d 119, 124.) The failure by the applicant "to prove any of the matters required by a variance ordinance must result in a denial of the variance application." (*Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 927; *City of San Marino v. Roman Catholic Archbishop* (1960) 180 Cal.App.2d 657, 671-672.)

One of the fundamental requirements for a variance or exception is that it not grant relief from a self-imposed hardship. In *City of San Marino v. Roman Catholic*

Archbishop (1960) 180 Cal.App.2d 657, 672-673, the defendant sought a variance to build a rectory, parking lot and a playground on property zoned for residential use when it was purchased. In finding a variance unsupported, the court reasoned “Self-induced hardship is not within the purview of the ordinance. . . . One who purchases property in anticipation of procuring a variance to enable him to use it for a purpose forbidden at the time of sale cannot complain of hardship ensuing from a denial of the desired variance.” (*Id.* at 673.)

Among other requirements, Los Angeles Municipal Code requires a finding that strict application of the zoning ordinance would result in practical difficulties or unnecessary hardships. Where a property may be used effectively for its intended purpose, in this case residential estate development, without a variance, a finding of unnecessary hardship cannot be supported merely to increase the value or utility of the property. (*Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 926 [“. . . there is no evidence demonstrating that the property cannot be put to effective use as a gasoline station without the automobile detailing operation.”]) In *Stolman*, the Court of Appeal rejected the City of Los Angeles’ determination that the findings required for issuance of a variance for a car detailing operation at a gas station in a residential area were supported by substantial evidence.

Therefore, the requested variances may not be granted merely because an applicant applies for them. The EIR must address the potential justifications for such variances, and the feasibility of alternatives that would avoid requiring such variances.

Additionally, past and continuing violation of the CUP that was previously granted by the applicant must be fully examined and corrected. Paragraph 7 of the 2006 CUP specifically states that the “light source” used on the field must be “designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties” but nearby properties have experienced light spillage. Before granting new privileges to the applicant, compliance with past CUP conditions must be ensured.

4. Traffic and Safety Access Issues Must Be Addressed.

The Project as proposed will severely impact the surrounding infrastructure. (Rothman Letter, pp. 5-6.) The EIR must thoroughly assess traffic impacts to local and regional roads affected by the Project. Fire Department safety and access must be critical subjects of the EIR, as well as its impacts to the state highway system.

5. Geology and Soils.

The initial study states that “It is estimated that the excavation would require the removal of approximately 135,000 cubic yards of soil from the site.” (Initial Study, p.

11.) This is a massive amount of soil movement. Considering that most haul trucks will remove 10 cubic yards per trip, this amount of soil movement would require 13,500 heavy truck trips, or 27,000 one way trips. This will likely have enormous air pollution, noise, vibration, and traffic impacts that must be thoroughly analyzed and mitigated.

Additionally, as Ms. Rothman states, historical conditions in the area indicate erosion, landslides, and mudslides could be a potentially significant impact. (Rothman Letter, p. 8.) The previous rejection of plans by the Mulholland Scenic Parkview Design Review Board for construction of new homes on the 3600 block of Potosi due to “proximity of parkland, the excessive grading, the dangers of erosion, and the fact that the project would not reserve the natural vegetation and ecological balance” must be fully explained in the EIR, as well as why the current plans are different if they are. Similarly, the design and impacts of the proposed retaining wall must be fully explained, as well as mitigation measures or alternatives that will reduce or eliminate those impacts.

6. Noise Impacts.

Noise impacts could be significant. (Rothman Letter, p. 10.) The City’s noise element and Municipal Code requirements must be thoroughly analyzed and observed. The significance of noise impacts depends on their environmental setting. The current environment is one of relative quiet, with “birds chirping, crickets, owls and wind blowing through the canyon.” (Rothman Letter, p. 10.) Against this baseline, any additional noise impacts must be measured and could be significant.

II. Public Records Act Request.

Pursuant to the California Public Records Act, Government Code Section 6250 et seq., we request all writings related to the following:

- (1) The proposed Project including but not limited to the July 2010 Preliminary Geotechnical Investigation (Initial Study, p. 32), biology, traffic, noise, hydrology, and other reports about the Project;
- (2) Mulholland Scenic Parkview Design Review Board rejection of construction of new homes on the 3600 block of Potosi Avenue in the past 10 years
- (3) Retaining wall applications and exceptions under city ordinance No. 176445 in the past 15 years in the Sherman Oaks-Studio City-Toluca Lake- Cahuega Pass Community Plan area.

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III. Request for Future Notices.

Pursuant to Public Resources Code section 21092.2, we request all notices of documents or hearings related to this proposed project.

Conclusion.

We look forward to participating in the review process for the proposed Project. Thank you for your attention.

Sincerely



Douglas P. Carstens

Cc: City Clerk

Enclosure: Jennifer Rothman Letter of May 9, 2013 to Emily Dwyer

ENCLOSURE 1

Jennifer E. Rothman
Save Coldwater Canyon!
c/o Loyola Law School, 919 Albany St.
Los Angeles, CA 90015

May 9, 2013

Ms. Emily Dwyer
Major Projects
Los Angeles Department of City Planning
Los Angeles, CA 90012
Email: Emily.dwyer@lacity.org

Re: Comments on Notice of Preparation and Scoping Comments on Harvard-Westlake Parking Plan; Request for Additional Time to Provide Scoping Comments

VIA EMAIL AND U.S. MAIL

Dear Ms. Dwyer:

I am writing on behalf of myself and the organization, Save Coldwater Canyon!, to express our significant concerns with the proposed Harvard-Westlake Parking Plan, which rather than “improve” the neighborhood as Harvard-Westlake claims, will irrevocably alter one of the last remaining open spaces in Los Angeles, destroy a widely recognized “idyllic” neighborhood, exacerbate storm run-off and flooding, jeopardize the stability of the hillside, destroy native plant and animal habitats, add traffic congestion, increase wildfire danger, and produce significant air, noise and light pollution thereby causing a nuisance and health hazard. I and most of the over 80 members of Save Coldwater Canyon! are residents of the affected neighborhood in Studio City, CA. As such, I am well situated to comment on the likely impact of the proposed development.

My review of the Initial Study (IS) and Checklist dated April 12, 2013, reveals a number of concerns which do not appear to have adequately been addressed or that appear to misstate information about the surrounding neighborhood and project. Each of the issues I raise should be addressed in the draft Environmental Impact Report (EIR). In addition to addressing the likely environmental impact of the proposed development, the Department of City Planning (DCP) must also more fully investigate whether there is in fact a need for this project and consider fully the many environmentally superior alternatives to the current proposal.

I. Introduction

Harvard-Westlake’s project does not conform to existing zoning. Rather, the applicant is asking for a large number of exceptions from city regulations, including, inter alia, zoning laws, setback and height limits, building on land that has been designated “desirable open space”, and cutting down and encroaching on protected trees. The sheer number of exceptions sought itself shows that this project is inappropriate for this location and will alter the character of the

neighborhood and the customary building practices in the area. It also will split the school campus, leaving open the possibility of (and making more likely) further encroachment on this exclusively residential neighborhood. The DCP should be aware that Harvard-Westlake has been buying some residential properties in the neighborhood and there is therefore a real possibility that they intend more development on the west side of Coldwater Canyon. A number of Harvard-Westlake's statements and actions in this process also have suggested that they are acting in bad faith. In addition, there has been a significant notice problem with the most affected properties not receiving any notice of the proposal from either the city or Harvard-Westlake. This letter will first address the claimed need for additional parking, proceed to raise a number of environmental concerns, document the notice problems and some of the bad faith actions taken by Harvard-Westlake. Finally, this letter suggests numerous superior alternatives to the current proposal.

II. No Need for Additional Parking

Although Harvard-Westlake and the Initial Study have suggested that there is a "parking problem", this has not been established and as a resident of the neighborhood directly west of Coldwater Canyon and the school, I have had no problem whatsoever with parking spillover from the campus. In speaking with approximately 30 neighbors about this issue, none has suggested that this is an issue. Some residents of Coldwater Canyon itself have stated that they are not bothered by student parking. Most importantly, the evidence in the record suggests that Harvard-Westlake already has more than sufficient parking. The LAMC Zoning Code requires the school to have 436 parking spaces available. The school currently has 568 spaces. (Initial Study at 10.) The school therefore has over 130 more parking spaces than it in fact is required to have. The proposal without justification seeks to nearly double the number of parking spots to 1,126. (Initial Study at 10). This number far exceeds one spot per driving-age persons affiliated with Harvard-Westlake given that a number of the 900 students are under 16 years of age. (See *id.*)

Evidence before the city demonstrates that Harvard-Westlake has already conceded that it does not need additional parking. Harvard-Westlake has repeatedly claimed in its applications for approval of various building plans that it has more than sufficient parking. (See Initial Study at 18-19; see also ZA-1992-0579-PAD, ZA-1997-0377-PAD, ZA-1999-0093-PAD). For example, in a 1999 application by the school for the demolition of and replacement of several buildings, the school wrote that its own parking study demonstrated that the school already had "substantially more than the 436 parking spaces that were provided on campus in 1992 and that were determined at that time to be adequate to meet the parking needs of the campus." (See Initial Study at 19). The application continued to note that since there was no plan to increase enrollment there was no need for any additional parking. It is disingenuous now – having received approval for each of these building permits – to turn around and claim that those statements are not true and that more parking is needed. This sudden change of heart with regard to whether there is "substantially more" parking than the school needs also leads one to question the claim that the school does not intend to increase enrollment, which it stated in 1999 would be the only reason to increase parking.

In short, the proposed development will not solve a parking shortage because no such shortage has been documented. Instead, the development will increase traffic by encouraging driving by students and faculty, and also by likely increasing enrollment or attendance by third-parties at various athletic and other school events.

III. Aesthetics

A Designated Scenic Highway and Views from Residences

Coldwater Canyon is a Designated Scenic Highway. If the proposed development goes forward this wonderful view of the Santa Monica Mountains will be replaced by a large unsightly bridge and three-story parking structure destroying the view of the natural landscape that can be seen from both the South and North. No matter how architecturally attractive the bridge and parking lot, they will mar the unspoiled vistas. The cutting down of the old growth trees will also detrimentally impact the mountain landscape. Views of mountains, trees, native plants, and animals (such as deer, owls, butterflies and more) will be replaced with views of cars, a parking lot, a large crossing bridge and an artificial field virtually in the backyard of neighborhood residences. Such impacts will unquestionably substantially degrade, if not entirely destroy the scenic vistas, scenic resources, and the visual character and quality of the neighborhood and site.

Light Pollution and a Precedent of Negative Impact

The planned development will also cause significant impact from both lighting towers on the proposed field and glare and lights from bridge. Since 2007 (pursuant to a conditional use permit (CUP) that was not widely publicized to the neighborhood), Harvard-Westlake has added lighting towers to its existing field (the Ted Slavin Field). Since the addition of these lights, the field has had a significant and detrimental impact on the neighborhood. Many neighbors have witnessed the lights on long past the purported 8 p.m. cut-off. (See Initial Study at 24; CPC-2006-2375-PAD). Although the CUP does permit 8 days a year when the lights may be on until 11: 00 p.m., several residents of the community have suggested that the lights are on past 8 p.m. outside of these designated 8 days.

The lights shine into some neighborhood properties forcing people to vacate their backyards and close blinds. The lights also destroy the night sky. One of the most wonderful and prized aspects of living in the Coldwater Canyon neighborhood and the foothills of Studio City is that unlike most other neighborhoods in Los Angeles, residents can actually see stars in the night sky. When the field lights are on, residents can no longer enjoy the night sky.

Paragraph 7 of the 2006 CUP specifically states that the “light source” used on the field must be “designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.” This condition has been violated. Paragraphs 3 and 7 of the CUP, suggest that “state-of-the-art light reflector technology shall be used to minimize both horizontal light spillage and ‘sky glow’ upward light.” (CPC-2006-2375-PAD). If this technology is in place – the same suggested for use on the newly proposed field – it is not working.

There is therefore good reason to conclude that Harvard-Westlake is in violation of its existing CUP for the Slavin Field and the DCP should investigate the parameters of this CUP and the school's compliance as part of this EIR process. If Harvard-Westlake has violated the CUP, that fact would be critically important in determining whether the school merits additional exceptions from existing zoning and city ordinances, and whether, if those were granted, it would comply with any conditions set by the CUP.

Even if Harvard-Westlake has complied with the specifications of the 2006 CUP, the neighborhood experience demonstrates that the light that emits from the field has a much greater impact than was initially thought. The neighborhood's actual experience with the lights from the Ted Slavin field must be included in the EIR.

Moreover, there is reason to conclude that the proposed field and lights will be even more detrimental to the aesthetics of the neighborhood. The field will be elevated causing more light to intrude into the neighborhood and houses, and obscuring the night sky. Although the Initial Study suggests that the proposed lights will be designed to limit the escape of light from the field (see Initial Study at 25), the neighborhood's prior and first-hand experience with the Harvard-Westlake use of lights at the Ted Slavin Field demonstrates the fallacy of such a conclusion. As noted above, these towers do emit light far from the field. This lights up resident's houses, backyards and ruins the enjoyment of these spaces, as well as of the night sky. We hope that as part of the EIR process, the DCP will speak with neighborhood residents, particularly those on Coldwater Canyon, Galewood, Blairwood, and Van Noord Aves to hear first-hand about the effect of the lighting from the current athletic field. We already know that the lights on the current field have a significant and detrimental impact. Given the greater proximity to residences and the height of the lighting towers on the proposed field, it is fair to conclude that the impact will be even greater. Given the past history, the City should consider revoking and/or modifying the 2006 CUP and certainly should be very cautious about authorizing any new lighting on a facility even closer to a large number of private residences.

In addition to the detrimental impact of the lights on the proposed field, the bridge itself would produce glare during the day and lighting pollution at night. The bridge will likely have sun reflect off of it in ways that may impair drivers' safety going up and down the canyon road and that will enter houses nearby. At night, the bridge will be operational until at least 11:30 p.m. (Initial Study at 9) and will be lit at least during these hours causing additional light to pour into people's houses, disturb viewing of the night sky and potentially impair drivers' vision.

Proposed Mitigation Measures Insufficient

Nor will the proposed landscaping mitigate the detrimental impact of the bridge, field or lighting. (See Initial Study at 21). None of these aesthetic harms is altered or affected by the proposed landscaping. Moreover, the proposed landscaped cannot in any way compensate for the aesthetic and biological loss of over 100 native old growth oak and walnut trees, as well as hundreds of other old growth trees, and other native plants. Replacing these old growth trees with newer, smaller caliper trees of different species will have a dramatically negative effect on the aesthetics of the canyon road and hillside.

IV. Air Quality, Greenhouse Gases & Traffic

Increase in Traffic Volume

The claims in the Initial Study and in Harvard-Westlake's materials circulated in conjunction with the proposed development are contingent on the conclusion that there will be no additional cars brought to the area as a result of the addition of the three-story parking garage. (See Initial Study at 26). This is a highly suspect conclusion. There are currently 568 parking spots available. After the construction there will be 750 additional spots for a total of 1,126 (given that some spots will be removed after the construction). This will lead to a net increase in parking spots of 558. The only way to conclude that there would be no net increase in traffic students, is if there are in fact over 500 cars from Harvard-Westlake students parked in local streets every day. This is not the case. It is only on occasional big event days, such as graduation or homecoming, that cars are parking en masse in our neighborhood. Instead of parking in the neighborhood, some students are being dropped off, carpooling, taking school buses, walking to school, riding their bikes and taking public transportation. Harvard-Westlake claims that 36% of its students on the Studio City campus take the bus. It is reasonable to conclude that the easy access to parking across from the school's current campus will encourage students to abandon these alternative modes of transportation and instead drive to school; thereby increasing rather than maintaining the number of cars traveling on Coldwater Canyon and in the surrounding neighborhood. Moreover, given Harvard-Westlake's prior claims that they have more than sufficient parking given their current enrollment, it seems likely that they either plan to increase the student body or to attract more attendees to various school events, particularly athletic events throughout the year. (See Initial Study at 18-19).

Permanent Traffic Delays, Congestion and Associated Greenhouse Gases and Reduction in Air Quality

Given that the school starts at the same time for most of its students and that this start time coincides with commuter rush-hour, the proposed parking structure will dramatically worsen already significant delays on Coldwater Canyon. The proposed turn lanes will be woefully inadequate to address the likely back up from students all trying to get to school at the same time. There are likely to be bottleneck problems as students and other Harvard-Westlake-bound cars wait to enter the turn lanes and as the added lane returns to a single-lane heading Southbound.

The increased number of cars, combined with the likely additional back up of cars waiting to turn into the parking lot, delayed commuter traffic, and the traffic in the parking garage itself will increase greenhouse gases and negatively impact local air quality. Given the residential character of the neighborhood, with the parking garage virtually in private residences' backyards, such additional air pollution could have significant health consequences, especially for the many children who live in the neighborhood and play outside during these times when there is likely to be a back up of idling cars.

The Initial Study does not consider the impact both short-term and long-term of discouraging students, faculty and the Harvard-Westlake community from using less damaging, alternative modes of transportation. The Initial Study also does not consider the ongoing harm of failing to set a good example for their students of what are acceptable environmental practices.

Harvard-Westlake is educating some of the future leaders of Los Angeles and the country and this development project teaches these students that designated open spaces, old growth trees, and animal habitats are valueless and that convenient parking is more important than any environmental concerns. The school is also teaching its students that being able to drive and park without needing to walk any significant distance to one's destination is preferable to alternative modes of transportation that are less damaging to the local and global environment. Jeffrey Haber, one of the attorneys representing Harvard-Westlake in this matter, informed me that students should not have the burden of walking the block or two from or to Ventura Blvd. from the campus.

Traffic Delays During Construction

Even if the project did not cause long-term traffic and air quality issues, the lengthy duration of the construction and its impact on traffic would warrant extreme caution in approving this proposal. The construction of the parking garage is estimated by Harvard-Westlake to last two years and nine months. (Initial Study at 11) After undergoing major construction and road closures on Coldwater Canyon for the last two years, the last thing the residents of Studio City and Sherman Oaks deserve is more of the profound traffic delays that have further burdened morning commutes and traffic on Laurel Canyon Blvd., Beverly Glen Blvd., Sepulveda Blvd, Cahuenga Blvd., and the 405 freeway. All of these traffic effects must also be taken into consideration before the city council approves what some have already called "Canyon-Geddon II."

More Development and Expansion Likely

Such traffic and air quality effects also will be exacerbated if Harvard-Westlake expands. Although the school and the Initial Study suggest that no expansion is planned, there is good reason to be skeptical of the claims that the school does not intend to expand. First, as discussed, Harvard-Westlake already has sufficient parking for its enrollment and does not need additional parking. It complies with all city laws with regard to having adequate parking given its school size. It also has both an existing lot on which it could build a parking garage, as well as other sites on the east side of Coldwater Canyon on which it could also build a parking garage, or even multiple garages. Why does the school not wish to build on this property that is contiguous with its existing campus which would be significantly more affordable and have less of an environmental impact? The only logical explanation is that they plan to expand the campus footprint, paving the way to expanding enrollment.

Harvard-Westlake may also be seeking to gain a foothold on the west side of Coldwater Canyon in an effort to seek further development there. The DCP should keep in mind that the school has already bought a substantial number of residences on the East side of Coldwater Canyon and is now buying property on the west side of Coldwater (for example, it is my understanding that Harvard-Westlake has purchased 3674 N. Potosi Ave). Residents of this street, Potosi Ave., informed me at the Scoping Meeting that Harvard-Westlake is "buying out Potosi"). The proposed development plan even includes putting bathrooms, coaches offices and perhaps other facilities in the parking garage, something that is not customary in parking garages and that further suggests some additional plans afoot. (See Initial Study at 32). In a recent hearing before the Studio City Neighborhood Council, John Amato, the Vice President of

Harvard-Westlake, referred to the proposed pedestrian bridge as the connector between its current campus and what would become the “other side of campus.”

I do not have access to the school’s ten-year strategic plan, but this should certainly be provided to the DCP and the public. The school has chosen a very expensive plan for building a parking lot despite cheaper alternatives on their current campus footprint. Again, one must ask why? The EIR must analyze the growth-inducing impact of this project.

The EIR should also consider if the school is illegally segmenting the project. Given the history of incremental building and conditional use permits that the school has sought, the DCP should be fully apprised of the complete scope of Harvard-Westlake’s plans for its campus and for the 5.5 acres of designated open space that it seeks to build on, as well as the purchased neighborhood residences on both sides of Coldwater Canyon.

Other Impacts on Air Quality

In addition to the air degradation by an increase in the automobile emissions, the cutting down of old growth trees and replacement with younger, smaller caliper trees will harm the area’s air quality and lead to further warming of the hillside communities.

V. Biological Resources and Destruction of a Designated “Desirable Open Space”

Full consideration must also be given to fact that 2/3 of the development site has been designated by the city as “Desirable Open Space” in the City Plan. (See Initial Study at 4 & 7; Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, General Plan Land Use Map (as of March 04, 2008) (“Community Plan”). This desirable open space is currently undeveloped and filled with natural habitat. The city has described “Desirable Open Space” as “land which should be protected” and that such a designation remains even if the property is privately owned.” (Initial Study at 4 & 7; Community Plan n. 7) The conservation of this desirable open space has been deemed by the city in its general plan as “needed to ensure the usefulness, safety and desirability of adjacent lands and to maintain the overall health, safety, welfare and attractiveness of the community.” (Initial Study at 4 & 7; Community Plan n. 7). Thus, the city has already assessed the importance of keeping this parcel of land as open space, and has concluded that it is vital for the community’s health and safety. The impacts of making such an exception to designated open spaces will be felt not just in the local community, but citywide as such designations of desirable open space become meaningless.

The destruction of this open space and its replacement with a parking lot will not only have repercussions for human health, safety and aesthetics, but will also negatively impact the biological resources of the area. As the initial study indicates more than 100 old growth, protected trees will be cut down as part of this project and 26 will be encroached on and put at risk. (Initial Study at 9). In a recent meeting of the Studio City Neighborhood Council, one of the attorneys for Harvard-Westlake, Edgar Khalatian, stated that at least a similar number of unprotected old growth trees and native plants will also be removed from the wooded site. Replacing these old growth trees with newer, smaller caliper trees of different species cannot ameliorate the detrimental biological impact of cutting down these wide caliper walnut and oak

trees, nor in any way address the destruction of the open space habitat for the local animal population.

The removal of these trees, plants and open space will significantly and negatively impact the biodiversity of the flora and fauna of the neighborhood and of the Santa Monica Mountains. This area is the home and temporary home of a variety of migratory birds and butterflies. Many other local birds, reptiles and animals, including protected species, make their home on this land that abuts the Santa Monica Conservancy. (Initial Study at 27.) The project may also break up a wildlife corridor in the mountains and detrimentally impact a water source for these animals. All of these issues must be fully considered in the EIR.

VII. Geology and Soils

The proposed project is likely to increase erosion in the area and increase the risk of landslides and mudslides. Although the geotechnical report that Harvard-Westlake submitted suggests that there is no evidence of a history of landslides, portions of the development site have been designated landslide and liquefaction zones by the state of California. (See Seismic Hazards Zones Map). It is also my understanding from local residents on Potosi Ave that the DPC has previously rejected building permits on the same hillside because of such dangers. According to these residents, Harvard-Westlake has purchased a residence at 3674 Potosi Ave. that the school intends to use in its construction plans for the parking garage and field. Much of the proposed development is either on part of this land parcel or adjacent to it and on similar geological foundations. On the basis of records that were submitted to me at the scoping meeting, there is evidence that the Mulholland Scenic Parkview Design Review Board and the DPC previously rejected construction of new homes on the 3600 block of Potosi because of the “proximity to parkland, the excessive grading, the dangers of erosion, and the fact that the project would not reserve the natural vegetation and ecological balance.”

The proposed Harvard-Westlake project also violates city ordinance No. 176445 which governs retaining walls in the interest of community safety. The proposed retaining wall may well jeopardize the stability of the hillside and the residential properties both above and below it. I have been informed by residents of Potosi that exceptions to this ordinance and retaining wall height have been denied on that street by the city because of safety concerns. There is no basis to treat the Harvard-Westlake property differently. An unsafe area for building should not become safe simply because of the status of the applicant.

The rejection of these past building permits and the existence of governing safety regulations suggest knowledge by the city of the dangerous propensities of this hillside. City road maintenance records likely also indicate the longstanding history of mud and landslides on Coldwater Canyon caused by soil from the surrounding hillsides – the very same ones that Harvard-Westlake intends to build on. The cutting down of old growth trees and their replacement with younger, smaller caliper trees will also increase the mudslide and landslide dangers, as well as erosion in the area.

In light of this conflicting information, the city should prepare its own independent geological report to fully and independently vet the landslide and mudslide dangers on the

proposed project site. These issues must be fully evaluated in the EIR. Moreover, given this documented history, both the city and Harvard-Westlake are on notice of the likelihood of personal and property damages that may result if the city approves and Harvard-Westlake proceeds with this proposed development in its current form. Given the number of residences and lives that could be placed at risk by a hill collapse or mud or landslide any uncertainty on the stability of the land must weigh heavily in favor of rejecting any development plans.

VIII. Hydrology & Water Quality

Although the initial study does note that the proposed project would likely lead to significant erosion issues, it erroneously concludes that there is likely to be minimal impact or no impact on drainage patterns, run-off in the neighborhood, risk to people and structures from flooding, or inundation by a mudflow. (Initial Study at 34-35). The neighborhood surrounding and including the proposed development site is a hillside community in which water and storm run-off is an ongoing problem. The streets are filled with potholes, constant pools of water and some sinkholes resulting from hillside run-off. There are no sidewalks in the neighborhood and there is a history of some water intrusion in residences. Given this history of run-off problems, the DCP should reconsider this conclusion, and the potential for erosion and impacts on drainage should be analyzed in the EIR. The proposed development is likely to significantly worsen the run-off problem by eliminating open space where water is currently absorbed into the soil rather than running off into the neighborhood. The removal of existing, old growth, wide caliper trees and other native plants will also exacerbate the run-off problems caused by the proposed development. There is therefore a significant risk that the proposed garage will cause flooding in the neighborhood and substantial property damage. This increased run-off problem may also increase the likelihood of landslides and mudslides, as discussed above in Part VII.

There is also a record of storm drains in the neighborhood being insufficient and often clogged. The DCP may wish to review the flooding that occurred in the neighborhood as a result of the September 2009 water main break on Coldwater Canyon Ave., which flooded numerous residences on Dickens St. and (Little/South) Ventura Blvd. The Initial Study claims that the “adjacent street has an existing curb and gutter system.” I am not sure which of the many adjacent streets are being discussed here, but most of the neighborhood streets either have no curbs whatsoever or only have them on one side of the street and many have no or only a very few gutters or drains. Van Noord Ave and Greenleaf, for example, have curbs on only one side of the road for most of their lengths and no drains whatsoever the length of the blocks from Coldwater Canyon to the South and Dickens to the North on Van Noord and from Van Noord to Valley Vista on Greenleaf. Dickens does have one storm drain – though it is often blocked – but the street does not have curbs on either side.

The proposed use of a catch basin and bio-swale for the first .75 inches of rain is woefully inadequate to handle the rain fall during significant storms, especially when combined with the entire run-off from Mulholland Drive down the hillsides into the Valley where flooding on Coldwater Canyon during routine winter storms is common place. Ventura Blvd and North on Coldwater (at Valleyheart & Moorpark) often have entire lanes (often the West-most lane) closed during such storms due to flooding. The conclusion that there is not a significant run-off or flooding issue in the neighborhood and that there is adequate drainage is unsupportable.

IX. Land Use and Planning

The Initial Study suggests that the development plan would have a “potentially significant impact” on local conservation plans and on the various zoning plans within the community, but then concludes paradoxically that the “project is not anticipated to conflict with any adopted plans” or “conservation plan.” (See Initial Study at 37). Not only does the Initial Study contradict itself, but its conclusion that there is no conflict is unsupportable. First, the proposed development clearly does interfere with an existing conservation plan given that the land is a designated “desirable open space” in the city plan, as discussed at length in Part V. Harvard-Westlake does not have an adequate basis on which to seek to alter this designation. The purpose of this designation is to preserve an important natural habitat in the Santa Monica Mountains in the Studio City area adjacent to Santa Monica Mountains Conservancy property. In addition, the proposed development dramatically alters the land use plan for the neighborhood from a residential area to one with a 750-space parking lot and an active playing field. The proposed development seeks numerous exceptions to existing zoning and other building and safety ordinances that would fundamentally alter the character of the neighborhood in contravention of current zoning, the city plan, and the custom of the area. Moreover, the proposed development provides no benefit to the community and certainly no benefit that would justify such a flagrant violation of the neighborhood’s and city’s land use plan. Such a development would endanger the character of this exclusively single-family home neighborhood adjoining designated desirable open space and the Santa Monica Conservancy.

X. Noise

The parking lot itself will produce significant noise pollution in the neighborhood, including up to or after 11:30 p.m. and starting before 6:30 a.m. as the parking lot will be open during school hours. (Initial Study at 9). The engines, tire squeals, honks and other automotive sounds will replace the current sounds of birds chirping, crickets, owls and wind blowing through the canyon. The suggestion that current student parking causes noise pollution is not true, at least for residents west of Coldwater Canyon, so this would be a completely new and substantial source of noise in the neighborhood. Even if true, adding more noise pollution is unjustifiable. In the garage the traffic will be concentrated in a specific location and likely amplified by the concrete structure, producing noise of a much greater magnitude than street parking could possibly produce. This increase in noise will also be greater if the traffic to the lot is in fact greater than claimed, as discussed above in Part IV.

The field itself will also generate substantial noise from players, whistles, crowds and possibly loudspeakers. The current Harvard-Westlake field – Ted Slavin Field – is already a significant nuisance to the neighborhood causing disruptive noise pollution from loudspeakers that amplify announcers and music. Even without amplification, cheering teammates, coaches yelling at players, whistles, and players themselves can be extremely loud. The current field produces loud noise long past the 8 p.m. purported cut-off time and on game nights residents of the area are constrained in their use of their backyards and outdoor spaces and must close windows and doors. Even when windows and doors are shut many residents on multiple streets West of Coldwater Canyon still hear substantial noise from the field. DCP should speak in particular to residents of Coldwater Canyon, Van Noord Ave., Galewood and Blairwood. Many

of these houses are up the hill from the current field, but still hear substantial noise. The proposed field is closer to many more residences and given its higher altitude, the sound from the field is likely to carry even further from the field.

The environmental consultant hired by Harvard-Westlake and relied on by the DCP for the initial study seemed unfamiliar with important elements of acoustics. I have been told by one neighbor who is a professional musician, that the consultant suggested at the Scoping meeting that sound could not travel other than along sight lines (which is untrue) and that high frequencies travel further than low frequency sounds (the opposite is true). It therefore is incumbent upon the city to hire an independent sound expert and to fully vet the noise issue in the EIR.

XI. Hazards, Hazardous Materials & Emergency Access Roads

The Initial Study suggests that there is no impact on wildfire danger. (Initial Study at 33). This is a questionable conclusion. The neighborhood has been designated a Very High Fire Hazard Severity Zone in compliance with state law. Any development plan would need to conform with the requirements of such a zone. Moreover, meeting these regulations may limit the proposed landscaping in ways that defeat efforts to mitigate the damage to the aesthetics and biological resources that would result from the proposed development.

Not only should the location of the site in the Very High Fire Hazard Zone be analyzed in the EIR, but the fire dangers inherent in placing 750 vehicles with fuel directly adjacent to conservancy land and residences must also be considered. Using the land in this way may well be reckless, putting many lives and homes at risk. Not only would a fire that passed through the area grow immensely as a result of the fuel contained within the parking structure, but many wildfires have been sparked by vehicles themselves. In addition, Harvard-Westlake students might smoke in the parking garage, increasing the likelihood of igniting a devastating brush fire. Students are regularly spotted in our neighborhood, e.g. way up at the end of Galewood, smoking cigarettes and marijuana in their cars.

The Initial Study also suggests that the proposed parking structure would not emit hazardous materials. (Initial Study at 33.) However, the oils, transmission fluids and other car fluids that will run-off from the parking garage constitute hazardous materials that should be considered in the EIR.

The likely traffic congestion resulting from the proposed development, particularly at peak arrival and departure times may cause back-ups on Coldwater Canyon that inhibit emergency access. Harvard-Westlake admits that this may be a problem and has suggested that there may be a need to create a fire access road. Such a road might further encroach on the hillsides and residential properties, particularly on Galewood St. The pedestrian bridge itself may pose a danger if during a major earthquake it or debris from it falls on Coldwater Canyon and blocks this major roadway. Again, these concerns must be analyzed in the EIR.

The EIR must also consider hazards of balls entering the roadway from the elevated field and posing a significant safety hazard to drivers on Coldwater Canyon. This is particularly likely with soccer balls, given the height of the proposed netting.

XII. Alternatives

There are numerous alternatives to the proposed development. I enumerate several below each of which the DPC must seriously consider in lieu of the proposed development.

- **Alternative Transportation:** Encourage environmentally preferred modes of transportation to campus: carpooling, school buses, bicycles, walking and public transportation.

- **Off-Site/Satellite Parking:** Use parking lots in nearby commercial areas with parking lots and provide shuttles to campus. I note that this is the plan during the nearly three year construction of the proposed garage and therefore has already been determined viable by the school. (See Initial Study at 14.) Given that the school can easily find satellite parking and valet and/or shuttle students to and from these lots, there is no need to destroy the designated open space and intrude on a serene residential neighborhood.

- **Alternative On-Site Parking, On Site of Current Parking Lot:** Build a parking garage on the site of their existing parking lot above or below ground. The reason given by Harvard-Westlake (per John Amato and their attorney, Jeffrey Haber) for not doing so is that it would be “inconvenient” during the time of construction because there would be minimal on-campus parking during the construction period.

- **Alternative On-Site Parking, Contiguous with Current Campus:** Build on one or several of their many other properties on the east side of Coldwater which are not desirable open spaces, some of which can be accessed without adding to the traffic congestion on Coldwater Canyon. For example, an entrance to a parking lot could be off of Avenida Del Sol which would avoid traffic congestion and delays on Coldwater Canyon, in addition to producing a much smaller environmental impact.

Given these alternatives there is no basis on which to approve the development on the proposed project site which would cause significantly more environmental impact.

Even if such a project goes forward on the proposed development site, there are a number of alternatives that must be considered, including:

- **Build the Garage Underground.** The EIR should consider whether the land will support an underground option. Given that the requested amount of parking far exceeds the school’s needs, a more modest underground option may be sufficient; so having only one level underground may be adequate.

- **Eliminate the Field** on top which will generate substantial noise and light pollution

- **Eliminate the Bridge** and use sidewalks and traffic signals instead. Students could walk to Ventura Blvd. and cross there if there is a concern about adding to traffic delays on the canyon road. Otherwise, students, faculty and visitors can use the existing traffic signal at the entrance to the campus. Adding **sidewalks** on Coldwater Canyon would also facilitate walking from Ventura Blvd., and increase student and neighborhood safety, as well as the use of public transportation. Sidewalks would also eliminate the need for the bridge which poses serious safety risks and is a visual blight on the canyon.

- **If there is a Field, Prohibit Lighting Towers and Loudspeakers** which both will significantly and negatively impact the community.

- **Eliminate Parking Lot and Have Field at Ground Level.** Some local residents with information from the Harvard-Westlake community have suggested that what the school really wants is an additional field. If this is true, then the parking is unnecessary and the field could be built at ground level which would have a less significant impact on the neighborhood and the aesthetics.

Again, these last five options are vastly inferior to the enumerated alternatives above, but all alternatives have a lesser environmental impact than the current proposal.

XIV. Notice Problems

There have been significant notice problems. Harvard-Westlake has been working on this project since at least 2010 (See Initial Study at 32, n. 3), yet many residents of the affected neighborhood still have **not** received notice of this project. Only a few residents received notice on or about April 12, 2013. Although the city appears to have complied with the 500-foot rule, such a rule in this setting is woefully inadequate. As Ms. Emily Dwyer acknowledged in our discussion at the Scoping Meeting, because of the topography of the land parcel very few of the houses likely to be affected by the project received notification. This does not meet the constitutional standards for due process.

I therefore respectfully request that a **45-day extension of the time to file comments** in advance of the review and preparation of the draft EIR be granted. Given that Harvard-Westlake has had years to prepare various reports, some of which are suspect, and the affected neighborhood has not been fully notified of the project, it is more than appropriate to grant such an extension. Furthermore, to the extent that the neighborhood has received notice, its residents have not had sufficient time to make comments and retain and prepare expert reports to challenge the veracity of the school's reports. Such a 45-day extension is necessary to comply with the legal requirements of due process.

XV. Bad Faith Actions by Harvard-Westlake

Harvard-Westlake has been misleading residents about the scope and nature of their plans and therefore the DCP should not be deferential in reviewing their submissions. Here are several examples that have been brought to my attention. First, Harvard-Westlake purposely delayed

engaging with the neighborhood about their plans for the site even though such plans have been in the works since at least 2010. (Initial Study at 32, n.3)

Second, as discussed above, there are many reasons to be skeptical about the school's claims that they do not seek to expand the campus or enrollment given their purchasing plans and refusal to build on the existing parking lot or other properties contiguous with their current campus.

Third, in the pamphlets handed out to several neighbors who were deemed in the zone deserving of actual notice, the school either used old or altered photographs of the current campus. In particular, and of significant note, the photograph of the campus showed the current Ted Slavin Field without lighting towers and loudspeakers, and with a smaller number of bleachers than currently exist at that location. The school has expanded the bleacher capacity on the field, added lighting towers and loudspeakers to the field. This is not a recent change, but instead one that has been in place since 2007. Given that the school is trying to underplay the impact of the noise and lighting on the neighborhood of the new proposed parking garage, field atop it and lighted bridge, it is particularly suspect that it chose to hide the existing lighting towers, loudspeakers and bleachers that currently cause a nuisance in the neighborhood.

Fourth, the school suggests that they are doing the neighborhood a service with this project (e.g., calling the bridge from the parking lot a "Gateway to the Community"), but no one in our neighborhood with whom I have spoken (thus far more than 30 individuals) has complained or has complaints about neighborhood parking (including two residents of separate homes on Coldwater Canyon). The School has proposed a solution—convenient for its interests—to a problem that does not exist.

Finally, when representatives from Harvard-Westlake visited my street, Van Noord Ave., and were asked why the school could not build a garage on the location of its existing parking lot they told several residents that there were unused sewer pipes under there and that the DWP would not allow such construction. When pressed on this issue at the Scoping Meeting, both John Amato (Vice President of Harvard-Westlake) and Jeffrey Haber (attorney representing the school) conceded that the school could in fact build a parking garage on that location, but did not want to because it would "inconvenience" students during the time of construction of the lot.

XVI. Conclusion

In sum, the proposed development is unnecessary, both because additional parking is not needed and because many less detrimental alternatives are available to the school even if additional parking is justifiable. The proposed development would significantly and negatively affect the aesthetics and character of the neighborhood and the scenic canyon road, the air quality and cause an increase in traffic congestion. The development would also cause substantial noise and light pollution, increase the risk of wildfires, risk flooding from storm run-off, and jeopardize the geological stability of the hillside. The proposal seeks myriad exceptions to longstanding and vital city regulations and ordinances. I strongly urge the department of city planning to recognize and appreciate the vast damage that this project could work on this idyllic neighborhood and open space in Studio City and to recommend against approval of the project.

I also again respectfully request a 45-day extension of the Notice of Proposed Development Comment Period in light of the notice problems. Please inform me or Save Coldwater Canyon! (email: savecoldwatercanyon@gmail.com) about the status of this requested extension.

Sincerely,



Jennifer E. Rothman, Esq.

Submitted on behalf of Save Coldwater Canyon!

cc: Diana Kitching, L.A. Department of City Planning
Paul Krekorian, City Council
Karo Torossian, Director of Planning and Land Use, Council Member Krekorian
Damian Carroll, District Director for Council Member Krekorian
Lisa Sarkin, Land Use, Studio City Neighborhood Council
Board, Studio City Neighborhood Council
Board, Studio City Residents Association

Enclosures: CPC-2006-2375-PAD Determination Letter
California Seismic Hazard Map
Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan,
General Plan Land Use Map