



Main Office Phone:
310-798-2400
Direct Dial:
310-798-2409

Carstens, Black & Minter LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Amy C. Minter
Email Address:
acm@cbcearthlaw.com

September 26, 2023

**STATEMENT OF REASONS FOR APPEAL;
Case No. CPC-2020-1511-VCU-SPR
ENV-2020-1512-EIR**

On behalf of the Studio City Residents Association (“SCRA”) and Save LA River Open Space (“SLAROS”), we provide this summary of our reasons for appeal of the City Planning Commission’s approval of the Harvard-Westlake athletic facility project at 4047 – 4155 North Whitsett Avenue; 12506 – 12630 West Valley Spring Lane (“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 Project site 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.

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 80-foot-tall lighting and LED scoreboards, a two-story, 80,249-square-foot multi-purpose gymnasium and an approximately 400-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.

Large numbers of community members, environmentalists and recreation enthusiasts agree that this is the wrong site for a massive athletic facility. SCRA and SLAROS most significant concerns regarding the proposed Harvard-Westlake athletic facility are:

- the excessive density of development and intensity of proposed uses of the site;

- this Project would result in an opportunity cost, preventing an ecologically superior use of the last remaining 16 acres of unprotected open space along the Los Angeles River in the San Fernando Valley;
- the Project provides very limited public use, with significant financial and organizational burdens;
- the inclusion of artificial turf on the Project's sports fields;
- the use of the Project site for incredibly large school related special events numerous times per year.

These features of the Project are the source of adverse environmental impacts that SCRA, SLAROS, experts and many others have identified in comments on the EIR.

Herein, SCRA and SLAROS summarize the inadequacies of environmental review for the Project under the California Environmental Quality Act ("CEQA"), the violations of the Los Angeles Municipal at issue in the approval of the Project, and violations of the Surplus Land Act. We have also attached our previous detailed comments on these summarized legal violations, as well as the comments of experts.

I. Approval of the Project Violates CEQA

The environmental impact report ("EIR") for the Project is inadequate for a number of reasons.

A. Inadequate Project Description.

First, the EIR lacks an adequate project description. As detailed in SCRA and SLAROS's previously submitted comments, the EIR fails to provide adequate information regarding the Project's public accessibility. (**Attachment 1**, SCRA and SLAROS May 10, 2022 Comments on Draft EIR pp. 8-10; **Attachment 2**, SCRA and SLAROS July 11, 2023 Comments on Final EIR pp. 3-4.) The final EIR ("FEIR") identified provided some additional information, but this information disclosed additional barriers to public use of the Project site facilities beyond just the limited and uncertain time of availability. The FEIR disclosed financial and organizational barriers to use of the site due to fees that would be charged, insurance requirements and limits on use to only formal organized entities, but failed to assess the impacts these additional barriers would have on the public's ability to use this site.

The EIR also fails to provide adequate information regarding the numerous “special events” planned for the Project site. Thus, the impacts of the special events have not been fully evaluated, in violation of CEQA.

B. The EIR Fails to Assess Future Use of Existing School Athletic Facilities.

The School’s Coldwater Canyon campus has existing athletic facilities, including a gym, sports field and track, pool and sports performance center. The EIR was required, but failed to assess the future use of these facilities, which would become redundant after Project is installed. (**Attachment 1**, pp. 10-12; **Attachment 2**, p. 4.)

C. The EIR Improperly Relies on Project Design Features.

The EIR improperly relies on “project design features” to claim that Project impacts would be less than significant. (**Attachment 1**, pp. 12-13; **Attachment 2**, pp. 4-5.) This violates CEQA because it improperly compresses the DEIR’s disclosure and analysis function. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.)

D. The School’s History of Violation of Conditions Must be Considered When Evaluating Impacts.

The Harvard-Westlake Coldwater Canyon campus has a long history of repeated violations of conditions of approval and code requirements. These violations included, but are not limited to: exceedance of allowable enrollment; unpermitted demolition, grading and construction in connection with 50 meter pool on the Coldwater Campus; unpermitted construction of the Kutler Center and Mudd Library and modifications to the Seaver Building; provision of inaccurate information regarding valuation of new construction; unpermitted construction of silent study/English classroom permanent building; unpermitted renovation of Chalmers Hall; unpermitted renovation of orchestra room; failure to comply with noise and lighting limits on the campus’s existing athletic fields; and unpermitted construction of parking areas. (**Attachment 11**, detailed description of violations history.)

The EIR has improperly failed to address this long history of violations in considering the impacts and compliance requirements for the proposed Project. “Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent’s prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent’s promises in an EIR.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 420.)

E. The EIR Fails to Adequately Analyze Project Impacts.

1. Aesthetic Impacts

The EIR fails to provide an adequate analysis of the Project's adverse impacts to the scenic quality of the site that would result from removing hundreds of mature trees to install athletic fields with artificial turf and large bleachers, a pool and massive multi-purpose gymnasium. It would take many years for replacement trees to reach the size of existing trees, and the development of the overwhelming majority of the site would provide only limited availability of areas to plant replacement trees. The EIR also fails to adequately disclose night lighting impacts. (**Attachment 1**, pp. 13-15; **Attachment 2**, pp. 5-7.) As lighting experts found, the EIR does not account for light that is reflected from the site or scattered in the air, thus claims that the angle of the lighting will prevent impacts is unsupported. The EIR also failed to adequately address the lighting associated with the LED scoreboards. (**Attachment 3**, Land Protection Partners expert report on aesthetic and biological impacts of night lighting.)

2. Air Quality Impacts

The EIR's analysis of air quality impacts is inadequate for a number of reasons. (**Attachment 1**, pp. 15-18; **Attachment 2**, pp. 7-11.) The EIR fails to disclose the Project site is in an area of extreme non-attainment for ozone. The EIR relies on faulty assumptions regarding vehicle miles traveled ("VMTs"), which underestimates the Project's air emissions. The EIR also fails to analyze and adopt all feasible mitigation measures for the lengthy construction period. Additionally, the EIR's analysis of air quality impacts improperly considers the site to be urban infill despite the site's current open space and recreational use.

Further, the EIR fails to adequately address the air quality and hazard impacts associated with the Project's inclusion of artificial turf. Due to the serious harms and perfluoroalkyl and polyfluoroalkyl ("PFAS") contamination associated with artificial turf, the California legislature has passed AB 1423 and it is awaiting the Governor's signature. AB 1423 includes bans and prohibitions on the use of artificial turf because it contains harmful PFAS. Whether this approval has occurred in time for the School to skirt the ban does not change the underlying reasoning behind this bill; artificial turf contains PFAS and PFAS have harmful health and environmental impacts.

Finally, the EIR fails to address the air quality and health impacts associated with Valley Fever resulting from the massive amounts of soil excavation on the Project site.

3. Biological Impacts

The EIR fails to adequately analyze and mitigate the Project's impacts on biological resources. (**Attachment 1**, pp. 18-20; **Attachment 2**, pp. 12-13.)

The Project would remove 250 mature trees, which are used by special-status birds, bats, raptors, and migratory birds. (**Attachment 8**, comments from Angelenos for Trees.) The EIR also fails to address the cumulative impacts of tree removal with the nearby Sportsmen's Lodge project, where 90 trees have already been removed and additional mature trees would be removed for the new project. The EIR failed to impose mitigation measures to address the mature tree removal provided by the California Department of Fish and Wildlife. The mitigation include for replacement trees also fails to be fully enforceable, in violation of CEQA. (CEQA Guidelines, §15126.4, subd. (a)(2).)

The impact of nighttime lighting on bat and other species is also not adequately addressed by the EIR. (**Attachment 3**.) Noise impacts to species is also ignored by the EIR.

4. Climate Change Impacts

The EIR fails to recognize the existing severity of the climate crisis, which necessitates an acknowledgment that any increase in greenhouse gas ("GHG") emissions should be considered a significant impact. Instead, the EIR relies upon an unsupported threshold of significance for GHG emissions. The EIR fails to address the reduction in carbon sequestration that would result for many years after 250 mature trees are removed from the Project site, as well as the heat island effects and GHG emissions that would be caused by the use of artificial turf on the Project's athletic fields. Further, the EIR's claims that GHG emission impacts are fully mitigated is not supported. (**Attachment 1**, pp. 20-28; **Attachment 2**, pp. 13-17.)

5. Hydrological and Water Quality Impacts

The Project could result in adverse impacts to the adjacent LA River that are not adequately analyzed or mitigated. (**Attachment 1**, pp. 28-30; **Attachment 2**, pp. 17-18.) The EIR improperly relies upon project design features instead of the required fully enforceable mitigation measures. The EIR also fails to provide adequate information regarding the Project's impacts on groundwater infiltration.

Further, the EIR fails to address the significant water quality impacts associated with use of artificial turf. The EPA defines artificial turf as an impervious surface, but the EIR fails to recognize it as such, thus failing to address the runoff impacts of the Project

in to the LA River. (**Attachment 10**, MS4 Permit and article on artificial turf runoff.) The Project must include mitigation requiring a filtration system to clean any runoff from the artificial turf to prevent contamination of the LA Rivers with PFAS.

6. Land Use Impacts

SCRA and SLAROS have provided detailed comments on the Project's inconsistencies with the City's General Plan, the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, the Los Angeles River Revitalization Plan and River Improvement Overlay District, the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, the Project site's designation as Open Space and existing height and lighting limitations. The FEIR also failed to provide good faith responses to SCRA and SLAROS's comments on these inconsistencies in the DEIR. (**Attachment 1**, pp. 30-36; **Attachment 2**, pp. 18-21.)

7. Tribal Cultural Resource Impacts

The EIR provides inadequate mitigation for impacts to tribal cultural resources. (**Attachment 1**, pp. 36-39; **Attachment 2**, p. 24.)

8. Noise Impacts

The EIR fails to adequately analyze the Project's noise and vibration impacts from construction and operation of the Project. (**Attachment 1**, pp. 39-42; **Attachment 2**, pp. 22-24.) These noise impacts can have significant adverse impacts on public health, including sleep disturbances. The EIR also improperly relies on deferred mitigation for construction noise impacts.

Expert evidence identifies the EIR's failure to provide an accurate assessment of baseline noise levels, to adequately analyze and mitigate noise impacts associated with the Project, particular amplified noise. (**Attachment 4**, expert analysis by Steve Rodgers Acoustics; **Attachment 5**, expert analysis by Menlo Scientific Acoustics.) The School has already violated noise limits during sporting events at its existing Coldwater Canyon campus, demonstrating an increased likelihood the Project would also exceed allowable noise levels in an area where there are even more sensitive receptors.

9. Transportation and Traffic Impacts

Expert comments demonstrate that the EIR's analysis and mitigation of traffic-related impacts is inadequate. (**Attachment 1**, pp. 43-48; **Attachment 2**, p. 24.) Mitigation measures are improperly deferred and inadequately analyzed due to improper reliance on project design features. VMTs are not adequately analyzed. Nor are impacts

to emergency access and public safety. (**Attachment 7**, comments from Aperture, experts in construction consulting, safety, engineering & management, with additional expertise in forensic engineering.) The EIR fails to analyze the impacts of construction traffic. The EIR further fails to disclose the Project's conflicts with the Mobility Plan.

10. Recreational Impacts

The Project converts a publicly available golf course and tennis center into an athletic facility for a private school, with limited and highly restricted public use availability. The recreational impacts of the conversion of this public use into a private use must be acknowledged in the EIR, but were not. (**Attachment 1**, pp. 48-49; **Attachment 2**, pp. 24-25.)

11. Public Health

The EIR fails to analyze the health impacts associated with Valley Fever, increased mosquito activity and the use of artificial turf. (**Attachment 1**, p. 49; **Attachment 9**, expert comments from Autumn Winds Associates.) Experts at Public Employees for Environmental Responsibility (PEER) assessed the type of artificial turf planned for the Harvard-Westlake Project for PFAS and found it would have levels hazardous to the public and for water quality in the adjacent LA River. (**Attachment 6**, PEER analysis of turf.) Responses to comments in the FEIR claimed this analysis was inadequate to demonstrate hazardous PFAS in the artificial turf, so PEER commissioned detailed testing of Field Turf's Vertex Core 2.5 and crumb rubber infill which is proposed to be used at the Project. The sample was obtained directly from the manufacturer and sent directly to Eurofins Laboratories, which found four PFAS species in the turf that will readily leach off into surrounding soil and waters, and a number of metals and semi-volatile organic compounds. (**Attachment 12**, PEER's summary and Eurofins Laboratories' complete report on PFAS and other chemicals of concern in artificial turf.)

12. Cumulative Impacts

In addition to the cumulative mature tree removal impacts of this Project and the nearby Sportsmen's Lodge project, these projects would also have unanalyzed cumulative construction related impacts. Both require massive amounts of excavation and hauling of export materials. This Project includes approximately 197,000 cubic yards of soil to be exported, which in and of itself would result in adverse traffic and traffic safety impacts that have not be adequately addressed. Those impacts will be increased when occurring at the same time as the Sportsmen's Lodge project's hauling of approximately 430,000 cubic yards of soil. Relevant assessments, such as whether the same haul route would be used for both projects and used simultaneously, were not included in the EIR. These cumulative impacts need to be addressed.

The cumulative air quality impacts of this large amount of excavation, hauling and other construction work must also be assessed. The Project would have project-level regional NOx construction that are claimed to be reduced by over 100 pounds per day to slightly under the individual threshold of significance. The Sportsmen's Lodge project also claims a substantial mitigation reduction to just under the threshold of significance. An analysis of the cumulative construction air quality impact of these projects was not provided.

The noise impacts associated with the construction of the Project and the Sportsmen's Lodge project, in particular the excavation, have not been addressed. The water quality impacts of this cumulative excavation at Los Angeles River adjacent sites could also result in unaddressed significant adverse water quality impacts.

F. The EIR Fails to Provide an Adequate Alternatives Analysis.

The EIR relies on overly narrow project objectives to improperly reject less impactful alternatives with greater public benefits. The EIR failed to consider: off-site alternative locations for Project components; a Reduced School Use Intensity alternative; a Natural Golf Course Alternative and a LA River Natural Park Alternative. (**Attachment 1**, pp. 50-60; **Attachment 2**, pp. 25-29.)

G. The City Lacks Support for Claimed Overriding Benefits of the Project.

CEQA Guidelines section 15093, subdivision (b) requires that when a lead agency approves a project that would result in significant, unavoidable impacts, "the agency shall state in writing the specific reasons to support its action" in a statement of overriding considerations. These project benefits are *in addition* to the required finding of no feasible alternatives to substantially lessen a project's significant adverse impacts, and CEQA also requires substantial evidence in the record support the claimed benefits to justify proceeding with a project despite its adverse impacts. (Public Resources Code § 21081; Guidelines § 15093, subds.(b), (c).) "[A]n unsupported claim that the project will confer general benefits" is insufficient to override a project's significant impacts. (*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.) "[A] statement of overriding considerations, like an EIR, must make a good-faith effort to inform the public;" the "statement's purposes are undermined if its conclusions are based on misrepresentations...or it misleads the reader about the relative magnitude of the impacts and benefits..." (*Id.* at 718.)

Here, the Project would have acknowledged significant and unavoidable construction noise impacts. As set forth above and in the attached documentation, this Project also has a number of undisclosed remaining significant impacts. These

significant and unavoidable impacts necessitate the City's adoption of a statement of overriding considerations for the Project.

The City Planning Commission improperly relied on a misleading description of the Project as an overriding benefit. The Commission's findings rely in part on a claim that the Project "would enhance public access to open space and recreational facilities" as an overriding benefit. This is based on a misleading claim by the Project proponents that the Project would provide 5.4 acres of publicly available open space from 7 a.m. to 9 p.m. However, a careful review of the Project site plan shows very little of this space is usable public open space; the publicly accessible area is mainly just the landscaping around the new Harvard-Westlake school athletic facilities and the walking paths connecting those facilities. The Project site is so crowded with school facilities, very little space is left for the public. It is also unclear whether County property is included in this calculation. The overstatement of the public open space is misleading and cannot be used as an overriding benefit. Moreover, this is significantly less open space that currently exists on the Project site.

Additionally, as addressed above, considering the Project to include "publicly accessible" recreational facilities is also highly misleading. The Project would impose significant organizational and financial burdens for those seeking use of the facilities, place a substantial barrier to public use. These burdens would make public use of recreational facilities on the site more difficult and costly than current use of the public golf course and tennis facilities.

The City cannot rely on this reduction in open space and public accessibility as a benefit that overrides the Project's significant adverse impacts.

II. The Proposed Project Fails to Comply with the Surplus Land Act.

The Project propose development of a portion of an athletic field with primary use by a private school on land owned by the County of Los Angeles. SCRA and SLAROS have submitted Public Records Act requests to determine whether there has been compliance with the Surplus Land Act to offer this land to a public recreational agency prior to disposal of the land through a lease or sale to a private entity. The County was unable to provide any documentation that this requirement has been met. Thus, the Project cannot legally be constructed on any portion of the County land.

III. Approval of the Vesting Conditional Use Permit Should be Reversed.

A. Required Findings Cannot be Made.

The City must be able to make specific findings, supported by substantial evidence before it can approve a vesting conditional use permit and must be able to “bridge the analytic gap” between that evidence and findings being made. (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.) Evidence does not support the required findings necessary to approve a vesting conditional use permit for the Harvard-Westlake Project.

1. The City must be able to find that the Project would enhance the built environment in the surrounding community or that the Project performs an essential service to the community.

The City Planning Commission did not have evidentiary support for this required finding. The Project’s densely packed development of a site that is currently covered with trees and open space as a golf course does not enhance the environment of the surrounding Studio City community. The Project would cram two large sports fields with artificial turf and a 50-meter swimming pool, with hundreds of bleacher seats and up to 80-foot-tall lighting and LED scoreboards, a two-story, 80,249-square-foot multi-purpose gymnasium and a 386-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. The Project would also surround the site with fencing up to 10 feet tall, which would eliminate or significantly alter existing views of greenspace. For these reasons, the Project, would not enhance the surrounding community.

Additionally, the Project does not provide an essential service to the community. Instead, it provides athletic facilities for a private school. Though the public’s ability to use the facilities is touted as a benefit of the Project, there are significant hurdles to that public use. The hours of use of facilities are restricted to those times the site is not in use by Harvard-Westlake, but there are not clearly defined hours set. The proposed conditions of approval do not provide further clarity on the public availability of the site, continuing to allow the school to determine at a future time what times the public will be able to use the site. Weekday daytime use, which is less convenient for the working public will typically be allowed, unless the school decides to use the site during those times.

Moreover, significant organizational and financial burdens required of those seeking use of the facilities, place a substantial barrier to public use. The use is only allowed for highly organized groups with set memberships lists, that have liability insurance and can pay fees to use this site.

2. The City must also be able to find that 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.

The City Planning Commission also lacked evidentiary support necessary to make this required finding. As set forth above, the densely packed development of the site and intensity of use is not compatible with the surrounding single-family neighborhood and the Zev Yaroslavy Los Angeles River Greenway Trail. The significant increases in night lighting included in this Project is also incompatible with the surrounding neighborhood and wildlife on the adjacent Greenway and Los Angeles River.

Additionally, SCRA and SLAROS provided detailed comments on the draft EIR and final EIR, including expert analysis, that identify significant public health and safety impacts associated with this Project, further preventing necessary findings to be made. These health and safety impacts include, but are not limited to:

- Impacts associated with the use of artificial turf, which include health impacts for turf users, an urban heat island effect that could increase temperatures by up to 15 degrees, and its runoff into the Los Angeles River, as identified by PEER, Safe and Healthy Playing Fields, Dr. Sarah Jean Royer, and Kristen Mello.
 - Expert Autumn Wind Associates identified the health hazard of Valley Fever that could result from this Project.
 - Experts at Wexco identified traffic safety hazards and safety impacts associated with traffic use interfering with LA Fire Station 78 access.
 - Menlo Scientific identified noise impacts on the surrounding community.
 - Expert Tom Brohard identified safety hazards associated with emergency evacuation and other traffic hazards.
3. Finally, the City must be able to find 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 Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan designates the Project site as open space with a golf course. The 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 Project eliminates the golf course and almost all of the open space by including significant development on the site and an encroachment of more intense uses by Harvard-Westlake. Thus, the

finding that the Project substantially conforms with the Community Plan could not be made.

B. Additional Conditions Must be Imposed.

This Project cannot be approved as proposed because the required findings cannot be made. SCRA and SLAROS have proposed the following revisions to the Project to be added as conditions that may allow a legally adequate approval on appeal. The City should consider the following revisions to the Project:

- Reduce the size of the gymnasium by limiting the building to one basketball court, which contains two practice areas, with locker rooms for students.
- Limit the Project to one sports field, without bleacher seating. This field should use grass instead of artificial turf to maintain the ecosystem on the site.
- Eliminate the pool element from the Project.
- Eliminate the Project's proposed 30 Special Events per year.
- All structures, fences and lighting should comply with zoning requirements without the need for discretionary approvals to deviate from those standards.
- Provide 16 tennis courts, available for public use.
- Provide at least 7 acres of contiguous native vegetation parkland within the Project site, adjacent to the Greenway Trail. The walking paths, Clubhouse and putting green should not be counted towards these 7 acres.
- To maintain the tranquility of the site as part of an important flyway for Western migratory birds, only Mexican fan palms and damaged trees should be removed as part of the Project. All other old growth trees should remain.
- Ensure the entire complex is open to the public.
- Maintain all historical components at the Project site, including the Clubhouse and putting green. Land identified as native land should also remain undisturbed.

- Water reclamation for the Project site should address dry runoff from 200 acres as was assessed in a recent Department of Sanitation feasibility study. This treated runoff should then be piped directly into the LA. River, not allowed to comingle with other polluted water on Whitsett Avenue or other locations.
- Mitigate increased traffic and congestion, including without limitation issues related to the movement of students and staff to and from the Harvard-Westlake Coldwater Canyon campus and the Project site, as well as traffic, access and parking impacts of the Project on adjacent residential neighborhoods.

Prior to considering any revisions to the Project, the City should also consider stronger and more well-defined conditions of approval and on-going mitigation. These conditions must include clearly defined hours of public availability of the site. The conditions should also set parameters allowing use of the facilities by individuals and not just formal community organizations. These conditions should also reduce the density and intensity of development, as identified above. Moreover, the conditions should require any proposed future development at the Harvard-Westlake Coldwater Canyon campus to assess its cumulative impacts with this Project.

Further, to ensure compliance with the conditions and achievement of mitigation measures, a condition of approval requiring discretionary review of compliance by the Planning Department every two years, with a public hearing should be included. This condition should also provide for the addition of further corrective and mitigation conditions if construction or operation of the Project result in impacts that have not been adequately addressed.

IV. Site Plan Review Was Improperly Approved.

Approval of Site Plan Review was required for the Project due to the size of the development. Site Plan Review is intended to “evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City’s environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.” (LAMC §16.05(A).)

SCRA and SLAROS have provided detailed comments, supported by experts, on the EIR and summarized above identifying impacts that have not been evaluated, inadequate mitigation and public safety impacts. We have also identified the incompatibility of this Project with the surrounding community. For these reasons, approval of Site Plan Review of the proposed Project was improper and should be revoked.

V. The School Submitted an Incomplete Application.

As previously identified by SCRA and SLARO, 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 wholly failed to include this required information, evasively stating instead that special events are to be determined. All approvals for this Project should be revoked pending the submission of a complete and accurate application and analysis of the Project's impacts based upon a complete disclosure of the Project uses.

Conclusion

For all of the reasons set forth herein and incorporated by reference, we urge the City to grant SCRA and SLAROS's appeal of the City Planning Commission's approval of this Project. SCRA and SLAROS also reserve the right to supplement this appeal justification prior to the City Council's consideration of this appeal.