



## APPLICATIONS:

# APPEAL APPLICATION

## Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

### A. APPELLATE BODY/CASE INFORMATION

#### 1. APPELLATE BODY

- ☐ Area Planning Commission    ☐ City Planning Commission    ☒ City Council    ☐ Director of Planning  
☐ Zoning Administrator

Regarding Case Number: Case No. CPC-2020-1511-VCU-SPR

Project Address: 4047 – 4155 North Whittsett Avenue; 12506 – 12630 West Valley Spring Lane

Final Date to Appeal: 09/27/2023

#### 2. APPELLANT

**Appellant Identity:**  
(check all that apply)

- ☐ Representative    ☐ Property Owner  
☐ Applicant    ☐ Operator of the Use/Site

☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved  
Save Weddington Inc

☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative    ☐ Owner    ☐ Aggrieved Party  
☐ Applicant    ☐ Operator

#### 3. APPELLANT INFORMATION

Appellant's Name: Save Weddington Inc

Company/Organization: \_\_\_\_\_

Mailing Address: 4434 Carpenter Avenue

City: Studio City    State: CA    Zip: 91607

Telephone: (310) 968-6670    E-mail: info@saveweddington.org

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self    ☐ Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?    ☐ Yes    ☒ No

#### 4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jamie T. Hall  
Company: Channel Law Group, LLP  
Mailing Address: 8383 Wilshire Blvd., Suite 750  
City: Beverly Hills State: CA Zip: 90211  
Telephone: (310) 982-1760 E-mail: jamie.hall@channellawgroup.com

#### 5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part  
b. Are specific conditions of approval being appealed? ☐ Yes ☒ No


If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☒ The reason for the appeal ☒ How you are aggrieved by the decision  
☒ Specifically the points at issue ☒ Why you believe the decision-maker erred or abused their discretion

#### 6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 09/26/23

#### GENERAL APPEAL FILING REQUIREMENTS

#### B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

##### 1. Appeal Documents

- a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)  
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☒ Appeal Application (form CP-7769)  
☒ Justification/Reason for Appeal  
☒ Copies of Original Determination Letter

##### b. Electronic Copy

- ☒ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

##### c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.  
☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

##### d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC  
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.



**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- ☐ **1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.**

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.**

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

## G. NUISANCE ABATEMENT

### 1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

#### NOTE:

- Nuisance Abatement is only appealable to the City Council.

#### a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

### 2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

#### a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

## NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

**Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:  \$166	Reviewed & Accepted by (DSC Planner):  J. Chan	Date:  9/27/23
Receipt No: 260923O3A-A4DEC31C-36A0-48FC- A1F2-190E31F17190	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

# Channel Law Group, LLP

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8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

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Phone: (310) 347-0050  
Fax: (323) 723-3960  
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JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

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jamie.hall@channellawgroup.com

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\*ALSO Admitted in Texas

September 26, 2023

## **VIA ELECTRONIC MAIL**

Planning and Land Use Management (PLUM) Committee  
Marqueece Harris-Dawson, Chair  
councilmember.harris-dawson@lacity.org

**Re: Appeal of Harvard-Westlake Project; 4047-4155 N. Whitsett Ave.; 12506-12630 W. Valley Spring Ln.; CPC-2020-1511-VCU-SPR and ENV-2020-1512-EIR**

Honorable Chair Harris-Dawson and Committee Members:

This office represents Appellant Save Weddington in its appeal of the City Planning Commission's August 24, 2023 approval of the Harvard-Westlake Project, which expands Harvard Westlake School's sports facilities at steep environmental cost. The Project proposes the destruction of 240 mature, healthy trees and unimproved grassy area and its replacement with an 80,249 square-foot gymnasium, astroturf, a parking lot and a sea of concrete punctuated by immature replacement trees providing negligible habitat or shade value. Appellant hereby appeals the Vesting Conditional Use, height determination, and Site Plan Review approvals (the "Entitlements") and the certification of the Environmental Impact Report ("EIR") for the Project.

### **I. THE COMMISSION FAILED TO SUBSTANTIATE THE VESTING CONDITIONAL USE FINDINGS**

The following findings are not supported by substantial evidence:

*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.*

There is no substantial evidence in the record that the Project's significant features – including its replacement of trees and grass with structures, artificial turf and concrete – will be compatible with adjacent properties, the surrounding neighborhood, or public health welfare. The loss of trees and the replacement of grass with buildings and paved surfaces will exacerbate the urban heat island effect significantly. The Commission's findings do not address these features or their impacts on the surrounding properties.

***The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.***

The Project site is designated as open space according to the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan. Community Plan Policy 5-1.1 provides for the preservation of open space from incompatible encroachments by encouraging “the retention of passive and visual open space which provides a balance to the urban development of the Plan Area.” The Project eliminates the golf course and results in encroachment of high-intensity school sports facilities into open space areas. There is simply no substantial evidence supporting a finding of consistency with the Community Plan.

## **II. THE COMMISSION FAILED TO SUBSTANTIATE THE SITE PLAN REVIEW FINDINGS**

The following findings are not supported by substantial evidence:

***The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.***

The Project is not consistent with the applicable Community Plan because it does not provide for the retention of the golf course's open space and instead approves an incompatible high-intensity encroachment inconsistent with Community Plan Policy 5-1.1. Therefore, substantial evidence cannot support this finding.

***The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.***

This finding lacks substantial evidence. The Project's extensive expansion of school sports facilities into open space facilities will directly degrade neighboring properties, reducing effective access to open space, removing essential green space reducing the urban heat island effect and destroying countless trees visible from the nearby community. Over-height fences on Whitsett Avenue and Valley Spring Lane will degrade the neighborhood along its two primary frontages as visible from neighborhoods to the north and east of the Property. Therefore, there is no substantial evidence in the record to support this finding.

### **III. THE PROJECT FAILS TO COMPLY WITH CEQA**

As articulated in Appellant's May 10, 2022 letter, the Environmental Impact Report ("EIR") for the proposed Project is deficient. The DEIR fails to set forth a proper project description because it incorporates mitigation measures into the scope of the project itself, under-identifying impacts for biological resources, cultural resources, greenhouse gas impacts, hazardous materials impacts, noise and vibration impacts, police service impacts, transportation impacts and utility systems impacts. The Project Description is also inadequate because it fails to describe the extended authorization for special events and public use, or to mitigate or Project impacts by including a mitigation measure limiting use to 27 annual events up to 500 people and 3 annual events up to 2,000 people per year. Project Design Feature TRAF-PDF-3 is entirely unenforceable for non-school events and would not reduce impacts. The EIR must clarify the extent and limitations of public use of the site. The EIR also included deficient cumulative analysis, deficient analysis of hazardous materials, greenhouse gas impacts and traffic and deficient analysis of impacts to air quality resources, biological resources and historic resource impacts. The EIR failed to consider adequate alternatives or alternative sites. The EIR relied on an improperly limited related projects list, tainting cumulative analysis.

### **IV. CONCLUSION**

On behalf of Appellant, we respectfully request that you grant the appeal, deny the Entitlements or require recirculation of the EIR. I may be reached at 310-982-1760 or [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall





# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: SEPTEMBER 12, 2023**

**Case No. CPC-2020-1511-VCU-SPR**

Council District: 4 – Raman

CEQA: ENV-2020-1512-EIR; SCH No. 2020090536

Plan Area: Sherman Oaks – Studio City

Toluca Lake – Cahuenga Pass

**Project Site:** 4047 – 4155 North Whitsett Avenue; 12506 – 12630 West Valley Spring Lane, and a portion of APN 2375-018-903,

**Applicant:** Harvard-Westlake School  
Representative: Edgar Khalatian, Mayer Brown, LLP

At its meeting of **August 24, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Redevelopment of a 16.1-acre site and adjacent 1.1-acre portion of property along the LA River, totaling 17.2-acres (749,344 square feet) (Project Site), for use as an athletic and recreational facility for the Harvard-Westlake School and shared public use. The Project removes the existing golf course, driving range, and tennis facility, to develop two athletic fields with bleacher seating, an 80,249 square feet, two-story gymnasium with a maximum height of 30 feet, a 52-meter swimming pool with seating, eight tennis courts with seating, one level of below-grade parking and a surface parking lot. The Project includes ancillary field buildings, three security kiosks, exterior light poles, walls/fencing, and retention of the existing clubhouse structure, putting green, low brick retaining wall with weeping mortar, and golf ball-shaped light standards. The Project removes 215 existing trees and plants 368 new trees, includes a 350,000-gallon stormwater capture and reuse system, provides 5.4 acres (235,224 square feet) of publicly accessible open space and landscaped pathways connecting to the adjacent Zev Greenway, and provides on-site landscaped areas and recreational facilities. The Project involves off-site improvements to the Valleyheart Drive public right-of-way and portions of the adjacent Zev Greenway. Project development requires excavation and grading to a maximum depth of 21 feet below grade and a net cut/fill volume of 197,000 cubic yards.

1. **Found**, that the City Planning Commission has reviewed and considered the information contained in the EIR No. ENV-2020-1512-EIR (SCH No. 2020090536), dated March 2022, and the Final EIR, dated May 2023 (Harvard-Westlake River Park Project EIR), as well as the whole of the administrative record;

**Certified** the following:

- a. The Harvard-Westlake River Park Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The Harvard-Westlake River Park Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- c. The Harvard-Westlake River Park Project EIR reflects the independent judgment and analysis of the lead agency.

**Adopted** all of the following:

- a. The related and prepared Harvard-Westlake River Park Project Environmental Findings;



- b. The Statement of Overriding Considerations; and
  - c. The Mitigation Monitoring Program prepared for the Harvard-Westlake River Park Project EIR.
2. **Approved**, pursuant to Section 12.24 T of the Los Angeles Municipal Code (LAMC), a Vesting Conditional Use to allow the operation of a private-school athletic and recreational campus in the A1 Zone;
  3. **Approved**, pursuant to LAMC Section 12.24 F, a determination to permit the following maximum heights for light poles ancillary to the athletic and recreational campus, in lieu of the 30-foot height limit otherwise required by LAMC Section 12.21.1 A:
    - a. Four 55-foot-tall light poles on the east and west sides of the pool facility;
    - b. Two 80-foot-tall light poles each on the west and east sidelines of Field A;
    - c. Two 80-foot-tall light poles each on the north and south sidelines of Field B; and
    - d. Ten 40-foot-tall light poles located on all four sides of the proposed tennis courts;
  4. **Approved**, pursuant to LAMC Section 12.24 F, a determination to permit maximum 10-foot height walls along Whitsett Avenue and Valley Spring Lane and ancillary to the athletic and recreational campus, in lieu of the eight-foot maximum height limitation for fences and walls within side yards and the six-foot maximum height limitation for fences and walls within front yards, in the A1-1XL-RIO Zone;
  5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project which results in an increase of 50,000 gross square feet or more of non-residential area;
  6. **Adopted** the attached Modified Conditions of Approval; and
  7. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Zamora  
 Second: Noonan  
 Ayes: Cabildo, Choe, Gold, Mack, Millman  
 Absent: Lawshe, Leung

**Vote: 7 – 0**

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Cecilia Lamas, Commission Executive Assistant II  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

**FINAL APPEAL DATE: SEPTEMBER 27, 2023**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Amended Findings, Appeal Filing Procedures

c: Milena Zasadzien, Principal City Planner  
Mindy Nguyen, Senior City Planner  
Kimberly Henry, City Planner

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on August 24, 2023)

Pursuant to Los Angeles Municipal Code (LAMC) Sections 12.24 T, 12.24 U.24, 12.24 F, and 16.05, the following conditions are hereby imposed upon the use of the subject property:

### Vesting Conditional Use Conditions

1. **Site Development.** The use and development of the Property shall be in substantial conformance with the plans stamped: Revised Exhibit A, dated August 24, 2023 (hereafter referred to as "Revised Exhibit A"). No change to the plans will be made without prior review by the Department of City Planning, Major Projects, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the Project conditions.
2. **Use.** The use of the subject property shall be limited to an athletic and recreational facility for school and public use. In addition, football games would not be permitted on the property, although football practices would be permissible. The authorized use shall be conducted at all times with due regard for the residential character of the surrounding area and the right is reserved to the City Planning Commission to impose additional corrective conditions if, in its opinion, such conditions are necessary for protection of persons using the facilities of residents of the area.
3. **Floor Area.** The Project shall not exceed a maximum Floor Area Ratio (FAR) of 0.15:1, as defined by LAMC Section 12.03 of the LAMC, including limitations on the following buildings:
  - a. Existing Clubhouse and Café: 2,700 square feet of interior space and 900 square feet of outdoor covered area.
  - b. Gymnasium Building: 80,249 square feet
  - c. Pool/Aquatic Center: 3,660 square feet of locker rooms, bathrooms, and mechanical and equipment storage
  - d. Athletic Field A: 6,585 square feet of bathrooms, locker and team rooms, livestream booth, offices, ticket booth, and mechanical and equipment storage
  - e. Athletic Field B: 4,280 square feet of bathrooms, locker and team rooms, ticket booth, and mechanical and equipment storage
  - f. Security Kiosks: 347 square feet
  - g. Other buildings as depicted on Revised Exhibit A
4. **Height.** The height of all proposed new buildings and structures on the Project Site shall be constructed in accordance with Revised Exhibit A, dated August 24, 2023, and designed to comply with the A1-1XL-RIO height requirements and regulations for buildings, with a total maximum building height of 30 feet. Maximum height for lighting and walls and fences shall be limited as identified in Conditions 5 and 7.

5. **Fence Height.** All new walls and fences shall have a maximum height of no more than eight feet, except around the tennis courts and the north and east side of Field A. Fencing around the perimeter of the Project Site shall be installed in accordance with Revised Exhibit A, dated August 24, 2023. The following maximum heights for walls and fences ancillary to the tennis courts and the north and east side area of Field A are permitted, in lieu of the six-foot maximum height limitation for fences and walls within front yards, and the eight-foot maximum height limitation for fences and walls within side yards, in the A1-1XL-RIO Zone:
  - a. A maximum 10-foot-height wall along Whitsett Avenue at Field A; and
  - b. A maximum 10-foot-height wall along Valley Spring Lane at the tennis courts.
6. **Seating.** The maximum number of new seats shall be limited by use as follows:
  - a. Gymnasium Building: Up to 1,056 bleacher seats
  - b. Pool/Aquatic Center: Up to 214 bleacher seats
  - c. Athletic Field A: Up to 542 bleacher seats
  - d. Athletic Field B: Up to 109 bleacher seats
  - e. Eight Tennis Courts: Up to 84 bleacher seats
7. **Lighting.**
  - a. Lighting for the Project shall be installed in accordance with the Lighting and Signage Plan shown in Revised Exhibit A dated August 24, 2023, and designed to comply with the California Code of Regulations, Title 24, the LAMC, and the RIO District requirements and regulations. Outdoor lighting shall be designed with LED technology and include timer controls.
  - b. Outdoor lighting shall be turned off no later than 8:00 p.m. daily, with the exception of the tennis court lighting, which shall be turned off at 9:00 p.m. There shall be no time limitation on low-level lighting for illuminating parking areas, pathways, and landscaping elements.
  - c. The Project is permitted a maximum of 22 new light poles on the Project Site ranging from 40 feet to 80 feet in height, including:
    - i. **Field A:** Four 80-foot-tall light poles, two each on the east and west sidelines.
    - ii. **Field B:** Four 80-foot-tall light poles, two each on the north and south sidelines.
    - iii. **Pool Area/Facility:** Four 55-foot-tall light poles, one each along the northeastern, northwestern, southeastern, and southwestern areas of the pool.
    - iv. **Tennis Courts:** Eight 40-foot-tall light poles, along the north, east, and south edges of the tennis courts, and two in the middle of the tennis court area.
    - v. **Existing Clubhouse:** Six repurposed historic golf ball-shaped light standards within the existing shell of the “golf ball,” with optic control, glare shielding, and



power consumption, shall be located to the south and southwest sides of the clubhouse, and visible from the public right-of-way.

**8. Outdoor Scoreboards.** Outdoor scoreboards shall be limited to the following size, type, and height as follows:

- a. Field A: One 25-foot by 8-foot LED scoreboard with a maximum height of 21 feet
- b. Field B: One 25-foot by 8-foot LED scoreboard with a maximum height of 21 feet
- c. Swimming Pool: One 18-foot by 10-foot scoreboard with a maximum height of 12 feet
- d. The outdoor scoreboards shall not display live video.

**9. Automobile Parking.**

- a. Parking shall be provided in accordance with LAMC Section 12.21 A.4. However, in no event can there be more than 403 vehicular parking spaces total onsite.
  - i. There shall be no more than 17 parking spaces located in the surface parking lot.
  - ii. All other parking spaces shall be located within the below-grade parking structure.
- b. Students who drive to the Project Site shall be required to register their vehicles with School administration and shall be required to display parking permits.
- c. Students who carpool (three or more students per car, including the driver) shall be given priority for onsite parking and/or for parking in the parking lots.
- d. All visitors, including the School's students and employees, shall be required to park on the Project Site. Parking in the surrounding neighborhood shall not be permitted unless the visitor lives in the neighborhood and is parking proximate to their residence.

**10. Special Event Parking.**

- a. Additional parking for special events shall either be provided with on-site stacked attendant parking or by utilizing a shuttle service.
- b. The athletic fields may be utilized for overflow parking.
- c. In the event either of the athletic fields are utilized for overflow parking, a parking attendant will be required to direct pedestrians and traffic.

**11. Vehicular Access.**

- a. Vehicular access to the below-grade parking structure shall be provided via a two-way driveway on Whitsett Avenue.
- b. The Project shall provide a second driveway to access the below-grade parking structure from Valleyheart Drive. The second driveway shall also allow access to the surface parking and vehicle roundabout.

- c. There shall be no vehicular access to the subject property located along Valley Spring Lane and Bellaire Avenue.

**12. Pedestrian Access.** Pedestrian access to the pedestrian paths and 5.4 acres of landscaped areas open to the public shall be provided in accordance with Revised Exhibit A.

- a. Pedestrian Improvements. A Controlled pedestrian crossing shall be installed at the intersection of Whitsett Avenue and Valleyheart Drive. The Applicant shall consult with the Department of Public Works and the Department of Transportation on the installation of the controlled pedestrian crossing. The Applicant shall work with the Bureau of Engineering and the Department of Transportation in the design process for Segment 8 of the LA RiverWay (Whitsett Avenue to Lankershim Boulevard) to ensure compatibility of the controlled crossing with the forthcoming Segment 8 plans and construction. The Applicant shall work with Department of Public Works and the Department of Transportation to assess further improvements as needed for drainage and flow southward from the southwest corner of Valley Spring Lane at Whitsett Avenue and install such improvements if necessary.

**13. Drop-off/Pick-up.**

- a. Student drop-off/pick-up activities shall be located at the south driveway roundabout, accessible via Valleyheart Drive, as indicated on Revised Exhibit A.
- b. There shall be adequate signage on the Project Site to indicate on-site drop-off and pick-up locations.
- c. All unloading and loading of visitors (including but not limited to students, parents, spectators, and visitors) shall take place onsite and shall not interfere with traffic on any public street. Public sidewalks and other public ways shall not be used for parking or unloading and loading.

**14. Shuttles.**

- a. On weekdays where School athletic and recreational programs take place, the School shall use shuttles to transfer students, coaches, and visitors between the Upper School campus and the Project Site from 2:30 p.m. to the end of the day's last school-based activity.
- b. On days in which concurrent event attendance is expected to exceed 300 spectators, including parents and other spectators, students shall not be permitted to drive to the Project Site. A parking pass shall be required to enter or park at the Project Site. Spectators without a parking pass shall be directed to park on the Upper School campus and ride the School-provided shuttle to the Project Site.
- c. Ingress and egress for the shuttles arriving to and leaving from the Project Site shall be at the south driveway roundabout at Valleyheart Drive.
- d. Shuttles shall follow a prescribed driving route, travelling northbound on Coldwater Canyon Avenue, turning right at Moorpark Street, and turning right onto Whitsett Avenue.

- e. Shuttles and other vehicles shall queue within the internal Project Site driveways. The School shall monitor shuttles to ensure the shuttles do not idle with their engines running or queue on local streets.
- f. All shuttles utilized to transfer students, coaches, and visitors between the Upper School campus and the Project Site shall use electric engines or other zero-emission vehicles.

**15. Parking and Transportation Management Program.**

- a. The School shall develop and implement a Parking and Transportation Management Program that will be employed by the School for all athletic competitions or Special Events that are expected to draw more than 300 attendees. The Program shall include additional measures such as a left-turn prohibition on Special Event days for off-site parking at the Upper School campus, attendant-assisted parking, temporary increases in traffic management and parking personnel as needed, use of security personnel, signage, and/or other measures. The School shall submit the Program to the Department of Transportation prior to the issuance of the first Certificate of Occupancy. The Program may be modified to incorporate new technologies or techniques in parking and transportation management.
- b. The Program shall include a parking reservation system for events where concurrent attendance is expected to exceed 300 spectators. A parking reservation system for Special Events shall be set forth in the Program. Guests without a parking reservation seeking to attend a Special Event or generally enter or park at the Project Site on days in which more than 300 concurrent spectators are anticipated, shall be denied access to the Project Site. Instead, such guests shall be directed to park their vehicle(s) on the Upper School campus and ride a School-provided shuttle to and from the Project Site.
- c. The School shall designate a Transportation and Parking Coordinator to manage the School's Parking and Transportation Management Program.
- d. Notification to Parents, Students, and Employees of Parking and Transportation Management Program.
  - i. To ensure implementation of the transportation and parking management programs, the School shall inform parents, students, and employees in writing on an annual basis of all rules regulating School transportation and parking. The School shall require parents, students, and employees to acknowledge acceptance of the rules. These rules and regulations shall also be included in the annually updated, "Student/Parent Handbook."
  - ii. The School shall maintain a progressive disciplinary system of enforcement in which the first violation shall result in suspending driving privileges for the student to and from the Project Site for one week. The second violation shall result in suspending driving privileges for the student to and from the Project Site for two weeks. The third violation shall result in suspending driving privileges for the student to and from the Project Site for the remainder of the trimester. The fourth violation shall result in suspending driving privileges for the student to and from the Project Site for the remainder of the school year. A violation requires that the student ride the School-provided shuttles.

**16. Transportation Passes.**

- a. **Walking Pass.** Students, employees, and guests who live within one mile of the Project Site and who sign a contract with the School to walk to and from the Project Site may be issued a "Walking Pass" by the School. The Walking Pass shall allow the individual to walk to the Project Site and must be available to present to the Project Site's security personnel on each such visit.
- b. **Bicycle Pass.** Students, employees, and guests who sign a contract with the School to ride a bicycle to and from the Project Site may be issued a "Bicycle Pass" by the School. The Bicycle Pass shall allow the individual to bicycle to the Project Site and must be available to present to the Project Site's security personnel each such visit.
- c. **Transit Pass.** Students, employees, and guests who sign a contract with the School to ride public transportation to and from the Project Site may be issued a "Transit Pass" from the School. The Transit Pass shall allow the individual to ride public transit to the Project Site and must be available to present to the Project Site's security personnel each such visit.

**17. Traffic Monitors for Special Events.**

- a. Two or more transportation and parking monitors in distinctive attire (e.g., orange vests) shall be located at the Whitsett Avenue entrance and Valleyheart Drive entrance (at least one monitor at each entrance) during the hours of all Special Events to monitor compliance with rules against noise from car horns, car radios, car alarms and loud voices, to direct traffic flow and the student and visitor drop-off/pick-up process at the drop-off area and roundabout from Valleyheart Drive, to assure that School visitors and employee vehicles do not queue on the adjacent streets, block any public right-of-way, and/or private driveways, or adversely affect traffic circulation for local residents, and to assist with smooth ingress to and egress from the underground parking garage.
- b. Monitors shall instruct that shuttles and vehicles that bring students, employees, and guests to and from the Project Site are prohibited from parking on residential streets.
- c. Monitors shall observe and report any violations of the rules regulating School transportation and parking to School administration. The School shall retain a list of violations of the rules regulating School transportation and parking.

**18. Hours of Operation.** Hours of operation for the various activities that will take place onsite shall be limited to the following:**a. Athletic and Recreational Activities of the School**

- i. School hours (Monday - Friday, during School year): 7:00 a.m. to 8:00 p.m. (outdoor activities) and 9:30 p.m. (indoor activities)
- ii. Off-Season school athletic and summer program hours (Monday - Friday): 9:00 a.m. to 6:00 p.m.
- iii. On Saturdays, whether during the school year, off-season, or summer, athletic activities: 9:00 a.m. to 6:00 p.m., except for up to 10 Saturdays per calendar year



when outdoor athletic activities may take place up until 8:00 p.m. and indoor activities may take place up until 9:30 p.m.

- iv. No athletic activities (e.g., games or practices) shall occur on Sundays
- v. On federal holidays, School activities, athletic or otherwise: 9:00 a.m. to 3:00 p.m.

**b. Non-Athletic Activities of the School**

- i. Non-athletic School activities, including academic uses, are limited to 9:00 a.m. to 8:00 p.m. outdoors or 9:30 p.m. indoors, Monday through Friday.
- ii. Maintenance staff hours on Project Site (Year Round): 6:00 a.m. to 10:00 p.m.
- iii. Security Personnel (Year Round): 24 hours per day

**c. Athletic and Recreational Activities by the Public**

- i. Clubhouse, café, and putting green - 7:00 a.m. to 9:00 p.m., daily
- ii. Tennis Courts (when not in use by the School) - 7:00 a.m. to 9:00 p.m., daily
- iii. Park Areas - Pedestrian paths, landscaped areas - 7:00 a.m. to 9:00 p.m., daily
- iv. Gymnasium Community Room and River Room (for pre-approved organizations) - 7:00 a.m. to 9:00 p.m., daily
- v. Gymnasium Courts (for pre-approved organizations, when not in use by the School) - 7:00 a.m. to 9:00 p.m., daily
- vi. Swimming Pool (for members of pre-approved swim programs, when not in use by the School) - 7:00 a.m. to 9:00 a.m., weekdays. However, the School may, in its discretion, expand public hours of use for the swimming pool up to 8:00 p.m., daily
- vii. Athletic Fields (for pre-approved organizations, when not in use by the School) - 7:00 a.m. to 8:00 p.m., daily.

**19. Special Events.**

- a. **School Related Special Events.** The Project Site may be used to host up to 20 School-related Special Events per calendar year, including both weekday and weekend events. Special Events are defined as any non-athletic, non-recreational, or non-regular academic activity involving more than 100 persons.
  - i. Of the 20 Special Events:
    - 1) 12 may have up to 250 people, six may have up to 500 people and two may have up to 2,000 people;
    - 2) 15 can occur on a weekday, 10 on a Saturday, and five on a Sunday;
  - ii. Special Events held outdoors shall end by 9:00 p.m. and Special Events held indoors shall end by 10:00 p.m.

- b. **Non-School Related Special Events.** The gymnasium building and Field A may be used for up to five public Special Events (i.e., non-School related events) per calendar year. Non-School Special Events are defined as any non-athletic activity involving more than 100 persons. These events would be limited to Field A or the gymnasium and shall end by 10:00 p.m. Non-School Special Events attendance shall not exceed 400 persons.
- c. **Concurrent Special Events.** Special Events, for the School or public purposes, are prohibited when concurrent athletic event(s) attendance is expected to exceed 500 spectators.
- d. **Special Events Calendar.** Special Events shall be identified on a "School Special Events Calendar" with the expected hours, type, and location of the specific event.
  - i. A copy of the School Special Events Calendar shall be submitted to the applicable Council District Office and the Studio City Neighborhood Council at least 10 calendar days prior to the start of each School year with an additional copy submitted to the Director of Planning for inclusion in the subject City Planning Case file. If a Special Event is scheduled after the submittal of the School Special Events Calendar, then the School shall provide the same parties an updated School Special Events Calendar at least 10 calendar days prior to the Special Event.
  - ii. A copy of the School Special Events Calendar shall also be posted online on the School's website 10 calendar days prior to the beginning of each School year for public reference. At the start of each School year, the School shall mail or hand-deliver a notice to all property owners and occupants within 500 feet of the Project Site. The public notice shall include the School year calendar, hours of operation, and dates of special events.

## 20. Uses Available to the Public.

- a. The School shall improve and continuously maintain the Zev Greenway on the north side of the Los Angeles River from Whitsett Avenue to the western property line of the Project Site.
- b. The School shall preserve the existing clubhouse with café and the existing putting green at Valley Spring Lane and Whitsett Avenue, and allow for continued access to the public from 7:00 a.m. to 9:00 p.m.
- c. The gymnasium shall include a ground-level community room available for public use by organizations. The community room shall be available through a reservation system, and the main entrance shall face the Los Angeles River. The community room shall be available between from 7:00 a.m. to 9:00 p.m.
- d. The School shall provide public access to the tennis courts from 7:00 a.m. to 9:00 p.m. when they are not in use by the School.
- e. The School shall provide public access to the approximately 5.4 acres of open space and landscaped paths from 7:00 a.m. to 9:00 p.m.
- f. The School shall allow pre-approved organizations, including local schools and youth groups, to reserve via a reservation system use of the swimming pool from 7:00 a.m. to

9:00 a.m. and Field A, Field B, and the gymnasium courts from 7:00 a.m. to 9:00 p.m. (Field A and Field B until 8:00 p.m.) when they are not in use by the School.

- g. The School shall be supportive of any neighborhood requests to the City for “traffic calming” measures, such as speed humps and Preferential Parking Districts on residential streets surrounding the Project Site.

## **21. Community Liaison.**

- a. A Community Relations representative shall be designated and the contact information of that person shall be posted online on the School’s website and prominently at the Project Site.
- b. The School shall post signs at the Clubhouse, the primary pedestrian entrance off of Whitsett Avenue, and on the School’s website informing the public of a 24-hour “hot line” telephone number to notify the School administration of any problems associated with the operation of the Project. The “hot line” telephone number shall be attended by a live person during hours of operation and events. If a live person is not available to answer the telephone call, a voicemail system shall be established for members of the public to report any problems associated with the operation of the Project. A live person shall respond to all voicemail messages within 24 hours of the call being placed.
- c. An email address to submit concerns shall also be established and made available to the public.
- d. A complaint log shall be kept aggregating all live person calls, voicemails, and emails, and include (if provided by the complainant) the complainant’s name, date and time of complaint, phone number and/or email address, the nature of the complaint, the date and time of the response of the complaint, and a description of how the issue was responded to or resolved. Record of all complaints shall be maintained on the premises.

## **22. Noise.**

- a. The amplified sound system for special events at Field A shall be installed and designed using a line-array speaker system, so as to not exceed a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system.
- b. The stage for Special Events shall be located at the north side of Field A, with the amplified sound system facing south in the opposite direction from the off-site sensitive uses to the north of Field A, in order to reduce speaker noise at the nearest off-site sensitive uses to the north and east of Field A.
- c. Motorized cleaning and landscaping (taking place outside) shall not be permitted before 8:00 a.m. or after 6:00 p.m.
- d. Equipment sounds shall be buffered, to the extent feasible, by locating rooftop mechanical equipment in a well surrounded by a vertical wall supporting the mansard roofs. Compressors and other equipment that may introduce audible noise beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site, to the extent feasible.

- e. No exterior, electronically activated bells are permitted except for those required by law (e.g., fire alarms).

**23. Security.**

- a. The School shall provide on-site security personnel at the Project Site 24 hours a day, seven days a week.
- b. Security personnel shall monitor pedestrian and vehicle entry points surrounding the Project Site and help direct visitors to available on-site parking areas.
- c. Security personnel shall confirm with all students, visitors, and employees arriving via foot that they have not parked within the off-site neighborhood and confirm whether they are residents living within walking distance of the Project Site or arriving via bicycle or public transportation. If determined to have driven to the Project Site and parked within the adjacent neighborhood, security personnel shall deny entry to such “walk ins” and require them to return to their vehicle to park within the Project Site or at the Upper School Campus.

**24. Property Rental.** The rental, lease, or use of the Project Site by anyone other than the School, related organizations, or as expressly authorized by this grant, shall be prohibited.

**25. Commercial Filming.** Filming on the Project Site for commercial (non-School related) purposes shall be prohibited.

**26. Deliveries.** The School shall instruct companies who deliver products, supplies, and/or equipment, to do so between 8:00 a.m. and 5:00 p.m.

**27. Determination Letter.** All School administrators and School board members shall be provided a copy of the subject determination.

**27a. Construction Best Practices and Communication.** The Applicant shall implement Good Neighbor Construction Practices, attend Neighborhood Council meetings to provide timely Project Construction updates, conduct daily site cleanings during construction, have a superintendent/construction monitor and add signage with contact information on-site during construction activities, and implement dust control measures. The Applicant shall coordinate construction activities with concurrent neighboring construction projects.

**27b. All-Electric Buildings.** The project shall construct carbon-free buildings to the greatest extent possible, and shall be constructed to be consistent with Ordinance No. 187,714, with the exception that the swimming pool may utilize natural gas. Ordinance 187,714 also explicitly exempts certain cooking equipment contained within kitchens located in a public use area, and therefore, both proposed kitchens may also rely on natural gas.

**Site Plan Review Conditions**

**28. Site Development.** The use and development of the Property shall be in substantial conformance with the plans stamped: Revised Exhibit A, dated August 24, 2023 (hereafter referred to as “Revised Exhibit A”). No change to the plans will be made without prior review by the Department of City Planning, Major Projects, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be



allowed in order to comply with the provisions of the Municipal Code or the Project conditions.

**29. Historic Resources.** All construction on the subject Project Site shall be subject to review and sign-off by the Department of City Planning, Office of Historic Resources.

**30. Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Chapter IX, Article 9, LAMC Sections 99.04.106 and 99.05.106.

**31. Landscaping.**

- a. All open areas not used for buildings, driveways, parking areas or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Architect and to the satisfaction of the Department of City Planning.
- b. The Project's landscaping must be consistent with guidelines set forth in the Los Angeles River Improvement Overlay District and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.
- c. Decomposed granite in the outdoor courtyard area, located adjacent to the Clubhouse building and tennis courts, and north of the northern driveway shall not only be utilized for pathways, and the outdoor area shall be improved with new landscaping and plants for a pocket park and as publicly accessible green space on the Project Site.
- d. If artificial turf is utilized at Fields A and B, the artificial turf shall be permitted pursuant to California Assembly Bill 1423 (Schiavo, 2023), as amended July 3, 2023, and utilize temperature reducing coatings. If artificial turf becomes not compliant with future state and local legislation, it shall be replaced with a suitable and compliant alternative, with the artificial turf responsibly recycled.

**32. Tree Removal/Planting Plan.**

- a. Any street trees removed as part of the Project shall be replaced at a 2:1 ratio, per the Bureau of Street Services, Urban Forestry Division. Removal or planting of any tree in the public right-of-way requires approval from the Board of Public Works.
- b. All trees deemed protected trees by the City of Los Angeles, within the public right-of-way or on the Project Site, shall be preserved.
- c. Non-native trees proposed to be removed as part of the Project shall be replaced with two 24-inch box trees (at a minimum) that shall be of native species that comply with the RIO District and Los Angeles County Master Plan Landscaping Guidelines. Replacement trees shall be planted on the Project Site or along the Los Angeles River.
- d. All invasive palms (e.g., Mexican fan palm) on the Project Site shall be removed and replaced at a 1:1 ratio with RIO compliant trees.
- e. All Mexican fan palms located in the public right-of-way along Valley Spring Lane shall be preserved.

- 33. Water Reclamation/Stormwater Capture.** The Project shall implement a water reclamation and stormwater capture system that will treat, capture, and reuse rainwater that falls onto the Property, with a treatment and storage capacity of three hundred and fifty thousand (350,000) gallons.
- 34. Solar Panels.** The Project shall comply with the Los Angeles Green Building Code's solar-ready roof requirements. The Project shall also install solar panels on the building rooftop, in substantial conformance with Exhibit "A".
- 35. Trash/Storage.**
- a. All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
  - b. Trash receptacles shall at all times be stored in a fully enclosed building or structure, constructed with a solid roof.
  - c. Trash/recycling containers shall be locked when not in use.
- 36. Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- 37. Reflectivity.** Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.
- 38. Construction Generators.** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. The Project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
- 39. Utilities.** All utilities shall be fully screened from view of any abutting properties and the public right-of-way.
- 40. Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
- 41. Graffiti.** All graffiti on the Project Site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 42. Aesthetics.** The structure, or portions thereof, shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91.8104.
- 43. Construction Signage.** There shall be no off-site commercial signage on construction fencing during construction.

**Environmental Conditions**

- 44. Implementation.** The Mitigation Monitoring Program (MMP), attached as Exhibit “B” and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Feature (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

- 45. Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain a and independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant’s compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant’s Compliance Report. The Construction Monitor shall be obligated to immediately report to the applicable Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the applicable Enforcement Agency.

- 46. Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary Project-related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modification(s) to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new, significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

- 47. Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that

may be tribal cultural resources are encountered during the course of any ground disturbance activities (Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The Applicant shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

48. **Archaeological Resource Inadvertent Discovery.** In the event that any subsurface archaeological resources are encountered unexpectedly at the project site during construction or the course of any ground disturbing activities, all such activities shall halt

immediately, at which time the applicant shall notify the City and consult with a qualified archaeologist to implement the following procedures associated with the inadvertent discovery of archaeological resources:

- The applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) to prepare a treatment and disposition plan for any discovered archaeological resource. The qualified archaeologist shall retain an archaeological monitor who shall be present during further ground disturbing activities on the project site, including peripheral activities, such as sidewalk replacement, utilities work, and landscaping, which may occur adjacent to the project site.
- A 50-foot buffer around any find shall be established, subject to modification by the qualified archaeologist, within which construction activities shall not be allowed to continue around the find until work is allowed to resume in accordance with the treatment and disposition plan. Ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated as part of a treatment and disposition plan. Work shall be allowed to continue outside of the buffer area.
- All archaeological resources unearthed by project development activities shall be evaluated by the qualified archaeologist. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If, in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school, Tribe, or historical society in the area for educational purposes. If the inadvertent discovery identifies a tribal cultural resource, the applicant shall comply with the inadvertent discovery condition for tribal cultural resources.
- The frequency of required archaeological monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), the depth of excavation, and, if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified archaeologist. Prior to any further ground disturbing activities on the project site, Archaeological Sensitivity Training shall be given for applicable construction personnel. The training session shall be carried out by the qualified archaeologist and shall focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

- All artifacts, other cultural remains, records, photographs, and other documentation shall be curated by an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.
- The treatment and disposition plan shall be submitted to the City prior to any further ground disturbing activities continue within the buffer area. Recommendations contained therein shall be implemented throughout any further ground disturbance activities.

49. **Paleontological Resource Inadvertent Discovery.** In the event that any subsurface paleontological resources are encountered unexpectedly at the project site during construction or the course of any ground disturbing activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to implement the following procedures associated with the inadvertent discovery of paleontological resources:

- The project applicant shall retain a qualified paleontologist meeting the Society of Vertebrate Paleontology Standards (SVP) to complete a treatment and disposition plan for any discovered paleontological resource. The qualified paleontologist shall retain a paleontological monitor who shall be present during further ground disturbing activities on the project site, including peripheral activities, such as sidewalk replacement, utilities work, and landscaping, which may occur adjacent to the project site.
- A 50-foot buffer around any find shall be established, subject to modification by the qualified paleontologist, within which construction activities shall not be allowed to continue around the find until work is allowed to resume in accordance with the treatment and disposition plan. Ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated as part of a treatment and disposition plan. Work shall be allowed to continue outside of the buffer area.
- All paleontological resources unearthed by project development activities shall be evaluated by the qualified paleontological. The qualified paleontologist or designated paleontological monitor shall recover intact fossils consistent with the treatment plan and notify the City of any fossil salvage and recovery efforts. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt future construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with the treatment and disposition plan prepared by the paleontological monitor.
- The frequency of required paleontological monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), the depth of excavation, and, if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified paleontologist. Prior to any further ground disturbing activities on the project site, Paleontological Resource Sensitivity Training shall be given for applicable construction personnel. The training session shall be carried out by the qualified archaeologist and shall focus on how to identify

paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

- All artifacts, other cultural remains, records, photographs, and other documentation shall be curated by an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.
- The treatment and disposition plan shall be submitted to the City prior to any further ground disturbing activities continue within the buffer area. Recommendations contained therein shall be implemented throughout any further ground disturbance activities.

### **Administrative Conditions**

50. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
51. **Code Compliance.** All area, height and use regulations of the zone classification of the subject Property shall be complied with, except wherein these conditions explicitly allow otherwise.
52. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent Property owners, heirs, or assigns. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
53. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
54. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
55. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
56. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.

57. **Indemnification and Reimbursement of Litigation Costs.** The Applicant shall do all of the following:
- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
58. The City shall notify the Applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the Applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the Applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.
59. The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.



For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

(As Amended by the City Planning Commission at its meeting on August 24, 2023)

### ENTITLEMENT FINDINGS

#### 1. Vesting Conditional Use Findings

The following is a delineation of the findings as related to the request for a Vesting Conditional Use in accordance with LAMC Section 12.24 U.24 and 12.24 T for the operation of a private-school athletic and recreational campus in the A1 Zone; and LAMC Section 12.24 F, to permit the following maximum heights for light poles ancillary to the athletic and recreational campus, in lieu of the 30-foot height limit otherwise required by LAMC Section 12.21.1 A:

- Four 55-foot-tall light poles on the east and west sides of the pool facility;
- Two 80-foot-tall light poles each on the west and east sidelines of Field A;
- Two 80-foot-tall light poles each on the north and south sidelines of Field B; and
- Ten 40-foot-tall light poles located on all four sides of the proposed tennis courts;

and to permit the following maximum heights for walls and fences ancillary to the tennis courts and the north and east sides of athletic Field A, in lieu of the eight-foot maximum height limitation for fences and walls within side yards and the six-foot maximum height limitation for fences and walls within front yards, in the A1-1XL-RIO Zone:

- A maximum 10-foot-height wall along Whitsett Avenue at the north and east sides of Field A; and
- A maximum 10-foot-height wall along Valley Spring Lane at the tennis courts.

- a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

#### Vesting Conditional Use

The Project Site is currently developed with a private golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp leading to the Zev Greenway river trail from the Project Site, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, including a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive, and a stormwater capture and reuse system.

The Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for school and public use, and add 5.4 acres of publicly accessible landscaped pathways and an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail along the Los Angeles River, providing a

service that provides, enriches, and benefits for students of the School, and allows regular access to recreational uses for the community, the City, and the region as a whole.

Specifically, the Project would provide appropriately sized and dedicated areas to optimize athletic and recreational programs offered to the student body and public. In addition to retaining the existing historic character defining features of the Site, which include a private recreational facility open to the public, the clubhouse building, putting green, low brick wall with weeping mortar, and golf ball-shaped light standards which would remain visible from the public right-of-way, the Project would add two athletic fields (Fields A and B) with bleacher seating; a 52-meter pool with bleacher seating; eight tennis courts with bleacher seating; a multi-purpose gymnasium building and flexible use spaces; 5.4 acres of landscaped walking paths; an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail; and an approximately 350,000 gallon storm water capture and reuse system. When not in use by the School, the two fields, pool, tennis courts, and gymnasium facility would be available for public use. Public use and accessibility of these athletic and recreational facilities would increase the variety of recreational opportunities available to the community.

The Project would enhance the built environment in the surrounding neighborhood by providing passive open space with buildings that respect the scale and character of the surrounding area, enhancing landscaping and green space that contribute to the beautification of the streetscape, and increasing the tree canopy and carbon sequestration. The Project includes the removal of 215 non-native trees, and the planting of 368 new native trees or trees sourced from the Los Angeles River master Plan Plant Landscaping Guidelines and Plant Palettes, for an overall net increase of 153 trees. Additionally, the Project would maintain the majority of existing mature trees along Bellaire Avenue, Valley Spring Lane, and Whitsett Avenue, and would include the planting of new trees along Valley Spring Lane and Whitsett Avenue. As condition in Condition of Approval 32.e, all Mexican fan palms located within the public right-of-way along Valley Spring Lane will be preserved. The landscaped pathway that will circumnavigate the Project Site would vary in width between 17 feet and 46 feet, which would enhance views from the surrounding neighborhoods to the north, east, and west; and act as a buffer along the north, east, and west property boundaries of the Project Site, for surrounding single- and multi-family neighborhoods from the athletic and recreational activities on the Project Site.

The Project would also include the use of artificial turf at the two fields and a stormwater capture and reuse system. The use of artificial turf that is compliant with California Assembly Bill 1423 (Schiavo, 2023), as amended July 3, 2023, at the two fields would reduce the overall quantity of water used at the site for maintaining the fields. It would also eliminate the need for fertilizers, pesticides, and herbicide at the Project Site. Reducing the Project's water usage and the use of fertilizers, pesticides, and herbicide at the Project Site would enhance the overall built environment at the Project Site and for the surrounding neighborhood. The Project would include an approximately 350,000-gallon stormwater capture and reuse system to collect and treat water from the Project Site. The treated water would then be reused at the Project Site for irrigation of the native landscaping. When the stormwater capture and reuse system reached capacity, it will continue to collect and treat water, but would release the treated water into the Los Angeles River, which would also help to enhance the built environment.

As conditioned, the Project will provide a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive. The Applicant is required to work with the Department of Public Works and the LADOT to assess further improvements as needed

for drainage and flow southward from the southwest corner of Valley Spring Lane and Whitsett Avenue and install such improvements, if necessary. Improving the intersection of Whitsett Avenue and Valleyheart Drive with a pedestrian crosswalk would improve pedestrian safety and improving street drainage would help to reduce flooding that occur at the intersection of Valley Spring Lane and Whitsett Avenue, thereby enhancing the overall built environment.

By designing the Project to respect the scale and character of the surrounding neighborhood, and providing large expanses of enhanced landscaped areas, pedestrian pathways, and athletic and recreational uses available to the public, the Project would enhance the built environment in the surrounding neighborhood and would perform a function and provide a service that is essential and beneficial to the community, city, and region.

#### Height Modification

The Project would include taller walls/fences and light poles throughout the Project Site, necessary for the security and privacy needs as a school use, which is also open to the public. Improving the functionality of the Site, by allowing for the construction of the proposed athletic and recreational facilities with the requested height increased for the light poles and walls/fences will result in benefits to the students and the public as the athletic and recreational facilities would be utilized by the students and the public.

Taller walls/fences located along the north and east property boundaries would be landscaped and provide a buffer for the surrounding community, helping to lessen noise from the athletic activities from the two fields, pool, and tennis courts on the Project Site. Additionally, retaining the majority of mature trees along Bellaire Avenue and Valley Spring Lane would further help in buffering the surrounding neighborhoods.

By designing the Project with taller light poles and fences/walls, the Project would further benefit the students and community, therefore enhancing the built environment in the surrounding neighborhood and would perform a function and provide a service that is essential and beneficial to the community, city, and region.

- b. **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.**

#### Vesting Conditional Use

The Project Site is located at the intersection of Whitsett Avenue and Valley Spring Lane within the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan area. The Project Site is zoned A1-1XL-RIO, which allows for various uses including one-family dwellings, parks, playgrounds, community centers, golf courses, and agricultural uses, with a maximum height of 30 feet and FAR of 3.0:1. The Project Site is currently developed with a clubhouse structure, putting green, golf ball-shaped light standards, low brick wall with weeping mortar, golf course, driving range, tennis courts and tennis building, maintenance sheds, and surface parking lot. The Project proposes retention of the existing historic clubhouse structure, putting green, low brick wall with weeping mortar, and golf ball-shaped light standards, and would develop two fields with bleacher seating, a 52-meter pool with bleacher seating, eight tennis courts with bleacher seating, a multi-purpose gymnasium building, ancillary buildings, landscaped pathways, walls and fencing

throughout the Site, new trees and landscaping throughout the Project Site, a below grade parking structure, surface parking lot, a pick-up/drop-off roundabout, an approximately 350,000-gallon stormwater capture and reuse system, an ADA-compliant ramp from the Project Site to the Zev Greenway, and off-site improvements to the Valleyheart Drive public right-of-way, including a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart .

Overall, the Project is comprised of 100,221 square feet of floor area, on a 17.2-acre site, resulting in an FAR of 0.15:1, which is significantly less than the maximum permitted FAR; and proposed a total of approximately 16 buildings ranging from 14 feet, 6 inches to 30 feet in height.

The Project Site abuts the Los Angeles River to the south and Los Angeles Fire Station No. 78 to the southeast. Properties further south beyond the LA River are developed with a variety of commercial uses. Surrounding properties to the west, north and east are characterized by generally level topography and improved streets and developed with one and two-story single and multi-family residential uses.

Multi-family residential buildings located across the street from the Project Site on Whitsett Avenue range between two to three stories in height, and 30 feet to 45 feet tall. Fire Station No. 78, abutting the Project Site, is two stories in height and 30 feet tall.

Views of the Site from Bellaire Avenue and Valley Spring Lane would only minimally change, as the majority of the large mature trees along the north and west property boundaries would be retained. All new buildings on the Project Site would comply with the height limitations and be significantly set back from the public right-of-way. Specifically, new buildings located in the northern and western area of the Project Site, along Valley Spring Lane and Bellaire Avenue, would be set back from the public right-of-way by more than 50 feet. New buildings located in the eastern area of the Project Site, along Whitsett Avenue, would be set back from the public right-of-way by a minimum of 25 feet. The gymnasium building would be located towards the south of the Project Site, away from the single- and multi-family uses to the north, east, and west, and would be minimally visible from the Bellaire Avenue, Valley Spring Lane, and Whitsett Avenue public rights-of-way. Additionally, the perimeter area of the site would be improved with landscaped walking paths, fences, walls, and new trees, which would buffer the neighboring uses from internal site activities and noise. Mechanical, trash and any other noise generating equipment and facilities will be entirely enclosed and tucked away in the interior of the Project Site, away from any surrounding uses.

The Project's proposed athletic fields incorporate sound attenuation measures to minimize sound levels and reduce noise that may travel into the surrounding neighborhood areas, including varied elevations to construct the fields lower than street level, landscape berms designed to reduce noise, generous setbacks from the Property lines, and the construction of privacy walls varying in height between 8 feet and 10 feet, which wrap around all of the athletic facilities along Bellaire Avenue, Valley Spring Lane, and Whitsett Avenue. The pool facility features an acoustically treated canopy and site landscape and landform features utilized to keep sound levels at a minimum.

No athletic activities will occur before 9:00 a.m. or after 6:00 p.m. on Saturdays. No athletic events, games or practices will occur on Sundays, allowing for the entire site to be available for public use on Sundays. On federal holidays, no activities will take place before 9:00 a.m. or after 3:00 p.m. Maintenance staff will operate on the Project Site

between the hours of 6:00 a.m. and 6:00 p.m., while custodial staff will operate between 6:00 p.m. and 10:00 p.m. The school will provide 24-hour security at the Project Site and along its perimeter.

The Project will incorporate the new landscaped areas planted with RIO-compliant species that are native to California throughout the Site and an ADA-compliant ramp providing direct access to the adjacent Zev Greenway river trail from the Project Site, providing greater access to the Los Angeles River.

Therefore, 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.

#### Height Modification

The light poles proposed at Fields A and B, the pool, and tennis court areas will be utilized for athletic and recreational activities on-site and will be shielded and directed on-site to avoid light spillover. Light poles will be partially obscured by existing mature tall trees located along the perimeter of the Project, which will be retained as part of the Project.

The Project includes an outer perimeter fence along the southwestern boarder of the Leased Property and an interior fence/privacy wall to limit the points of access into portions of the Project Site. Not only will these security measures protect visitors, but it will allow school staff onsite to monitor and control visitor ingress and egress at a limited number of points and in a manner that prevents visitors from parking in the community. The athletic facilities include a wall along the northern portion of the Site that vary in height between 8 feet and 10 feet tall at different portions of the Site.

A 10-foot-tall wall will also surround the north and east sides of Field A to buffer activities on the field from Whitsett Avenue. Where walls do not exist, a connective eight-foot-tall fence will surround the rest of the Project's facilities, except at the tennis courts which will have a wall/fence with a maximum height of 10 feet, providing privacy between the athletic uses and the surrounding uses accessible to the public. The walls will also serve as a sound attenuation measure for the surrounding neighborhoods. However, there will be no perimeter fencing within the setback areas along Bellaire Avenue and Valley Spring Lane in order to allow the public easy access to the Project Site's pathways and open space.

Security features were designed to have variation in scale, opacity, and use natural looking material to ensure they blend in with the surrounding area and at appropriate points to provide views toward the Project Site interior. The over-in-height walls will be designed and constructed of an organic stacked stone material adorned with heavy landscaping to help obscure the walls/fences from view, complement the significant number of native trees that will be maintained on-site, and deter graffiti.

Therefore, the Project's increased height for light poles, walls, fences as they relate to location, size, height, operations and other significant features will be compatible with and not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- c. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The Project Site is located in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan, which was adopted by the City Council on May 13, 1998. The Plan designates the subject Project Site as Open Space with a corresponding zone of A1. The existing zoning is consistent with the land use designation of the General Plan, as reflected in the adopted Community Plan. There is no specific Plan that applies to the Project.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Mobility (Transportation), Noise, Safety, and Housing. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project would be in compliance with the following Elements of the General Plan: Framework Element, Mobility Element, Health and Wellness Element, and the Land Use Element.

### **Framework Element**

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. The Project would be in conformance with following goals, objectives, and policies of the Framework as described below.

### **Chapter 5: Urban Form and Neighborhood Design**

***Objective 5.5:*** Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

***Objective 5.9:*** Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.

***Policy 5.9.1:*** Facilitate observation and natural surveillance through improved development standards which provide for common areas, adequate lighting, clear definition of outdoor spaces, attractive fencing, use of landscaping as a natural barrier, secure storage areas, good visual connections between residential, commercial, or public environments and grouping activity functions as child care or recreation areas.

While the Project proposes to maintain and modernize an existing athletic and recreational facility for use by the School, while also making it available to the general public, resulting in an increased variety of athletic and recreational activities and experiences directly adjacent to the Los Angeles River, directly enhancing the livability of the surrounding neighborhood. The Project would also provide a new ADA-compliant ramp providing safe and direct access to the Zev Greenway river trail along the Los Angeles River, where direct access is not currently available, thus providing greater access to the Los Angeles River.

The Project would upgrade the quality of development and improve the public realm by increasing the number of trees and landscaping within the public right-of way and providing landscaped pathways for public use along Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue, which would also connect to the Zev Greenway river trail.

The Project includes an outer perimeter fence along the southwestern border of the Leased Property and an interior fence/privacy wall to limit the points of access into portions of the Project Site, as well as low level lighting throughout the Project Site. Not only will these security measures protect visitors, but it will allow school staff onsite to monitor and control visitor ingress and egress. Security features were designed to have variation in scale, opacity, and use natural looking material to ensure they blend in with the surrounding area and at appropriate points to provide views toward the Project Site interior. The over-in-height walls will be designed and constructed of an organic stacked stone material adorned with heavy landscaping to help obscure the walls/fences from view.

By designing the Project with taller walls/fences, lighting throughout the Project Site, increased trees and landscaping around the perimeter of the Site, a variety of athletic and recreational uses, and an ADA-compliant ramp, the Project would enhance the livability of the neighborhood and increase personal safety by providing increased access to safe athletic and recreational open space immediately adjacent to the Los Angeles River, and increased access to the Zev Greenway river trail.

#### **Chapter 6: Open Space and Conservation**

**Objective 6.4:** *Ensure that the City's open spaces contribute positively to the stability and identity of the communities and neighborhoods in which they are located or through which they pass.*

**Policy 6.4.4:** *Consider open space an integral ingredient of neighborhood character, especially in targeted growth areas, in order that open space resources contribute positively to the City's neighborhoods and urban centers as highly desirable places to live.*

**Policy 6.4.8:** *Maximize the use of existing public open space resources at the neighborhood scale and seek new opportunities for private development to enhance the open space resources of the neighborhoods.*

- a.** *Encourage the improvement of open space, both on public and private property, as opportunities arise.*

The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp from the Project Site to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.



The Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for school and public use, and add 5.4 acres of publicly accessible landscaped open space and pathways with a ramp leading from the Project Site to the Zev Greenway river trail along the Los Angeles River, providing open space that enriches and benefits the students of the School, and allows regular access to recreational uses and open space for the community. A new pedestrian ramp leading to the Zev Greenway river trail would provide increased access to the directly adjacent Los Angeles River open space and the river trail.

Although the Project would remove 215 of the existing 421 trees on the Project Site, the Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones that would be selected according to the RIO Ordinance and Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space. Therefore, the Project contributes positively to the stability and identity of the community and neighborhood for which it is located in.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Project would be in conformance with following goals of the Mobility Element as described below.

### **Chapter 3: Access for All Angelenos**

**Objective: Ensure that 90 percent of households have access within one mile to the Transit Enhanced Network by 2035.**

**Policy 3.1:** *Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all sight planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

**Policy 3.3:** *Promote Equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

**Policy 3.8:** *Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

### **Chapter 5: Clean Environments and Healthy Communities**

**Objective: Decrease VMT per capita by 5% every five years, to 20% by 2035.**

**Policy 5.2:** *Support ways to reduce vehicle miles traveled (VMT).*

Development of the Project would advance the above-referenced policies by promoting safe pedestrian access, activity, and circulation throughout the Project Site, along the Zev Greenway river trail, and the public rights-of-way along Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue. The Project includes pathways that circumnavigate the Project Site and provides numerous pedestrian access points to the directly adjacent

neighborhood sidewalks and the Zev Greenway river trail. The Project would also provide an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail, and would include no perimeter fencing in the setback areas along Bellaire Avenue and Valley Spring Lane. These improvements will ensure that the Project Site is more open and accessible, and will provide direct access from the street onto the Project Site through the public pathways and entry points, thereby, providing further increased access to the pathways on the Project Site and along the Los Angeles River.

New landscaped pathways throughout the Project Site will vary in width from approximately 10 to 26 feet wide, which will accommodate for both pedestrian and bicycle use, and allow for bicyclists to have increased access to the Project Site and the Zev Greenway river trail. The Project would include 100 long and short term bicycle parking facilities in the below grade parking structure and in the small surface parking lot on the Project Site. All pathways and bicycle parking facilities will be well lit and maintained by the School to enhance safety for pedestrians and bicyclists utilizing the Site and its athletic and recreational facilities. As conditioned, the Project would also incorporate a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive, which would further enhance pedestrian safety in the area.

Furthermore, the Project Site is served by bus lines operated by the City of Los Angeles Department of Transportation (LADOT) DASH and the Los Angeles County Metropolitan Transit Authority (Metro). LADOT DASH Van Nuys/Studio City bus and Metro Local Line 167 has stops at Whitsett Avenue/Valley Spring Lane, adjacent to the Project Site, and at Whitsett Avenue/Ventura Boulevard, approximately 0.1 miles to the south of the Project Site. Metro Bus Rapid Transit Line 750 and Local Lines 150/240 on Ventura Boulevard provide transit connection to the Metro B line Universal City/studio City Station, approximately 2.5 miles to the east of the Project Site. The Project Site is also located approximately 2.3 miles southwest of the Metro B line North Hollywood Station, providing access to the Metro G Line.

Additionally, the Project would provide all-electric or zero-emission shuttles between the Upper School campus and the Project Site for students, employees and visitors to the Project Site. Overall, the use of shuttles to and from the Project Site, and the Project's proximity to residential neighborhoods surrounding the Site and commercial uses along Ventura Boulevard and Coldwater Canyon Avenue would reduce vehicle trips to and from the Project Site, vehicle miles traveled, and improve air pollution. The Project would provide 40 bicycle parking spaces more than the code-required 60 bicycle parking spaces supporting "first mile, last mile solutions," enabling visitors safe and improved access to the Project Site and its athletic and recreational uses. The Project is also conditioned to provide electrical vehicle charging stations, transportation passes, and a Transportation Management Program.

Therefore, the Project is supportive of active transportation modes, such as walking and bicycling. The Project is consistent with the applicable policies of the Mobility Plan as it is located within walking distance of high-quality transit options, includes safe and accessible pedestrian and bicycle pathways, safe and accessible bicycle parking facilities, and improves the overall pedestrian experience. Thus, the Project will be more accessible to those without automobiles and encourage those with cars to use other modes of transit which reduces vehicle trips, vehicle miles traveled, greenhouse gases, and air pollution.

### **Conservation Element**

Adopted in September 2001, the Conservation Element lays the foundation to address preservation, conservation, protection and enhancement of the City's natural resources. The Conservation Element sets for objectives and policies to establish the context, history and opportunities for protection and improvement of the City's natural resources. The proposed project is consistent with the following objectives and policies.

### ***Section 3: Archaeological and Paleontological***

***Objective: Protect the city's archaeological and paleontological resources for historical, cultural, research and/or educational purposes.***

***Policy: Continue to identify and protect significant archaeological and paleontological sites and/or resources known to exist or that are identified during land development, demolition or property modification activities.***

The Project would include a below grade parking structure and storm water capture and reuse system, which would require excavation to a depth of approximately 21 feet in the eastern portion of the Project Site. Although there have not been any identified archaeological or paleontological resources on the Project Site, due to the depth of excavation, it is possible that archaeological and/or paleontological resources could be found on the Project Site. As conditioned, in the event of an inadvertent discovery of archaeological and/or paleontological resources on the Project Site during construction, construction activities at the Site would be temporarily halted near the discovery so that it can be evaluated, assessed, and a report prepared by a qualified professional. The report would summarize the methods and results of resources, treatment, and evaluation. Once the recommendations of the report have been implemented, construction work could resume. Therefore, the Project would protect the City's archaeological and paleontological resources for historical cultural, research and/or educational purposes, as well as continue to identify and protect significant archeological and paleontological sites and/or resources that are identified during land development, demolition, or property modification through implementation of the conditions of approval regarding the inadvertent discovery of archaeological and paleontological resources on the Project Site.

### ***Section 5: Cultural and Historical***

***Objective: Protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.***

***Policy: Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.***

In September 2021, the Property was designated as an HCM. Character defining features of the HCM include the existing clubhouse building, golf ball-shaped light standards, putting green, brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property, and a private recreational facility open for public use. The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot,

landscaped open space and pathways, an ADA-compliant ramp from the Project Site to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The existing historic clubhouse building (Clubhouse) would be retained in its existing location and rehabilitated, including interior work for general maintenance and to improve the visitor experience. The Clubhouse would maintain the existing café and be utilized as a check-in for guests visiting the Site for athletic and recreation activities. The Clubhouse would also include an interpretive exhibit displaying the history of the property and its use as the Weddington Golf & Tennis facility. As part of the Clubhouse area on the Project Site, a landscaped outdoor courtyard/pocket park would be constructed with seating, tables and shaded areas. The putting green and brick wall with weeping mortar, both located at the northeast corner of the Project Site would be retained as part of the Project, with the putting green remaining open for public use. The golf ball-shaped light standards will be retained and rehabilitated, then relocated to the landscaped outdoor courtyard area by the Clubhouse. Further, the Project Site will be maintained as a private recreational facility open for public use, providing increased athletic and recreational activities on the Project Site, benefiting the students of the school and the community. Through retention of the character defining features of the HCM, the Project would meet the Secretary of the Interior's Standards for Rehabilitation, and the Project Site with implementation of the Project would retain sufficient historic integrity to convey its significance as a historic resource.

Additionally, as conditioned, review and sign-off on the plans from the Department of City Planning, Office of Historic Resources would be required prior to the building permit being issued. Therefore, the Project would protect the cultural and historical sites and resource for historic, cultural, research, and community education, as well as continuing to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property modification activities by maintaining the historic character defining features of the HCM, and retaining them as part of the Project.

### **Section 6: Endangered Species**

***Objective: Protect and promote the restoration, to the greatest extent practical, of sensitive plant and animal species and their habitats.***

***Policy 1: Continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.***

### **Section 12: Habitats**

***Objective: Preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.***

***Policy 1: Continue to identify significant habitat areas, corridors and buffers and to take measures to protect, enhance and/or restore them.***

The Project Site is currently developed with a private golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west,

with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for school and public use and add 5.4 acres of publicly accessible landscaped open space and pathways with an ADA-compliant ramp leading to the Zev Greenway river trail along the Los Angeles River. The Western yellow bat, a species of special concern, has a very low potential to be found within the vicinity of the Project Site, but could utilize the palm trees on the Project Site as roosting habitat with the adjacent Los Angeles River providing suitable foraging habitat. Additionally, the Project Site is suitable as nesting and foraging habitat for migratory birds and raptor species. As conditioned, the implementation of Project Design Features and Mitigation Measures, would ensure that adequate actions are taken prior to construction starting to ensure that that any special status species within the Project Site would not be impacted by Project construction or operation.

The Project will include the replacement of many existing non-native and invasive species on the Project Site with a combination of native trees, plants, and plants adapted to the Southern California climate, are RIO-compliant species, and that have low to medium water demand. Although the Project would remove 215 of the existing 421 trees on the Project Site, the Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones that would be selected according to the RIO Ordinance and Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space and habitat, and would lead to increased biodiversity and native habitat areas throughout the Project Site. Additionally, the Project would retain the majority of mature trees along Bellaire Avenue to the west and Valley Spring Lane to the north, including the Mexican fan palms located within the public right-of-way along Valley Spring Lane, leaving those trees and areas of the Project Site undisturbed during Project construction (with the exception of planting new trees and understory species).

The Nevin's Barberry, a special-status plant species was identified within the restored California brittlebush scrub along the Zev Greenway. The Project includes the construction of a new ramp leading from the Project Site to the Zev Greenway, which would be constructed and designed in such a way as to not obstruct the restored California brittlebush scrub along the Zev Greenway and would still allow native animals to move through the area through the use of open type fencing along the length of the new ramp.

Through the use of a sensitively designed new ramp, planting of native non-invasive trees and plants on the Project Site, retention of the majority of mature trees along the north and west Project Site boundaries, and the addition of 5.4 acres of landscaped open space on the Project Site, the Project would protect and promote the restoration, to the greatest extent practical, sensitive plant and animal species and their habitats, as well as preserve,

protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.

### **Open Space Element/Plan**

Adopted in June 1973, the Open Space Plan provides an official guide for the identification, preservation, conservation, and acquisition of open space in the City. The Plan included definitions, objectives, policies, standards, and criteria, programs, and a map for decision making purposes pertaining to open space within the City. The Open Space Plan defines open space as, “land which is essentially free of structures and buildings and/or is natural in character and functions in one or more of the following ways: (1) provides opportunities for recreation and education; (2) preserves scenic, cultural or historic values; (3) conserves or preserves natural resources or ecologically important areas; (4) provides or preserves lands for managed production of natural resources; (5) protects or provides for the public health and safety; (6) enhances the economic base of the City; (7) preserves or created community scale and identity; and (8) buffers activity areas or defines activity areas.” The proposed project is consistent with the following goals and policies.

### **Goals and Objectives of the Plan**

#### ***Applicable Goals:***

- *To insure the preservation and conservation of sufficient open space to serve the recreational, environmental, health and safety needs of the City.*
- To conserve unique natural features, scenic areas, cultural and appropriate historical monuments for the benefit and enjoyment of the public.
- To provide access, where appropriate, to open space lands.

### **Policies**

#### ***Applicable Policies:***

- *Cultural and historical monuments located on Open Space Lands shall be preserved.*
- The amount of earth moved earth moved in grading operations within desirable open space areas should be limited and closely controlled. Aesthetic consideration should be incorporated into the City’s approval of grading plans in these areas.
- Multiple use of open space is considered especially important in proposed or existing areas of high density and/or intensity of development.
- Private development should be encouraged to provide ample landscape spaces, malls, fountains, rooftop green areas and other aesthetic features which emphasize open space values through incentive zoning practices or other practicable means.

The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-

purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramps to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for school and public use, and add 5.4 acres of publicly accessible landscaped open space and pathways with a ramp leading to the Zev Greenway river trail along the Los Angeles River, providing open space that enriches and benefits the students of the School, and allows regular access to recreational uses and open space for the community. A new pedestrian ramp leading from the Project Site to the Zev Greenway river trail would provide increased access to the directly adjacent Los Angeles River open space and the river trail. The Project Site would continue to be maintained as a privately owned recreational facility open to the public.

Although the Project would remove 215 of the existing 421 trees on the Project Site, the Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones that would be selected according to the RIO Ordinance and Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space. Therefore, the Project is consistent with the goals and policies of the Open Space Plan by maintaining, preserving, and conserving the Project Site as accessible athletic and recreational open space.

### **Health and Wellness Element**

Adopted in March 2015, the Plan for a Healthy Los Angeles lays the foundation to create healthier communities for all Angelenos. As the Health and Wellness Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. Through a new focus on public health from the perspective of the built environment and City services, the City of Los Angeles will strive to achieve better health and social equity through its programs, policies, plans, budgeting, and community engagement. The proposed project is consistent with the following goals, objectives, and policies:

#### **Chapter 2: A City Built for Health**

***Policy 2.2. Healthy Building design and construction. Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.***

#### **Chapter 5: An Environment Where Life Thrives**

***Policy 5.1: Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.***

***Policy 5.7:*** *Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and other susceptible to respiratory diseases.*

The Project Site is currently developed with a private golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The Project Site is served by bus lines operated by the City of Los Angeles Department of Transportation (LADOT) DASH and the Los Angeles County Metropolitan Transit Authority (Metro). LADOT DASH Van Nuys/Studio City bus and Metro Local Line 167 has stops at Whitsett Avenue/Valley Spring Lane, adjacent to the Project Site, and at Whitsett Avenue/Ventura Boulevard, approximately 0.1 miles to the south of the Project Site. Metro Bus Rapid Transit Line 750 and Local Lines 150/240 on Ventura Boulevard provide transit connection to the Metro B line Universal City/studio City Station, approximately 2.5 miles to the east of the Project Site. The Project Site is also located approximately 2.3 miles southwest of the Metro B line North Hollywood Station, providing access to the Metro G Line. Additionally, the Project would provide all-electric or zero-emission shuttles between the Upper School campus and the Project Site for students, employees and visitors to the Project Site. Overall, the use of shuttles to and from the Project Site, and the Project's proximity to residential neighborhoods surrounding the Site and commercial uses along Ventura Boulevard and Coldwater Canyon Avenue would reduce vehicle trips to and from the Project Site, vehicle miles traveled, and improve air pollution.

As the Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for School and public use, and add 5.4 acres of publicly accessible landscaped open space and pathways with an ADA-compliant ramp leading to the Zev Greenway river trail along the Los Angeles River, the pedestrian experience would be enhanced through the addition of pedestrian and bicycle pathways, public right-of-way upgrades, bicycle parking facilities, site lighting, the inclusion of public open space, and the planting of trees and landscaping throughout the Project Site. The Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space and contributing to greater carbon sequestration over time. The Project would also retain and rehabilitate the existing historic clubhouse building in its existing location and develop new buildings throughout the Site. New buildings on the Project Site would incorporate the use of natural looking materials to help the building blend in with the surrounding environment and landscaping. New walls and fences would also be heavily landscaped to further encourage and promote healthy living and working conditions and contribute to increased carbon sequestration in the community.



Therefore, the Project would promote a healthy built environment by encouraging healthy building design and construction, reduced air pollution and improved air quality, and promote land use policies that reduce per capita greenhouse gas emissions.

### **Land Use Element**

The Project would be in conformance with the following goals of the Land Use Element as described below:

**Goal 4    *Adequate Recreational and Park Facilities to Meet the Needs of the Residents in the Plan Area.***

***Objective 4-1: To conserve, maintain and better utilize existing recreation and park facilities which promote the recreational experience.***

***Policy 4-1.1: Preserve the existing recreational facilities and park space.***

***Policy 4-1.2: Increase accessibility to The Los Angeles River.***

While the Project is privately owned and operated, it does propose to maintain and modernize an existing athletic and recreational facility for use by the School, while also making it available to the general public, resulting in an increased variety of athletic and recreational activities and experiences directly adjacent to the Los Angeles River. The Project would also provide a new ADA-compliant ramp providing direct access to the Zev Greenway river trail along the Los Angeles River, where direct access is not currently available, thus providing greater access to the Los Angeles River.

Allowing for the increased height of the light poles and walls/fences on Site would result in increased daily access to the Site for athletic and recreational use by students of the School and the community. Additionally, the taller walls would buffer the surrounding neighborhoods from any noise generated by the recreational uses on site and would be attractively landscaped so as to not be visible. Therefore, the Project provides adequate recreational and park facilities and increases accessibility to the Los Angeles River, to meet the needs of the community.

**Goal 5    *A Community with Sufficient Open Space in Balance with Development to Serve the Recreational, Environmental and Health Needs of the Community and to Protect Environmental and Aesthetic Resources***

***Objective 5-1: To preserve existing open space resources and where possible develop new open space.***

***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.***

***Policy 5-1.2: Accommodate active parklands, and other open space uses.***

***Policy 5-1.3: Require development in major opportunity sites to provide public open space.***

The Project Site is identified in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan as a major development opportunity site. While the Project would

be privately owned and operated, it does provide 5.4 acres of publicly accessible landscaped pedestrian pathways and open space that circumnavigate the site, an ADA-compliant ramp providing direct access to the Zev Greenway river trail, two fields, tennis courts, a pool, and gymnasium facilities that will be accessible to the public when not in use by the School. In addition, the Project would retain the majority of the existing mature trees along Bellaire Avenue and Valley Spring Lane, including the Mexican fan palms within the public right-of-way along Valley Spring Lane, and plant new native trees and plants to visually screen the on-site athletic and recreational uses and provide a balance to the surrounding urban development. Therefore, the Project would promote active parkland and open space uses by accommodating for public use of the athletic and recreational facilities.

**Goal 6 *Appropriate Locations and Adequate Facilities for Schools to Serve the Needs of Existing and Future Population***

**Objective 6-1:** *To site schools in locations complementary to existing land uses, recreational opportunities and community character.*

**Policy 6-1.1:** *Encourage compatibility in school locations, site layout and architectural design with adjacent land uses and community character and as appropriate use schools to create a logical transition and buffer between different e.g., multiple family residential vs. single family residential.*

**Policy 6-1.3:** *Site schools in a manner which compliments the existing single family and multifamily residential neighborhoods.*

**Policy 6-1.4:** *Proximity to noise sources should be avoided whenever possible.*

The primary objective of the Project is to supplement the School's athletic and recreational facilities, proving the School a campus that can fulfill its educational mission and athletic principles now and in the future, and to provide the public with access to the Project Site, as well as to the Zev Greenway and Los Angeles River environs, and to a broad array of recreational facilities. Upon completion of the Project, the proposed improvements to the Site would provide facilities to accommodate the educational, athletic, and recreational needs of the students, and provide increased athletic and recreational facilities to the community, providing greater access to the Los Angeles River and Zev Greenway.

The Upper School campus is located approximately one mile to the southwest of the Project Site, with the Project intended to be accessory to the School use. The buildings have been properly sited with placement of the vehicular access and parking moved underground or located towards the interior of the Project Site, a landscape treatment that obscures noise and the view of the Site from nearby residences, and careful siting of and architectural design of the buildings to maintain an appropriate scale with the neighborhood and focus activity away from the periphery of the Site. Perimeter walls are set back from the north and west Property lines by approximately 17 to 46 feet, which will help to further reduce and buffer any noise generated by the various athletic and recreational activities for the surrounding single- and multi-family neighborhood. Additionally, the Project will retain the majority of trees along Bellaire Avenue and Valley Spring Lane, including the Mexican fan palms within the public right-of-way along Valley Spring Lane, plant new native trees and plantings, and add walking paths that circumnavigate the site, all of which will visually screen the new walls and fences as well

as the buildings and structures on the site and create an attractive landscaped area around the perimeter of the site.

The Project Site is located adjacent to single- and multi-family neighborhoods, and the Los Angeles River and Zev Greenway river trail. The Project would include 5.4 acres of landscaped open space and pathways connecting to the Zev Greenway river trail, a total of 22 light poles (four at 55 feet, eight at 80 feet, and ten at 40 feet), and walls/fences with a maximum height of 8 to 10 feet, located around the athletic facilities on the Site, and low level site lighting. The lighting and walls/fences would help to foster increased safety for student and the community when utilizing the athletic and recreational facilities in the evening hours.

By designing the Project with 5.4 acres of landscaped open space and pathways, low level site lighting, and taller light poles and walls/fences, the Project would conform with the purposes, intent and provisions of the General Plan and Community Plan by providing increased access to safe athletic and recreational open space immediately adjacent to the Los Angeles River, increased access to the Zev Greenway river trail, and would utilize the School use of the Project Site as a buffer between residential uses to the north, east, and west from new and existing commercial uses to the south of the Project Site.

## **2. Site Plan Review Findings**

In order for the Site Plan Review to be granted, all three of the legally mandated findings delineated in LAMC Section 16.05 F must be made in the affirmative.

### **a. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The Project Site is located in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan, which was adopted by the City Council on May 13, 1998. The Plan designates the subject Project Site as Open Space with a corresponding zone of A1. The existing zoning is consistent with the land use designation of the General Plan, as reflected in the adopted Community Plan. There is no specific Plan that applies to the Project.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Mobility (Transportation), Noise, Safety, and Housing. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project would be in compliance with the following Elements of the General Plan: Framework Element, Mobility Element, Health and Wellness Element, and the Land Use Element.

### **Framework Element**

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions

reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. The Project would be in conformance with following goals, objectives, and policies of the Framework as described below.

### **Chapter 5: Urban Form and Neighborhood Design**

***Objective 5.5:*** Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

***Objective 5.9:*** Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.

***Policy 5.9.1:*** Facilitate observation and natural surveillance through improved development standards which provide for common areas, adequate lighting, clear definition of outdoor spaces, attractive fencing, use of landscaping as a natural barrier, secure storage areas, good visual connections between residential, commercial, or public environments and grouping activity functions as child care or recreation areas.

The Project proposes to maintain and modernize an existing athletic and recreational facility for use by the School, while also making it available to the general public, resulting in an increased variety of athletic and recreational activities and experiences directly adjacent to the Los Angeles River, directly enhancing the livability of the surrounding neighborhood. The Project would also provide a new ADA-compliant ramp providing safe and direct access from the Project Site to the Zev Greenway river trail along the Los Angeles River, where direct access is not currently available, thus providing greater access to the Los Angeles River.

The Project would upgrade the quality of development and improve the public realm by increasing the number of trees and landscaping within the public right-of way and providing landscaped pathways for public use along Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue, which would also connect to the Zev Greenway river trail.

The Project includes an outer perimeter fence along the southwestern border of the Leased Property and an interior fence/privacy wall to limit the points of access into portions of the Project Site, as well as low level lighting throughout the Project Site. Not only will these security measures protect visitors, but it will allow staff onsite to monitor and control visitor ingress and egress at a limited number of points. Security features were designed to have variation in scale, opacity, and use natural looking material to ensure they are blend in with the surrounding area and at appropriate points to provide views toward the Project Site interior. The over-in-height walls will be designed and constructed of an organic stacked stone material adorned with heavy landscaping to help obscure the walls/fences from view.

By designing the Project with taller walls/fences, lighting throughout the Project Site, increased trees and landscaping around the perimeter of the Site, a variety of athletic and recreational uses, and an ADA-compliant ramp, the Project would enhance the livability of the neighborhood and increase personal safety by providing increased

access to safe athletic and recreational open space immediately adjacent to the Los Angeles River, and increased access to the Zev Greenway river trail.

### **Chapter 6: Open Space and Conservation**

**Objective 6.4:** *Ensure that the City's open spaces contribute positively to the stability and identity of the communities and neighborhoods in which they are located or through which they pass.*

**Policy 6.4.4:** *Consider open space an integral ingredient of neighborhood character, especially in targeted growth areas, in order that open space resources contribute positively to the City's neighborhoods and urban centers as highly desirable places to live.*

**Policy 6.4.8:** *Maximize the use of existing public open space resources at the neighborhood scale and seek new opportunities for private development to enhance the open space resources of the neighborhoods.*

- a.** *Encourage the improvement of open space, both on public and private property, as opportunities arise.*

The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for school and public use, and add 5.4 acres of publicly accessible landscaped open space and pathways with a ramp leading to the Zev Greenway river trail along the Los Angeles River, providing open space that enriches and benefits the students of the School, and allows regular access to recreational uses and open space for the community. A new ADA-compliant pedestrian ramp leading to the Zev Greenway river trail would provide increased access to the directly adjacent Los Angeles River open space and the river trail.

Although the Project would remove 215 of the existing 421 trees on the Project Site, the Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones that would be selected according to the RIO Ordinance and Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space. Therefore, the Project contributes positively to the stability and identity of the community and neighborhood for which it is located in.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Project would be in conformance with following goals of the Mobility Element as described below.

#### **Chapter 3: Access for All Angelenos**

**Objective:** *Ensure that 90 percent of households have access within one mile to the Transit Enhanced Network by 2035.*

**Policy 3.1:** *Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all sight planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

**Policy 3.3:** *Promote Equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

**Policy 3.8:** *Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

#### **Chapter 5: Clean Environments and Healthy Communities**

**Objective:** *Decrease VMT per capita by 5% every five years, to 20% by 2035.*

**Policy 5.2:** *Support ways to reduce vehicle miles traveled (VMT).*

Development of the Project would advance the above-referenced policies by promoting safe pedestrian access, activity, and circulation throughout the Project Site, along the Zev Greenway river trail, and the public rights-of-way along Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue. The Project includes pathways that circumnavigate the Project Site and provides numerous pedestrian access points to the directly adjacent neighborhood sidewalks and the Zev Greenway river trail including direct access from Bellaire Avenue and Valley Spring Lane to the Project Site's pathways and open space. The Project would also provide an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail, providing further increased access to the pathways on the Project Site and along the Los Angeles River.

New landscaped pathways throughout the Project Site will vary in width from approximately 10 to 26 feet wide, which will accommodate for both pedestrian and bicycle use, and allow for bicyclists to have increased access to the Project Site and the Zev Greenway river trail. The Project would include 100 long and short term bicycle parking facilities in the below grade parking structure and in the small surface parking lot on the Project Site. All pathways and bicycle parking facilities will be well lit and maintained by the School to enhance safety for pedestrians and bicyclists utilizing the Site and its athletic and recreational facilities. As conditioned, the Project would also incorporate a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive, which would further enhance pedestrian safety in the area.

Furthermore, the Project Site is served by bus lines operated by the City of Los Angeles Department of Transportation (LADOT) DASH and the Los Angeles County Metropolitan Transit Authority (Metro). LADOT DASH Van Nuys/Studio City bus and Metro Local Line 167 has stops at Whitsett Avenue/Valley Spring Lane, adjacent to the Project Site, and at Whitsett Avenue/Ventura Boulevard, approximately 0.1 miles to the south of the Project Site. Metro Bus Rapid Transit Line 750 and Local Lines 150/240 on Ventura Boulevard provide transit connection to the Metro B line Universal City/studio City Station, approximately 2.5 miles to the east of the Project Site. The Project Site is also located approximately 2.3 miles southwest of the Metro B line North Hollywood Station, providing access to the Metro G Line.

Additionally, the Project would provide all-electric or zero-emission shuttles between the Upper School campus and the Project Site for students, employees and visitors to the Project Site. Overall, the use of shuttles to and from the Project Site, and the Project's proximity to residential neighborhoods surrounding the Site and commercial uses along Ventura Boulevard and Coldwater Canyon Avenue would reduce vehicle trips to and from the Project Site, vehicle miles traveled, and improve air pollution. The Project would provide 40 more bicycle parking spaces than the code-required 60 bicycle parking spaces supporting "first mile, last mile solutions," enabling visitors safe and improved access to the Project Site and its athletic and recreational uses. The Project is also conditioned to provide electrical vehicle charging stations, transportation passes, and a Transportation Management Program.

Therefore, the Project is supportive of active transportation modes, such as walking and bicycling. The Project is consistent with the applicable policies of the Mobility Plan as it is located within walking distance of high-quality transit options, includes safe and accessible pedestrian and bicycle pathways, safe and accessible bicycle parking facilities, and improves the overall pedestrian experience. Thus, the Project will be more accessible to those without automobiles and encourage those with cars to use other modes of transit which reduces vehicle trips, vehicle miles traveled, greenhouse gases, and air pollution.

### **Conservation Element**

Adopted in September 2001, the Conservation Element lays the foundation to address preservation, conservation, protection and enhancement of the City's natural resources. The Conservation Element sets for objectives and policies to establish the context, history and opportunities for protection and improvement of the City's natural resources. The proposed project is consistent with the following objectives and policies.

#### ***Section 3: Archaeological and Paleontological***

***Objective: Protect the city's archaeological and paleontological resources for historical, cultural, research and/or educational purposes.***

***Policy: Continue to identify and protect significant archaeological and paleontological sites and/or resources known to exist or that are identified during land development, demolition or property modification activities.***

The Project would include a below grade parking structure and storm water capture and reuse system, which would require excavation to a depth of approximately 21 feet in the eastern portion of the Project Site. Although there have not been any identified archaeological or paleontological resources on the Project Site, due to the depth of

excavation, it is possible that archaeological and/or paleontological resources could be found on the Project Site. As conditioned, in the event of an inadvertent discovery of archaeological and/or paleontological resources on the Project Site during construction, construction activities at the Site would be temporarily halted near the discovery so that it can be evaluated, assessed, and a report prepared by a qualified professional. The report would summarize the methods and results of resources, treatment, and evaluation. Once the recommendations of the report have been implemented, construction work could resume. Therefore, the Project would protect the City's archaeological and paleontological resources for historical cultural, research and/or educational purposes, as well as continue to identify and protect significant archaeological and paleontological sites and/or resources that are identified during land development, demolition, or property modification through implementation of the conditions of approval regarding the inadvertent discovery of archaeological and paleontological resources on the Project Site.

### ***Section 5: Cultural and Historical***

***Objective: Protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.***

***Policy: Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.***

In September 2021, the Property was designated as an HCM. Character defining features of the HCM include the existing clubhouse building, golf ball-shaped light standards, putting green, brick wall with weeping mortar surrounding the front lawn at the northeast edge of the property, and a private recreational facility open for public use. The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The existing historic Clubhouse building would be retained in its existing location and rehabilitated, including interior work for general maintenance and to improve the visitor experience. The Clubhouse would maintain the existing café and be utilized as a check-in for guests visiting the Site for athletic and recreation activities. The Clubhouse would also include an interpretive exhibit displaying the history of the property and its use as the Weddington Golf & Tennis facility. As part of the Clubhouse area on the Project Site, a landscaped outdoor courtyard/pocket park would be constructed with seating, tables and shaded areas. The putting green and brick wall with weeping mortar, both located at the northeast corner of the Project Site would be retained as part of the Project, with the putting green remaining open for public use. The golf ball-shaped light standards will be retained and rehabilitated, then relocated to the landscaped outdoor courtyard area by the Clubhouse. Further, the Project Site will be maintained as a private recreational facility open for public use, providing increased athletic and recreational activities on the



Project Site, benefiting the students of the School and the community. Through retention of the character defining features of the HCM, the Project would meet the Secretary of the Interior's Standards for Rehabilitation, and the Project Site with implementation of the Project would retain sufficient historic integrity to convey its significance as a historic resource.

Additionally, as conditioned, review and sign-off on the plans from the Department of City Planning, Office of Historic Resources would be required prior to the building permit being issued. Therefore, the Project would protect the cultural and historical sites and resource for historic, cultural, research, and community education, as well as continuing to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property modification activities by maintaining the historic character defining features of the HCM, and retaining them as part of the Project.

### ***Section 6: Endangered Species***

***Objective: Protect and promote the restoration, to the greatest extent practical, of sensitive plant and animal species and their habitats.***

***Policy 1: Continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.***

### ***Section 12: Habitats***

***Objective: Preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.***

***Policy 1: Continue to identify significant habitat areas, corridors and buffers and to take measures to protect, enhance and/or restore them.***

The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for School and public use and add 5.4 acres of publicly accessible landscaped open space and pathways with an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail along the Los Angeles River. The Western yellow bat, a species of special concern, has a very low potential to be found within the vicinity of the Project Site, but could utilize the palm trees on the Project Site as roosting habitat with the adjacent Los Angeles River providing suitable foraging habitat. Additionally, the Project Site is suitable as nesting and foraging habitat for

migratory birds and raptor species. As conditioned, the implementation of Project Design Features and Mitigation Measures, would ensure that adequate actions are take prior to construction starting to ensure that that any special status species within the Project Site would not be impacted by Project construction or operation.

The Project will include the replacement of many existing non-native and invasive species on the Project Site with a combination of native trees, plants, and plants adapted to the Southern California climate, are RIO-compliant species, and that have low to medium water demand. Although the Project would remove 215 of the existing 421 trees on the Project Site, the Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones that would be selected according to the RIO Ordinance and Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space and habitat, and would lead to increased biodiversity and native habitat areas throughout the Project Site. Additionally, the Project would retain the majority of mature trees along Bellaire Avenue to the west and Valley Spring Lane to the north, including the Mexican fan palms within the public right-of-way of Valley Spring Lane, leaving those trees and areas of the Project site undisturbed during Project construction (with the exception of planting new trees and understory species).

The Nevin's Barberry, a special-status plant species was identified within the restored California brittlebush scrub along the Zev Greenway. The Project includes the construction of a new ramp leading from the Project Site to the Zev Greenway, which would be constructed and designed in such a way as to not obstruct the restored California brittlebush scrub along the Zev Greenway and would still allow native animals to move through the area through the use of open type fencing along the length of the new ramp.

Through the use of a sensitively designed new ramp, planting of native non-invasive trees and plants on the Project Site, retention of the majority of mature trees along the north and west Project Site boundaries, and the addition of 5.4 acres of landscaped open space on the Project Site, the Project would protect and promote the restoration, to the greatest extent practical, sensitive plant and animal species and their habitats, as well as preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.

### **Open Space Element/Plan**

Adopted in June 1973, the Open Space Plan provides an official guide for the identification, preservation, conservation, and acquisition of open space in the City. The Plan included definitions, objectives, policies, standards, and criteria, programs, and a map for decision making purposes pertaining to open space within the City. The Open Space Plan defines open space as, "land which is essentially free of structures and buildings and/or is natural in character and functions in one or more of the following ways: (1) provides opportunities for recreation and education; (2) preserves scenic, cultural or historic values; (3) conservers or preserves natural resources or ecologically important areas; (4) provides or preserves lands for managed production of natural

resources; (5) protects or provides for the public health and safety; (6) enhances the economic base of the City; (7) preserves or created community scale and identity; and (8) buffers activity areas or defines activity areas.” The proposed project is consistent with the following goals and policies.

### **Goals and Objectives of the Plan**

#### ***Applicable Goals:***

- *To insure the preservation and conservation of sufficient open space to serve the recreational, environmental, health and safety needs of the City.*
- To conserve unique natural features, scenic areas, cultural and appropriate historical monuments for the benefit and enjoyment of the public.
- To provide access, where appropriate, to open space lands.

### **Policies**

#### ***Applicable Policies:***

- *Cultural and historical monuments located on Open Space Lands shall be preserved.*
- The amount of earth moved earth moved in grading operations within desirable open space areas should be limited and closely controlled. Aesthetic consideration should be incorporated into the City’s approval of grading plans in these areas.
- Multiple use of open space is considered especially important in proposed or existing areas of high density and/or intensity of development.
- Private development should be encouraged to provide ample landscape spaces, malls, fountains, rooftop green areas and other aesthetic features which emphasize open space values through incentive zoning practices or other practicable means.

The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for school and public use, and add 5.4 acres of publicly accessible landscaped open space and pathways with an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail along the Los Angeles River, providing open space that enriches and benefits the students of the School, and allows regular access to recreational uses and open space for the community. A new pedestrian ramp leading from the Project Site to the Zev Greenway river trail would provide increased access to the directly adjacent Los Angeles River open space and the

river trail. The Project Site would continue to be maintained as a privately owned recreational facility open to the public.

Although the Project would remove 215 of the existing 421 trees on the Project Site, the Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones that would be selected according to the RIO Ordinance and Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space. Therefore, the Project is consistent with the goals and policies of the Open Space Plan by maintaining, preserving, and conserving the Project Site as accessible athletic and recreational open space.

### **Health and Wellness Element**

Adopted in March 2015, the Plan for a Healthy Los Angeles lays the foundation to create healthier communities for all Angelenos. As the Health and Wellness Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. Through a new focus on public health from the perspective of the built environment and City services, the City of Los Angeles will strive to achieve better health and social equity through its programs, policies, plans, budgeting, and community engagement. The proposed project is consistent with the following goals, objectives, and policies:

### **Chapter 2: A City Built for Health**

***Policy 2.2.** Healthy Building design and construction. Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.*

### **Chapter 5: An Environment Where Life Thrives**

***Policy 5.1:** Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.*

***Policy 5.7:** Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and other susceptible to respiratory diseases.*

The Project Site is currently developed with a golf course, driving range, and tennis courts; and is surrounded by single- and multi-family uses to the north, east, and west, with the Los Angeles River and Zev Greenway river trail directly adjacent to the south. The Project includes the retention of the existing historic clubhouse, putting green, golf ball-shaped light standards, and low brick wall with weeping mortar, and develops fields with bleacher seating, a swimming pool with bleacher seating, tennis courts with bleacher seating, multi-purpose gymnasium building, below grade parking structure, surface parking lot, landscaped open space and pathways, an ADA-compliant ramps to

the Zev Greenway river trail, a pick-up/drop-off roundabout, off-site improvements to Valleyheart Drive, and a stormwater capture and reuse system.

The Project Site is served by bus lines operated by the City of Los Angeles Department of Transportation (LADOT) DASH and the Los Angeles County Metropolitan Transit Authority (Metro). LADOT DASH Van Nuys/Studio City bus and Metro Local Line 167 has stops at Whitsett Avenue/Valley Spring Lane, adjacent to the Project Site, and at Whitsett Avenue/Ventura Boulevard, approximately 0.1 miles to the south of the Project Site. Metro Bus Rapid Transit Line 750 and Local Lines 150/240 on Ventura Boulevard provide transit connection to the Metro B line Universal City/studio City Station, approximately 2.5 miles to the east of the Project Site. The Project Site is also located approximately 2.3 miles southwest of the Metro B line North Hollywood Station, providing access to the Metro G Line. Additionally, the Project would provide all-electric or zero-emission shuttles between the Upper School campus and the Project Site for students, employees and visitors to the Project Site. Overall, the use of shuttles to and from the Project Site, and the Project's proximity to residential neighborhoods surrounding the Site and commercial uses along Ventura Boulevard and Coldwater Canyon Avenue would reduce vehicle trips to and from the Project Site, vehicle miles traveled, and improve air pollution.

As the Project would redevelop and modernize a golf and recreational facility with a variety of athletic and recreational activities for school and public use, and add 5.4 acres of publicly accessible landscaped open space and pathways with an ADA-compliant ramp leading from the Project Site to the Zev Greenway river trail along the Los Angeles River, the pedestrian experience would be enhanced through the addition of pedestrian and bicycle pathways, public right-of-way upgrades, bicycle parking facilities, site lighting, the inclusion of public open space, and the planting of trees and landscaping throughout the Project Site. The Project would plant 368 new trees, resulting in an overall net increase of 153 trees beyond existing conditions. Removed trees would be replaced with California native trees, and would also include the planting of shrubs, groundcover, and three understory planting zones, resulting in thousands of new shrubs and perennials located throughout the Project Site, further enhancing the Project Site's open space and contributing to greater carbon sequestration over time. The Project would also retain and rehabilitate the existing historic clubhouse building in its existing location and develop new buildings throughout the site. New buildings on the Project Site would incorporate the use of natural looking materials to help the building blend in with the surrounding environment and landscaping. New walls and fences would also be heavily landscaped to further encourage and promote healthy living and working conditions and contribute to increased carbon sequestration in the community.

Therefore, the Project would promote a healthy built environment by encouraging healthy building design and construction, reduced air pollution and improved air quality, and promote land use policies that reduce per capita greenhouse gas emissions.

#### **Land Use Element**

The Project would be in conformance with the following goals of the Land Use Element as described below:

***Goal 4 Adequate Recreational and Park Facilities to Meet the Needs of the Residents in the Plan Area.***

***Objective 4-1:*** *To conserve, maintain and better utilize existing recreation and park facilities which promote the recreational experience.*

***Policy 4-1.1:*** *Preserve the existing recreational facilities and park space.*

***Policy 4-1.2:*** *Increase accessibility to The Los Angeles River.*

While the Project is privately owned and operated, it does propose to maintain and modernize an existing athletic and recreational facility for use by the School, while also making it available to the general public, resulting in an increased variety of athletic and recreational activities and experiences directly adjacent to the Los Angeles River. The Project would also provide a new ADA-compliant ramp providing direct access from the Project Site to the Zev Greenway river trail along the Los Angeles River, where direct access is not currently available, thus providing greater access to the Los Angeles River.

Allowing for the increased height of the light poles and walls/fences on Site would result in increased daily access to the site for athletic and recreational use by students of the school and the community. Additionally, the taller walls would buffer the surrounding neighborhoods from any noise generated by the recreational uses on site and would be attractively landscaped so as to not be visible. Therefore, the Project provides adequate recreational and park facilities and increases accessibility to the Los Angeles River, to meet the needs of the community.

***Goal 5 A Community with Sufficient Open Space in Balance with Development to Serve the Recreational, Environmental and Health Needs of the Community and to Protect Environmental and Aesthetic Resources***

***Objective 5-1:*** *To preserve existing open space resources and where possible develop new open space.*

***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.*

***Policy 5-1.2:*** *Accommodate active parklands, and other open space uses.*

***Policy 5-1.3:*** *Require development in major opportunity sites to provide public open space.*

The Project Site is identified in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan as a major development opportunity site. While the Project would be privately owned and operated, it does provide 5.4 acres of publicly accessible landscaped pedestrian pathways and open space that circumnavigate the Site, an ADA-compliant ramp providing direct access from the Project Site to the Zev Greenway river trail, two fields, tennis courts, a pool, and gymnasium facilities that will be accessible to the public when not in use by the School. In addition, the Project would retain the majority of the existing mature trees along Bellaire Avenue and Valley Spring Lane, including the Mexican fan palms within the public right-of-way along Valley Spring Lane, and plant new native trees and plants to visually screen the on-site athletic and recreational uses and provide a balance to the surrounding urban development. Therefore, the Project would promote active parkland and open space uses by accommodating for public use of the athletic and recreational facilities.

**Goal 6 *Appropriate Locations and Adequate Facilities for Schools to Serve the Needs of Existing and Future Population***

**Objective 6-1:***To site schools in locations complementary to existing land uses, recreational opportunities and community character.*

**Policy 6-1.1:** *Encourage compatibility in school locations, site layout and architectural design with adjacent land uses and community character and as appropriate use schools to create a logical transition and buffer between different e.g., multiple family residential vs. single family residential.*

**Policy 6-1.3:** *Site schools in a manner which compliments the existing single family and multifamily residential neighborhoods.*

**Policy 6-1.4:** *Proximity to noise sources should be avoided whenever possible.*

The primary objective of the Project is to supplement the School's athletic and recreational facilities, proving the School a campus that can fulfill its educational mission and athletic principles now and in the future, and to provide the public with access to the Project Site, as well as to the Zev Greenway and Los Angeles River environs, and to a broad array of recreational facilities. Upon completion of the Project, the proposed improvements to the Site would provide facilities to accommodate the educational, athletic, and recreational needs of the students, and provide increased athletic and recreational facilities to the community, providing greater access to the Los Angeles River and Zev Greenway.

The Upper School campus is located approximately one mile to the southwest of the Project Site, with the Project intended to be accessory to the School use. The buildings have been properly sited with placement of the vehicular access and parking moved underground or located towards the interior of the Project Site, a landscape treatment that obscures noise and the view of the site from nearby residences, and careful siting of and architectural design of the buildings to maintain an appropriate scale with the neighborhood and focus activity away from the periphery of the site. Perimeter walls are set back from the north and west Property lines by approximately 17 to 46 feet, which will help to further reduce and buffer any noise generated by the various athletic and recreational activities for the surrounding single- and multi-family neighborhood. Additionally, the Project will retain the majority of trees along Bellaire Avenue and Valley Spring Lane, including the Mexican fan palms within the public right-of-way along Valley Spring Lane, plant new native trees and plantings, and add walking paths that circumnavigate the site, all of which will visually screen the new walls and fences as well as the buildings and structures on site and create an attractive landscaped area around the perimeter of the site.

The Project Site is located adjacent to single- and multi-family neighborhoods, and the Los Angeles River and Zev Greenway river trail. The Project would include 5.4 acres of landscaped open space and pathways, and an ADA-compliant ramp connecting to the Zev Greenway river trail, a total of 22 light poles (four at 55 feet, eight at 80 feet, and ten at 40 feet), and walls/fences with a maximum height of 8 to 10 feet, located around the athletic facilities on the Site, and low level site lighting. The lighting and walls/fences would help to foster increased safety for student and the community when utilizing the athletic and recreational facilities in the evening hours.

By designing the Project with 5.4 acres of landscaped open space and pathways, low level site lighting, and taller light poles and walls/fences, the Project would conform with the purposes, intent and provisions of the General Plan and Community Plan by providing increased access to safe athletic and recreational open space immediately adjacent to the Los Angeles River, increased access to the Zev Greenway river trail, and would utilize the School use of the Project Site as a buffer between residential uses to the north, east, and west from new and existing commercial uses to the south of the Project Site.

- b. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The Project Site is located at the intersection of Whitsett Avenue and Valley Spring Lane within the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan area. The Project Site is zoned A1-1XL-RIO, which allows for various uses including one-family dwellings, parks, playgrounds, community centers, golf courses, and agricultural uses, with a maximum height of 30 feet and FAR of 3.0:1. The Project Site is currently developed with a clubhouse structure, putting green, golf ball-shaped light standards, low brick wall with weeping mortar, golf course, driving range, tennis courts and tennis building, maintenance sheds, and surface parking lot. The Project proposes retention of the existing historic clubhouse structure, putting green, low brick wall with weeping mortar, and golf ball-shaped light standards, and would develop two fields with bleacher seating, a 52-meter pool with bleacher seating, eight tennis courts with bleacher seating, a multi-purpose gymnasium building, ancillary buildings, landscaped pathways, walls and fencing throughout the Site, new trees and landscaping throughout the Project Site, a below grade parking structure, surface parking lot, a pick-up/drop-off roundabout, a stormwater capture and reuse system, an ADA-compliant ramp from the Project Site to the Zev Greenway, and off-site improvements to the Valleyheart Drive public right-of-way.

Overall, the Project is comprised of 100,221 square feet of floor area, on a 17.2-acre site, resulting in an FAR of 0.15:1, which is significantly less than the maximum permitted FAR; and proposes a total of approximately 16 buildings ranging from 14 feet, 6 inches to 30 feet in height, within the allowable maximum building height permitted for the Site. New buildings located in the northern and western area of the Project Site, along Valley Spring Lane and Bellaire Avenue, would be set back from the public right-of way by more than 50 feet. New buildings located in the eastern area of the Project Site, along Whitsett Avenue, would be set back from the public right-of-way by a minimum of 25 feet. The gymnasium building would be located towards the south of the Project Site, away from the surrounding single- and multi-family neighborhoods and would be minimally visible from the Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue public rights-of-way. The Project includes off-street parking facilities by providing a below grade parking structure and small surface parking lot, loading areas through the use of the roundabout at the southeast corner of the Project Site, and a trash collection area adjacent to the roundabout. The Project incorporated low level accessibility site lighting throughout the Project Site and a total of 22 light poles (four at 55 feet, eight at 80 feet, and ten at 40 feet) for the various athletic and recreational uses on the Site. Landscaping throughout the Site includes 5.4 acres of landscaped open space and pathways, planting of 368 new trees, resulting in an overall net increase of 153 trees



beyond existing conditions, and the planting of shrubs, groundcover, and three understory planting zones. The Project would also retain the majority of existing mature trees along Bellaire Avenue, Valley Spring Lane, and Whitsett Avenue, which would help to screen the light poles from view.

Therefore, the Project's arrangement of buildings on the Site (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other improvements, would ensure the Project's compatibility with the existing and future development of the surrounding neighborhood.

**c. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The Project does not contain any residential units; therefore, this finding does not apply.

### **California Environmental Quality Act (CEQA) Findings**

#### **I. INTRODUCTION**

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Harvard-Westlake River Park project (Project), located in the Studio City community of the City of Los Angeles, California. The area proposed for the Project consists of a 16.1-acre parcel, owned by the Harvard-Westlake School located at 4047, 4141, and 4155 N. Whitsett Avenue and 12506, 12600, and 12630 W. Valley Spring Lane (Property); and a 1.1-acre (47,916-square-foot) parcel that Harvard-Westlake School (School) leases from the Los Angeles County Flood Control District (Leased Property) (portion of Assessor Parcel Number [APN] 2375-018-903), which collectively comprise the 17.2-acre project site (Project Site). The Project is proposing the redevelopment of a site currently occupied by a private golf course and tennis facility for use as an athletic and recreational facility for its students, employees, and the general public. The Project would include the retention of the existing historic clubhouse structure, putting green, low brick wall with weeping mortar, and golf ball-shaped light standards, and would develop two fields with bleacher seating, a 52-meter pool with bleacher seating, eight tennis courts with bleacher seating, a multi-purpose gymnasium building, ancillary buildings, landscaped pathways, walls and fencing throughout the Site, new trees and landscaping throughout the Project Site, a below grade parking structure, surface parking lot, a pick-up/drop-off roundabout, an approximately 350,000-gallon stormwater capture and reuse system, an ADA-compliant ramp from the Project Site to the Zev Greenway, and off-site improvements to the Valleyheart Drive public right-of-way, including a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an EIR (Case Number ENV-2020-1512-EIR/State Clearinghouse No. 2020090536). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA

“are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR which was determined to be less than significant with mitigation or significant and unavoidable, the following information is provided:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits

rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043[b]; see also CEQA Section 21081[b].)

## II. ENVIRONMENTAL REVIEW PROCESS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the City of Los Angeles Department of City Planning (acting for the Lead Agency) in accordance with the requirements of the CEQA (PRC Section 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the CEQA Guidelines.

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on September 30, 2020 and ending on October 30, 2020. The NOP also provided notice of a Public Scoping Meeting held on October 19, 2020. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2020090536), incorporated herein by reference in full, was prepared pursuant to CEQA and the City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 62-day public comment period beginning on March 10, 2022 and ending on May 10, 2022. A Notice of Availability (NOA) was distributed on March 10, 2022 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries:

- Los Angeles Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- North Hollywood Amelia Earhart Regional Library, 5211 Tujunga Avenue, North Hollywood, CA 91601
- Studio City Branch Library, 12511 Moorpark Street, Studio City, CA 91604

A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on March 10, 2022.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on March 9, 2022, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on May 24, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Chapter II, Responses to Comments, of the Final EIR. On May 24, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Public Hearing.** A noticed public hearing for the Project was held by the Hearing Officer on behalf of the City Planning Commission on July 12, 2023.

**City Planning Commission.** A noticed meeting regarding the Project was held by the City Planning Commission on August 24, 2023.

### III. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project and certified the EIR. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061));
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following three Library Branches:

- Los Angeles Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- North Hollywood Amelia Earhart Regional Library, 5211 Tujunga Avenue, North Hollywood, CA 91601
- Studio City Branch Library, 12511 Moorpark Street, Studio City, CA 91604

#### **IV. PROJECT DESCRIPTION**

The Project, as more thoroughly described with design modifications in the Final EIR, and as further modified by the City Planning Commission, involves the redevelopment of the approximately 16.1-acre (701,428 square foot) Weddington Golf & Tennis site, and an adjacent approximately 1.1-acre (47,916 square foot) portion of property along the Los Angeles River leased from Los Angeles County, collectively comprising an approximately 17.2-acre (749,344 square foot) Project Site, for use as an athletic and recreational facility for the Harvard-Westlake School and for shared public use. The Project would remove the existing golf course and tennis facility to develop two athletic fields with bleacher seating, a two-story multi-purpose gymnasium, a swimming pool with locker and meeting room space and bleacher seating, eight tennis courts with seating, one level of below-grade parking and a surface parking lot. The Project would include ancillary field buildings, security kiosks, exterior light poles, fencing, and retention of the existing clubhouse, including its café, putting green located to the northeast of the clubhouse, the existing golf ball-shaped light standards and poles, and the low brick retaining wall along the northeastern edge of the Project Site. The Project would include an extensive landscaping plan that would remove 215 of the existing 421 trees, and plant 368 new trees for a net increase of 153 new trees. The Project would include an approximately 350,000-gallon stormwater capture and reuse system for water conservation and treatment purposes. The Project would also provide approximately 5.4 acres (235,224 square feet) of publicly accessible open space and landscaped pedestrian pathways connecting to the adjacent Zev Greenway and on-site landscaped areas and recreational facilities. Additionally, the Project involves off-site improvements to the Valleyheart Drive public right-of-way and portions of the Zev Greenway adjacent to the Project Site. As conditioned in Condition of Approval No. 12.a, the Project would create a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive. The Applicant will work with the Department of Public Works and the LADOT to assess further improvements as needed for street drainage and flow southward from the southwest corner of Valley Spring Lane at Whitsett Avenue and install such improvements, if necessary. Project development would require excavation and grading of the Project Site to a maximum depth of approximately 21 feet below grade and a net cut/fill volume of approximately 197,000 cubic yards.

**V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE INITIAL STUDY**

The City Planning Department prepared an Initial Study dated November 18, 2020, which is located in Appendix A of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant without mitigation:

- I. Aesthetics**
  - a. Scenic Vista
  - b. Scenic Resources
  - c. Visual Character
- II. Agricultural and Forest Resources**
  - a. Farmland
  - b. Existing Zoning for Agricultural Use
  - c. Forest Land or Timberland Zoning
  - d. Loss or Conservation of Forest Land
  - e. Other Changes in the Existing Environment
- III. Air Quality**
  - d. Objectionable Odors
- IV. Biological Resources**
  - c. Wetlands
  - d. Habitat Conservation Plans
- VII. Geological Resources**
  - a. Landslides
  - e. Septic Tanks
- IX. Hazards and Hazardous Materials**
  - e. Airport Land Use Plan
  - f. Emergency Response Plan
  - g. Wildland Fires
- XI. Land Use and Planning**
  - a. Established Community
- XII. Mineral Resources**
  - a. Loss of Known Mineral Resources
  - b. Loss of Mineral Resources Recovery Site
- XIII. Noise**
  - c. Airport Land Use Plans
- XIV. Population and Housing**
  - a. Displacement of Existing Housing
  - b. Displacement of Existing Residents
- XV. Public Services**
  - c. Schools
  - d. Parks
  - e. Other public facilities

**XVI. Recreation**

- a. Increase Use of Parks
- b. Recreational Facilities

**XVII. Transportation**

- c. Geometric Design

**XIX. Utilities and Service Systems**

- e. Solid Waste Reduction Statutes

**XX. Wildfire**

- a. Impair an Emergency Response Plan
- b. Exacerbate Wildfire Risks
- c. Require Associated Infrastructure
- d. Exposure to Post-Fire Risks

The City has reviewed the record and agrees with the conclusion that the above environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Initial Study.

**VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT PRIOR TO MITIGATION**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and compliance with existing regulations) and that require no mitigation are identified below.

The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

**Aesthetics**

As discussed on pages 57 through 60 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR, Topical Response No. 2 – Modifications to the Project Design, and Topical Response No. 4 – Aesthetics, of the Final EIR, the Project would have less than significant or no impact with respect to scenic vistas, scenic resources, and conflicts with applicable zoning and other regulations governing scenic quality because: views across the Project Site toward the Hollywood Hills from the public streets are generally blocked by existing mature trees along the north edge of the Project Site; with the exception of open street corridors, there are limited views of the Hollywood Hills toward the south due to the relative flat terrain and dense urban development of the Project Site area; no panoramic vistas or focal views of scenic resources across the Project Site are available from the Zev Greenway public trail; no views of existing scenic resources exist across the Project Site; the developed Project would not block views of scenic resources; the Project Site does not contain natural scenic resources, such as rock outcroppings or sizeable areas of native vegetation, nor is the Project Site within the view field of a State or local scenic highway; and, the Project would be

consistent with existing zoning and would be required to comply with regulations that govern scenic quality such as the RIO landscaping regulations, including the implementation of the Los Angeles River Master Plan Design Guidelines and Plant Palettes (Guidelines), or in the case of taller light poles and fencing, seek approval for structural heights per the provisions of the Los Angeles Municipal Code (LAMC), and, thus, the Project would not conflict with such policies. Therefore, Project-level and cumulative impacts to scenic vistas, scenic resources, and conflicts with applicable regulations related to scenic quality would be less than significant.

As discussed on pages IV.A-13 through IV.A-21 in Section IV.A, Aesthetics, of the Draft EIR, and the Lighting Technical Report included in Appendix B of the Draft EIR, and in Topical Response No. 4 – Aesthetics of the Final EIR, the Supplemental Lighting Report Memorandum included in Appendix B-1 of the Final EIR, and the Supplemental Lighting Report included in Appendix B-2 of the Final EIR, the Project's construction and operation would generate a light and glare source. However, the light and glare from the Project construction would be less than significant because: Project construction lighting, if required at night, would be infrequent, occur at grade level, and would be shielded by the dense landscaping along the periphery of the Project Site; and, Project construction will not create a new source of substantial glare that would adversely affect daytime or nighttime views in the area. As further discussed therein with regard to light and glare from operation of the Project, while the Project would require the development of a lighting program that would increase nighttime lighting over existing conditions for the specific areas in which athletic activities would take place, such as the pool, athletic fields, and tennis courts, through the use of precise LED optics and light shields, off-site light spill would generally be reduced as compared to existing uses, provide less intrusion into neighboring sites than the existing Project Site lighting, and the lights would be turned off earlier than under current conditions (no later than 9:00 p.m. for tennis and 8:00 p.m. daily for all other activities compared to the 10:00 p.m. and 11:00 p.m. turn-off times for current tennis and golf uses). Daytime lighting would not substantially differ from existing conditions. Additionally, the Project would comply with all Title 24, LAMC, and RIO District Ordinance lighting regulations, standards and guidelines, and the lighting design, which includes such features as highly specialized optics and physical glare control, would ensure that the Project would create a fraction of the glare (i.e., luminance) at the most sensitive receptor locations than the existing lighting fixtures, and create a minimal increase in glare at one location. Further, as discussed on page IV.A-21 in Section IV.A, Aesthetics, of the Draft EIR, there are five related projects located within a 0.5 mile radius from the Project Site that are planned for commercial or mixed-use (commercial with apartments). These related projects are located within a high ambient lighting area south of the Los Angeles River. Because of the distance from the Project Site, the related projects would not combine with the Project to create a high intensity light source and the Project's contribution to cumulative impacts would not be cumulatively considerable. Therefore, the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. As such, Project-level and cumulative impacts related to aesthetics would be less than significant.

### **Agricultural and Forestry Resources**

As discussed on pages 61 through 63 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is currently developed with a golf course, golf driving range, tennis courts and paved parking areas. Although designated as an Urban Agricultural Incentive Zone which allows for property tax reductions for vacant properties used for agricultural purposes, the Project Site does not qualify for this deduction and purpose since it is not vacant or unimproved and would not be available for agricultural use in its entirety. In addition, no agricultural uses or related operations are present on the Project Site or in the surrounding urbanized area. Furthermore, the Project Site does not contain farmland or forest land, is not located on designated Prime Farmland, Unique Farmland,



or Farmland of Statewide Importance (Farmland). Thus, the Project would not: convert farmland to nonagricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, the Project would not create any Project-level or cumulative impacts related to agriculture and forestry resources.

**Air Quality (Except construction air quality impacts related to Nitrogen Oxide (NOX) emissions):**

As discussed on pages IV.B-43 through IV.B-67 in Section IV.B, Air Quality of the Draft EIR and in the Air Quality and Greenhouse Emissions Technical Document (Air Quality Study) included in Appendix C of the Draft EIR, the Project would create air emissions during construction and operation. However, as discussed on pages IV.B-44 through IV.B-50 in Section IV.B, Air Quality, of the Draft EIR, and on pages 3-46 through 3-57 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not conflict with the goals, policies and objectives of the South Coast Air Quality Management District's (SCAQMD) 2016 Air Quality Management Plan (AQMP), the Southern California Association of Governments' (SCAG) Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS), and the Air Quality Element of the City's General Plan (Air Quality Element) in part because it would: comply with applicable required fleet rules and control strategies to reduce on-road truck emissions and other applicable SCAQMD rules specified and incorporated in the 2016 AQMP; incorporate into its design appropriate control strategies set forth in the 2016 AQMP for achieving its emission reduction goals and would be consistent with the demographic and economic assumptions upon which the 2016 AQMP is based; not conflict with the growth projections and control strategies used in the development in the 2016 AQMP; locate school athletic and recreational uses, as well as public open space and recreational uses, within an area that has existing high quality public transit (with access to existing regional bus service) and employment opportunities within walking distance of the Project Site that would reduce vehicle trips and vehicle miles travels (VMT) and result in the corresponding reduction in air pollutant emissions; include features such implementing an all-electric or zero-emission shuttle system between the Upper School campus and the Project Site, including 40 more bicycle parking spaces than the 60 bicycle parking spaces required by the LAMC, and providing more electric vehicle charging spaces than required by the LAMC, that support and encourage pedestrian activity and other non-vehicular transportation and increased transit use and use of non-polluting vehicles in the Studio City community of Los Angeles, further reducing vehicle trips and VMT which results in the corresponding reduction in air pollutant emissions; and, provide pedestrian and bicycle access that minimizes barriers and links the Project Site with existing or planned external streets thereby encouraging people to walk instead of drive and reducing VMT. Thus, the Project would not conflict with or obstruct implementation of the AQMP or conflict with City policies regarding reduction in emissions. As such, Project-level and cumulative impacts regarding conflicting with or obstruction of applicable air quality plans would be less than significant.

As to air quality impacts other than those associated with NOx emissions, as discussed on pages IV.B-50 through IV.B-59 in Section IV.B, Air Quality, of the Draft EIR, and the calculations contained in the Air Quality Study included in Appendix C of the Draft EIR, and presented on Table IV.B-6, Estimated Maximum Regional Construction Emissions, and Table IV.B-7, Estimated Maximum Unmitigated Regional Operational Emissions – Project, of the Draft EIR, Project combined on-site and off-site construction emissions would not exceed the SCAQMD daily significance thresholds for the criteria pollutants Volatile Organic Compounds (VOC), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), or Particulate Matter (PM<sub>10</sub>, and PM<sub>2.5</sub>) for regional and

localized daily emissions. Further, as discussed on pages IV.B-57 through IV.B-59 in Section IV.B, Air Quality, of the Draft EIR, and shown on Table IV.B-9, Estimated Maximum Localized Construction Emissions, and Table IV.B-10, Estimated Maximum Localized Operational Emissions for Existing Sensitive Receptors – Project, the Project's maximum localized construction and operational emissions would be below the localized significance thresholds for NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub>. Moreover, as to CO Hotspots, as discussed on pages IV.B-59 through IV.B-60, based on the Project's estimated future traffic conditions (Future plus Project at Project build-out), the maximum traffic volume that would be generated by the Project and future, non-Project conditions of approximately 53,480 average daily trips at the intersection of Coldwater Canyon Avenue and Ventura Boulevard would not be sufficient to cause or contribute to a CO Hotspot.

As discussed on pages IV.B-61 through IV.B-62 in Section IV.B, Air Quality, of the Draft EIR, as to exposure to sensitive receptors of Toxic Air Contaminants (TAC) emissions mainly due to diesel particulate emissions associated with heavy equipment used during construction, given the short-term construction schedule of approximately 30 months, Project construction would not result in a long term (70-year) source of TAC emissions. Therefore, as to VOC, CO, SO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, as further discussed therein, Project operation would not expose sensitive receptors to substantial TAC concentrations because the Project uses would not generate high truck volumes (such as warehouse distribution or truck stop uses), or use large quantities of consumer products and architectural coating (such as would occur with installation of industrial-sized paint booths) nor incur significant health risks, as more fully discussed in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, from the inhalation of vapors and particulates associated with the use of artificial turf, ingestion of artificial turf products, and dermal contact with artificial turf products. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. As such, construction and operation of the Project would not expose sensitive receptors to substantial TAC concentrations and impacts would be less than significant.

As to cumulative impacts, as discussed on pages IV.B-64 through IV.B-67 in Section IV.B, Air Quality, of the Draft EIR, with the exception of NO<sub>x</sub> emissions during construction, Project impacts would not be cumulatively considerable with respect to consistency with air quality management plans, and regional and localized emissions. Therefore, the Project-level and cumulative impacts associated with conflicts with air quality management plans and regional and localized emissions would be less than significant.

For all the forgoing reasons, and as more fully discussed in Section IV.B, Air Quality, of the Draft EIR, with the exception of NO<sub>x</sub> emissions during construction, the Project-level and cumulative impacts related to air quality would be less than significant.

As discussed on page 65 of the Initial Study included in Appendix A of the Draft EIR, page IV.A-63 in Section IV.B, Air Quality, of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR, neither Project construction nor operation would create objectionable odors affecting a substantial number of people because, in part: the Project's recreational facilities and structures would not introduce any major odor-producing uses that would have the potential to affect a substantial number of people; on-site trash receptacles would be covered and properly maintained in a manner that promotes odor control; and any odors that may be generated during construction of the Project would be localized and temporary and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. In addition, as shown in Table IV.B-6, Estimated Maximum Regional Construction Emissions, and Table IV.B-7, Estimated Maximum Regional Operational Emissions – Project, construction and operational emissions would not exceed the SCAQMD regional significance thresholds for

attainment, maintenance, or unclassifiable criteria air pollutants (i.e., CO and SO<sub>2</sub>). As such, the Project's contribution to cumulative impacts would not be considerable. Therefore, Project-level and cumulative impacts related to odor emissions would be less than significant.

(For findings related to Project-level and cumulative air quality impacts related to NO<sub>x</sub> emissions see Section VII, Environmental Impacts Found to be Less than Significant Impacts with Mitigation, below.)

**Biological Resources (except direct impacts to wildlife and sensitive natural communities, impacts to migratory species and native wildlife nursery sites, and conflict with some local policies regarding biological resources):**

As discussed on pages IV.C-31 through IV.C-58 in Section IV.C, Biological Resources, of the Draft EIR and the Biological Resources Technical Report included in Appendix D of the Draft EIR, and Topical Response No. 5 – Biological Resources/Trees of the Final EIR, and pages 3-57 through 3-64 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Project construction would result in the direct removal and replacement of a number of ornamental, non-native tree species and other common ornamental plant species while Project operations would involve landscape maintenance and would introduce increased human activity, light and noise. Thus, the Project has the potential to impact biological resources. However, as discussed on pages IV.C-31 through IV.C-41 in Section IV.C, Biological Resources, of the Draft EIR, and in Topical Response No. 5 – Biological Resources/Trees of the Final EIR, and on page 3-60 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not have any direct impacts on candidate, sensitive, or special-status plants, or indirect impacts on candidate, sensitive or special-status wildlife in part because: common tree and plant species present within the Biological Study Area occur in large numbers throughout the region and their removal does not meet the significance threshold, as they do not constitute candidate, sensitive, or special-status plant species; the Project would avoid the special status plants on the Zev Greenway and other special-status plants have not been seen and are unlikely to be found within the Biological Study Area due to lack of suitable habitat, the species' elevation range or distribution, or the lack of suitable microhabitat; existing human activity, light, or noise on and around the Zev Greenway have not had adverse effects on the species planted therein; the Project's native landscaping would exclude invasive exotic plant species, help to enhance the natural community on the Project Site, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas; impacts to common and non-indigenous wildlife species do not meet the significance threshold as they do not constitute candidate, sensitive, or special-status wildlife species; 46 of the 47 special-status wildlife species identified as occurring in the Project vicinity do not have the potential to occur within the Biological Study Area due to the lack of suitable habitat or because the Biological Study Area is outside the known distribution range for the species (as to the remaining special-status species, the western yellow bat has a low to moderate potential to occur in the Biological Study Area, see Section VI, Less than Significant with Mitigation, below); indirect effects of the Project on special-status bat species would be similar to those currently experienced from existing on-site conditions; all Project operation exterior lighting would be designed to comply with LAMC and RIO District Ordinance requirements; tennis courts would be moved away from the Zev Greenway to the northern portion of the Project Site; the Project would include Project Design Features BIO-PDF-2 to minimize the potential to disturb the natural community plantings within the Zev Greenway area and further small wildlife movement through the local area, BIO-PDF-3 to increase the beneficial uses of the Zev Greenway as a natural open space area and minimize indirect impacts to wildlife, and BIO-PDF-4 to discourage potential conflicts between wildlife and users of the Zev Greenway; the Project would reduce lighting effects by planting additional new trees which would create a natural

barrier between the new lighting and the Zev Greenway; the Project's lighting fixtures are specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare; and, although portions of the Biological Study Area would have an increase in lighting during hours of outdoor athletic activities, such lighting would be precisely-controlled and result in substantially less off-site illumination and glare than current conditions. As such, Project construction and operation activities, including changes in the ambient levels of light and noise, would not result in significant direct or indirect impacts to special-status, candidate, and/or sensitive plant or wildlife species other than direct impacts to special-status bat species. Additionally, as discussed on pages IV.C-57 through IV.C-58 in Section IV.C, Biological Resources, of the Draft EIR, the Project's contribution to these potential biological impacts would not be cumulatively considerable due to the distance between the Project Site and the related projects, the limited potential for biological resources at these previously developed sites, and compliance with CEQA and regulatory measures. Therefore, Project-level and cumulative impacts related to candidate, sensitive and special-status plants and wildlife, other than direct impact to the western yellow bat, would be less than significant.

Moreover, as discussed in Topical Response No. 5 – Biological Resources/Trees of the Final EIR and in the Carbon Sequestration and Tree Canopy Study included in Appendix C of the Final EIR, the Project would provide more canopy coverage and greater carbon sequestration than under current conditions in part because: while the Project Site currently has a canopy coverage of approximately 20 percent, the Project's canopy coverage would reach approximately 15 percent by year five and approximately 28 percent by year 10 of Project operation, thereby reaching similar coverage within five to ten years and thereafter exceeding current coverage; at year 25 of Project operation, 53 percent of the Project Site would be under canopy coverage, or approximately 2.5 times more coverage than existing conditions, largely as a result of the relatively poor biological characteristics of the existing tree mix including the prevalence of Mexican fan palms on the Project Site; rates of annual carbon sequestration (measured as pounds of CO<sub>2</sub>) during year two of Project operation would be approximately equivalent to existing sequestration rates while after the second year of Project operation, the replacement trees would sequester CO<sub>2</sub> at increasingly greater rates than existing trees; and, over the lifetime of the replacement trees, Project trees would result in approximately 8.7 million pounds of CO<sub>2</sub> sequestration compared to 2.6 million pounds that would be sequestered under existing conditions, again due to the relatively poor biological characteristics of the existing tree mix including the prevalence of Mexican fan palms.

As discussed on pages IV.C-43 in Section IV.C, Biological Resources, of the Draft EIR, while the off-site portion of the Zev Greenway within the Biological Study Area includes a sensitive natural community of 0.88 acres of California brittlebush scrub, increased levels of light and noise, human activity, or potential for introduction of non-native species would not result in significant indirect impacts to sensitive natural communities in part because: California brittlebush scrub along the Zev Greenway would not be impacted by additional human activity, light, or noise since the plants would not be affected by subtle changes in Project light, noise, or human activity; and, the Project's native landscaping, which would exclude invasive exotic plant species including removing existing species such as the Mexican fan palms (other than the Mexican fan palms located within the public right-of-way along Valley Spring Land which shall be maintained pursuant to Condition of Approval No. 32.e), would help to enhance this sensitive natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping. Thus, indirect Project construction and operation activities would not result in significant impacts to sensitive natural communities. Additionally, as further discussed therein, there are no drainages in the Biological Study Area that support streambed associated with riparian vegetation and, therefore, no impact to riparian habitat would occur. Furthermore, the areas adjacent to the Zev Greenway would be

replanted to include many of the species found in the brittlebush scrub plant community (including, notably, Nevin's barberry, which is a federal and State endangered species), thereby expanding its size. As such, Project-level and cumulative indirect impacts to sensitive natural communities would be less than significant.

As discussed on pages IV.C-45 through IV.C-49 and pages IV.C-57 through IV.C-58 in Section IV.C, Biological Resources, of the Draft EIR, with respect to wildlife movement and corridors, foraging habitat for migratory species and native wildlife nursery site (other than the western yellow bat) due to its urban setting, the Biological Study Area supports limited potential live-in and marginal movement habitat and foraging habitat for species on a local scale, but does not facilitate wildlife movement for species on a regional scale and is not identified as a regionally important dispersal or seasonal migration corridor. Additionally, any movement on a local scale likely occurs primarily by species that are already adapted to urban environments from the development, disturbances, and human activities currently existing on-site and in the vicinity of the Biological Study Area. Thus, no adverse impacts from the Project would occur to regional or wildlife nursery sites (other than potentially the western yellow bat), in part because: the section of the Los Angeles River adjacent to the Biological Study Area is channelized, lacks vegetation, and is surrounded by chain-linked fencing; the land adjacent to the reach of the river along the Biological Study Area is highly developed and includes a number of single-family homes, multi-level apartment complexes, and commercial developments, as well as busy roads and, as such, most wildlife that is currently using this reach of the Los Angeles River is likely adapted to urban environments; there are high levels of nighttime illumination along the Ventura Boulevard area, which is also immediately adjacent to the Los Angeles River; Project landscaping would expand and enhance the native habitat and would shield additional ambient lighting and noise from the Los Angeles River; local scale migration from species that have adapted to urban environments (i.e., bats, common birds, rodents) are expected to persist on-site following construction because of the significant number of native replacement trees and additional native shrub habitat that would be planted would provide habitat value not currently existing on-site; Project Design Feature BIO-PDF-1 provides procedures to ensure compliance with the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code to protect potentially suitable habitat for raptors or songbirds; Project Design Feature BIO-PDF-2 provides for wildlife permeable fencing to permit small wildlife to pass through or under the fencing; and, as such, the Project's contribution to cumulative impacts would not be considerable. Therefore, Project-level and cumulative impacts on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors and foraging habitat and for migratory species and native wildlife nursery sites, other than the special-status bat species (western yellow bat), would be less than significant.

As discussed on pages IV.C-51 through IV.54 in Section IV.C, Biological Resources, of the Draft EIR, the Project would not conflict with the following local ordinances or policies related to biological resources: the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (Community Plan), the RIO District Ordinance, and the Los Angeles River Master Plan Landscaping Guidelines and Plan Palette (Guidelines) (for conflicts with other local policies or ordinances, see Section VI, Less Than Significant with Mitigation, below). Project construction and operation would not conflict with these policies and ordinances in part because the Project: would provide 5.4 acres of landscaping and pathways for public use, including a new pedestrian pathway connection to the Zev Greenway, on-site landscaped areas, and recreational facilities; would allow public use of the two fields, eight tennis courts, pool, and gymnasium facilities when not in use by the School; would increase open space resources compared to existing conditions, in which all facilities are part of a private golf and tennis facility; would provide public access to the Biological Study Area's river frontage; would comply with the RIO District Ordinance and Los Angeles River Master Plan Guidelines; would maintain and enhance native habitat for wildlife;

would contribute to the environmental and ecological health of the City's watershed system; would increase public access to the Los Angeles River; and would not have a significant contribution to a cumulative impact to these policies and ordinances. Therefore, Project-level and cumulative impacts related to conflicts with the Community Plan, the RIO District Ordinance and the Los Angeles River Master Plan Guidelines would be less than significant.

As discussed on pages 67 and 68 of the Initial Study included in Appendix A of the Draft EIR, pages IV.C-44 and IV.C-57 of Section IV.C, Biological Resources, of the Draft EIR, and Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site does not contain wetlands as defined by Section 404 of the Clean Water Act. Therefore, the Project would not have a substantial adverse effect on federally protected wetlands nor contribute to a cumulative impact on wetlands. As further discussed therein, the Project Site is not located within an adopted habitat conservation plan, natural community conservation plan, or other approved local regional or State habitat conservation plan. Thus, the Project would not conflict with the provisions of any adopted or approved conservation plan and not contribute to a cumulative conflict on any such conservation plan. Therefore, the Project would not result in any Project-level and cumulative impacts on federally protected wetlands nor on adopted or approved State or local conservation plans.

(For findings related to the remaining biological resource impacts, see Section VII, Environmental Impacts Found to be Less than Significant Impacts with Mitigation, below.)

### **Cultural Resources**

As described on pages IV.D-31 through IV.D-34 in Section IV.D, Cultural Resources, of the Draft EIR, and the Historical Resources Technical Report included in Appendix E-1 of the Draft EIR, and Topical Response No. 6 – Historical Resources, of the Final EIR, and page 3-64 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not have a direct significant impact on the historical resources on the Project Site because the Project would retain the character-defining features of the Project Site. Specifically, the Project would remain a private recreational facility open for public use in Studio City and the clubhouse, putting green, golf ball-shaped light standards and brick wall with weeping mortar would all be retained such that the Project Site would retain its historic integrity and continue to convey its significance as a 1950s community recreational facility. Moreover, Project Design Features CUL-PDF-1, CUL-PDF-2 and CUL-PDF-3 would (1) ensure that the clubhouse, which would be retained and adaptively re-used as a visitors center, would be rehabilitated according to the standards required by the City's Cultural Heritage Ordinance and that the clubhouse, putting green, and low brick wall with weeping mortar would not be damaged by the use of vibratory rollers, larger dozers, jackhammers, or loaded trucks; (2) require documentation including photographs for the extant features of the Project Site, and (3) require the School to prepare an interpretive program of the history of the Project Site to be housed on-site. Further, the Project would demolish the Project's non-defining features and replace them with new recreational facilities consistent with the historic use of the Project Site. As such, as further described in Appendix E-1 of the Draft EIR: the Project's use of the Project Site for athletic and recreational purposes is consistent with its historic use; the historic character of the Project Site overall would be retained; the identified character-defining features would be retained and rehabilitated; and the proposed new construction would not destroy historic materials, features, nor spatial relationships that characterize the Project Site.

Additionally, as further discussed therein, the Project would not have an indirect impact on historical resources in the Project vicinity because none of the nine City-designated Historic Cultural Monuments (HCM) or forty-three potentially eligible historical resources located within a one-mile radius of the Project Site are located immediately adjacent to the Project Site. Moreover,

while there is one identified potential historical resource within close visual proximity to the Project Site, the Thirty-Sixth Church of Christ Scientist, located across the street from the Project Site at 4052 N. Whitsett, the Project would not create significant shadows or other indirect impacts due to visual proximity and the potential historic resource would remain intact and retain all of the aspects of its integrity, including its setting, so that its eligibility as a potential historical resource would not be impaired. Further, as discussed on pages IV.D-37 through IV.D-38 in Section IV.D, Cultural Resources, of the Draft EIR, the Project's contribution to a cumulative impact would not be considerable. Accordingly, as the Project would not affect the eligibility of historical resources in the vicinity for listing at the federal, State, or local levels. Therefore, the Project-level and cumulative impacts on historical resources would be less than significant.

As discussed on page IV.D-35 in Section IV.D, Cultural Resources of the Draft EIR, and in the Archeological Resources Assessment Report included in Appendix E-2 of the Draft EIR, no archaeological resources or human remains have been identified within or in the vicinity of the Project Site. However, Project excavation to the depth of 21 feet would go beyond the fill layer where subsurface archaeological resources or human remains may be present. Should archeological resources be inadvertently discovered, the City's standard condition of approval (Project Condition of Approval No. 48) would address the evaluation and treatment of any such resources. Should human remains be discovered, compliance with State regulations would ensure that impacts would be less than significant. Additionally, as discussed on pages IV.D-38 through IV.D-39 in Section IV.D, Cultural Resources, of the Draft EIR, with implementation of the City's standard condition regarding discovery of archeological resources and compliance with regulations regarding discovery of human remains, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of the City's standard condition of approval to address inadvertent discoveries, and compliance with applicable regulations regarding discovery of human remains, Project-level and cumulative impacts on archeological resources and human remains would be less than significant.

### **Energy**

As discussed on pages IV.E-21 through IV.D-45 in Section IV.E, Energy, of the Draft EIR, and Topical Response No. 2 – Modifications to the Project Design, of the Final EIR, and the Energy Calculations Worksheets included in Appendix F of the Draft EIR, and pages 3-64 through 3-68 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and the detailed calculations included in Appendix K of the Final EIR, Project construction activities and operation would consume electricity, natural gas and transportation energy. However, this consumption would occur in accordance with both applicable energy efficiency regulations as well as Project Design Feature GHG-PDF-1 (solar voltaic panels on the roof of the gymnasium that would reduce energy demand from City utilities), a transportation demand management (TDM) program that would help reduce Project-related trips and VMT through such strategies as shuttles and ride sharing programs, and sustainability features such as the Project's approximately 350,000-gallon stormwater capture and reuse system that is expected to provide a portion of the Project's total annual irrigation demand. As further discussed therein, the Project's consumption of electricity would account for 0.007 percent of the Los Angeles Department of Water and Power's (LADWP) projected sales in 2025-2026 and would be within and consistent with LADWP's anticipated regional demand from population or economic growth and the Project's consumption of natural gas would account for 0.0002 percent of the 2025 forecasted annual consumption in SoCal Gas' planning area and would be within their anticipated regional demands. Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop school and community serving recreational uses in close proximity to existing residential and commercial uses on an infill Project Site which is located within an identified HQTa in a highly walkable area, well-served by public transportation, all of which would maximize transit and other alternative

modes of transportation and minimize VMT and transportation energy use. As such, the Project would not: result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; or result in a considerable contribution to cumulative impacts related to energy resources. Therefore, Project-level and cumulative impacts related to energy resources would be less than significant.

### **Geology and Soils**

As discussed on pages VI.F-21 through IV.F-28 and IV.F-30 in Section IV.F, Geology and Soils, of the Draft EIR, on pages 74 through 75 of the Initial Study included in Appendix A of the Draft EIR, and in the Geotechnical Engineering Investigation and the Paleontological Assessment Report included in Appendix G of the Draft EIR, the Project: does not have an active fault underlying the Project Site nor is it within an Alquist-Priolo Earthquake Fault Zone; compliance with applicable regulatory requirements and incorporation of the recommendations of the Final Geotechnical Report required for the Project would reduce any potential damage resulting from strong seismic ground shaking or failure due to liquefaction; the Project Site is not located within a City landslide area and contains no hillside areas or steep slopes; the Project Site contains no unique geological features, nor will the Project include a septic system; the Project would not result in substantial soil erosion or loss of topsoil; the Project would not be located on a geologic unit that is unstable, or that would become unstable as a result of the Project, nor result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property; directly or indirectly destroy a unique paleontological resource or unique geological feature; or result in a cumulatively considerable cumulative impact related to geology and soils or paleontological resources. Therefore, the Project-level and cumulative impacts related to geology and soils would be less than significant.

### **Greenhouse Gas Emissions**

As discussed on pages IV.G-50 through IV.G-77 in Section IV.G, Greenhouse Gas Emissions, of the Draft EIR and in the Air Quality and Greenhouse Gas Emissions Technical Documents included in Exhibit C of the Draft EIR, and on pages 3-69 through 3-95 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, and the detailed calculations included in Appendix K of the Final EIR, the Project would generate GHG emissions during construction and operation. However, the Project would be subject to applicable GHG emission reduction, energy conservation, and TDM requirements, would implement Project Design Feature GHG-PDF-1 (which requires a solar voltaic system on the roof of the gymnasium which must be designed to provide 281,000 kilowatt-hours (kWh) per year which would reduce the amount of electricity demand from City utilities), and would be developed on an infill site within close proximity to residential and commercial uses and within a HQTAs with proximity to public transportation, all of which would reduce the Project's energy consumption and VMT and associated GHG emissions. As discussed on pages IV.G-50 through IV.G-59 in Section IV.G, Greenhouse Gas Emissions, of the Draft EIR, the quantitative analysis of GHG emissions supports the analysis of consistency with the applicable plans and policies for reduction of GHG emissions and demonstrates that the Project would not generate sufficient GHG emissions to influence global climate change and that Project Design Feature GHG-PDF-1 would reduce emissions by 21 percent (or 32 percent on a net GHG emissions basis) compared to the Project without implementation of GHG reduction characteristics, features and measures. Moreover, for all the reasons discussed on pages IV.G-59 through IV.G-77 in Section IV.G, Greenhouse Gas Emissions, of the Draft EIR, and on pages 3-69 through 3-95 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not conflict with the applicable GHG emissions reduction plans and policies included within The Climate



Change Scoping Plan, the 2020-2045 RTP/SCS, the City's Green New Deal and the Los Angeles Green Building Code. Further, as discussed on pages IV.G-72 through IV.G-77 in Section IV.G, GHG Emissions, of the Draft EIR, the Project would not have a significant impact with respect to an urban heat island effect due in part to its increase in trees, deflection of solar radiation, and evapotranspiration compared to existing conditions and that the Project's contribution to GHG emissions and to an urban heat island effect would not be considerable. As such, the Project would not: generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG; result in a significant urban heat island impact; or result in a considerable contribution to cumulative impacts related to GHG emissions. Therefore, the Project-level and cumulative impacts related to GHG emissions would be less than significant.

**Hazards and Hazardous Materials (Except construction impacts related to potentially contaminated soil and soil gas, hazardous conditions within one-quarter mile of a school, and cumulative impacts related to potentially contaminated soil and soil gas and hazardous conditions within one-quarter mile of a school):**

As discussed on pages VI.H-29 through VI.H-47 and VI.H-53 in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR and in the Hazardous Materials Documentation included in Appendix H of the Draft EIR, during the Project demolition and construction phase, construction equipment and materials may include fuels, oils and lubricants, solvents and other substances and materials which are commonly used in construction and which would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions in accordance with best management practices (BMPs) contained in the required Stormwater Pollution Prevention Plan (SWPPP) and consistent with applicable Occupational Safety and Health Administration (OSHA) Safety and Health Standards and Cal/OSHA requirements to ensure the safety and well-being of construction workers. If any asbestos, polychlorinated biphenyl products (PCBs), or lead paint is discovered in the structures to be demolished or rehabilitated, the Project would comply with all applicable regulations regarding the handling, removal and disposal of such hazardous materials. As further discussed therein, Project operation uses would require the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pool supplies, pesticides (for the putting green and landscaping) and other household-type materials, all of which would be used in accordance with the manufacturers' specifications for use, storage, and disposal of such products, which have been formulated to avoid substantial exposure hazards.

Similarly, as to the use of artificial turf, as described on pages IV.H-31 through IV.H-45 in Section IV.H, Hazards and Hazardous Materials of the Draft EIR, and Appendix H of the Draft EIR, with incorporation of Project Design Feature HAZ-PDF-1 (Artificial Turf Formulation) and compliance with all applicable regulations regarding use, maintenance and disposal of artificial turf, the Project's use of artificial turf would not create a significant increase in health risk. As further discussed therein and in Topical Response No. 7 – Artificial Turf and Effects on Localized Heat and Health of the Final EIR, and in the Artificial Turf Materials Analysis included in Appendix E.1 of the Final EIR, the Analysis of Artificial Turf included in Appendix E.2 of the Final EIR and the Field Turf Testing Report included in Appendix E.3 of the Final EIR, the Project would not create a localized heat or health impact in part because: studies have found that there is little difference in the indicators of heat stress between synthetic turf, grass, and sand surfaces, on any given day; most studies have shown that outdoor synthetic turf fields would not result in inhalation, dermal contact, or ingestion exposure that would cause an exceedance of health-based risk threshold levels for carcinogenic or non-carcinogenic; metals were not detected in tests of the artificial turf to be used by the Project that would affect any human health since the threshold for exposure was more than 50 percent higher than the laboratory tests for the Project's turf

formulation; Per- and Polyfluoroalkyl Substances (PFAS) used to produce or that may be found in artificial turf or recycled rubber infill do not present a public health concern because tests showed no or only very small detectable concentrations of PFAS in the artificial turf to be used by the Project, all of which were at least an order of magnitude lower than health protective screening levels; there are no significant risks associated with the discharge of PFAS or other toxic chemicals from microplastics in an amount that would be harmful to groundwater or any receiving waters, such as the Los Angeles River; and, based on reported studies, concerns that infilled synthetic turf harbors and provides a breeding ground for *Staphylococcus aureus* is unwarranted. Additionally, as further discussed therein, the Project would avoid the use of pesticides associated with the current golf course. Moreover, pursuant to Project Condition of Approval No. 31, artificial turf utilized at Fields A and B shall be permitted pursuant to California Assembly Bill 1432 (Schiavo, 2023), as amended July 3, 2023, and the Project shall utilize temperature reducing coatings at Fields A and B. If the artificial turf becomes out of compliance with future State and local legislation, it shall be replaced with a suitable and compliant alternative, with the artificial turf responsibly recycled. For all the reasons summarized above, and set forth in the EIR, the Project would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials other than the release of potentially contaminated soil and soil gas during construction.

Further, with compliance with applicable federal, State, and local requirements concerning the handling, storage and disposal of hazardous materials and waste, other than impacts associated with potentially contaminated soils and soil gases, the Project's contribution to a cumulative impact would not be considerable. As such Project-level and cumulative impacts related to the routine transport, use or disposal of hazardous materials and the foreseeable upset and accident conditions involving the release of hazardous materials into the environment, other than from potential subsurface soil and soil gas contamination, would be less than significant.

As discussed on pages 79 through 80 of the Initial Study included in Appendix A of the Draft EIR, pages IV.H-50 through IV.H-54 in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR and Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project: is located on several databases regarding potentially hazardous sites but is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5; is not located within an airport land use plan or within two miles of an airport; would not impair implementation of, or interfere with, an adopted emergency response plan or emergency evacuation plan as no City-designated disaster routes border the Project Site; would not expose people or structures to risk involving wildland fires because it is not located in a very high fire hazard safety zone or a fire buffer zone and is sufficiently separated from the Santa Monica Mountains to the south of the Project Site by the urbanized nature of the Ventura Boulevard corridor, paved parking areas, and the paved Los Angeles River channel between the Project Site and the Mountain Fire District; and, the Project's contribution to any of these potential hazard impacts would not be cumulatively considerable. As such, the Project-level and cumulative impacts associated with being listed pursuant to Government Code Section 65962.5, being within an airport land use plan or within two miles of an airport, impairing an emergency response or evacuation plan, or exposing people or structures to wildfires would be less than significant.

(For findings regarding impacts related to potentially contaminated soils and hazardous conditions within one-quarter mile of a school, see Section VII, Environmental Impacts Found to be Less than Significant Impacts with Mitigation, below.)

**Hydrology and Water Quality (Except construction impacts to surface and groundwater quality, water quality control and sustainable groundwater management plans, and cumulative impacts related to water quality and water quality and groundwater management plans):**

As discussed on pages IV.I-29 through IV.I-33 in Section IV.I, Hydrology and Water Quality of the Draft EIR and in the Harvard-Westlake River Park Hydrology and Water Quality Report (Water Quality Report) included in Appendix I of the Draft EIR, and Topical Response No. 2 – Modifications to the Project Design, of the Final EIR, and pages 3-95 through 3-99 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Project operation would not result in discharge which would alter the quality of water of the Los Angeles River to a degree which would unreasonably affect the beneficial use of the waters or which creates a health hazard because: the Project would use best management practices (BMPs) of the City's Low Impact Development Ordinance (LID) and, pursuant to Project Design Feature WS-PDF-2, would install a stormwater capture and reuse system that complies with LID requirements and is comprised in part of a below grade hydrodynamic separator to clean the water of particles and contaminants and an approximately 350,000-gallon underground cistern system to store the treated water; the system would collect the runoff from the Project Site and would use the stored water for Project irrigation; any amounts of water beyond the capacity of the cistern would be released into the City's facilities after cleaning and filtering so that the waters entering the municipal facilities and the Los Angeles River would be cleaner than under current conditions; any hazardous materials used in operation, such as pesticides and cleaning products would be used, stored and disposed of in accordance with the manufacturers' recommendations and any applicable regulatory measures to ensure that there would not be an adverse impact to water quality; in an effort to support water conservation, all previously contemplated water features (such as recirculating streams and ponds west of the gymnasium building) within the Project Site have been eliminated from the Project design and have been replaced with additional landscaping, seating areas, and landscaped pathways; and, as such, the Project's contribution to surface water and groundwater impacts associated with Project operation would not be considerable. Therefore, impacts related to surface water quality and groundwater quality resulting from Project operation would be less than significant.

As discussed on pages IV.I-35 through IV.I-40 and IV.I-43 in Section IV.I, Hydrology and Water Quality, of the Draft EIR and in the Water Quality Report included in Appendix I of the Draft EIR, the Project would not result in substantial erosion or siltation on- or off-site, increase the rate or amount of surface runoff, or exceed the capacity of existing or planned stormwater drainage systems because the Project would: implement a Stormwater Pollution Prevention Plan (SWPPP) that includes BMPs for erosion control during construction; comply with all applicable regulations relating to sedimentation and erosion control and surface and ground water quality; and, the stormwater capture and reuse system would serve to prevent on-site flooding and ensure runoff discharged from the Project Site would not exceed capacity of the municipal stormwater infrastructure during larger storms. Additionally, as further discussed therein, the Project is located outside of the 100- and 500-year floodplain and would only increase the storm peak flow rate from current conditions by 0.01 percent during a 50-year frequency storm. Thus, the Project's contribution to cumulative impacts on hydrology and drainage patterns would not be considerable. Moreover, as discussed on pages IV.I-40 through IV.I-41 and IV.I-45 in Section IV.I, Hydrology and Water Quality, of the Draft EIR, while the Project Site is located within a City-designated inundation hazard area related to several upstream dams that could outlet into the Los Angeles River Basin, the Project would not affect the implementation of any dam safety regulations, would include its stormwater management system to minimize pollutants within the Project Site, and is not within a designated tsunami area or in close proximity to a body of water or storage tank that could result in a seiche. Therefore, the Project would not result in a significant risk of release of

pollutants due to inundation by flooding, tsunami or seiche nor have a cumulatively considerable contribution to such risk. Moreover, with Project implementation, the stormwater runoff quality during Project operation would be improved as compared to existing conditions and, therefore, Project operation would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Additionally, pursuant to Project Condition of Approval No. 12.a, the Applicant shall work with the Department of Public Works and LADOT to assess further improvements as needed for street drainage and flow southward from the southwest corner of Valley Spring Lane at Whitsett Avenue and install such improvements if necessary to assist with non-Project related flooding at the intersection. As such, Project-level and cumulative impacts related to hydrology and water quality, other than construction impacts related to groundwater quality and groundwater management plans, would be less than significant.

(For findings regarding impacts related to groundwater quality and a water quality control plan and sustainable groundwater management plan, see Section VII, Environmental Impacts Found to be Less than Significant Impacts with Mitigation, below.)

### **Land Use and Planning**

As discussed on page 85 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not physically divide an established community since: the Project Site is located on an urban infill site that is currently developed; is bounded by public streets and existing development; and, does not propose any physical features that would divide the community, and instead would provide public access to and through the Project Site including new and improved access to the Zev Greenway. As such, the Project would not contribute to a cumulative impact related to physically dividing an established community. Therefore, no Project-level or cumulative impacts associated with the physical disruption of a community would occur.

As discussed on pages IV.J-18 through IV.J-31 in Section IV.J, Land Use and Planning, of the Draft EIR and in the Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR, and pages 3-99 through 3-102 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including the 2020-2045 RTP/SCS and the City's General Plan Framework Element (Framework Element), the General Plan Conservation Element (Conservation Element), the General Plan Open Space Element (Open Space Element), the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (Community Plan), the LAMC, the Los Angeles River Improvement Overlay District Ordinance (RIO District), and the Los Angeles River Revitalization Master Plan, in part because the Project would: be an urban in-fill development within a HQTa in close proximity to residential and commercial uses and public transportation; provide new recreational opportunities to the public including 5.4 acres of publicly accessible landscaped pedestrian pathways and open space where none currently exist; allow public use of the athletic fields, gymnasium, tennis courts and other recreational facilities when not in use by the School; include bicycle parking; create new opportunities for walking and biking and encouraging alternative modes of transit, reduction in vehicle trips, VMT, and air emissions; include stormwater treatment BMPs and Project Design Feature WS-PDF-2 that would collect, treat, store and reuse stormwater and other urban runoff from the Project Site and thereby assist in improving the quality of stormwater runoff consistent with the LAMC and water quality control and sustainable groundwater management plans; remove and replace invasive and ornamental trees with RIO-compliant trees for a net increase of approximately 153 over existing conditions and include new RIO-compliant landscaping; and, incorporate environmentally sustainable

building features including Project Design Feature GHG-PDF-1 that would incorporate a solar voltaic system on the roof of the gymnasium. Additionally, with respect to historical resources, as discussed in Section IV.D, Cultural Resources, of the Draft EIR, the Project would have no direct or indirect impacts on nearby historical resources and, therefore, would not impair the ability of the resource to convey its historical significance and the Project would preserve and rehabilitate the character-defining features of the on-site HCM and, therefore, the Project would not conflict with the Conservation Element. Further, for all the reasons discussed in Sections IV.A, Aesthetics, IV.B, Air Quality, IV.G, Greenhouse Gas Emissions, IV.O.1, Utilities and Service Systems – Water Supply, and IV.M, Transportation, of the Draft EIR, and Topical Response No. 4, Aesthetics, of the Final EIR, the Project would not conflict with the LAMC's regulations regarding light and glare, the SCAQMD's AQMP, the City's Green New Deal, the LADWP Urban Water Management Plan, and the Mobility Plan 2035. Also, as discussed on pages IV.J-30 through V.J-31 in Section IV.J, Land Use and Planning, of the Draft EIR, the Project's contribution to cumulative impacts related to land use and planning would be less than significant. Therefore, Project-level and cumulative land use and planning impacts associated with conflicts with land use plans, policies or regulations would be less than significant.

### **Mineral Resources**

As discussed on page 87 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located within an urbanized area that has been previously disturbed by development and no mineral extraction operations currently occur at the Project Site. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone, oil field or oil drilling area, or within a mineral producing area as classified by the California Geologic Survey. Therefore, no Project-level or cumulative impacts related to mineral resources would occur.

### **Noise (Project-level off-site construction traffic noise, operation noise, construction vibration resulting in structural damage and human annoyance:**

As discussed on pages IV.K-39 through IV.K-78 in Section IV.K, Noise, of the Draft EIR and in the Noise Technical Report included in Appendix K of the Draft EIR, Project construction and operational activities would generate noise and vibration impacts to noise-sensitive land uses. This section discusses only those locations that would experience less than significant Project-level and cumulative noise and vibration impacts without mitigation. (All noise impacts that can be mitigated to a less-than-significant level are discussed below in VII, Environmental Impacts Found to be Less than Significant Impacts with Mitigation, and all noise and vibration impacts that cannot be mitigated below thresholds of significance are discussed below in Section VIII, Environmental Impacts Found to be Significant and Unavoidable, of these Findings.)

As discussed on pages IV.K-42 through IV.K-57, IV.K-61, and IV.K-72 through IV.K-73 in Section IV.K, Noise, of the Draft EIR, and the Noise Technical Report included in Appendix K of the Draft EIR, in Topical Response No. 8 – Noise: Construction and Operation Impacts of the Final EIR, pages 3-102 through 3-109 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and the Supplemental Noise Analysis included in Appendix F of the Final EIR, regarding increases in ambient noise levels from off-site construction traffic noise and operational noise from the Project Site as well as from the off-site improvements at the Coldwater Canyon Avenue Riverwalk Path Ramp (Coldwater Canyon Ramp) which have been eliminated from the Project, the ambient noise would not be increased beyond the threshold of significance because: construction traffic would increase the ambient noise levels along the haul truck route by less than the 5 dBA significance threshold as shown in Table IV.K-10, *Estimate of Off-Site Construction Traffic Noise Impacts*, of the Draft EIR; operational noise levels from fixed

mechanical equipment, athletic activities, special events, parking facilities, off-site improvements at Coldwater Canyon Ramp (which will no longer be constructed), off-site operational traffic noise, and composite noise would not exceed the applicable 3 dBA or 5 dBA significance threshold as shown in Tables K-11 through K-20 of the Draft EIR, as updated in the Supplemental Noise Analysis included in Appendix F of the Final EIR; and, the Project would include Project Design Features NOI-PDF-1, requiring solid walls on portions of the two fields and the tennis court and an overhead canopy above the bleachers at the west side of the swimming pool, NOI-PDF-2, limiting the maximum noise level of the Project's amplified sound system for special events at Field A, and NOI-PDF-4, as further limited by Project Condition of Approval No. 19.a, limiting use of the Project Site to no more than 20 school-related special events with the following limitations on attendance: no more than 12 special events per year of up to 250 people, no more than six (6) special events per year of up to 500 people and no more than two (2) special events per year of up to 2,000 people, thereby further reducing the potential noise impacts analyzed in the EIR. As further discussed on pages IV.K-69 through IV. K-76 in Section K, Noise, of the Draft EIR, the cumulative noise levels from the Project and the five related projects would not combine to increase the ambient noise levels in excess of the significance thresholds during operation and, as such, the Project's contribution would not be cumulatively considerable. Therefore, Project-level off-site construction traffic noise, Project-level and cumulative operation noise, and Project-level and cumulative Coldwater Canyon Ramp operation noise would be less than significant.

As discussed on pages IV.K-62 through IV.K-67 and IV.K-75 through IV.K-76 in Section IV.K, Noise, of the Draft EIR and in the Noise Technical Report included in Appendix K of the Draft EIR, and page 3-109 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not result in structural damage or human annoyance associated with ground-borne vibrations (other than human annoyance from construction equipment vibration at Receptor Location No. 8 during construction of the Coldwater Canyon Ramp, which has been eliminated from the Project and, therefore, would not have noise and vibration impacts related to off-site construction equipment) because: Project on-site construction equipment would not cause vibrations that would exceed the significance levels for structural damage at the nearest off-site structures or on the on-site historical resources as shown in Table IV.K-23, *Construction Vibration Impacts – Structural Damage*, of the Draft EIR; the construction equipment which would be used near the on-site clubhouse would not exceed the significance threshold of 0.12 inches per second PPV for historical structures; Project Design Feature CUL-PDF-1 would ensure that vibratory rollers, large dozers (300 horsepower and greater) and caisson drills, loaded trucks and jackhammers would not be used on the Project Site in proximity to the clubhouse, putting green, and low brick wall with weeping mortar; and, the rehabilitation that would occur as part of the Project would further improve the structural integrity of the building given its history of deferred maintenance; operation of the Project would include typical commercial-grade stationary mechanical equipment which would not produce vibration in excess of the thresholds of significance for building damage; the vibration levels at the nearest sensitive receptors to the Project Site, assuming that all equipment was operating at the closest point on the Project Site to the receptor location, would not exceed the threshold of significance for human annoyance as shown on Table IV.K-2, *Construction Vibration Impacts – Human Annoyance*, (note that Table IV.K-2 shows a significant impact at Receptor Location No. 8 which will no longer occur as the Coldwater Canyon Ramp has been eliminated from the Project); off-site construction traffic vibration levels along the haul route would not exceed the significance thresholds for human annoyance including the 65-VdB threshold for a recording studio and would be similar to the existing trucks that already travel on Ventura Boulevard; vibration levels from Project stationary mechanical equipment would produce vibrations that are below the level for damage to structures and for human annoyance and would be located within enclosed mechanical rooms; and, the Project's cumulative vibration impacts related to on-site construction equipment vibration and Project operation when considered with the distance of the related projects to the sensitive

receptors, would not be cumulatively considerable. As such Project-level and cumulative ground-borne vibration impacts associated with structural damage or human annoyance, would be less than significant.

As discussed on page 89 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations of the Draft EIR, the Project Site is not located within 2 miles of an airport or a private airstrip nor within an area subject to an airport land use plan. Therefore, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips, and would not contribute to a cumulative impact. As such, the Project would not create Project-level and cumulative impacts related to airport and private airstrip noise.

### **Population and Housing**

As discussed on pages 90 through 91 of the Initial Study included in Appendix A of the Draft EIR and in Chapter VI, Other CEQA Considerations, of the Draft EIR, impacts on population and housing related to construction activities would be less than significant because it is not likely that construction workers would relocate their households since construction work is temporary and many construction workers move from construction site to construction site as their particular skills are needed. While the Project does not propose residential uses or new businesses, new employees would be introduced onto the Project Site. On a typical day in which no high attendance events would take place, there would be a maximum of 80 employees; and on days in which high attendance events do take place (i.e., greater than 300 spectators and participants) there would be a maximum of approximately 100 employees. However, a majority of these employees would be comprised of existing coaches and athletic administrators who currently work at the School's Upper School campus on Coldwater Canyon Avenue. Only approximately 20 percent of employees would be net new employees. Additionally, as the Project would not provide housing, businesses, or new infrastructure to an existing undeveloped area that would induce substantial direct or indirect population growth in the area, impacts on population and housing due to operation would be less than significant. Moreover, since there is no housing on the Project Site currently and, therefore, no housing or people would be displaced, the construction of replacement housing elsewhere would not be necessary. As such, no Project-level or cumulative impacts related to population and housing would occur.

### **Public Services**

#### **A. Fire Protection**

As discussed on pages IV.L.1-19 through IV.L.1-30 in Section IV.L.1, Public Services - Fire Protection, of the Draft EIR, the Los Angeles Fire Department (LAFD) correspondence included in Appendix L-1, of the Draft EIR, and the Harvard-Westlake Project Utility Infrastructure Technical Report: Water, Wastewater and Energy (Utility Technical Report) included in Appendix O of the Draft EIR, and Topical Response No. 10 – Emergency Access, of the Final EIR, the Project would include construction and operation activities which could impact existing LAFD services in the Project vicinity. However, as explained therein, the Project would implement Project Design Feature TRAF-PDF-1, a construction traffic management plan, which would ensure that adequate and safe access remains available within and near the Project Site during construction activities. Additionally, Project Design Feature TRAF-PDF-2 would require installation of warning light(s) activated by LAFD staff, which would hold back Project traffic, when emergency vehicles need clear access to Valleyheart Drive, thereby ensuring emergency access to LAFD Fire Station 78. As further indicated therein, with the implementation of Project Design Features TRAF-PDF-1 and TRAF-PDF-2, and with compliance with applicable fire protection and fire flow requirements

during construction and operation, and compliance with applicable fire/life safety regulations, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered LAFD facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services, nor would the Project's contribution to a cumulative impact be considerable. Moreover, additional or expanded fire stations have not yet been identified as planned projects in the Project area to meet the Project or cumulative impacts. However, in the event that in the future the LAFD determines that a new or expanded fire station is warranted, or that fire stations need to be consolidated or relocated, the environmental effects that may result from such endeavors would be subject to the City's environmental review process. Therefore, Project-level and cumulative impacts related to fire protection would be less than significant.

## **B. Police Protection**

As discussed on pages IV.L.2-16 through IV.L.2-23 in Section IV.L.2, Public Services - Police Protection, of the Draft EIR, and the Los Angeles Police Department (LAPD) correspondence included in Appendix L-2 of the Draft EIR, the Project would implement Project Design Features POL-PDF-1 (Security Features During Construction), POL-PDF-2 (Security Features During Operation), and TRF-PDF-1 (Construction Traffic Management Plan) to ensure safety and reduce the need for police services during construction and operation and, as the Project does not include housing, the Project would only contribute to increasing the number of non-resident site users (i.e., students, employees, spectators and visitors). The City does not separately consider non-residential population increases when calculating increased demand for police services. Moreover, the Project's increased operational demand would be off-set as a result of security services that would be provided as part of Project Design Feature POL-PDF-2, and security design features such as three security kiosks, 24-hour on-site security, and the installation and monitoring of security cameras. As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered LAPD facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Additionally, additional or expanded police stations have not yet been identified as planned projects in the Project area to meet the Project or cumulative impacts. However, in the event that in the future the LAPD determines that a new or expanded fire station is warranted, or that fire stations need to be consolidated or relocated, the environmental effects that may result from such endeavors would be subject to the City's environmental review process. Therefore, Project-level and cumulative impacts related to police protection would be less than significant.

## **C. Schools**

As discussed on page 93 of the Initial Study included in Appendix A of the Draft EIR and in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not introduce new residents requiring the use of Los Angeles Unified School District (LAUSD) schools, nor would the employment generated by the Project result in a substantial increase of the local schools since not all employees of the Project are likely to reside in the vicinity of the Project Site. Furthermore, pursuant to Senate Bill (SB) 50, and Government Code Section 65995, the School and related project applicants would be required to pay development fees for schools to LAUSD prior to the issuance of building permits and payment of those fees would be full and complete mitigation of any impacts related to schools. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain



acceptable service ratios, or other performance objectives for schools. Therefore, Project-level and cumulative impacts related to schools would be less than significant.

#### **D. Parks and Recreation**

As discussed on pages IV.L.3-20 through IV.L.3-32 in Section IV.L.3, Parks and Recreation, of the Draft EIR, the Los Angeles Department of Recreation and Parks (RAP) correspondence included in Appendix L-3 of the Draft EIR, Topical Response No. 10 – Recreation: Golf and Tennis Facilities of the Final EIR, and pages 3-110 through 3-113 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not result in the need for new or altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks and recreation, nor result in the increase in the use of existing neighborhood and regional parks or other recreational facility such that substantial physical deterioration of the facility would occur or be accelerated, nor result in the inclusion of recreational facilities the construction or expansion of which might have an adverse physical effect on the environment, in part, because: construction workers would more likely use parks near their homes due to work time constraints, and the Project's new employees would either already live in the Project vicinity or would utilize the parks near their homes; other facilities have sufficient capacity to accommodate the existing tennis court users that would be temporarily displaced during Project construction and, after construction, the eight tennis courts that are part of the Project would accommodate current tennis court users as the courts would be available to the public when they are not being used by the School; other golf facilities have sufficient capacity to accommodate the existing users of the golf course and driving range; the Project would not introduce new residents; while the Project would eliminate the play-for-fee golf facilities and eight of the play-for-fee tennis facilities, it would substantially increase publicly available parkland to a wide variety of users; the Project would provide daily and continuous access to 5.4 acres of publicly accessible open space and landscaped pathways connecting to the adjacent Zev Greenway via a ramp and to on-site landscaped areas; the public would have access to the other recreational facilities on the Project Site when not in use by the School, as well as to the community room in the multi-purpose gymnasium, the clubhouse, café, and putting green; the Project's features would reduce demand for public recreation and park facilities and help support fulfilling the RAP 2009 Citywide Community Needs Assessment's South San Fernando Valley geographic area priorities, through the provision of walking trails (ranked No. 1), small neighborhood parks (ranked No. 2), nature trails (ranked No. 4), indoor gyms (ranked No. 8), outdoor tennis courts (ranked No. 9), outdoor swimming pools (ranked No. 12), nature/environmental centers (ranked No. 13), youth soccer fields (ranked No. 21), and adult soccer fields (ranked No. 25); the Project would increase the number of schools that have shared access which would be consistent with the General Plan Health and Wellness Element; and, while Project construction would cause short term noise impacts, the Project's facilities would reduce the demand on the City's neighborhood and community parks in the area by both students and the public, and not create any other significant environmental impact. Moreover, as discussed on pages IV.L.3-30 through IV.L.3-32 in Section VI.L.3, Public Services – Recreation and Parks, of the Draft EIR, although the Project would increase demand on public tennis courts and municipal golf facilities, the Project's contribution to cumulative impacts related to parks and recreational facilities would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to parks and recreation would be less than significant.

#### **E. Other Public Facilities**

As discussed on page 94 of the Initial Study included in Appendix A of the Draft EIR and in Chapter VI, Other CEQA Considerations, of the Draft EIR, as construction workers would more likely use libraries near their homes due to work time constraints, and the Project's new employees would

either already live in the Project vicinity or would utilize the libraries near their homes, and the Project would not introduce a new residential population to the Project Site, use of local libraries would not be substantially increased by the Project. Moreover, while during construction and operation of the Project, roads would continue to be utilized, the Project would not include the long-term use of significant numbers of regular heavy-duty truck/vehicle trips that would necessitate the upkeep of such facilities beyond typical City standards. As such, the Project would not result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, including libraries and roads, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. Therefore, Project-level and cumulative impacts related to other governmental services would be less than significant.

### **Transportation**

As discussed on pages IV.M-27 through IV.M-47 in Section IV.M, Transportation, of the Draft EIR, the Transportation Assessment for the Harvard-Westlake River Park Project included in Appendix M of the Draft EIR, and Topical Response No. 2 – Modifications to the Project Design, and Topical Response No. 9 – Transportation and Parking During Construction and Operation, of the Final EIR, and pages 3-113 through 3-117 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would generate vehicular, bicycle and pedestrian traffic, would create a demand for public transit, and would include new driveways. However, as further discussed therein, (i) the Project would not conflict with applicable plans related to circulation and transportation including the Mobility Plan 2035, the Bicycle Parking Ordinance, the Transportation Demand Management (TDM) Ordinance, Vision Zero, the Plan for a Healthy Los Angeles, the Community Plan, the LAMC, the Citywide Design Guidelines, a Plan for a Healthy Los Angeles, the Citywide Design Guidelines or the Los Angeles River Design Guidelines, and the 2020/2045 RTP/SCS; (ii) the Project would reduce VMT; (iii) the Project would not result in inadequate emergency access; and, (iv) the Project would not impact freeway safety, in part, because the Project would: be developed on an urban infill site within a HQTAs which would support multi-modal travel by improving pedestrian infrastructure by providing an extensively landscaped three-quarter mile long pedestrian path that would be open to the public to circumnavigate the perimeter of the Project Site (there currently are no pedestrian sidewalks adjacent to the Project Site on Bellaire Avenue or Valley Spring Lane), pursuant to Project Condition of Approval No. 12.a which will incorporate a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive, providing more onsite bicycle parking than required by the LAMC, being in close proximity to residential and commercial uses and public transportation; reduce VMT through compliance with the TDM Ordinance by providing, among other strategies, a space for displaying transportation information and carpool and vanpool parking areas; provide new pedestrian access points to the Project Site; discourage non-residential traffic flow by providing shuttle buses from the Upper School campus; place the parking structure underground, which would not be visible from the Los Angeles River corridor; provide public open space; result in a net daily decrease of VMT over existing conditions; reduce pedestrian and vehicular conflicts by reducing the number of Project Site driveways, including the service driveway on Valley Spring Lane; ensure adequate and safe emergency access by incorporating Project Design Features TRAF-PDF-1 (Construction Management Plan to ensure circulation and emergency access during construction), TRAF-PDF-2 (a warning system to avoid conflicts with emergency vehicles accessing the adjacent Fire Station 78), and TRAF-PDF-3 (restricting parking and providing shuttle services when attendance at a Project facility is expected to surpass 300 spectators and requiring a Parking and Transportation Management Plan to ensure compliance); and not impact freeway safety as Project traffic would not exceed freeway ramp storage capacity during peak traffic hours. Moreover, as discussed on page 97 of the Initial Study included in Appendix A of the Draft EIR and on pages IV.M-41 through IV.M-43 in Section IV.M, Transportation, of the Draft EIR, the

Project would not substantially increase geometric hazards due to a design feature or incompatible uses, in part, because the Project would not create new line-of-sight hazards, sharp turns, or new driveways on local streets, and the Project would contribute to the overall walkability and bike-ability of the area through enhancements to the Project Site. As such, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) regarding the Project's VMT; result in a hazard due to design or use; or result in inadequate emergency access. As further discussed on pages VI.H-41 to IV.H-44 in Section IV.H, Transportation, of the Draft EIR, the Project would not result in roadway improvements such that safety hazards would be introduced adjacent to the Project Site, and the Project's proposed vehicular and pedestrian access points would be designed such that the Project would not substantially increase hazards, conflicts, and would contribute to overall walkability and bike-ability through enhancements to the Project Site. Moreover, the Project's proposed uses would also be consistent with the surrounding uses (i.e., residential and commercial) and would not introduce hazards due to incompatible uses, and therefore, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses. Additionally, as discussed on pages IV.M-48 through IV.M-47 in Section IV.M, Transportation, of the Draft EIR, the Project together with the related projects would add development and density in an area with transit options and high levels of pedestrian activity, the Project would result in a decrease in VMT over existing conditions, the Project would not create a design or use hazard, impede emergency access or impact freeway safety and, therefore, the Project's contribution to a cumulative transportation impact would not be cumulatively considerable. Thus, Project-level and cumulative impacts related to transportation would be less than significant.

### **Tribal Cultural Resources**

As discussed on pages IV.N-10 through IV.N-13 in Section IV.N, Tribal Cultural Resources, of the Draft EIR, and in the Tribal Cultural Resources Report included in Appendix N, of the Draft EIR, the Project would include development, excavation to a depth of 21 feet below ground surface, and grading activities at the Project Site that could potentially impact tribal cultural resources. However, as further indicated therein, the Project Site soils have been previously disturbed, no tribal cultural resources have been previously recorded at the Project Site or within one-half mile of the Project Site, the tribal consultations required under Assembly Bill (AB) 52 did not provide substantial evidence of the presence of known tribal cultural resources at the Project Site, and the Project would implement the City's standard Condition of Approval (Project Condition of Approval No. 47) for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources or determined by the City in its discretion and supported by substantial evidence, to be significant. Additionally, as the Project would not have a significant impact on tribal cultural resources, and the related projects would also be subject to the City's standard Condition of Approval for the inadvertent discovery of tribal cultural resources during construction and AB 52 consultation, the Project's contribution to a cumulative impact would not be considerable. Therefore, Project-level and cumulative impacts related to tribal resources would be less than significant.

### **Utilities and Service Systems – Water Supply**

As discussed on pages IV.O.1-29 through IV.O.1-48 in Section IV.O.1, Utilities and Service Systems – Water Supply, of the Draft EIR, the Harvard-Westlake River Park Project (4141 Whitsett Avenue, Studio City, CA 91604) Utility Infrastructure Technical Report: Water, Wastewater, and Energy (Utility Report) included in Appendix M of the Draft EIR, Topical

Response No. 2- Modifications to the Project Design, of the Final EIR, and on pages 3-117 through 3-118 in Chapter 2, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would generate a demand for water and water infrastructure capacity. However, as further indicated therein: the Project would implement Project Design Features WS-PDF-1: Artificial Turf, on Fields A and B which would reduce water demand, and WS-PDF-2: Capture and Reuse System, by which the Project would capture, treat, and store up to approximately 350,000-gallons of stormwater, which meets the regulatory requirements of the LID ordinance; the existing fire hydrants in the area have adequate fire flow to service the Project; the Project would include a fire sprinkler suppression system; the existing water mains in the area have adequate capacity to serve the Project; the Project would include planting RIO-compliant native plant species that use significantly less water compared to existing uses; in furtherance of water conservation goals, the Project's design modification includes the elimination of previously planned water features such as recirculating streams and ponds west of the gymnasium building; and, LADWP water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future. Additionally, as further discussed therein, the LADWP's 2020 Urban Water Management Plan accounts for existing development within the City, as well as projected growth through the year 2045 and the Project's contribution to a cumulative impact related to water supply and infrastructure would not be cumulatively significant. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects; and there would be sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, Project-level and cumulative impacts related to water supply and water infrastructure would be less than significant.

**Utilities and Service Systems – Wastewater (except impacts to local sewer capacity during Project operation)**

As discussed on pages IV.O.2-9 through IV.O.2-10 and IV.O.2-14 through IV.O.2-16 in Section IV.J.2, Utilities and Service Systems – Wastewater, of the Draft EIR and the Utility Report included in Appendix O of the Draft EIR, the Project would generate waste during construction and operation thereby generating a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein: Project construction would be temporary and wastewater would not be discharged into the public sewer system or increase flows to the City's wastewater treatment facilities; off-site construction activity, if needed, would be minimal and confined to trenching to connect to the municipal lines which would be done in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements which would result in reduction in wastewater generation; and, the Hyperion Water Reclamation Plant (HWRP) has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Therefore, the Project would not generate wastewater in excess of available capacity or State or local standards since the Project's net increase in average daily wastewater generation would represent approximately 0.28 percent of the HWRP's available capacity, while the Project plus all future projected growth would represent 59.1 percent of the HWRP's assumed future capacity. Additionally, as discussed on pages IV.O.2-16 through IV.O.2-19 in Section IV.O, Utilities and Service Systems – Wastewater, of the Draft EIR, the Project, when considered together with the impacts of related projects, would not result in a cumulatively considerable contribution of a significant cumulative impact related to wastewater treatment system capacity. For all these reasons, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects. Therefore, Project-level and cumulative impacts related to wastewater, other than impacts to local sewer capacity during Project operation, would be less than significant.

(For findings related to impacts to local sewer capacity during Project operation, see Section VI, Less Than Significant with Mitigation, below.)

As discussed on pages IV.O.3-14 through IV.O.3-22 in Section IV.O.3, Utilities and Service Systems - Solid Waste, of the Draft EIR, Topical Response No. 2- Modifications to the Project Design, of the Final EIR, and on pages 3-118 through 3-120 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of available capacity or State or local standards since the Project would meet or exceed the mandated diversion rates, and the Project's generation of construction solid waste would amount to only 0.17 percent of available capacity at Azusa Land Reclamation Landfill, which does not take into account the capacity at other sites within the County and out-of-county that could potentially accept Project construction and demolition waste, while the solid waste generated during Project operation would amount to only 0.006 percent of available landfill capacity at the Sunshine Canyon Landfill. Moreover, should Project demolition, grading and excavation construction activities encounter PCBs, asbestos, lead-based paints, or contaminated soils, they would be disposed of at facilities licensed to accept such waste as more fully discussed in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR. Moreover, as discussed on page 103 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR, in accordance with the City's Space Allocation Ordinance, which requires that all new development projects provide an adequate recycling area or room for collecting and loading recyclable materials, the Project would provide on-site recycling collection facilities for students, employees, and visitors. In addition, the Project would comply with AB 939 and the City's Zero Waste Plan through source reduction and recycling programs, including with the City's Curbside Recycling Program and Waste Hauler Permit Program. Further, as discussed on pages IV.O.3-19 through IV.O.3-22 in Section IV.O.3, Utilities and Service Systems – Solid Waste, of the Draft EIR, the Project's contribution to impacts related to solid waste would not be cumulatively considerable because: similar to the Project, the related projects would be required to comply with regulations regarding solid waste reduction; the County has determined that there is sufficient capacity in permitted solid waste facilities to serve the County through its 15-year planning period (currently 2019 through 2034); and, the cumulative estimated solid waste generated by the Project and the related projects would represent a negligible cumulative increase of the County's annual waste generation. Thus, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

#### **Utilities and Service Systems – Electric Power, Natural Gas, and Telecommunications**

As discussed on pages 101 through 102 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not result in significant impacts related to electric power, natural gas or telecommunications infrastructure because: the Project Site is in an urban area already served by such facilities; construction impacts associated with the installation of these systems would primarily involve possible minor trenching in order to place the lines below the surface and/or connections to existing infrastructure; trenching, if any, associated with the installation of connections to such infrastructure would occur within the already developed Project Site and/or within the adjacent right-of-way, would be limited and temporary, and would occur in compliance with all required permits and regulations; and traffic impacts, if any, due to off-site connections would be controlled by the Project's Construction Management Plan (Project Design Feature TRAF-PDF-1) to minimize disruptions to traffic flow. As such, the Project's contribution to cumulative impacts would not be cumulatively considerable. Thus, the Project would not result in the need to relocate or

construct new or expanded electric power, natural gas or telecommunication facilities, the construction or relocation of which would cause significant environmental effects. Therefore, Project-level and cumulative impacts related to electric power, natural gas and telecommunications would be less than significant.

### **Wildfire**

As stated in pages 104 through 106 of the Initial Study included in Appendix A of the Draft EIR, and in Chapter VI, Other CEQA Considerations, of the Draft EIR: the Project would not impede emergency access, as the Project Site is not adjacent to nearby selected disaster routes and would implement a construction management plan to ensure emergency circulation and access during construction (Project Design Feature TRAF-PDF-1); the Project Site is located in an urbanized area and there are no wildlands located on the Project Site or in the vicinity; and future planned vegetation and trees within the Project Site would be irrigated, which would reduce overall fire hazard; the urbanized nature of the Ventura Boulevard corridor between the Project Site and the wildland areas of the Santa Monica Mountains, paved parking areas, and the paved Los Angeles River channel between the Project Site and the Mountain Fire District, and the location of the Project Site outside the Fire Buffer Zone, would limit the potential for wildland fire hazards spreading from wildlands within the Santa Monica Mountains to the Project Site; consistent with existing City Fire Code and other fire safety requirements, the Project would include smoke/fire alarms, fully sprinklered indoor spaces, and irrigated landscaped areas with native vegetation, which would serve to reduce potential hazards related to wildland fires emanating from the hillside areas; and, the Project would not include the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk; and, no hillside areas or steep slopes occur within the Project Site or vicinity. As such, the Project's contribution to impacts related to wildfires would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to wildfires would be less than significant.

## **VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITH MITIGATION**

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the Draft EIR.

### **A. Air Quality (Construction air quality impacts related to NOx emissions):**

**1. Impact Summary:** As discussed on pages IV.B-50 through IV.B-51 and IV.B-54 through IV.B-55 in Section IV.B, Air Quality, of the Draft EIR, and in the Air Quality Study included in Appendix C of the Draft EIR, Project construction can generate temporary NOx emissions from the use of construction equipment, such as dozers and loaders. The results of the criteria pollutant calculations, including emissions for construction activities associated with the off-site improvements to the segment of Valleyheart Drive south of LAFD Fire Station 78 and to portions of the Zev Greenway adjacent to the Project Site and the installation of the Coldwater Canyon Avenue Riverwalk Path Ramp which has been eliminated from the Project, are shown in Table IV.B-6, Estimated Maximum Regional Construction Emissions, which indicates that construction of the Project would result in NOx emissions that exceed the SCAQMD threshold of significance

for regional Nox emissions and, consequently, for cumulative impacts, without mitigation. Therefore, Mitigation Measure AQ-MM-1, Construction Equipment Features, would be required to reduce the potentially significant air quality impact to less than significant.

**2. Project Design Features:** No specific Project Design Features are proposed with regard to air quality.

**3. Mitigation Measures:** The City finds that that the following Mitigation Measure, which is set forth on pages IV.B-54 through IV.B-55 in Section IV.B, Air Quality, of the Draft EIR, and in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and incorporated into the Project, would reduce the potentially significant air quality impacts associated with Nox emissions to less than significant.

**a) AQ-MM-1: Construction Equipment Features:** Harvard-Westlake School shall implement the following construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply such equipment. Construction features shall include the following:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.
- During plan check, the Project's representative shall make available to the lead agency and South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be maintained on-site at the time of mobilization of each applicable unit of equipment.
- During demolition, site preparation, and grading and excavation activities, the contractor shall provide notification and documentation that haul truck drivers have received training regarding idling limitations specified in Title 13 California Code of Regulations, Section 2485, and that haul trucks limit idling for loading activities to 5 minutes or less at any one location and unloading activities to 5 minutes or less at any one location.
- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction

equipment to increase horsepower or to defeat emission control devices shall be prohibited.

- Construction activities shall be discontinued during second-stage smog alerts. A record of any second-stage smog alerts and of discontinued construction activities as applicable shall be maintained by the Contractor on-site.

**4. Finding:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

**5. Rationale for Finding:**

**a) Construction Regional Nox emissions:** As discussed on pages IV.B-50 through IV.B-51 and IV.B-54 through IV.B-55 in Section IV.B, Air Quality, of the Draft EIR, and in the Air Quality Study included in Appendix C of the Draft EIR, Project construction can generate air quality emissions including the temporary Nox emissions from the use of construction equipment such as dozers and loaders. The results of the criteria pollutant calculations, including emissions for construction activities associated with the off-site improvements to the segment of Valleyheart Drive south of LAFD Fire Station 78 and to portions of the Zev Greenway adjacent to the Project Site (as well as the installation of the Coldwater Canyon Avenue Riverwalk Path Ramp which has been eliminated from the Project), are shown in Table IV.B-6, Estimated Maximum Regional Construction Emissions, of the Draft EIR, with the detailed emissions calculations included in Appendix C of the Draft EIR. As shown on Table IV.B-6, construction of the Project would result in NOx emissions that exceed the SCAQMD threshold of significance for regional NOx emissions. The NOx emissions would result primarily from heavy-duty trucks required for on-road soil hauling and from concrete trucks delivering concrete to the Project Site from concrete suppliers. However, as explained on page IV.B-55 and shown on Table IV.B-8, Estimated Maximum Mitigated Regional Construction Emissions (Pounds Per Day), of the Draft EIR, implementation of Mitigation Measure AQ-MM-1, which contains requirements for reducing NOx emission such as requiring use of Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater, use of best available control technology and documentation of same, maintenance of construction equipment so as to minimize exhaust emissions, limiting truck loading and unloading idling times, and discontinued construction during second-stage smog alerts, would reduce short-term and temporary NOx emissions, including from haul trucks during the grading activities to below the threshold of significance. Thus, with implementation of Mitigation Measure AQ-MM-1, short-term construction NOx emissions would be reduced to below the regional emission significance threshold for NOx. Therefore, the short-term and temporary impacts related to regional NOx construction emissions would be less than significant with mitigation.

Additionally, as discussed on page IV.B-44, the Project's unmitigated exceedance of NOx emissions could potentially increase the frequency or severity of an existing violation or cause or contribute to a new violation for ozone based on the temporary construction NOx threshold exceedance. However, with implementation of Mitigation Measure AQ-MM-1, the Project's temporary construction impacts related to NOx would be less than significant and, therefore, the Project would not conflict with the timely attainment of air quality standards or interim emission reductions specific in the AQMP and impacts would be less than significant with mitigation.

**b) Cumulative Impacts:** As discussed on pages IV.B-65 through 67, the SCAQMD recommends evaluating cumulative impacts for individual projects based on whether



the project exceeds the SCAQMD's recommended daily thresholds for project-specific impacts for those pollutants for which the Air Basin is in non-attainment. The cumulative analysis of air quality impacts in the Draft EIR follows the SCAQMD's guidance such that construction Project emissions would be considered cumulatively considerable if Project-specific emissions exceed an applicable SCAQMD recommended significance threshold. Since the Project would exceed the threshold of significance for NO<sub>x</sub> emission without mitigation, the Project would also exceed the threshold of significance when combined with the five related projects identified in the Draft EIR. However, since implementation of Mitigation Measure AQ-MM-1 would reduce the Project's NO<sub>x</sub> emissions to below the level of significance, the Project's cumulative impact related to temporary construction NO<sub>x</sub> emissions would be less than significant with mitigation.

**6. Reference:** For a complete discussion of air quality impacts, including impacts to air quality associated with NO<sub>x</sub> emissions, please see Section IV.B, Air Quality, and Appendix C, Air Quality and Greenhouse Emissions Technical Document, of the Draft EIR, and Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

**B. Biological Resources (Direct impacts to wildlife [western yellow bat] and sensitive natural communities [California brittlebush scrub], impacts to migratory species and native wildlife nursery sites [western yellow bat], and conflict with some local policies regarding biological resources [trees]):**

**1. Impact Summary:** As discussed on pages IV.C-32 through IV.C-34, C-41 through IV.C-42, IV.C-47 through IV.C-48 and IV.C-54 through IV.C-56 in Section IV.C, Biological Resources, of the Draft EIR, and in the Biological Resources Technical Report included in Appendix D of the Draft EIR, Project construction would result in the direct removal of a number of ornamental, non-native tree species and other common ornamental plant species while Project operations would involve landscape maintenance and introduce increased human activity, light and noise. As a result, the Project could result in potentially significant impacts to the western yellow bat through removal of trees where they might nest and forage, the California brittlebush scrub through potential removal and replanting, and local policies and ordinances related to biological resources through the potential impacts to special-status species, sensitive natural communities and trees and scrubs. Therefore, Mitigation Measures BIO-MM-1, regarding protections for special-status bat species (western yellow bat), BIO-MM-2, regarding protection for sensitive natural communities (California brittlebush scrub), and BIO-MM-3, regarding planting replacement trees, would be required to reduce the potentially significant impacts to less than significant.

**2. Project Design Features:** The following Project Design Features BIO-PDF-1 which is set forth on pages IV.C-30 through IV.C-31 in Section IV.C, Biological Resources, of the Draft EIR, and BIO-PDF-2, BIO-PDF-3 and BIO-PDF-4 which are set forth on pages 3-57 through 3-58 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and in Chapter 4, Mitigation and Monitoring Program, of the Final EIR, are incorporated into the Project with regard to biological resources.

- a) **BIO-PDF-1:** Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following have been or shall be accomplished:

- Vegetation removal activities will be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
  - Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist experienced in avian nesting bird behavior before commencement of clearing. If any active nests are detected, a buffer of 300 feet around the nest (500 feet for raptors), or as determined appropriate by the biologist based on species and site-specific conditions, will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts.
- b) **BIO-PDF-2:** Small wildlife permeable fencing will be installed along the edge of the Leased Property and the Zev Greenway in order to discourage human entry into the natural community plantings of the Zev Greenway. The fence design will allow unimpeded aesthetic views to the Los Angeles River, while allowing small wildlife to pass through or under the fencing. The fence design will support the goals of the Los Angeles River Revitalization Master Plan. Also, railing will be provided along the ADA-compliant pedestrian ramp leading from the Project Site to the Zev Greenway to discourage people from entering into the natural community plantings of the Zev Greenway. The fence design and railing will be reviewed by the City prior to installation.
- c) **BIO-PDF-3:** Harvard-Westlake School will make available to the Zev Greenway trail users educational materials and signage at the entrance to the ADA-compliant pedestrian ramp located between the Project's gymnasium and the Zev Greenway. The materials and signage will promote awareness that human activities, such as trail use, may impact or disturb wildlife use of open spaces. Educational materials and signage will explain how human activity, inclusive of noise and odors, may impact the natural habitats growing within the Zev Greenway, emphasizing the increased severity during breeding seasons. The signage will be submitted for review by the City for compliance with any applicable regulations and will also: 1) educate and inform the public about wildlife present in the area; 2) advise on proper use of the ramp in a manner respectful to wildlife; and 3) provide local contact information to report injured or dead wildlife. Signage will be written in the language(s) understandable by residents in the local vicinity and to those most likely to use the ramp. Signage will be made of materials not harmful to wildlife, avoiding glass or the use of spikes.
- d) **BIO-PDF-4:** As part of the Project's routine maintenance program, Harvard-Westlake School will place a waste receptacle at the entrance to the Project's ADA-compliant pedestrian ramp located between the Project's gymnasium and the Zev Greenway in order to avoid or minimize the potential to create an attractive nuisance of an unnatural food source for wildlife. The receptacle will be regularly maintained to avoid waste materials inadvertently entering the Zev Greenway area.

**3. Mitigation Measures:** The City finds that the following Mitigation Measures BIO-MM-1, BIO-MM-2 and BIO-MM-3, which are set forth on pages IV.C-41 through IV.C-42, IV.C-44, and IV.C-56 in Section IV.C, Biological Resources, of the Draft EIR, respectively, as modified on pages 3-58 through 3-63 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and in Chapter 4, Mitigation and Monitoring Program, of the Final EIR, and incorporated into the Project, would reduce the potentially significant biological resources impacts associated with direct wildlife and sensitive community and conflicts with policies regarding biological resources to less than significant.

**a) BIO-MM-1:** Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

- Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species during breeding season.
- Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat) and night vision goggles for an emergence survey (for at least one-hour after sunset) to determine whether special status bat species are roosting within trees that would be removed. A qualified biologist is a biologist with specialized bat experience including the familiarity with bat roost biology (i.e., a professional biologist with a minimum of two years of bat survey experience, inclusive of acoustic survey experience). The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats. If special-status bats are detected during the survey, a qualified bat specialist shall prepare species specific mitigation measures to reduce or avoid impacts to each special-status species detected. Mitigation may include avoidance through postponing or temporarily halting construction until maternal roost use is completed, use of construction buffers of no less than 100-feet, or the installation of bat boxes in proximity to detected maternal roosts. Avoidance measures shall be based on site-specific factors to prevent roost disturbances, including, but not limited to: numbers and locations of bats, proposed construction activities, height and distance of bat roosts from proposed construction activities, the presence of visual and/or acoustic barriers between the roost and proposed activities, and the pre-existing level of

human activities (e.g., ambient noise, potential movement, etc.) to which the bats may already tolerate.

- If special-status bats are not detected, but the bat specialist nonetheless determines that roosting bats may be present at any time of year and could roost in trees at a given location, tree removal activities shall be initiated by pushing trees using heavy machinery prior to using a chainsaw to remove the tree. In order to provide the optimal warning to any roosting special-status bats that may be present, trees shall be pushed lightly two or three times, with an approximately 30-second pause between each nudge/push to allow bats to become active. A period of at least 24 hours shall elapse between such operations to allow special-status bats to escape the construction area.

- b) **BIO-MM-2:** Prior to issuance of a building permit, Harvard-Westlake School shall submit to the Department of City Planning a landscape plan or mitigation plan depicting replacement of an equivalent acreage of California brittlebush scrub removed at a 1:1 ratio. The sensitive natural community does not need to be dominated only by California brittlebush, but this species shall be prevalent within the community, and the native scrub mix proposed shall use similar species as used for the Zev Greenway restoration habitat. The replacement of sensitive natural community habitat shall be planted clustered adjacent to and contiguous with the Zev Greenway, and the locations and species shall be to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement sensitive natural community habitat areas shall be planted on-site and shall be shown on the Project's landscape plan. The restored sensitive natural community shall be monitored for five years to verify that California brittlebush scrub has been successfully restored with the survival of the plants depicted in the approved landscape plan at the conclusion of the five years of monitoring.
- c) **BIO-MM-3:** Prior to issuance of a building permit, Harvard-Westlake School shall submit to the Department of City Planning and/or the City's Urban Forestry Division a landscape plan or tree plan depicting replacement of each "non-protected" significant tree removed at a minimum 1:1 ratio. The actual mitigation requirement may be modified by the Department of City Planning and/or the City's Urban Forestry Division dependent on their view of dead tree removals and removal of Mexican fan palms. The replacement tree locations and species shall be to the satisfaction of the Department of City Planning and/or the City's Urban Forestry Division and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement trees shall be planted in the Biological Study Area as shown on the Project's landscape plan. The three pine trees within the area proposed for the Coldwater Canyon Avenue Riverwalk Path Ramp shall also remain in place.

Removal of 6 public street trees shall require a tree removal permit and mitigation plantings, which is typically a ratio of 2:1.

A monitoring report shall be prepared by a Tree Expert (as defined in LAMC Section 17.02) and submitted to the Department of City Planning and/or City's

Urban Forester within one-month following the completion of Project construction. After three years following the completion of Project construction, a Tree Expert (as defined in LAMC Section 17.02) shall assess the health and overall condition of all replacement trees. If any of the on-site, off-site or public street trees die within three years as a consequence of construction, they shall be replaced.

**4. Finding:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

**5. Rationale for Finding:**

**a) Direct Impacts to Special-Status Wildlife:** As discussed on pages IV.C-32 and IV.C-41 through IV.C-42 in Section IV.C, Biological Resources, of the Draft EIR, in the Biological Resources Technical Report included in Appendix D of the Draft EIR, and pages 3-58 through 3-60 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would result in the removal of ornamental vegetation and the temporary displacement of common and non-indigenous wildlife species. However, of the 47 special-status wildlife species identified in Appendix D as occurring in the Project vicinity, only one, the western yellow bat, has low to moderate potential to roost and forage on the Biological Study Area which includes the Project Site. Construction of the Project could, therefore, result in potentially significant direct impacts to this bat species if tree removal commences during the maternity roosting season (generally March 1 through September 30). While nesting raptors and songbirds have some regulatory protection, bats do not. Therefore, the Project requires implementation of Mitigation Measure BIO-MM-1 which states that due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status western yellow bat species, the School shall either schedule tree removal outside of the maternity roosting season, or if construction or palm tree removal activities occur during the maternity roosting season, a qualified biologist experienced with bat roost biology must conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors to determine whether special-status bat species are roosting within trees that would be removed and specifies when the survey must be conducted and the procedures to employ if bats are located on the Project Site, or provides additional protection if a qualified bat specialists determines that roosting bats may be present at any time of the year to allow special-status bats to escape the construction area. Thus, by avoiding maternity roosting season, or by conducting pre-construction surveys during maternity roosting season and avoiding direct impacts to active roosts, or by conducting procedures to allow bats to disperse if encountered outside of roosting season, potentially significant impacts on special-status wildlife species would be reduced to a less than significant level with implementation of Mitigation Measure BIO-MM-1.

**b) Direct Impacts to Sensitive Natural Communities:** As discussed on pages IV.C-42 through IV.C-44, in Section IV.C, Biological Resources, of the Draft EIR, in the Biological Resources Technical Report included in Appendix D of the Draft EIR, and page 3-60 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the off-site portion of the Biological Study Area along the Zev Greenway supports 0.88 acre of California brittlebush scrub, which is considered a sensitive natural community by California Department of Fish and Wildlife. As summarized in Table IV.C-2, Impacts to Plant Communities, of the Draft EIR, implementation of the Project would result in limited impacts from the proposed river connection (ramp), river fence, and river overlook (which has been removed from the Project) to 0.14 acre of recently restored California brittlebush scrub (which represents approximately 16 percent of the off-site sensitive natural community). Although impacts would be limited, and minimized by implementation of Project Design Feature BIO-PDF-2, which includes the installation of small

wildlife permeable fencing along the edge of the Leased Property and the Zev Greenway and railing along the ADA-compliant pedestrian ramp leading from the Project Site to the Zev Greenway to discourage people from entering into the natural community plantings of the Zev Greenway, direct impacts to this sensitive natural community are potentially significant. Therefore, the Project requires the implementation of Mitigation Measure BIO-MM-2 which requires replacement of an equivalent acreage of California brittlebush scrub removed at a 1:1 ratio and further delineates the additional requirements for replacement of the California brittlebush, including location and monitoring for five years to verify that California brittlebush scrub has been successfully restored. Thus, with replacement of any California brittlebush scrub that is impacted pursuant to Mitigation Measure BIO-MM-2 and implementation of fencing and railing pursuant to BIO-PDF-2 to discourage people from entering into the natural community plantings of the Zev Greenway, potentially significant direct impacts on sensitive natural communities would be reduced to a less-than-significant level.

**c) Impacts to Migratory Species and Native Wildlife Nursery Sites:** As discussed on pages IV.C-47 through IV.C-48 in Section IV.C, Biological Resources, of the Draft EIR and in the Biological Resources Technical Report included in Appendix D of the Draft EIR, the Biological Study Area has the potential to support songbird and raptor nests and bat roosts due to the presence of shrubs, ground cover, and limited trees on-site. Protection of songbirds and raptors is secured through compliance with the MBTA and Fish and Wildlife Code. However, direct impacts to breeding or roosting bats (e.g., through nest or roost removal) or indirect impacts (e.g., by noise causing abandonment of the nest or roost) would be a potentially significant impact since nesting bats are not covered by either regulation. Project Design Feature BIO-PDF-1, which demonstrates compliance with regulatory requirements for nesting birds, sets forth procedures to ensure nesting bird protection. However, Mitigation Measure BIO-MM-1 is required to reduce any direct impacts to nesting or roosting bat species. Since Project Design Feature BIO-PDF-1 only covers the procedures for complying with regulatory requirements for nesting birds, Mitigation Measure BIO-MM-1 is required to either avoid maternity roosting season, or to require pre-construction surveys during maternity roosting season thereby avoiding direct impacts to active roosts by the Project. Thus, with implementation of Project Design Feature BIO-PDF-1 and Mitigation Measure BIO-MM-1, Project impacts to nesting or roosting birds and bats would be reduced to less than significant with mitigation.

**d) Conflicts with Local Policies and Ordinances Regarding Biological Resources (Framework, Conservation, and Open Space Elements and Trees):** As discussed on pages IV.C-49 through IV.C-56 in Section IV.C, Biological Resources, of the Draft EIR, in Topical Response No. 5 – Biological Resources/Trees of the Final EIR, and pages 3-62 through 3-63 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project has the potential to conflict with local policies or ordinances protecting biological resources through the removal of existing landscaping and the increase in human activity, light and noise. However, as explained therein, with implementation of mitigation measures, the Project would not be in conflict with the Framework Element, the Conservation Element, the Open Space Element, or the Community Plan. With implementation of Mitigation Measures BIO-MM-1 and BIO-MM-2, as well as Project Design Features BIO-PDF-1, which would protect nesting birds and bats and replace impacted California brittlebush scrub, Project Design Features BIO-PDF-2, which would minimize the potential to disturb the natural community plantings within the Zev Greenway area and further small wildlife movement through and within the Project Site, BIO-PDF-3, which would increase the beneficial uses of the Zev Greenway as a natural open space area and minimize indirect impacts to wildlife, and BIO-PDF-4, which protect against human intrusion into the natural community, educate the public, permit wildlife crossings, and discourage conflicts between wildlife and users of the Zev Greenway, the Project would not be in conflict with the Framework Element's objectives and policies related to limiting urban encroachment on the natural settings and

preserving habitat linkages; the Conservation Element's policies on avoiding impacts to special-status plants and species, and protecting, restoring or enhancing natural areas; the Open Space Element's goals to conserve open space, maintain or create recreational spaces open to the public, and increase access to open space and recreational areas; or the Biological Study Areas open space uses. The Project would accomplish these goals and policies in part by: providing 5.4 acres of landscaping and pathways for public use, including a new connection to the Zev Greenway and on-site landscaped areas, and recreational facilities; allowing public use of the two athletic fields, eight tennis courts, pool, and gymnasium facilities when not in use by the School; increasing open space resources compared to existing conditions, in which all facilities are part of a private golf and tennis facility; providing public access to the Biological Study Area's river frontage; complying with the RIO District Ordinance and the Los Angeles River Master Plan Guidelines and removing invasive plants such as the Mexican fan palms, except for the Mexican fan palms located within the public right-of-way along Valley Spring Lane; maintaining and enhancing native habitat for wildlife through the extensive landscaping program and compliance with mitigation measures; contributing to the environmental and ecological health of the City's watershed system through the implantation of the LID Ordinance system for capture and reuse of water runoff from the Project Site; and, increasing public access to the Los Angeles River.

However, as to conflicts with City-protected and unprotected trees and scrubs, as discussed on pages IV.C-54 through IV.C-56, while the Project's extensive landscaping program and compliance with Mitigation Measure BIO-MM-2 regarding replacing impacted California brittlebush scrub would result in removal of invasive plants and the planting in compliance with the RIO District Ordinance, the Los Angeles River Master Plan Guidelines, and the Protected Tree Ordinance, the removal of 209 significant trees and 6 public street trees is potentially significant because such trees contribute to the overall aesthetics of the local setting, assisting in preventing soil erosion, and contribute to the reduction of atmospheric carbon dioxide, a further mitigation measure is required to reduce this impact. Mitigation Measure BIO-MM-3 would reduce this potential impact to less-than-significant by requiring the replacement of each non-protected tree at a minimum ratio of 1:1 which can be increased by the Department of City Planning prior to the issuance of a building permit at the time that the School submits a final landscaping plan depicting replacement of each non-protected significant tree. This mitigation measure also requires replacement of street trees at a 2:1 ratio. With implementation of Project Design Features BIO-PDF-1, BIO-PDF-2, BIO-PDF-3 and BIO-PDF-4 and Mitigation Measures BIO-MM-1, BIO-MM-2 and BIO-MM-3, the Project's impacts related to conflict with local policies or ordinances protecting biological resources would be less than significant.

**e) Cumulative Impacts:** As discussed on pages IV.C-57 through IV.C-58 in Section IV.C, Biological Resources, of the Draft EIR, and pages 3-57 through 3-63 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Biological Study Area is located within a highly urbanized setting, with surrounding development and highly traveled roads and, with implementation of Project Design Features BIO-PDF-1 through BIO-PDF-4 and Mitigation Measures BIO-MM-1, BIO-MM-2 and BIO-MM-3 (avoidance of nesting and roosting seasons or pre-construction surveys for special-status species and for native wildlife nursery sites, and replacement of non-protected significant on-site and street trees), the Project would have limited impacts to biological resources within the Biological Study Area. Moreover, the related projects nearby are located to the south of the Los Angeles River; would be required to comply with regulatory measures related to biological resources, as well as light, glare and noise; involve development of previously developed areas and have limited potential for biological resources. As such, the Project's contribution to cumulative impacts would not be considerable. Therefore, with implementation of Project Design Features BIO-PDF-1, BIO-PDF-2, BIO-PDF-3, and BIO-PDF-4, and Mitigation Measures BIO-MM-1, BIO-MM-2, and BIO-MM-3 and the Project's cumulative impacts on biological resources would be less than significant.

**6. Reference:** For a complete discussion of biological resources, including impacts to the special-status species, sensitive natural communities and local policies regarding biological resources, please see Section IV.C, Biological Resources, and Appendix D, Biological Resources Technical Report, of the Draft EIR, Topical Response No. 8 – Biological Resources/Trees in the Final EIR, and Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

**C. Hazards and Hazardous Materials (Construction impacts related to potentially contaminated soils and soil gas and hazardous conditions within one-quarter mile of School):**

**1. Impact Analysis:** As discussed on pages IV-H-46 through IV.H-50 and IV.H-53 in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR and in the Hazardous Materials Documentation included in Appendix H of the Draft EIR, Project construction has the potential to uncover subsurface soil and soil gas contamination due to past use of pesticides for the golf course, driving range, and putting green and a previously removed underground storage tank (UST). As a result, contaminated soils or soil vapor could be released during excavation and transport activities and construction workers could be exposed to this contaminant. Therefore, Mitigation Measures HAZ-MM-1 and HAZ-MM-2, requiring a soil management plan and a health and safety plan would be required to reduce the impact to a less-than-significant level. Additionally, while there are no known Los Angeles Unified School District (LAUSD) schools within a one-quarter mile of the Project Site, in such a dense metropolitan area there may be day care centers and/or pre-schools associated with civic, business and residential uses in the Project vicinity which would be considered sensitive receptors to hazardous materials or substances. Construction of the Project would include use of diesel-powered construction equipment which could generate a health problem to school children, if there are such facilities within one-quarter mile of the Project Site. Therefore, incorporation of Mitigation Measure AQ-MM-1, which includes requirements for construction equipment, is needed to ensure that air pollutant emissions would not expose school children to substantial TAC concentrations and Mitigation Measure HAZ-MM-1 is needed to establish requirements for the handling, management and disposal of any contaminated soils or soil vapors, if encountered, to prevent exposure at nearby schools.

**2. Project Design Features:** No specific Project Design Features are proposed with regard to potentially contaminated soils.

**3. Mitigation Measures:** The City finds that that the following Mitigation Measures, which are set forth on pages IV.B-54 through IV.B-55 in Section IV.B, Air Quality, as modified on pages 3-46 through 3-57 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and pages IV.H-47 through IV.H-48 in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, and in Chapter 4, Mitigation and Monitoring Program, of the Final EIR, and incorporated into the Project, would reduce the potentially significant construction hazards and hazardous material impacts associated with potential schools within one-quarter mile of the Project Site and with potentially contaminated soils and soil gas to less than significant.

**a) AQ-MM-1: Construction Equipment Features:** Harvard-Westlake School shall implement the following construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply such equipment. Construction features shall include the following:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and



United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.

- During plan check, the Project's representative shall make available to the lead agency and South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be maintained on-site at the time of mobilization of each applicable unit of equipment.
- During demolition, site preparation, and grading and excavation activities, the contractor shall provide notification and documentation that haul truck drivers have received training regarding idling limitations specified in Title 13 California Code of Regulations, Section 2485, and that haul trucks limit idling for loading activities to 5 minutes or less at any one location and unloading activities to 5 minutes or less at any one location.
- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices shall be prohibited.
- Construction activities shall be discontinued during second-stage smog alerts. A record of any second-stage smog alerts and of discontinued construction activities as applicable shall be maintained by the Contractor on-site.

**b) HAZ-MM-1: Soil Management Plan.** Prior to the issuance of grading permits, Harvard-Westlake School shall retain a qualified environmental consultant to prepare a Soils Management Plan (SMP), which shall be submitted to the Los Angeles Department of Building and Safety (LADBS) and Los Angeles Regional Water Quality Control Board (LARWQCB), as necessary, for review and approval. The SMP shall specify soil testing parameters and sampling frequency for areas within the golf course and near the location of the 500-gallon UST removed from the Project Site in 1995. Sampling, testing, and analysis shall be conducted in accordance with appropriate California and local guidelines [e.g., Department of Toxic Substances Control (DTSC), California Environmental Protection Agency (CalEPA), and LARWQCB)]. Any soils qualifying as hazardous waste and/or soils that include concentrations of chemicals that exceed applicable State Office of Environmental Health Hazard

Assessment (OEHHA) California Human Health Screening Levels (CHHSL), shall be subject to site-specific soil removal, treatment, and disposal measures included in the SMP to comply with applicable federal, State, and local overseeing agencies requirements to prevent unacceptable exposure of hazardous materials to construction workers, the environment or the public from contaminated soils or soil vapors during construction. The SMP shall also include, but is not limited to, protocols that address the following: screening measures for soil exhibiting impacts, stockpile management, vapor suppression and dust control, surface and groundwater protection, soil stockpile sampling, and exporting of contaminated soils. Upon completion of construction-related soil disturbing activities, Harvard-Westlake School shall obtain a closure letter(s) or No Further Action (NFA) letter from the LADBS, DTSC, LARWQCB, and/or other local or State agencies, as applicable, which states that no further soils testing or remediation is required on the Project Site, including near the former 500-gallon UST that was removed from the Project Site in 1995 just south of the tennis courts near the adjacent LAFD site boundary. The closure letter and/or NFA letter(s) shall at a minimum address the on-site area, including the previously removed 500-gallon UST.

- c) **HAZ-MM-2: Health and Safety Plan (HASP):** Harvard-Westlake School shall commission a HASP to be prepared in compliance with Occupational Safety and Health Administration (OSHA) Safety and Health Standards (29 CFR 1910.120) and Cal/OSHA requirements (8 CCR, General Industry Safety Orders and California Labor Code, Division 5, Part 1, Sections 6300-6719) and submitted for review and approval by the LADBS. The HASP would address, as appropriate, safety requirements that would serve to avoid significant impacts or risks to workers or the public in the event that contaminated soils or elevated levels of subsurface vapors are encountered during grading and excavation. The general contractor shall be responsible for health and safety concerns not related to contaminated soils or soil vapors, such as those associated with standard construction operations (e.g., excavation stability, stockpile placement, heavy equipment operation, etc.).

4. **Findings:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

5. **Rationale for Findings:**

a) **Potentially Contaminated Soils and Soil Gas:** As discussed on pages VI.H-46 through IV.H-49 in Section IV.H, Hazards and Hazardous Materials, of the draft EIR, and in the Hazardous Materials Documentation included in Appendix H of the Draft EIR, while no recognized environmental conditions (RECs) were observed on the Project Site, a 500-gallon UST was removed from the Project Site. However, while the UST was removed under the supervision of the LAFD, laboratory analysis showed that soil samples collected at the bottom of the tank pit under the UST did not exceed action levels, and there were no reported spills or leaks, a No Further Action (NFA) letter was not located. Therefore, the Draft EIR conservatively considered the UST to represent a Historical Recognized Environmental Condition (HREC), in which contaminated soils or soil vapor could occur in the underlying soils. Also, as further described therein, the hazardous materials database review revealed that off-site and nearby properties do not present a hazardous condition to the Project Site and no hazardous materials were observed as part of the field reconnaissance on off-site or nearby properties that would

present a significant environmental concern to the Project Site. Moreover, the Project Site is not located within a Methane Zone or Methane Buffer Zone, has no oil wells, and the nearest well is 1.8 miles northeast of the Project Site and is inactive and plugged. However, given the long-term occupancy of a golf course and the current usage and storage of pesticides at the Project Site, on-site soils may contain pesticides, representing an environmental concern related to construction worker exposure to pesticides. Thus, as the Project would require grading and excavation of the Project Site, including a net cut/fill volume of approximately 197,000 cubic yards, these grading activities could result in the exposure of construction workers to hazardous conditions associated with contaminated soils or soil vapor or pesticides. As such, the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials as a result of contaminated soils, and impacts would be potentially significant.

Mitigation Measure HAZ-MM-1 requires the School to retain a qualified environmental consultant to prepare a soils management plan (SMP) which would need to be submitted for review and approval by the Los Angeles Department of Building and Safety and the Los Angeles Regional Water Quality Control Board. The SMP would include soil testing parameters, sampling and testing in accordance with the appropriate State and local guidelines, procedures for removal and disposal of any contaminated soils or soil vapors encountered during construction, and protocols that address screening measures, stockpile protections and sampling, and exporting of contaminated soils. Additionally, Mitigation Measure HAZ-MM-2 requires a health and safety plan (HASP) to ensure that the Project is in compliance with OSHA standards and requirements and would address, as appropriate, safety requirements that would serve to avoid significant impacts or risks to workers or the public in the event that contaminated soils of elevated levels or subsurface vapors are encountered during the grading and excavation of the Project Site. With implementation of these two mitigation measures, the health and safety of the construction workers and the public would be protected. Thus, Mitigation Measures HAZ-MM-1 (the SMP) and HAZ-MM-2 (the HASP) would ensure short-term construction activities, as well as long-term operation of the Project, does not result in the exposure of hazardous materials to construction workers, the environment, or the public from contaminated soils or soil vapors potentially underlying the Project Site. Therefore, with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts to the public or the environment from the release of hazardous materials released during upset and/or accident conditions would be less than significant.

**b) Exposure to Schools:** As discussed on pages IV.H-49 through IV.H-50 in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, while there are no LAUSD elementary, middle, or high schools located within one-quarter mile of the Project Site, in a dense metropolitan area, such as Los Angeles, day care centers and/or pre-schools are sometimes associated with civic, business, and residential uses in the area and are considered sensitive receptors to hazardous materials or substances. Construction of the Project would include the use of diesel-powered construction equipment, which could generate diesel particulate matter (DPM) emissions. Exposure to DPM may be a health hazard, particularly to children whose lungs are still developing. An analysis of the Project TACs emissions was conducted as part of the analysis in Section IV.B, Air Quality, of the Draft EIR, including an analysis of the sensitive receptors such as schools, and, as explained therein, with incorporation of Mitigation Measure AQ-MM-1, which includes requirements for construction equipment features that reduce air pollutant emissions, construction activities would not expose sensitive receptors to substantial TAC concentrations. In addition, Mitigation Measure HAZ-MM-1 would establish requirements for the handling, management, and disposal of any contaminated soils or soil vapors, if encountered, which would prevent unacceptable exposure to contaminated soils or vapors during construction at any nearby school. Therefore, with implementation of Mitigation Measures AQ-MM-1 and HAZ-

MM-1, potentially significant impacts regarding hazardous emissions or use of acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school during Project construction would be reduced to a less-than-significant level.

**c) Cumulative Impacts:** As discussed on page IV.H-53 in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, and the Hazardous Materials Documentation included in Appendix H of the Draft EIR, the related projects are not anticipated to create a significant hazard to the public or environment because: the potentially hazardous materials typically used in such developments are limited to relatively small volumes of commonplace materials; each of these developments would be required to comply with its site-specific development standards and applicable hazardous materials handling and transporting regulations and manufacturer's specifications; and, the related project sites are not included on any of the hazardous materials regulatory database listings that could present environmental concerns to the Project Site. Moreover, with the implementation of Mitigation Measures AQ-MM-1 (Construction Equipment Features), HAZ-MM-1 (the SMP) and HAZ-MM-2 (the HASP) the Project's impacts would be less than significant. As such, the Project's contribution to cumulative significant hazardous materials, impacts regarding the routine transport, use, or disposal of hazardous materials, a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, would not be cumulatively considerable. Therefore, cumulative impacts related to hazardous materials would be less than significant with mitigation.

**6. Reference:** For a complete discussion of hazards and hazardous materials, including impacts related to potentially contaminated soils and exposure to schools within one-quarter mile of the Project Site, please see Chapter IV.H, Hazards and Hazardous Materials, and Appendix H, Hazardous Materials Documents, of the Draft EIR, and Topical Response No. 2 – Modifications to the Project Design in the Final EIR.

**D. Hydrology and Water Quality (Construction impacts to surface or groundwater quality and to water quality control and sustainable groundwater management plans):**

**1. Impact Analysis:** As stated on pages IV.I-27 through IV.I-35 and IV.I-43 through IV.I-46 in Section IV.I, Hydrology and Water Quality, of the Draft EIR, construction of the Project would require grading and excavation activities to a maximum depth of approximately 21 feet. Construction activities for the Project, such as earth moving, maintenance and operation of construction equipment, and handling, storage, and disposal of materials, could contribute to pollutant loading in stormwater runoff. However, this would be managed through compliance with all applicable regulations. Nonetheless, given the long-term occupancy of a golf course and the current usage and storage of pesticides at the Project Site, and a previously removed UST with no NFA letter, the Project may contain contaminated soils and soil vapors which could be encountered during construction activities and, if not properly handled or disposed of, could potentially result in adverse impacts to surface or groundwater quality and conflict with or obstruct water quality and sustainable groundwater management plans. Therefore, Mitigation Measure HAZ-MM-1, a soils management plan to ensure proper handling and disposal of contaminated soils, would be needed to reduce this potential impact to less-than-significant.

**2. Project Design Features:** No specific Project Design Features are proposed with regard to impacts to hydrology or water quality associated with potentially contaminated soils.

**3. Mitigation Measures:** The City finds that that the following Mitigation Measure, which is set forth on pages IV.H-47 through IV.H-48 in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, and in Chapter 4, Mitigation and Monitoring Program, of the Final EIR, and incorporated into the Project, would reduce the potentially significant impacts related to surface and groundwater and conflicts with, or obstruction of, a water quality control plan or sustainable groundwater management plan associated with potentially contaminated soils to less than significant.

- a) HAZ-MM-1: Soil Management Plan.** Prior to the issuance of grading permits, Harvard-Westlake School shall retain a qualified environmental consultant to prepare a Soils Management Plan (SMP), which shall be submitted to the Los Angeles Department of Building and Safety (LADBS) and Los Angeles Regional Water Quality Control Board (LARWQCB), as necessary, for review and approval. The SMP shall specify soil testing parameters and sampling frequency for areas within the golf course and near the location of the 500-gallon UST removed from the Project Site in 1995. Sampling, testing, and analysis shall be conducted in accordance with appropriate California and local guidelines [e.g., Department of Toxic Substances Control (DTSC), California Environmental Protection Agency (CalEPA), and LARWQCB)]. Any soils qualifying as hazardous waste and/or soils that include concentrations of chemicals that exceed applicable State Office of Environmental Health Hazard Assessment (OEHHA) California Human Health Screening Levels (CHHSL), shall be subject to site-specific soil removal, treatment, and disposal measures included in the SMP to comply with applicable federal, State, and local overseeing agencies requirements to prevent unacceptable exposure of hazardous materials to construction workers, the environment or the public from contaminated soils or soil vapors during construction. The SMP shall also include, but is not limited to, protocols that address the following: screening measures for soil exhibiting impacts, stockpile management, vapor suppression and dust control, surface and groundwater protection, soil stockpile sampling, and exporting of contaminated soils. Upon completion of construction-related soil disturbing activities, Harvard-Westlake School shall obtain a closure letter(s) or No Further Action (NFA) letter from the LADBS, DTSC, LARWQCB, and/or other local or State agencies, as applicable, which states that no further soils testing or remediation is required on the Project Site, including near the former 500-gallon UST that was removed from the Project Site in 1995 just south of the tennis courts near the adjacent LAFD site boundary. The closure letter and/or NFA letter(s) shall at a minimum address the on-site area, including the previously removed 500-gallon UST.

**4. Findings:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

**5. Rationale for Findings:**

**a) Construction Impacts on Surface or Groundwater Quality:** As stated on pages IV.I-27 through IV.I-29 and IV.I-33 in Section IV.I, Hydrology and Water Quality, of the Draft EIR and the Water Quality Report included in Appendix I of the Draft EIR, while the Project would comply with a site-specific SWPPP which would include BMPs such as erosion and sediment control, non-stormwater management, and materials BMPs, and all applicable regulatory requirements regarding use of hazardous materials to ensure that construction

activities would not have a significant impact on surface or groundwater quality, grading and excavation activities could result in encountering potentially contaminated soils and soil gases which, if not handled and disposed of properly, could lead to pollution of surface or groundwater and thereby significantly impact the water and groundwater quality. As discussed therein and in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, given the long-term occupancy of a golf course and the current usage and storage of pesticides at the Project Site, on-site soil may contain pesticides, which, while not an REC, could have contaminated the underlying soils. Additionally, as further discussed therein, a 500-gallon UST was removed from the Project Site in 1995 under the supervision of LAFD. However, the LAFD was not able to locate an NFA letter which would have indicated that no soil contamination was present after removal of the UST. Thus, although there have been no reports of spills or leaks and laboratory results indicated that the soil samples taken at the time did not exceed action levels, because of the absence of the NFA letter, the Draft EIR treated the former UST as an HREC and, therefore, conservatively concluded that there might be contaminated soils in the underlying soils on the Project Site near the previously removed UST. Thus, if contaminated soils from past pesticide use or the previously removed UST are encountered during construction excavation activities and not properly handled or disposed of, there could be adverse impacts to surface or groundwater quality. As such, impacts related to violations of water quality standards or waste discharge requirements would be potentially significant.

However, as discussed in Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, and above in these Findings, Mitigation Measure HAZ-MM-1 would address impacts related to potentially contaminated soils. Mitigation Measure HAZ-MM-1 requires preparation of a SMP which specifies that any soils qualifying as hazardous waste and/or soils that include concentrations of chemicals that exceed applicable screening levels will be subject to site-specific soil removal, treatment, and disposal measures included in the SMP to comply with applicable federal, State, and local overseeing agencies requirements to prevent unacceptable exposure of construction workers, the environment, or the public to hazardous materials from contaminated soils. Thus, compliance with Mitigation Measure HAZ-MM-1 would ensure that any contaminated soils that are encountered during Project construction would be handled in a manner that would not result in pollution of surface or groundwater. As such, with implementation of Mitigation Measure HAZ-MM-1, potentially significant surface and groundwater quality impacts during construction would be reduced to a less-than-significant level. Therefore, with implementation of Mitigation Measure HAZ-MM-1 and compliance with the SWPPP requirements, City grading regulations, and all other applicable regulations, Project construction would not result in discharge that would cause: (1) pollution which would alter the quality of the water of the State (i.e., Los Angeles River) to a degree which unreasonably affects beneficial uses of the waters; (2) contamination of the quality of the water of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of diseases; or (3) nuisance that would be injurious to health, affect an entire community or neighborhood, or any considerable number of persons and occurs during or as a result of the treatment or disposal of wastes. Accordingly, construction of the Project would not result in discharges that would cause regulatory standards to be violated in the Los Angeles River. Therefore, Project construction impacts to water quality or groundwater quality would be less than significant with mitigation.

**b) Construction Impacts on Water Quality Control or Sustainable Groundwater Management Plans:** As discussed on pages IV.I-27 through IV.I-29 and IV.I-33 in Section IV.I, Hydrology and Water Quality, of the Draft EIR and in the Water Quality Report included in Appendix I of the Draft EIR, the Project falls within the jurisdiction of water quality plans with related regulations and permitting requirements that assure that development projects are in compliance with clean water policies. The Project is also within the jurisdiction of the Water Quality Compliance Master Plan for Urban Runoff, which was developed by the City's Department

of Public Works and includes within its provisions the description of BMPs required by the City for stormwater quality management. The Project would comply with all these plans and regulations and, pursuant to the City's LID requirements and Project Design Feature WS-PDF-2, would install a stormwater capture and reuse system that would treat and temporarily store the captured stormwater, use the treated water for Project irrigation, and discharge treated water captured beyond the approximately 350,000-gallon capacity of the system's cistern, into the municipal facilities. Nonetheless, since Project construction has the potential to encounter contaminated soils, the applicable plans regarding water quality and groundwater management could be violated if the contaminated soil were to enter the surface or groundwater systems. However, as further discussed therein, with implementation of the Project's BMPs and Mitigation Measure HAZ-MM-1 (the SMP which includes measures for handling and disposal of contaminated soils and soil vapors), the Project would have less-than-significant impacts on both surface and groundwater quality during construction and, therefore, Project impacts to water quality and groundwater management plans would be reduced to less-than-significant levels. Therefore, with implementation of Mitigation Measure HAZ-MM-1 (the SMP) and the implementation of necessary BMPs, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As such, the Project's temporary construction impacts related to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan would be less than significant with mitigation.

**c) Cumulative Impacts:** As discussed on pages IV.I-43 through IV.I-46 in Section IV.I, Hydrology and Water Quality, of the Draft EIR, the Project's five related projects have the potential to contribute to pollutant loading during construction and operation, which could potentially result in impacts to surface and groundwater quality or could conflict with, or obstruct implementation of, a water quality control plan or a sustainable groundwater management plan. However, as with the Project, all the related projects would be required to comply with waste discharge requirement permits during construction and all other applicable regulations relating to surface and groundwater quality, including the City's LID requirements and appropriate BMPs to minimize impacts to surface and groundwater quality during project construction and operation. Therefore, with adherence to applicable regulations and implementation of Mitigation Measure HAZ-MM-1 (the SMP), the Project's contribution to cumulative impacts would not be cumulatively considerable. As such, the Project's cumulative impacts during construction on surface and groundwater quality would be less than significant with mitigation.

As further discussed therein, through compliance with applicable regulatory requirements through site-specific stormwater management and BMPs, as well as implementation of Mitigation Measure HAZ-MM-1 (the SMP), the Project and related projects would not substantially conflict with or obstruct implementation of a water quality control plan during construction or operation. Additionally, given the urbanized nature of the area surrounding the Project and the related projects, the potential for the related projects to generate a substantial amount of new impermeable surfaces and thereby affecting the groundwater table is limited. As indicated in the Water Quality Report, included in Appendix I of the Draft EIR, none of the related projects are known to include significant quantities of permanent or ongoing groundwater withdrawal, but some would include infiltration as a means of LID compliance, where feasible and possible. As such, with adherence to applicable regulations and implementation of Mitigation Measure HAZ-MM-1 (for potentially contaminated soils encountered during construction only), the Project's contribution to cumulative impacts would not be cumulatively considerable. Therefore, the Project's cumulative impacts during construction regarding conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan would be less than significant with mitigation.

**6. Reference:** For a complete discussion of hydrology and water quality, including impacts related to Project construction impacts on surface or groundwater quality or conflict with, or obstruction of, water quality control or groundwater management plans, please see Section IV.I, Hydrology and Water Quality, and Appendix I of the Draft EIR and Topical Response No. 2 – Modifications of the Project Design in the Final EIR.

**E. Noise (On-site construction equipment noise – Receptor Locations R-4 through R-7, other than cumulative noise at Receptor Location R7):**

**1. Impact Analysis:**

**a) On-Site Construction Equipment Noise – Project-level:** As discussed on pages IV.K-39 through IV.K-42, in Section IV.K, Noise, of the Draft EIR, and the Noise Technical Report included in Appendix K of the Draft EIR, assuming a worst-case scenario of construction equipment operating at the Project Site location closest to the sensitive receptor, on-site construction equipment noise would exceed the threshold of significance of 5 dBA at the sensitive receptors nearest to the Project Site. In order to reduce the level of noise related to on-site construction equipment to below that level of significance at sensitive Receptor Locations R4, R5, R6 and R7, Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3 would be required.

**b) On-Site Construction Equipment Noise – Cumulative:** As explained on page IV.K-77 in Chapter IV.K, Noise, of the Draft EIR, cumulative construction impacts associated with on-site construction activities could be significant in the event that the construction activities as part of the related projects occur concurrently with the Project's construction activities and the related projects are within 500 feet of the Project Site. With implementation of Mitigation Measures NOI-MM-1, NOI-MM-2 and NOI-MM-3, the Project's contribution to a cumulative impact at Receptor Location Nos. 3, 4 and 5 would not be cumulatively considerable and impacts would be mitigated to less than significant.

**2. Project Design Features:** The following Project Design Feature, which is set forth on pages IV.K-39 in Chapter IV.K, Noise, of the Draft EIR, and in Chapter 4, Mitigation Monitoring Program, of the Final EIR, is incorporated into the Project with regard to on-site construction noise.

- a) NOI-PDF-3:** Project construction will be limited to Monday through Friday between 7:00 a.m. and 6:00 p.m.; and Saturdays between 8:00 and 6:00 p.m., which is within the allowable hours per Los Angeles Municipal Code Section 41.40.

**3. Mitigation Measures:** The City finds that that the following Mitigation Measures, which are set forth on page IV.K-58 in Chapter IV.K, Noise, of the Draft EIR, and in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and incorporated into the Project, would reduce the potentially significant impacts at sensitive Receptor Locations R4, R5, R6 and R7 associated with on-site construction equipment to less than significant.

- a) NOI-MM-1:** Temporary noise barriers shall be used along the western, northern, southern, and eastern property boundaries to block the line-of-sight between the construction equipment and the adjacent noise sensitive uses.
  - Along the Project's western property line. The noise barrier shall provide minimum 15-dBA noise reduction (minimum 16 feet high) at the residences adjacent to the Project Site to the west (receptor location R1).



- Along the Project's northern property line. The noise barrier shall provide minimum 15-dBA noise reduction (minimum 16 feet high) to the residences to the north (receptor locations R2, R3, and R4).
- Along the Project's eastern property line. The noise barrier shall provide minimum 12-dBA (minimum 12 feet high) noise reduction to the residences and church to the east (receptor locations R5 and R6).
- Along the south side of the Project's construction area to block the line-of sight between the construction equipment and the receptor location R7. The noise barrier shall provide minimum 8-dBA noise reduction to the receptor location R7.

These noise barriers shall be in-place during early Project construction phases (remain up to the start of building framing) and during paving when heavy equipment is used. Temporary barriers shall provide acoustically sealed gate access as needed for construction activities, deliveries, and site access by construction personnel.

- b) **NOI-MM-2:** Construction equipment that would generate high levels of noise and vibration whose specific location on the Project Site may be flexible (e.g., compressors and generators) shall be located at least 100 feet away from the nearest off-site sensitive land uses, or natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such equipment towards these land uses.
- c) **NOI-MM-3:** The Project contractor shall use power construction equipment with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. In addition, no impact pile driving shall be utilized; augered or drilled piles are permitted. Flexible sound control curtains shall be placed around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. The flexible sound control curtains shall have a minimum Sound Transmission Class (STC) rating of 25.

**4. Findings:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

#### **5. Rationale for Findings:**

**a) On-Site Construction Equipment Noise (Project-Level):** As described on pages IV.K-39 through IV.K-41 in Chapter IV.K, Noise, of the Draft EIR and in the Noise Technical Report included in Appendix K of the Draft EIR, and Topical Response No. 8 – Noise: Construction and Operation Impacts of the Final EIR, construction noise from on-site construction equipment would cause a temporary increase in noise levels at the nearby sensitive receptors as shown in Table IV.K-9, Estimate of Construction Noise Levels (Leq) at Off-Site Sensitive Receptors, of the Draft EIR. However, the noise from on-site construction equipment can be reduced to less than the threshold of significance at sensitive Receptor Location Nos. R4 through R7 as shown in Table IV.K-21, On-Site Construction Noise Impacts – With Mitigation, of the Draft EIR. As noted therein, the calculation of noise levels with mitigation is conservative since construction noise impacts would be lower than peak levels when equipment is used in the interior

portions of the Project Site, with equipment noise reduced (attenuating) at a rate of at least 6 dBA per doubling of distance between the equipment and the sensitive receptor. Nonetheless, the analysis conservatively assumed that the loudest equipment used during the various construction stages and construction activities would be located on the Project Site in the applicable construction work area for the construction activity at the nearest distance to the sensitive receptor location. Mitigation Measure NOI-MM-1 requires the use of sound barriers achieving a noise reduction of a minimum 15 dBA to residences to the west and north of the Project Site, a 12 dBA reduction to residences and a church to the east of the Project Site, and an 8 dBA reduction to the single-family residential use to the south of the Project Site. These barriers would be required to be in place from the early stages of construction when heavy equipment would be in use until the start of building framing. Mitigation Measure NOI-MM-2 requires that construction equipment generating high levels of noise and vibration whose specific location on the Project Site may be flexible, such as compressors and generators, be located at least 100 feet away from the nearest off-site sensitive land uses, or that natural and/or manmade barriers (e.g., intervening construction trailers) be used to screen propagation of noise from such equipment towards the sensitive receptor locations. Mitigation Measure NOI-MM-3 requires the use of power construction equipment with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards, prohibits the use of impact pile driving, and requires flexible sound control curtains (with a minimum Sound Transmission Class (STC) rating of 25), to be used around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. Implementation of Mitigation Measures NOI-MM-1 (sound barriers), NOI-MM-2 (locating the use of certain construction equipment away from the nearest sensitive uses), and NOI-MM-3 (noise shielding and muffling devices for construction equipment) would result in the Project's on-site construction noise impacts at the off-site noise sensitive receptors being reduced by a minimum of 15 dBA Receptor Locations R1 through R4, 12 dBA at Receptor Locations R5 and R6, and 8 dBA at Receptor Location R7. As shown on Table IV.K-21, these measures would reduce the construction noise impacts at Receptor Locations R4 through R7 to below the 5 dBA threshold of significant. Therefore, with respect to Receptor Locations R4, R5, R6 and R7 only, Project construction noise impacts associated with use of on-site construction equipment would be less than significant with mitigation.

**b) Cumulative Impacts:** As described on pages IV.K-69 through 72 and IV.K-77 in Chapter IV.K, Noise, of the Draft EIR, the combination of the increase in ambient noise from Project construction when combined with the increase in ambient noise level at the related projects that are located within 500 feet of the Project Site can result in exceeding the significance criteria at nearby sensitive receptors. Related Project 1 is at or near completion, therefore it is unlikely that construction activities would overlap. Additionally, the construction schedules for Related Projects 2, 3, 4, and 5 are unknown. However, the Draft EIR provided a conservative analysis and assumed that there could be concurrent construction activities from one or more of these related projects and the Project. As further discussed therein, implementation of Mitigation Measures NOI-MM-1, NOI-MM-2 and NOI-MM-3 would reduce the on-site construction noise impacts at sensitive Receptor Locations R4, R5 and R6 to less than significant. As such, the Project's contribution to noise impacts at these sensitive receptors would not be cumulatively considerable. Therefore, the Project's cumulative noise impacts associated with on-site construction equipment at Receptor Locations R4, R5 and R6 would be less than significant with mitigation.

**6. Reference:** For a complete discussion of noise impacts, including noise related to Project construction, please see Chapter IV.K, Noise, and Appendix K of the Draft EIR, and Topical Response No. 8 – Noise: Construction and Operation Impacts and Appendix F of the Final EIR.

**F. Utilities and Service Systems – Wastewater Systems (Impacts to local sewer system capacity during Project operation):**

**1. Impact Analysis:** As discussed on pages IV.O.2-10 through IV.O.2-13 in Chapter IV.O.2, Utilities and Service Systems – Wastewater, in the Draft EIR, assuming a worst-case scenario of needing a full-flush of the Project's 52-meter swimming pool concurrent with peak wastewater generation from every other source on the Project Site, the local sewer system may not have adequate capacity to serve the Project's projected maximum daily demand in addition to existing commitments and, therefore, Project operation would cause a significant impact on the local sewer system. Mitigation Measures WW-MM-1 and WW-MM-2 would ensure that the local sewer capacity is not exceeded. Therefore, Mitigation Measures WW-MM-1 and WW-MM-2 are required to reduce the Project's potentially significant impact on local sewer system capacity to less than significant.

**2. Project Design Features:** No specific Project Design Features are proposed with regard to impacts to wastewater.

**3. Mitigation Measures:** The City finds that that the following Mitigation Measures, which are set forth on page IV.O.2-13 in Chapter IV.O.2, Utilities and Service Systems - Wastewater, of the Draft EIR, and in Chapter 4, Mitigation and Monitoring Program, of the Final EIR, and incorporated into the Project, would reduce the potentially significant impacts related to capacity of the local sewer system during Project operation to less than significant.

**a) WW-MM-1:** The swimming pool volume shall be discharged at a rate of no more than 166,000 gallons per day.

**b) WW-MM-2:** The Project shall split the wastewater flow from the discharge of the swimming pool (50 percent of the resulting volume) into the 8-inch lines on Bellaire Avenue and Whitsett Avenue, unless an alternative split is otherwise approved by LASAN based on future detailed gauging and evaluation as part of the final approval process for the sewer capacity and connection permit.

**4. Findings:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

**5. Rationale for Findings:**

**a) Local Sewer Capacity During Project Operation:** As discussed on pages IV.O.2-10 through IV.O.2-13 in Chapter IV.O.2, Utilities and Service Systems – Wastewater, in the Draft EIR, and in the Utilities Report included in Appendix O of the Draft EIR, and as shown on Table IV.O.2-2, Maximum Daily Estimated Wastewater Generation During Project Operation (Prior to Mitigation), although maintenance of the 52-meter pool requiring a full flush is a very rare occurrence and may happen only a few times per year, if at all, assuming the worst-case scenario that the swimming pool would require a full flush concurrent with peak wastewater generation from every other source on the Project Site, the Project would generate a net increase of 525,923 gallons per day (gpd), which would include the total amount of wastewater generation for the swimming pool of 500,000 gpd. However, as discussed therein, the daily wastewater generation from the swimming pool process flow would typically be less than approximately 500 gpd and, therefore, typical daily wastewater flows for the Project Site would be only 28,074 gpd rather than 525,923 gpd, which only represents an increase of 26,423 gpd from existing uses rather than the worst-case scenario of 525,923 gpd increase shown in Table IV.O.2-2. Nonetheless, assuming

this worst-case scenario, the local sewer system may not have sufficient capacity to accommodate the wastewater that would be discharged from the Project.

As further discussed therein, the sewer infrastructure directly serving the Project Site includes two existing sewer lines, which include 8-inch lines on Bellaire Avenue and another on Whitsett Avenue. Wastewater that flows into the 8-inch line on Whitsett Avenue feeds into a 15-inch line on Valleyheart Drive. All of these lines eventually feed into a 48-inch line on Woodbridge Street, which has over 700,000 gallons of capacity remaining to reach the 50-percent design capacity. Through the standard permit process, detailed gauging and evaluation would be conducted to identify a specific sewer connection point and confirm the sewer capacity near the time of Project development. Although not anticipated, if the public sewer lacks sufficient capacity, then the Project would be required to upgrade sewer lines to a point in the sewer system with sufficient capacity. A final approval of the sewer capacity and connection permit would be made at the time of permitting and would be designed and constructed in accordance with applicable regulations and standards. Furthermore, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs. Ultimately, the Project's wastewater flow would be conveyed to the HWRP, which, as discussed above in Section V of these Findings, has sufficient capacity for the Project and future projects.

Nonetheless, assuming the worst-case scenario, the Project's projected maximum daily demand in addition to existing commitments on the local sewer lines would be potentially significant. Therefore, mitigation is required to reduce this potential impact. Mitigation Measure WW-MM-1 specifies that the discharge of the swimming pool occur at a rate of not more than 166,000 gallons per day. Mitigation Measure WW-MM-2 requires that the Project split the wastewater flow from the discharge of the swimming pool so that 50 percent goes into the 8-inch lines on Bellaire Avenue and the other 50 percent goes into the line on Whitsett Avenue, unless an alternative split is otherwise approved as part of the final approval process for the sewer capacity and connection permit. With implementation of these two Mitigation Measures, the maximum daily wastewater generated by Project operation could be accommodated by the existing local sewer system as the daily wastewater generation would be reduced to 193,923 gallons, which would be far less than the available 700,000 gallons of capacity in the Woodbridge Street sewer line, and the split in the use of the available lines would ensure that the localized lines would accommodate the typical wastewater flow for the Project. Therefore, Project impacts would be less than significant with implementation of Mitigation Measures WW-MM-1 and WW-MM-2.

**6. Cumulative Impacts:** As discussed on pages IV.O.2-16 through IV.O.2-19 in Chapter IV.O.2, Utilities and Services Systems – Wastewater, of the Draft EIR, and in the Utilities Report included in Appendix O of the Draft EIR, and as shown in Table IV.O.2-3, *Estimated Cumulative Operational Wastewater Generation*, the Project and the related projects would increase demand on the wastewater infrastructure. However, with implementation of Mitigation Measures WW-MM-1 and WW-MM-2, the Project plus the related projects would generate a combined average daily total of 521,820 gpd of wastewater which would represent 0.30 percent of the HWRP's total remaining daily capacity. This is a conservative estimate as it does not account for reduction in wastewater generation through conservation measures for the Project or the related projects. Moreover, as further discussed therein, the related projects are all located south of the Los Angeles River and none would connect directly to the Bellaire Avenue or Whitsett Avenue sewer lines directly serving the Project Site. However, wastewater from the related projects could feed into the Valleyheart Drive sewer line at a point located approximately 0.25 mile east of the Project Site, which ultimately feeds into the 48-inch line on Woodbridge Street. Since the Woodridge Street sewer line has over 700,000 gallons of capacity remaining to reach the 50-percent design capacity, it would be adequate to accommodate the mitigated flow from the

Project Site plus the flow generated by the related projects. Similar to the Project, each of the related projects would be required to comply with the LAMC requirements related to sewer capacity and connection. As such, with implementation of Mitigation Measures WW-MM-1 and WW-MM-2, the Project's contribution would not be cumulatively considerable. Therefore, the Project's cumulative operational impacts on the wastewater infrastructure related to the local sewer system would be less than significant with mitigation.

**7. Reference:** For a complete discussion of wastewater, including impacts related to infrastructure capacity during Project operation, please see Chapter IV.O.2, Utilities and Service Systems - Wastewater, and Appendix O of the Draft EIR.

## **VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE**

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the Project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XIII below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the Project. The City finds and determines that:

- All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the Project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the Project as described in the Statement of Overriding Considerations for the construction and operation of the Project and implementing actions.

### **A. Noise**

#### **a. Impact Summary:**

**i. On-Site Construction Equipment Noise – Project-level:** As discussed on pages IV.K-39 through IV.K-42 of the Draft EIR, assuming a worst-case scenario of construction equipment operating at the Project Site location closest to the sensitive receptors, on-site construction equipment noise would exceed the threshold of significance of 5 dBA at the sensitive receptors nearest to the Project Site. Implementation of all feasible mitigation measures as set forth in Mitigation Measures NOI-MM-1 (noise barriers), NOI-MM-2 (locating the use of certain construction equipment away from the nearest sensitive uses) and NOI-MM-3 (noise shielding and muffling devices for construction equipment) would reduce the noise levels to below the level of significance at sensitive Receptor Locations R4 through R7; however, the noise levels at Receptor Locations R1, R2 and R3 would remain significant and unavoidable.

**ii. Off-Site Construction Equipment Noise - Project-level:** As the Project has eliminated the construction of the off-site improvements at the Coldwater Canyon Ramp, there would be no off-site construction equipment and, therefore, the significant and unavoidable impact at sensitive Receptor Location R8 identified in the Draft EIR would be eliminated.

**iii. Off-Site Construction Vibrations – Human Annoyance:** As the Coldwater Canyon Ramp has been eliminated from the Project, the significant and unavoidable construction vibration levels associated with human annoyance at Receptor Location R8 identified in the Draft EIR would be eliminated.

**iv. Cumulative Impacts:**

**1. Cumulative on-site construction equipment noise:** As discussed on pages IV.K-69 through IV.K-70 and IV.K-77 in Chapter IV.K, Noise of the Draft EIR, assuming overlapping construction were to occur between the Project and the five related projects, the Project's contribution to a cumulative noise impact resulting from on-site construction equipment could be cumulatively considerable for sensitive Receptor Locations R1 and R7. Even with implementation of Mitigation Measures NOI-MM-1, NOI-MM-2 and NOI-MM-3, and similar measures for the related projects, the cumulative noise impacts at Receptor Locations R1 and R7 would remain significant and unavoidable.

**2. Cumulative off-site construction traffic noise:** As discussed on pages IV.K-71 through IV.K-72 and IV.K-78 in Chapter IV.K, Noise, in the Draft EIR, and on pages 2-3 through 2-5 in Topical Response 12, Related Projects: Adequacy of Cumulative Mobile Source Noise and Traffic Analyses, in the Final EIR, although Related Project No. 1 was at or near completion at the time the Draft EIR was in preparation, and the construction schedules of the other four related projects is not yet known, the cumulative construction noise impacts associated with off-site construction truck traffic from multiple related projects, including Related Project No. 1, was considered. Related Project Nos. 1 through 5 could generate noise in excess of the significance threshold. The roadway segment in the vicinity of the Project Site that would have off-site construction noise levels from Project construction trucks closest to the significance threshold would be Whitsett Avenue (between Moorpark Street and Ventura Boulevard) during construction months 3 through 5, which would have a maximum of up to 25 truck trips per hour (i.e., half of the maximum hourly trucks trips on other nearby roadway segments). A significant impact would occur if there would be overlapping construction activities and if the related projects contribute more than 38 truck trips per hour at the same time as the Project's maximum truck trips of 25 per hour along Whitsett Avenue (between Moorpark Street and Ventura Boulevard), or 50 per hour on other nearby roadway segments, and travel on the same roadway segments as the Project, including on Whitsett Avenue (between Moorpark Street and Ventura Boulevard). As further explained in Chapter IV.K in the Draft EIR, and on pages 2-3 through 2-5 in Topical Response 12 in the Final EIR, as compared to the Project's 17.2 acres, Related Project Nos. 2, 3 and 4, which are approximately one acre or less are unlikely to generate sufficient truck traffic to result in 38 additional truck trips per hour. Additionally, construction of sound barriers would be inappropriate for residential land uses that face the roadway as they would create aesthetic and access concerns. There are no other mitigation measures that could feasibly be employed to reduce the impacts to these primarily residential uses along the Project's haul route. Given that it is possible, albeit unlikely since Related Project No. 1 began partial operation in late 2021, that the Project and related projects could contribute to cumulative off-site construction traffic noise levels that could exceed a significance threshold, and that there are no feasible mitigation measures, the Project's contribution to cumulative construction noise associated with off-site construction truck traffic along the haul route would be cumulatively considerable and cumulative impacts associated with construction traffic noise would be significant and unavoidable.

**3. Cumulative off-site equipment noise from the Coldwater Canyon Ramp:** As construction of the Coldwater Canyon Ramp has been eliminated from the Project, Project-level significant and unavoidable construction noise impacts at Receptor Location R8

discussed on pages IV.K-71 and IV.K-77 in Chapter IV.K, Noise, of the Draft EIR, would no longer occur.

**4. Cumulative off-site construction vibration impacts related to human annoyance from the Coldwater Canyon Ramp:** As the construction of the Coldwater Canyon Ramp has been eliminated from the Project, the significant and unavoidable cumulative construction vibration impacts associated with human annoyance at Receptor Location R8 would no longer occur.

**b. Project Design Features:** The following Project Design Features which is set forth on pages IV.K-39 in Chapter IV.K, Noise, of the Draft EIR, and in Chapter 4, Mitigation Monitoring Program, of the Final EIR is incorporated into the Project with regard to on-site construction noise.

- i. NOI-PDF-3:** Project construction will be limited to Monday through Friday between 7:00 a.m. and 6:00 p.m.; and Saturdays between 8:00 and 6:00 p.m., which is within the allowable hours per Los Angeles Municipal Code Section 41.40.

**c. Mitigation Measures:** The City finds that Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3 included on page IV.K-58 in Chapter IV.K, Noise, of the Draft EIR, and in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and set forth below and incorporated into the Project, would reduce the potentially significant construction noise and groundborne vibration human annoyance impacts but these impacts would remain significant and unavoidable at some sensitive receptor locations.

- i. NOI-MM-1:** Temporary noise barriers shall be used along the western, northern, southern, and eastern property boundaries to block the line-of-sight between the construction equipment and the adjacent noise sensitive uses.
  - 1.** Along the Project's western property line. The noise barrier shall provide minimum 15-dBA noise reduction (minimum 16 feet high) at the residences adjacent to the Project Site to the west (receptor location R1).
  - 2.** Along the Project's northern property line. The noise barrier shall provide minimum 15-dBA noise reduction (minimum 16 feet high) to the residences to the north (receptor locations R2, R3, and R4).
  - 3.** Along the Project's eastern property line. The noise barrier shall provide minimum 12-dBA (minimum 12 feet high) noise reduction to the residences and church to the east (receptor locations R5 and R6).
  - 4.** Along the south side of the Project's construction area to block the line-of-sight between the construction equipment and the receptor location R7. The noise barrier shall provide minimum 8-dBA noise reduction to the receptor location R7.

These noise barriers shall be in-place during early Project construction phases (remain up to the start of building framing) and during paving when heavy equipment is used. Temporary barriers shall provide acoustically sealed gate access as needed for construction activities, deliveries, and site access by construction personnel.

- ii. **NOI-MM-2:** Construction equipment that would generate high levels of noise and vibration whose specific location on the Project Site may be flexible (e.g., compressors and generators) shall be located at least 100 feet away from the nearest off-site sensitive land uses, or natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such equipment towards these land uses.
- iii. **NOI-MM-3:** The Project contractor shall use power construction equipment with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. In addition, no impact pile driving shall be utilized; augered or drilled piles are permitted. Flexible sound control curtains shall be placed around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. The flexible sound control curtains shall have a minimum Sound Transmission Class (STC) rating of 25.

**d. Finding:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR. However, these impacts have not been reduced to a less than significant level.

Thus, pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**e. Rationale for Finding:**

**i. Construction Noise – Project-level:**

**1. On-Site Construction Equipment Noise:** As described on pages IV.K-39 through IV.K-41 and IV.K-59 in Section IV.K, Noise, of the Draft EIR and pages VI-1 through VI-2 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and in the Noise Technical Report included in Appendix K of the Draft EIR, Project construction would result in construction noise from on-site construction equipment that would cause a temporary increase in noise levels at the nearby sensitive receptors as shown in Table IV.K-9, *Estimate of Construction Noise Levels (Leq) at Off-Site Sensitive Receptors*, of the Draft EIR. Feasible mitigation measures are available to reduce the noise impacts of on-site construction equipment. However, as shown in Table IV.K-21, *On-Site Construction Noise Impacts – With Mitigation*, of the Draft EIR, even with implementation of these mitigation measures, impacts to sensitive Receptor Locations R1, R2 and R3 would remain above the threshold of significance of an increase of 5 dBA above ambient noise levels. As noted therein, the Draft EIR's analysis of noise levels with mitigation is conservative since construction noise impacts would be lower than peak levels when equipment is used in the interior portions of the Project Site, with equipment noise reduced (attenuating) at a rate of at least 6 dBA per doubling of distance between the equipment and the sensitive receptor. Nonetheless, the noise calculations and analysis conservatively assumed that the loudest equipment used during the various construction stages would be located on the Project Site in the applicable construction work area for the construction activity at the nearest distance to the sensitive receptor location. The Project would implement Mitigation Measures NOI-MM-1 through NOI-MM-3 to reduce noise levels. Mitigation Measure NOI-MM-1 requires the use of sound barriers achieving a noise reduction of a minimum 15 dBA to residences to the west and north of the Project Site, a 12 dBA reduction to residences and a church to the east of the Project



Site, and an 8 dBA reduction to the single-family residential use to the south of the Project Site. These barriers would be required to be in place from the early stages of construction when heavy equipment would be in use until the start of building framing. Mitigation Measure NOI-MM-2 requires that construction equipment generating high levels of noise and vibration whose specific location on the Project Site may be flexible, such as compressors and generators, be located at least 100 feet away from the nearest off-site sensitive land uses, or that natural and/or manmade barriers (e.g., intervening construction trailers) be used to screen propagation of noise from such equipment towards the sensitive receptor locations. Mitigation Measure NOI-MM-3 requires the use of power construction equipment with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards, prohibits the use of impact pile driving, and requires flexible sound control curtains (with a minimum Sound Transmission Class (STC) rating of 25), to be used around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. Implementation of Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3 would result in the Project's on-site construction noise impacts at the off-site noise sensitive receptors being reduced by a minimum of 15 dBA at Receptor Locations R1 through R4, 12 dBA at Receptor Locations R5 and R6, and 8 dBA at Receptor Location R7. As shown on Table IV.K-21, even with implementation of these measures the noise levels at Receptor Locations R1, R2 and R3 would still exceed the 5-dBA significance threshold, as temporary construction noise barriers are limited to a 15-dBA noise reduction. There are no other feasible mitigation measures that could be implemented to reduce the temporary noise impacts from on-site construction. Consequently, with implementation of all technically feasible mitigation measures, construction noise impacts at noise-sensitive receptors R1, R2 and R3 would exceed the significance threshold temporarily during certain months of construction when there would be multiple simultaneous construction activities and some equipment used near the periphery of the Project Site. Therefore, even with implementation of Mitigation Measures NOI-MM-1, NOI-MM-2 and NOI-MM-3, on-site construction noise impacts associated with on-site noise sources at Receptor Locations R1, R2, and R3 would remain significant and unavoidable.

## **2. Off-Site Improvements at Coldwater Canyon Avenue Riverwalk Path**

**Ramp: Construction Equipment Noise:** As the Coldwater Canyon Ramp has been eliminated from the Project, the significant and unavoidable noise impacts at Receptor Location R8 described on page IV.K-42 in Chapter IV.K, Noise of the Draft EIR, pages VI-3 through IV-4 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and the Noise Technical Report included in Appendix K of the Draft EIR, would no longer occur.

### **ii. Construction Vibrations (Human Annoyance) – Project-level:**

#### **1. Off-Site Improvements at Coldwater Canyon Avenue Riverwalk Path**

**Ramp: Construction Equipment Vibration – Human Annoyance:** As the Coldwater Canyon Ramp has been eliminated from the Project, the significant and unavoidable construction equipment vibration impacts associated with human annoyance discussed on pages IV.K-65 and IV.K-67 through IV.K-68 in Chapter IV.K, Noise, of the Draft EIR, and on page VI-4 through VI-5 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and in the Noise Technical Report included in Appendix K of the Draft EIR, would not occur.

### **iii. Cumulative Impacts:**

#### **1. On-Site Construction Equipment Noise:**

As discussed on pages IV.K-69 through IV.K-70 and IV.K-77 in Chapter IV.K, Noise of the Draft EIR, and on pages VI-2 through VI-3 in Chapter VI, Other CEQA Considerations, and in the Noise Technical Appendix included in Appendix K of the Draft EIR, construction of the Project could result in a cumulatively considerable contribution to a cumulative noise impact if one or more of the related projects is located in

sufficiently close proximity to the sensitive receptors to result in a combined exceedance of the threshold of significance. Although Related Project No.1 is at or near completion, and the construction schedules for the other related projects are not yet known, the Draft EIR conservatively analyzed the impact of the combined noise from construction of the Project and all the related projects, assuming they would have overlapping construction schedules. As further explained therein, assuming overlapping construction schedules, the Project and the related projects have the potential to result in cumulative noise impacts at Receptor Locations R1 and R7. Receptor Location R1 (which represents the residences located between Valleyheart Drive and Bellaire Avenue) is located between the Project Site and Related Project Nos. 1 and 5. Receptor Location R7 (which represents the residences along Sunswept Drive) is located within 150 to 400 feet from Related Project Nos. 2, 3 and 4 and has a direct line-of-sight to these related projects and, therefore, these related projects could contribute to the noise levels from the Project's on-site construction equipment. The Project would implement Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3 to reduce construction noise impacts from the Project Site construction equipment. Implementation of these mitigation measures would reduce the Project's construction noise impacts; however, construction noise impacts at Receptor Locations R1, R2, and R3 would continue to be significant and the Project could contribute to a significant impact at Receptor Location R7 if construction overlaps with the construction of Related Project Nos. 2, 3 and 4. Thus, even if the related projects implemented their own noise reduction mitigation measures similar to the Project, overlapping construction activities could result in significant cumulative impacts. As a result, since the Project-level noise impacts at Receptor Location R1 would remain significant with mitigation and the Project and Related Project Nos. 1 and 5 could contribute to construction noise at Receptor Location R1, the Project's contribution to this impact would be cumulatively significant. Also, although the Project-level noise impacts to Receptor Location R7 would be less than significant with mitigation, the Project and Related Project Nos. 2, 3, or 4 could contribute to construction noise levels at Receptor Location R7 that could potentially exceed the significance threshold. Therefore, the Project's contribution to cumulative construction noise associated with on-site construction equipment would be cumulatively considerable and would represent a significant and unavoidable cumulative impact at Receptor Locations R1 and R7.

**2. Off-Site Construction Noise – Mobile Sources:** As discussed on pages IV.K-71 through IV.K-72 and IV.K-78 in Chapter IV.K, Noise, in the Draft EIR, and on page VI-3 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and in the Noise Technical Report included in Appendix K of the Draft EIR, although Related Project No. 1 is at or near completion, and the construction schedules of the other four related projects are not yet known, the Draft EIR analysis conservatively assumed that the Project and the related projects would have overlapping construction schedules. As shown in Table IV.K-10, *Estimate of Off-Site Construction Traffic Noise Impacts*, of the Draft EIR the Project would not result in any significant off-site construction noise impacts. Nonetheless, the cumulative construction noise impacts associated with off-site construction truck traffic from multiple related projects could potentially overlap with the Project on some days and generate noise in excess of the significance threshold if the related projects contribute more than 38 truck trips per hour at the same time as the Project's maximum truck trips of 25 per hour along Whitsett Avenue (between Moorpark Street and Ventura Boulevard), or 50 per hour on other nearby roadway segments, and travel on the same roadway segments as the Project, including on Whitsett Avenue (between Moorpark Street and Ventura Boulevard). As further explained therein, as compared to the Project's 17.2 acres, Related Project Nos. 2, 3 and 4, which are approximately one acre or less are unlikely to generate sufficient truck traffic to result in 38 additional truck trips per hour. However, the Draft EIR conservatively concluded that given the possibility that the Project and related projects, including Related Project No. 1, could contribute to cumulative off-site construction traffic noise levels, they could exceed the threshold of significance and, therefore, there could be a cumulatively significant impact. As

discussed on page IV.K-78 in Chapter IV.K, Noise, of the Draft EIR, construction of sound barriers would be inappropriate for residential land uses that face the roadway as they would create aesthetic and access concerns. There are no other mitigation measures that could feasibly be employed to reduce the impacts to these primarily residential uses in the Project area. Given that it is possible, albeit unlikely since Related Project No. 1 began partial operation in late 2021, that the Project and related projects could contribute to cumulative off-site construction traffic noise levels that could exceed a significance threshold, and that there are no feasible mitigation measures, the Project's contribution to cumulative construction noise associated with off-site construction truck traffic along the haul route would be cumulatively considerable and cumulative impacts associated with construction traffic noise would be significant and unavoidable.

**3. Off-Site Construction Noise from Coldwater Canyon Avenue Riverwalk Path Ramp:** As the Coldwater Canyon Ramp has been eliminated from the Project, the significant and unavoidable impacts at Receptor Location R8 discussed on pages IV.K-71 and IV.K-77 in Section VI.K, Noise of Draft EIR, and on page VI-4 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and in the Noise Technical Report included in Appendix K of the Draft EIR, would not occur and, therefore, there would be no cumulative construction noise impacts related to improvements at Coldwater Canyon Avenue.

**4. Off-Site Improvements at Coldwater Canyon Avenue Riverwalk Path Ramp: Construction Vibration – Human Annoyance (Cumulative):** As the Coldwater Canyon Ramp has been eliminated from the Project, the significant and unavoidable construction vibration impacts associated with human annoyance discussed on pages IV.K-75 and IV.K-78 in Chapter IV.K, Noise, of the Draft EIR, and page VI-5 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and in the Noise Technical Report included in Appendix K, of the Draft EIR, would not occur and, therefore, there would be no cumulative construction vibration impact associated with human annoyance related to improvements at Coldwater Canyon Avenue.

**f. Reference:** For a complete discussion of impacts associated with Noise, including construction noise and groundborne vibrations, please see Chapter IV.K, Noise, and Appendix K of the Draft EIR.

## **IX. ALTERNATIVES TO THE PROJECT**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the Project's significant impacts.

### **A. Summary of Findings**

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the Project would have on the environment.

## **B. Project Objectives**

CEQA Guidelines Section 15124(b) states that the project description shall contain “a statement of the objectives sought by the proposed project.” Section 15124(b) of the CEQA Guidelines further states that “the statement of objectives should include the underlying purpose of the project.”

As set forth in Chapter II, Project Description, of the Draft EIR, as modified on page 3-13 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the underlying purpose of the Project is to supplement the School's athletic and recreational facilities, and provide Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future. The Project's specific Project Objectives are as follows:

1. Develop a state-of-the-art indoor and outdoor athletic and recreational facility to support the School's existing athletic programs and co-curricular activities, including basketball, soccer, football, track and field, tennis, swim, water polo, volleyball, fencing, weight training, dance, yoga, physical fitness, and wrestling programs.
2. Provide opportunities for shared use of a variety of types of recreational facilities and activities for the community.
3. Provide opportunities for academic use of the Project Site through science labs and outdoor classes, water quality monitoring, bird watching, and other non-athletic school activities.
4. Create new publicly accessible open space with a broad array of recreational facilities in a safe and secure environment for the surrounding community and the public to use similar to a City-owned park, while also providing a community room, café, and indoor and outdoor areas for public gatherings, performances, and occasional special events.
5. Increase public access to and enhance the adjacent Los Angeles River and Zev Greenway through a network of publicly accessible pathways, a new direct connection to the Zev Greenway, and a landscape plan that would restore native plant communities, create habitat for various species, and support the goals of the Los Angeles River Improvement Overlay District Ordinance, the Los Angeles River Revitalization Master Plan, and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.
6. Implement a tree planting program that substantially increases the number of trees on the Project Site with native and RIO-compliant tree species, while removing invasive exotic and non-RIO compliant tree species.
7. Promote compatibility with the surrounding neighborhood through a design that (1) includes mature trees and extensive landscaping along the northern edge of the Project Site; (2) reduces off-site noise effects through placement of recreational facilities internal to the Project Site, use of landscaped walls and berms, and use of canopy structures adjacent to pool and playfield areas; (3) limits light spillover and glare through use of field lights with light-emitting diode (LED) technology, timer controls, and shields that comply with LAMC and RIO requirements; (4) provides ample on-site parking and prohibits off-site parking; and (5) maximizes public safety through 24-hour, seven-day a week on-site security, monitored points of entry, and enforcement of a prohibition on off-site parking.

8. Incorporate sustainable and green building design through such features as a stormwater capture and on-site reuse system to improve water quality by treating runoff from the Project Site that now flows directly to the Los Angeles River; a landscape plan featuring native and RIO-compliant plant species with low to medium water demand; elimination of turf and use of artificial grass to reduce water demand and use of pesticides; solar voltaic panels and energy efficient building design; electric vehicle charging stations; and bike facilities.
9. Retain and rehabilitate the existing clubhouse with café, associated putting green, low brick retaining wall, and golf ball-shaped light standards for public use and leisure to convey their historic value as character defining features of the Historic-Cultural Monument, the Studio City Golf and Tennis Club (now Weddington Golf & Tennis), as a post-World War II recreational facility and as an important local example of Ranch style architecture.

### C. Project Alternatives Analyzed

#### 1. Alternative 1 – No Project/No Build Alternative

**a) Description of the Alternative:** As indicated on page V-9 in Chapter V, Alternatives, of the Draft EIR, the No Project Alternative (Alternative 1) assumes that the Project would not be approved and therefore the Project would not be developed. The current Weddington Golf & Tennis facility would discontinue operation because the current use is not consistent with the School's educational mission or financially sustainable for the School. Because existing operations would cease, the Project Site would be fenced off and closed for security purposes. Periodic trips to the Project Site would occur for limited maintenance and/or security checks, as needed.

**b) Impact Summary:** As discussed on pages V-9 through V-40 and V-141 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would eliminate the Project's significant and unavoidable impacts with respect to construction noise and groundborne vibration impacts. Specifically, Alternative 1 would avoid the on-site construction equipment Project-level noise impacts at Receptor Locations R1, R2 and R3, the on-site construction equipment cumulative noise impacts at Receptor Locations R1, R2, R3 and R7, and the off-site construction traffic cumulative noise impact. In addition, Alternative 1 would avoid the Project's less-than-significant impact with mitigation, including those related to air quality (NO<sub>x</sub> emissions), biological resources (bats, the California brittlebush scrub, and trees), hazards and hazardous materials (potential soil contamination), hydrology and water quality (potential soil contamination), noise (on-site construction equipment at Receptor Locations R4 through R7), and wastewater (swimming pool discharge). However, Alternative 1 would have less than significant but greater impacts related to biological resources, drainage patterns, land use objectives implementation, and parks and recreation than the Project.

**c) Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**d) Rationale for Finding:** As discussed on pages V-9 through V-40 and V-141 in Chapter V, Alternatives, of the Draft EIR, and pages 3-120 through 3-147 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 1 would avoid the significant and unavoidable construction noise and vibrations impacts of the Project due to the lack of development and associated environmental effects. However, as

summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would not provide the beneficial effects of the Project. Specifically, Alternative 1 has greater impacts, although still less than significant, in the following areas: (i) Biological Resources - Alternative 1 would not include the increased use of native plants, access to the Los Angeles River, and the Project's beneficial capture, treatment and reuse stormwater system; (ii) Hydrology and Water Quality related to drainage - Alternative 1 would not include the Project's beneficial capture, treatment and reuse stormwater system and, therefore, would not prevent on-site flooding, or ensure that runoff discharged from the Project Site does not exceed the capacity of the municipal stormwater infrastructure during larger storm events; (iii) Land Use and Planning - Alternative 1 would not implement any of the objectives of the applicable land use plans, such as reducing VMT consistent with the 2020-2045 RTP/SCS and creation of publicly accessible open space and improved access to the Los Angeles River under the Community Plan, the Los Angeles River Revitalization Master Plan, and the RIO District Ordinance; and (iv) Parks and Recreation - Alternative 1 would not use the privately-owned Project Site for all-day public access to 5.4 acres of landscaped pathways, direct access to the Zev Greenway, and public use of the community room and river room in the gymnasium building in an area that lacks neighborhood park facilities, nor allow public use of the other Project facilities such as the multi-purpose athletic fields, swimming pool, gymnasium, and eight tennis courts, all of which would serve to reduce demand for off-site parks and recreation and meet the criterion of neighborhood park uses within walking distance of the surrounding neighborhood, as well as provide the highest priority recreational uses (walking paths) and high priority uses (gymnasium and swimming pool) identified in the RAP's Citywide Community Needs Assessment for the South San Fernando Valley geographic area. Additionally, shown in Table V-3, Ability of Alternatives to Meet Project Objectives, in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would not meet the underlying purpose of the Project, which is to supplement the School's athletic and recreational facilities, and provide the School a campus that can fulfill its educational mission and athletic principles now and in the future. Nor would it provide for any public use or implementation of sustainable building features. Alternative 1 would not meet any of the Project objectives. Therefore, for the reasons stated above, Alternative 1 is infeasible and less desirable than the Project and is rejected.

**e) Reference:** For a complete discussion of impacts associated with Alternative 1, refer to Chapter V, Alternatives, of the Draft EIR and Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

## **2. Alternative 2 – At Grade Parking**

**a) Description of Alternative:** As indicated on pages V-41 through V-43 in Chapter V, Alternatives, of the Draft EIR, and page 3-124 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the At Grade Parking Alternative (Alternative 2) would eliminate the Project's subterranean garage and stormwater capture and reuse system. All parking would be provided at grade, with Field A located on an elevated structure above the at-grade parking area. Alternative 2 would install an on-site capture, treatment, and release system to collect and treat stormwater consistent with applicable LAMC LID requirements. The gymnasium, Field B, the swimming pool, and tennis courts would be developed in the same locations and configurations as under the Project. The clubhouse, golf ball-shaped light standards, low brick retaining wall, and putting green, pathways, landscaping, tree replacement, public access through the Project Site to the Zev Greenway, and perimeter fencing would be the same as the Project. Generally, site access would be similar to the Project. Alternative 2 would continue to provide special events for both the

School and the public as proposed for the Project. Under Alternative 2, excavation to a depth of four feet would be required to support the Field A structure which would reduce the amount of soil export by 73,777 cubic yards (from the Project's 197,000 cubic yards to 123,223 cubic yards). Construction activities would be reduced by approximately four months (from the Project's 30 months to 26 months). Alternative 2 would require the same entitlements requested for the Project including: a Vesting Conditional Use Permit to allow the operation of a private-school athletic and recreational campus in the A1 zone; allowance of light poles over 30 feet; and allowance of privacy walls and fences up to 8 and 10 feet. However, under Alternative 2, the request for light poles of 80 feet for Field A under the Project would be adjusted to 95 feet to allow for lighting of the elevated field.

**b) Impact Summary:** As indicated on pages V-43 through V-73 in Chapter V, Alternatives, of the Draft EIR, and pages 3-124 through 3-131 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 2 would have significant and unavoidable construction noise and groundborne vibration (human annoyance) impacts. Specifically, Alternative 2 would have significant and unavoidable impacts related to Project-level on-site construction equipment noise impacts at Receptor Locations R1, R2 and R3, and cumulative on-site construction equipment noise at Receptor Locations R1, R2, R3 and R7, and cumulative off-site construction traffic impacts. However, , Alternative 2's significant and unavoidable impacts would be less than under the Project due to the shorter construction schedule and elimination of the subsurface structures. In addition, Alternative 2 would have less than or similar impacts to the Project's less-than-significant impact with mitigation, including those related to air quality (NOx emissions), biological resources (bats, the California brittlebush scrub, and trees), hazards and hazardous materials (potential soil contamination), hydrology and water quality (potential soil contamination), noise (Project-level on-site construction equipment impacts at Receptor Locations R4 through R7), and wastewater (swimming pool discharge). Alternative 2 would also have less than or similar impacts to the Project's less-than-significant impacts in all other environmental areas except for protection of biological resources, historical resources, and groundwater and water supply, where Alternative 2 would have less than significant but greater impacts than the Project.

**c) Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**d) Rationale for Finding:** As discussed on pages V-43 through V-73 in Chapter V, Alternatives, of the Draft EIR, and pages 3-124 through 3-131 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 2 would not include the underground parking garage or the underground cistern for the capture and reuse system. As a result, even with the increased time needed to construct Field A above the ground-level parking, construction activities for Alternative 2 would be reduced by 4 months. Also, fewer excavation activities would occur as excavation for foundations under Field A would only be four feet rather than the Project's 21 feet. This decrease in construction activities would result in a decrease in soil exportation, haul truck trips, and use of excavation equipment. Nonetheless, Alternative 2 would not avoid the Project's significant and unavoidable impacts (Project-level and cumulative construction-related noise and vibration associated with human annoyance). Specifically, as discussed on pages V-61 through V-63 in Chapter V, Alternatives, of the Draft EIR, although Alternative 2 would reduce construction duration, it would not reduce maximum daily noise levels during peak construction activity and therefore the impacts would remain significant and unavoidable

even after implementation of all feasible mitigation measures (Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3). Nonetheless, due to the reduced duration of construction activities as a result of less excavation and soil hauling, construction noise impacts at Receptor Locations R1, R2 and R3 would be significant and unavoidable but less than under the Project. Similarly, cumulative construction equipment noise impacts would be significant and unavoidable but less than under the Project at Receptor Locations R1, R2, R3 and R7. In addition, the Project's cumulative significant and unavoidable on-site equipment noise and off-site construction traffic noise would remain significant and unavoidable.

Additionally, as summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, in Chapter V, Alternatives, of the Draft EIR, as revised on pages 3-124 through 3-131 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 2 would have less than significant but greater impacts with respect to protection of biological resources, historical resources, surface and groundwater quality, drainage patterns, and water supply. While Alternative 2 would comply with applicable LID Ordinance requirements, it would only capture and treat stormwater originating from within the Project Site and not have the ability to reuse the approximately 350,000-gallons of treated water that would be stored in the Project's underground cistern. Consequently, Alternative 2 would achieve policies related to improving the health of the watershed to a lesser extent than the Project, and have greater impacts related to improving the health of the watershed and groundwater and water supply during operation. As to historical resources, while Alternative 2 would preserve and rehabilitate the character defining features of the Project Site HCM, the elevated Field A, with bleachers rising to 30 feet above ground elevation, would represent a greater contrasting feature in the context of existing views with the Project Site's character defining at grade features as viewed from the public right-of-way. As such, impacts to historical resources would be less than significant but greater than under the Project.

However, as further discussed therein, and as summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, in Chapter V, Alternatives, of the Draft EIR, since Alternative 2 would substantially reduce the overall extent of excavation activity (including the depth of excavation), the use of heavy-duty excavation equipment, the number of haul truck trips, and the duration of construction activity, construction impacts related to air quality, archeological resources, human remains, energy consumption, soil erosion or loss of topsoil, paleontological resources, GHG emissions, accidental release of hazardous materials due to potentially contaminated soil, surface water and groundwater quality due to potentially contaminated soil, groundwater supply due to potential dewatering, water supply due to construction watering, fire and police protection, parks and recreation, emergency access, tribal cultural resources, and solid waste would be less than under the Project's less-than-significant construction impacts. All other Alternative 2 construction less-than-significant impacts would be similar to the Project's less-than-significant impacts. Additionally, since the operation of Alternative 2 would be similar to the Project's, other than the greater than Project impacts discussed above, all other less-than-significant impacts would be similar to the Project.

Additionally, as discussed on page V-72 through V-72 in Chapter V, Alternatives, of the Draft EIR, and summarized in Table V-3, Ability of Alternatives to Meet Project Objectives, in Chapter V, Alternatives, of the Draft EIR, although Alternative 2 would not avoid the Project's significant and unavoidable on-site construction noise and off-site construction traffic noise impacts at Receptor Locations R1, R2, or R3, or the cumulative construction traffic noise impacts, Alternative 2 would provide the same range of recreational uses, publicly



accessible open space and paths as under the Project and, therefore, would meet the Project's underlying purpose and be fully consistent with Project Objectives 1, 2, 3, 4, 5, 6 and 9. However, Alternative 2 would elevate Field A by 15 feet above grade, which would increase the height of the Field A bleachers to 30 feet and the light poles to 95 feet which would represent a greater contrasting feature to the Project Site HCM. Therefore, Alternative 2 would be substantially consistent but not to the same extent as the Project with respect to Project Objective 7. Moreover, due to the elimination of the Project's stormwater capture, treatment and reuse system, which would treat on-site runoff and which would provide a portion of the Project's total annual irrigation water demand, Alternative 2 would only be partially consistent with Project Objective 8.

Therefore, the City finds that Alternative 2 is less desirable than the Project and rejects this alternative for the above reasons.

**e) Reference:** For a complete discussion of impacts associated with Alternative 2, refer to Chapter V, Alternatives, of the Draft EIR, and Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

### **3. Alternative 3 – Reduced Density/Programming**

**a) Description of Alternative:** As indicated on pages V-73 through V-75 in Chapter V, Alternatives, of the Draft EIR, and pages 3-131 through 3-138 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Reduced Density/Programming Alternative (Alternative 3), would reduce the Project's scale of development and programming. The primary physical changes compared to the Project would include: elimination of the subsurface garage, the approximately 350,000-gallon stormwater capture and reuse system, and the tennis courts, including the 12 light poles exceeding the 30-foot conforming height limit; relocating some of the other Project facilities; locating 433 parking spaces at three surface parking lots with access through various points near the lots; and reducing the total publicly accessible open space from 5.4 acres to approximately 2.5 acres. With the elimination of the tennis courts, operating hours and outdoor activity on the Project Site would end no later than 8:00 p.m., compared to 9:00 p.m. as proposed by the Project with the tennis courts. Alternative 3 would continue to provide special events for both the School and the public as proposed for the Project. Alternative 3 would also provide the Coldwater Canyon Ramp (which has been eliminated from the Project). By eliminating the Project's subterranean parking and underground stormwater capture and reuse system, Alternative 3 would reduce the Project's soil export by 106,900 cubic yards (from 197,000 cubic yards to 90,100 cubic yards) and the total construction time by 11 months (from 30 months to approximately 19 months). Alternative 3 would require the same entitlements requested as the Project, including a Vesting Conditional Use Permit to allow the operation of a private-school athletic and recreational campus in the A1 zone; allowance of light poles over 30 feet; and allowance of privacy walls and fences up to 8 and 10 feet.

**b) Impact Summary:** As discussed on pages V-75 through V-107 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would not avoid the significant and unavoidable construction noise and groundborne vibration (human annoyance) impacts that would occur under the Project. Specifically, Alternative 3 would have significant and unavoidable impacts related to Project-level on-site construction equipment noise impacts at Receptor Locations R1, R2 and R3, and cumulative on-site construction equipment noise at Receptor Locations R1, R2, R3 and R7, and cumulative off-site construction traffic impacts. However, other than the impacts at Receptor Location R8, Alternative 3's significant and unavoidable impacts

would be less than under the Project due to the shorter construction schedule and elimination of the subsurface structures. In addition, Alternative 3 would have less than or similar impacts to the Project's less-than-significant impact with mitigation, including those related to air quality (NOx emissions), biological resources (bats, the California brittlebush scrub, and trees), hazards and hazardous materials (potential soil contamination), hydrology and water quality (potential soil contamination), noise (on-site construction equipment noise at Receptor Locations R4 through R7), and wastewater (swimming pool discharge). Alternative 3 would also have less than or similar impacts to the Project's less-than-significant impacts in all other environmental areas except for protection for biological resources, historical resources, groundwater supplies, parks and recreation, and transportation (geometric design hazards), where Alternative 3 would have less than significant but greater impacts than the Project.

**c) Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**d) Rationale for Finding:** As discussed, on pages V-75 through V-107 in Chapter V, Alternatives, of the Draft EIR, and pages 3-131 through 3-138 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 3 would not include the underground parking garage or the underground cistern for the capture and reuse system. As a result, construction activities for Alternative 3 would be reduced by 11 months and fewer excavation activities would be needed. This decrease in construction activities would result in a decrease in soil exportation, haul truck trips, and use of excavation equipment. Nonetheless, Alternative 3 would not avoid the Project's significant and unavoidable impacts (Project-level and cumulative construction-related noise and vibration associated with human annoyance). Specifically, as discussed on pages V-94 through V-95 in Chapter V, Alternatives, of the Draft EIR, although Alternative 3 would substantially reduce construction duration, it would not reduce maximum daily noise levels during peak construction activity and therefore the impacts would remain significant and unavoidable even after implementation of all feasible mitigation measures (Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3). Nonetheless, due to the reduced duration of construction activities as a result of less excavation and soil hauling, construction noise impacts at Receptor Locations R1, R2 and R3 would be significant and unavoidable but less than under the Project. In addition, the Project's cumulative significant and unavoidable on-site equipment noise and off-site construction traffic noise would remain significant and unavoidable at Receptor Locations R1, R2, R3 and R7 but would occur to a lesser extent than under the Project.

Additionally, as summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, in Chapter V, Alternatives, of the Draft EIR, as revised on pages 3-131 through 1-138 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 3 would have less than significant but greater impacts with respect to protection of biological resources, historical resources, and water supply. While Alternative 3 would comply with applicable LID Ordinance requirements, it would only capture and treat stormwater originating from within the Project Site and not have the ability to reuse the approximately 350,000-gallons of treated water that would be stored in the Project's underground cistern. Consequently, Alternative 3, would achieve policies related to improving the health of the watershed to a lesser extent than the Project, and have greater impacts related to protection of biological resources, water quality standards and groundwater quality, and groundwater supply during operation. As to historical resources,

while Alternative 3 would preserve and rehabilitate the character defining features of the Project Site HCM, the two-story gymnasium would be located immediately adjacent to the west of the clubhouse along Whitsett Avenue which would result in a greater contrasting feature in the context of existing views with the Project's character defining features from the public right-of-way. As such, impacts to historical resources would be less than significant but greater than under the Project. As to recreational and park facilities, Alternative 3's impacts would be less than significant. However, because Alternative 3 would not provide tennis courts for public use and would reduce the pedestrian paths compared to the Project, impacts would be greater than the Project. As to geometric design hazards, with implementation of appropriate setbacks of the parking lot-serving driveways from street intersections, Alternative 3 would not significantly contribute to any roadway design hazard. However, because Alternative 3 would increase the driveways and potential vehicular and pedestrian conflicts due to that increase, Alternative 3 would have less than significant but greater impacts than under the Project.

However, as further discussed therein, and as summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, in Chapter V, Alternatives, of the Draft EIR, as revised on pages 3-131 through 3-138 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR since Alternative 3 would substantially reduce the overall extent of excavation activity (including the depth of excavation), the use of heavy-duty excavation equipment, the number of haul truck trips, and the duration of construction activity, construction impacts related to air quality, archeological resources, human remains, energy consumption, soil erosion or loss of topsoil, paleontological resources, GHG emissions, accidental release of hazardous materials due to potentially contaminated soil, surface water and groundwater quality due to potentially contaminated soil, groundwater supply due to potential dewatering, water supply due to construction watering, fire and police protection, emergency access, tribal cultural resources, and solid waste would be less than under the Project's less-than-significant construction impacts. All other Alternative 3 construction less-than-significant impacts would be similar to the Project's less-than-significant impacts. Additionally, due to the elimination of the tennis courts and lighting for the courts, and the reduction in landscaping, Alternative 3's impacts during operation would be less than the Project's less-than-significant impact on light and glare, air quality emissions, energy consumption, and solid waste. Also, since, with the exception of the tennis courts, the operation of Alternative 3 would be similar to the Project's, other than for the Project impacts discussed above, all other less-than-significant impacts associated with operation would be similar to the Project.

Nonetheless, as discussed on page V-106 through V-107 in Chapter V, Alternatives, of the Draft EIR, and pages 3-131 through 3-138 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and summarized in Table V-3, Ability of Alternatives to Meet Project Objectives, in Chapter V, Alternatives, of the Draft EIR, although Alternative 3 would not avoid the Project's significant and unavoidable construction noise at Receptor Locations R1, R2, or R3, or the cumulative construction traffic noise impacts, Alternative 3 would provide a range of recreational and publicly accessible open space and trails, although it would not provide tennis facilities and would reduce the public open space, as compared to the Project, Alternative 3 would meet the Project's underlying purpose, although to a lesser extent than under the Project, and would be fully consistent with Project Objectives 3, 6, 7 and 9. However, since in order to accommodate the surface parking, Alternative 3 would eliminate the tennis courts and reduce the publicly accessible open space by approximately one-half, and relocate the gymnasium adjacent to the clubhouse, Alternative 3 would be substantially, but not entirely consistent with Project Objectives 1, 2, 4 and 5. Moreover, due to the elimination of the Project's stormwater capture, treatment and

reuse system, which would treat on-site runoff, Alternative 3 would only be partially consistent with Project Objective 8.

Therefore, the City finds that Alternative 3 is less desirable than the Project and rejects this alternative for the above reasons.

**e) Reference:** For a complete discussion of impacts associated with Alternative 3, refer to Chapter V, Alternatives, of the Draft EIR and Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

#### **4. Alternative 4 – No Public Use/No Public Events**

**a) Description of Alternative:** As indicated on pages V-108 through V-109 in Chapter V, Alternatives, of the Draft EIR, and pages 3-138 through 3-145 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the No Public Use/No Public Events Alternative (Alternative 4) would seek to reduce impacts from Project operation by eliminating public access to the Project Site and eliminating the underground stormwater capture and reuse system cistern. All facilities on the Project Site, including the clubhouse café, and putting green and the underground parking structure, would be dedicated to School uses and would only be available to the School community. However, the overall amount of landscaped areas would be generally similar to the Project. Perimeter walls and fencing would be provided along the Project Site's boundaries, except near the clubhouse, putting green, and low brick retaining wall, and designed to provide views to the interior recreational facilities, but also to attenuate sound from traveling to adjacent residential uses. In addition, site access and circulation would be similar as under the Project for School use only. Alternative 4 would provide special events for the School only resulting in the reduction of the overall usage of the Project Site, including the number of visitors which would decrease significantly since approximately 82 percent of the Project's estimated usage would be from the public. Under Alternative 4 on weekdays, the Project Site would be minimally used prior to 2:30 p.m., and hours of weekday outdoor activity would halt at no later than 8:00 p.m., instead of 9:00 p.m. as compared to the Project (and, in some cases, significantly earlier than 8:00 p.m. based upon a review of the School's 2018-19 athletics calendar), limited School use would occur on Saturdays, and no use would occur on Sundays. By eliminating public use of the Project Site, Alternative 4 would decrease the Project's average daily number of persons from 1,955 to 344 persons per day. With elimination of the Project's approximately 350,000-gallon underground stormwater capture and reuse system under Alternative 4, soil export would be reduced by 11,900 cubic yards (from 197,000 cubic yards to 185,000 cubic yards) and total construction time would be reduced by 2 months (from 30 months to approximately 28 months). Alternative 4 would require similar entitlements requested for the Project, including a Vesting Conditional Use Permit to allow the operation of a private-school athletic and recreational campus in the A1 zone and allowance of light poles over 30 feet in height.

**b) Impact Summary:** As indicated on pages V-109 through V-141 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would have significant and unavoidable construction noise and groundborne vibration (human annoyance) impacts similar to the significant and unavoidable impacts under the Project. Specifically, Alternative 4 would have significant and unavoidable impacts related to Project-level on-site construction equipment noise impacts at Receptor Locations R1, R2 and R3, and cumulative on-site construction equipment noise at Receptor Locations R1, R2, R3 and R7, and cumulative off-site construction traffic impacts. However, Alternative 4's significant and unavoidable impacts would be less than under the Project due to the shorter construction schedule and

elimination of the subsurface cistern. In addition, Alternative 4 would have less than or similar impacts to the Project's less-than-significant impact with mitigation, including those related to air quality (NOx emissions), biological resources (bats, the California brittlebush scrub, and trees), hazards and hazardous materials (potential soil contamination), hydrology and water quality (potential soil contamination), noise (on-site construction equipment noise at Receptor Locations R4 through R7), and wastewater (swimming pool discharge). Alternative 4 would also have less than or similar impacts to the Project's less-than-significant impacts in all other environmental areas except for protection of biological resources, groundwater supplies, parks recreation, transportation (conflict with plans) and, water supply, where Alternative 4 would have less than significant but greater impacts than the Project.

**c) Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**d) Rationale for Finding:** As discussed on pages V-108 through V-109 in Chapter V, Alternatives, of the Draft EIR, and pages 3-138 through 3-145 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 4 would seek to reduce the significant and unavoidable construction impacts and the less than significant operation impacts of the Project by eliminating the underground cistern and public access to the Project Site. As discussed therein, and summarized above, by eliminating the Project's approximately 350,000-gallon underground stormwater capture and reuse system under Alternative 4, soil export would be reduced by 11,900 cubic yards (resulting in fewer haul trucks entering and leaving the Project Site and a reduction in the use of heavy excavation equipment) and total construction time would be reduced by 2 months. By eliminating public use of the Project Site, Alternative 4 would decrease the Project's average daily number of persons from 1,955 to 344 persons per day (resulting in reduced VMT) and reduce the hours and days of use (resulting in less noise, light and glare impacts, and other less-than-significant operation impacts). However, the overall amount of landscaped areas, site access and circulation would be similar to the Project. Nonetheless, Alternative 4 would not avoid the Project's significant and unavoidable impacts (Project-level and cumulative construction-related noise and vibration associated with human annoyance). Specifically, as discussed on pages V-127 through V-128 in Chapter V, Alternatives, of the Draft EIR, although Alternative 4 would reduce construction duration, it would not reduce maximum daily noise levels during peak construction activity and therefore the impacts would remain significant and unavoidable even after implementation of all feasible mitigation measures (Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3). However, due to the reduced duration of construction, impacts at Receptor Locations R1, R2 and R3 would be significant and unavoidable but less than under the Project. In addition, the Project's cumulative significant and unavoidable on-site equipment noise and off-site construction traffic noise would remain significant and unavoidable at Receptor Locations R1, R2, R3 and R7 but would occur to a lesser extent than under the Project.

Additionally, as summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, in Chapter V, Alternatives, of the Draft EIR, as revised on and pages 3-138 through 3-145 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 4 would have less than significant but greater impacts with respect to protection for biological resources, surface and groundwater quality, groundwater supplies, drainage patterns, parks and recreation, transportation (conflict with plans) and, water supply. While Alternative 4 would comply with applicable LID Ordinance

requirements, it would only capture and treat stormwater originating from within the Project Site and not have the ability to reuse the approximately 350,000-gallons of treated water that would be stored in the Project's underground cistern. Consequently, Alternative 4, would achieve policies related to improving the health of the watershed to a lesser extent than the Project, and have greater impacts related to protection of biological resources, and water supply during operation. As to parks and recreation impacts, as discussed on pages V-132 through V-133 in Chapter V, Alternatives, of the Draft EIR, while the Project would reduce the impact on public parks and, through its public use of open space and recreational facilities, meet the criterion of neighborhood park uses within walking distance of the surrounding neighborhood, and provide for many of the highest priority and high priority recreational uses identified in the RAP's Citywide Community Needs Assessment of the South San Fernando Valley geographic area, because Alternative 4 would not provide any park space or recreational facilities for public use, impacts would be greater than under the Project. Similarly, as to transportation impacts, as discussed on pages V-133 through V-134 in Chapter V, Alternatives, of the Draft EIR, because Alternative 4 would preclude public access to the Project Site and include fewer opportunities for public access on and through the Project Site, it would support policies related to enhancing pedestrian and bicycling facilities and connectivity, as well as access to the Los Angeles river, to a lesser extent than under the Project.

However, as further discussed therein, and as summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, in Chapter V, Alternatives, of the Draft EIR, as revised and page 3-138 through 3-145 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, since Alternative 4 would reduce the overall extent of excavation activity, the use of heavy-duty excavation equipment, the number of haul truck trips, and the duration of construction activity, construction impacts related to air quality, archeological resources, human remains, energy consumption, soil erosion or loss of topsoil, paleontological resources, GHG emissions, accidental release of hazardous materials due to potentially contaminated soil, surface water and groundwater quality due to potentially contaminated soil, groundwater supply due to potential dewatering, water supply due to construction watering, fire and police protection, emergency access, tribal cultural resources, and solid waste would be less than under the Project's less-than-significant construction impacts. All other Alternative 4 construction less-than-significant impacts would be similar to the Project's less-than-significant impacts. Additionally, Alternative 4 would reduce the overall extent of the operation activities, including eliminating public use, reducing the number of people at the Project Site, reducing the hours and days of operation, and reducing the trips to and from the Project Site. Alternative 4's impacts during operation would be less than the Project's less-than-significant impacts related to light and glare, air quality emissions, energy consumption, GHG emissions, fire and police services, and solid waste. Other than discussed above for less-than-significant but greater than under the Project impacts, all other less-than-significant impacts associated with operation would be similar to the Project.

Nonetheless, as discussed on page V-106 through V-107 in Chapter V, Alternatives, of the Draft EIR, and summarized in Table V-3, Ability of Alternatives to Meet Project Objectives, in Chapter V, Alternatives, of the Draft EIR, although Alternative 4 would not avoid the Project's significant and unavoidable construction noise and vibration (human annoyance) impacts, it would generally decrease the Project's less-than-significant operation impacts due to reduced use of the Project Site, and would fulfill the underlying purpose of the Project to supplement the School's athletic and recreational facilities and provide the School with a campus that can fulfill its educational mission and athletic principles now and in the future. As such, Alternative 4 would be fully consistent with Project Objectives 1, 3, 6, and 7. Since

Alternative 4 would not include the Project's stormwater capture and reuse system, provide public access, or include public use of the facilities, it would only be partially consistent with Project Objectives 5, 8 and 9. Additionally, since Alternative 4 would not provide public access to the Project Site or new access points to the Zev Greenway from the Project Site, or incorporate the Project's stormwater capture and reuse system, it would not be consistent with Project Objectives 2 or 4.

Therefore, the City finds that Alternative 4 is less desirable than the Project and rejects this alternative for the above reasons.

**e) Reference:** For a complete discussion of impacts associated with Alternative 4, refer to Chapter V, Alternatives, of the Draft EIR and Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

#### **D. Alternatives Rejected as Infeasible**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

- 1. Alternative Project Site.** As discussed on page V-6 in Chapter V, Alternatives, of the Draft EIR, an alternative site was considered and rejected in part because an alternative site would: need to be of sufficient size to meet all or most of the Project Objectives and to accommodate the Project facilities, including bleachers for spectator seating, and to provide adequate on-site parking to preclude off-site parking; need to be located relatively close to the existing Harvard-Westlake School's Upper campus to reduce daily VMT; and, need to have a level topography to allow for the development of the proposed recreational facilities. As further discussed therein, the Project Site is the only nearby site in proximity to the School's Upper Campus with the appropriate topography and size to accommodate the School's proposed recreational facilities and still have enough space to allow for the Project's public open space features. Additionally, the Project Site is owned by the School and the School does not own, or have the current opportunity to own, another similar site within the nearby area. Further, even if there were a potential site near the School's Upper campus that would meet the Project's needs, and that the School could acquire, due to the area's dense urban character, such an alternative location would also likely be near other residential uses and, thus, result in similar significant and unavoidable construction-related noise impacts as at the Project Site. Therefore, it is unlikely that an alternative location would avoid or reduce the Project's significant and unavoidable construction impacts to less than significant levels.
- 2. Alternative Use.** As discussed on page V-7 in Chapter V, Alternatives, of the Draft EIR, two alternative uses for the Project Site were considered and rejected. The first was an industrial use which was rejected because the development of the Project Site with uses not consistent with the Project Site's underlying agricultural zones, such as light or heavy industrial uses, would not achieve the objectives of the Project and would not be appropriate within the context of the surrounding residential and commercial community. The other considered use was the development of housing and

reconfiguration of the existing golf facilities, which was contemplated in a prior proposal for the Project Site, and also was rejected because it would fail to meet the Project Objectives and the Project's underlying purpose.

3. **Alternative Project Site Designs/Reduced Development Intensity.** As discussed on pages V-7 through V-8 in Chapter V, Alternatives, of the Draft EIR, in response to a comment received to the Notice of Preparation, retaining the existing driving range was considered and rejected because it would constrain the area available for the development of the indoor and outdoor athletic and recreational programs envisioned in Project Objectives 1 through 3. Additionally, due to the constraint caused by the retention of the driving range which would necessitate relocation of facilities, the 5.4 acres of publicly accessible open space for pathways in a park-like setting would be substantially reduced or eliminated and, therefore, this alternative would also not meet Project Objectives 4 and 5. Further, retaining the existing driving range would result in the other Project facilities and the general public being exposed to an unsafe condition due the short length of the existing driving range resulting in golf balls being hit over the protective netting around the range.

An alternative design that was also evaluated and dismissed as not feasible was the use of natural turf fields instead of the Project's artificial turf fields. This alternative would result in much higher water demand than the Project, as well as requiring the use of fertilizers, pesticides, and herbicides, which could adversely impact the public and the environment. Furthermore, natural turf fields would require significant closure time for maintenance and, thus, significantly reduce public use opportunities.

As further indicated therein, other on-site alternatives to reduce intensity of development that were considered and rejected include (i) the development of one full athletic field with a track and a smaller athletic field was rejected because it would not fully meet the Project Objectives and would compromise conditioning, training, and practice activities, and (ii) the use of Fields A and/or B for practice only was rejected because it would fail to meet the Project Objectives related to supporting the School's athletic programs and co-curricular activities. Moreover, such operational changes and/or reduction in facilities would also not materially reduce the Project's significant and unavoidable construction noise and vibration (human annoyance) impacts.

## **E. Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative, as discussed on pages V-141 through V-156 in Chapter V, Alternatives, of the Draft EIR, and pages 3-146 through 3-147 in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, a comparative evaluation of Alternatives 2 through 4 indicates that Alternative 4, the No Public Use/No Public Events Alternative, would reduce 29 of the Project's less than significant impacts and impacts that would be less-than-significant with mitigation. Although not to the same extent as Alternative 3, Alternative 4 would also reduce the duration of the Project's significant and unavoidable



construction impacts. As such, while it would not avoid the Project's significant and unavoidable impacts, due to the reduction in the construction schedule and the elimination of the underground stormwater capture and reuse system, Alternative 4's significant and unavoidable impacts to all sensitive receptors would be less than under the Project.

Alternative 4's elimination of the approximately 350,000-gallon underground stormwater capture and reuse system would result in a reduction in excavation and hauling, but not to the same extent as under Alternatives 2 and 3, primarily because the subterranean parking garage would be included in Alternative 4. Moreover, the reduction in environmental effects under Alternative 4 is based largely on the elimination of public use of the Project Site during operation (which represents approximately 82 percent of Project Site usage under the Project). With fewer hours of occupation of the Project Site and fewer occupants under Alternative 4, the Project's operational impacts regarding lighting, air emissions, energy demand, noise, fire and police services, wastewater and solid waste would be reduced. However, as shown in Table V-3, Alternative 4 would not meet two of the Project Objectives that apply to public use of the Project Site. Additionally, Alternative 4 would result in eight, less-than-significant but greater environmental impact categories than the Project primarily because of the elimination of the underground stormwater capture and reuse system, which would result in greater impacts related to hydrology/water quality and water supply. In addition, without public access to the Project Site, Alternative 4 would support land use and transportation policies related to enhancing pedestrian and bicycling facilities/connectivity, as well as access to the Los Angeles River, to a lesser extent than the Project.

In accordance with the State CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project/No Build Alternative, despite not reducing the construction duration and excavation quantity to the largest extent of the Alternatives, because Alternative 4 would reduce the highest number of environmental impacts, including reducing long-term operational impacts related to air and GHG emissions, as well as lighting, historic resources, and noise, Alternative 4 is selected as the Environmentally Superior Alternative.

## **X. SIGNIFICANT AND IRREVERSIBLE CHANGES**

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

**1. Building Materials and Solid Waste:** As discussed on page VI-7 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt (such as sand gravel and stone); metals such as steel, copper and lead; and petrochemical construction materials such as plastics. However, the Project's consumption of these materials would be small in comparison to the total amount of

these materials used in the City and the greater Southern California area, and would not deprive others of such materials which are readily available. Furthermore, the use of these materials would not occur in an inefficient or wasteful manner given that Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen, as well as the sustainability features discussed in Chapter IV, Environmental Impacts, of the Draft EIR.

The Project's potential impacts related to solid waste are addressed on pages IV.O.3-14 through IV.O.3 in Chapter IV.O.3, Utilities and Service Systems – Solid Waste. As discussed therein, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. The Project would adhere to all applicable State and local waste policies and objectives that further goals to divert waste. Moreover, the Project's construction-generated solid waste disposal after 75-percent diversion would represent only 0.17 percent of the estimated remaining capacity at the Azusa Land Reclamation Landfill. However, there are additional multiple facilities that would be available to accommodate the Project's waste. As such, Project construction would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. As to building materials and solid waste during Project operation, Project operation would comply with all State and local regulations regarding waste reduction including the City's Space Allocation Ordinance requiring an on-site recycling area or room and provision of clearly marked source-sorting receptacles to facilitate recycling to comply with State diversion requirements. After mandatory diversion, Project operation would generate a net total of 17 tons of solid waste per year requiring landfill disposal which represents 0.006 percent of Sunshine Canyon's remaining daily permitted capacity. As such, Project operation would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Thus, the Project would not result in the inefficient or wasteful use of building materials, and would not result in significant solid waste impacts, during either Project construction or operation.

**2. Water:** As discussed on pages VI-7 through VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and pages IV.O.1-27 through IV.O.1-35 in Chapter IV.O.1, Utilities and Service Systems - Water Supply, of the Draft EIR, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption estimated for the Project at buildout. During operation, the estimated water demand for the Project would not exceed the available normal, dry, and multiple dry year water supply projected by LADWP. Additionally, pursuant to Project Design Feature WS-PDF-2, on-site stormwater and other urban runoff would be captured, treated, and stored in the approximately 350,000-gallon underground cistern system, where the treated water would be used for on-site irrigation. Thus, with Project Design Feature WS-PDF-2, the Project's irrigation demand would be reduced. Additionally, even with an extensive landscaping program that would result in the net increase of 153 trees beyond existing conditions, the Project would save water by planting drought tolerant landscaping and reusing captured stormwater from the Project Site. The Project would also comply with the water conservation and efficiency requirements of the Los Angeles Green Building Code and the CALGreen Code, all of which would result in efficient and not wasteful use of water.

**3. Energy Consumption:** As indicated on pages VI-8 through VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction and operation would consume energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle-trips and fossil fuels. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Chapter IV.E, Energy,

of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. In addition, trucks and equipment used during construction activities would comply with CARB's anti-idling regulations and on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources.

As further indicated therein, the Project would result in reducing fossil fuel consumption in part as a result of the Project: being located within a HQTa in proximity to public transportation; including a mandatory student and employee shuttle bus program; reducing the VMT; supporting pedestrian access from the immediate area to its open space and recreational uses; and complying with regulations that would reduce the demands for energy resources needed to support Project operation. Additionally, the Project's operational consumption of electricity and natural gas would be within the available planned capacities of the service providers, LADWP and SoCalGas. Additionally, the Project would comply with the Los Angeles Sustainable City pLAN 2019, the Los Angeles Green Building Code, the CALGreen Code, and include energy conservation through Project Design Feature GHG-PDF-1 (solar voltaic panels) that would reduce electricity demand. Therefore, the Project would not result in the wasteful, inefficient and unnecessary consumption of energy resources.

Additionally, the Project would implement an energy efficient building design including through consistency with the provisions of Ordinance No. 187714 regarding all electric buildings with the exception of natural gas heating for the pool and commercial kitchen appliances. As discussed in a technical memorandum entitled "Harvard-Westlake River Park Project EIR – Evaluation of All-Electric Project" prepared by ESA, dated August 18, 2023, increased electrification of the Project would result in a reduction of natural gas usage, but an increase in electricity usage in comparison to reported usage rates in Table IV.E-2 of the Final EIR. However, the Project's annual electricity and natural gas consumption is a small fraction of future demand within the LADWP and Southern California Gas Company (SoCal Gas) service areas. LADWP and SoCal Gas have confirmed that the Project's electricity and natural gas demand can be served by the facilities in the Project area. Therefore, and as demonstrated in the aforementioned memorandum, increased electrification of the Project (except for the commercial food uses for cooking purposes and the pool) does not change the analysis or findings in the Draft or Final EIR.

**4. Environmental Hazards:** As discussed on pages VI-11 in Chapter VI, Other CEQA Considerations, of the Draft EIR and on pages IV.H-29 through IV.H-54 in Chapter IV.H, Hazards and Hazardous Materials, of the Draft EIR, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in commercial developments. Specifically, construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. Additionally, with implementation of Mitigation Measures HAZ-MM-1 (Soil Management Plan) and HAZ-MM-2 (Health and Safety Plan), should Project excavation and grading activities encounter any contaminated soils from the previously removed area, any potential environmental hazard associated with the handling, removal, storage, transportation or disposal would be reduced to a less-than-significant level. Further, should asbestos, lead based paint or PCBs be encountered during demolition and construction, they would be handled and disposed of in compliance with applicable federal, State, and local regulations. Therefore, any risks associated with the use or disposal of hazardous materials would be reduced to a less-than-significant level through compliance with these standards and regulations and mitigation

measures. As for Project operation, as further discussed therein, all hazardous materials would be used and disposed of in accordance with the manufacturers' instruction and applicable regulations. Moreover, as discussed on pages IV.H-31 through IV.H-45 in Chapter IV.H, Hazards and Hazardous Materials, of the Draft EIR, installation, use and disposal of the artificial turf to be used in the Project's athletics fields would be subject to compliance with applicable regulations as well as Project Design Feature HAZ-PDF-1 (Artificial Turf Formation) to ensure that the artificial turf would not create a significant risk to health or the environment. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from Project construction and operation.

## **XI. Growth-Inducing Impacts**

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As indicated on pages V-9 through V-10 of Chapter VI, Other CEQA Considerations, of the Draft EIR, and on pages 90 through 91 in the Initial Study included in Appendix A of the Draft EIR, the Project would develop the Project Site with publicly accessible open space as well as recreational facilities for the School and public use, in order to meet the School's existing needs for recreational facilities for which adequate space is not available at the School's Upper campus while providing for public use and access to and through the City to the Zev Greenway. The Project would not provide housing, increase or induce residential growth, provide for substantial new employment opportunities that would foster a substantial economic growth, nor provide new infrastructure such as roads or infrastructure to an existing undeveloped area that would induce substantial direct or indirect population growth in the area. As such, the Project would not be growth inducing.

## **XII. Energy Conservation**

As discussed on pages IV.E-37 through IV.E-38 in Section IV.E, Energy, of the Draft EIR, the Project would conserve energy in compliance with federal, State and local conservation policies. Specifically, the Project is designed in a manner that is consistent with and not in conflict with relevant energy conservation plans that are intended to encourage development that results in the efficient use of energy resources, including the provisions set forth in the Title 24 standards and CALGreen Code, which have been incorporated into the City's Green Building Code as amended by the City, to be more stringent than State requirements. In addition to compliance with the City's Green Building Code, the Project would incorporate energy-and water conservation measures beyond City requirements as specified in Project Design Features GHG-PDF-1 (solar panels on the gymnasium roof producing 281,000 kWh per year) and in Section IV.P, Utilities and Service Systems – Wastewater, Water Supply and Infrastructure, Solid Waste Regulations. The Project would also be consistent with and not conflict with regional planning strategies that address energy conservation. As discussed in Section IV.G, Greenhouse Gas Emissions, as well as Section IV.J, Land Use and Planning, of the Draft EIR, SCAG's 2016-2040 RTP/SCS and 2020-2045 RTP/SCS focus on reducing fossil fuel use by decreasing VMT, encouraging the reduction of building energy use, and increasing use of renewable sources. The Project's design and its location on an infill site within an HQTAs in proximity to transit, its proximity to existing off-

site retail, restaurant, entertainment, commercial, and job destinations, and its walkable environment would achieve a reduction in VMT. Thus, through implementation of project design features and incorporation of water conservation, energy conservation, landscaping, and other features consistent with applicable actions and strategies in the L.A.'s Green New Deal including features that go beyond those specified by regulations such as the City's Green Building Ordinance, the Project would reduce energy consumption and, thereby, would conserve energy.

### **XIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

The EIR identifies unavoidable significant impacts that would result from implementation of the project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Chapter IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: On-Site Construction Equipment Noise (Project-level at Receptor Locations R1, R2 and R3); On-Site Construction Equipment Noise (Cumulative at Receptor Locations R1, R2, R3 and R7); and Off-Site Construction Noise – Mobile Sources (Cumulative).

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to construction noise and vibrations as identified above.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project Would Enhance Public Access to Open Space and Recreational Facilities: As provided in Chapter II, Project Description, of the Draft EIR, while the underlying purpose of the Project is to supplement the School's athletic and recreational facilities, and provide

Harvard-Westlake School a campus that can fulfill its educational mission and athletic principles now and in the future, a major component of the Project is to provide public access to open space and recreational facilities. To that end, the Project would, in part:

- Convert a former private golf and tennis club to provide access to landscaped open space, pedestrian pathways, and recreational opportunities to the public and the School in an area with a shortage of neighborhood parks;
- Improve public access to the Zev Greenway through the Project Site;
- Provide daily shared use opportunities for the public to use the Project's recreational facilities including the tennis courts, the gymnasium courts, the athletic fields, and the putting green, as well as opportunities to use the swimming pool;
- Provide a community room for public use within the gymnasium;
- Provide direct access from Bellaire Avenue and Valley Spring Lane onto the Project Site via entry points; and
- Provide bicycle parking facilities for public use.

2. The Project Would Support City and Regional Land Use and Environmental Goals: The Project would be consistent and not conflict with the relevant provisions, policies and goals of the 2020-2045 RTP/SCS, the General Plan's Framework, Transportation and Conservation Elements, the Community Plan, the RIO District Ordinance, the Los Angeles River Revitalization Master Plan, the Los Angeles Green New Deal (Sustainable City pLAn), and the 2020 Urban Water Management, in part because the Project would:

- Be located within a HQTa which is 0.1 mile from the Ventura Boulevard transit corridor which provides 15-minute rapid transit service;
- Encourage pedestrian and bicycle uses through the provisions of recreational facilities available for public use that would serve the immediate neighborhood and vicinity, including 5.4 acres of landscaped pedestrian pathways, bicycle parking that exceeds LAMC requirements, and construction of a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive;
- Support the RIO District Ordinance and help restore the Project Site with native trees and shrubs;
- Improve stormwater quality goals through a capture, treatment, storage and reuse system that would capture water from the Project Site and use the treated water for Project Site landscaping;
- Reduce vehicle trips, VMT, and air pollution through the use of an all-electric or zero-emissions shuttle bus system from the School's Upper Campus due to its location in close proximity to community and commercial uses and public transit;

- Contribute to the recreational, health and safety needs of the City through the provision of publicly accessible open space, and recreational facilities which are high priority needs of the City;
  - Increase the number of trees on the Project Site by approximately 153 trees while removing invasive, non-native, non-RIO District compliant trees, other than the retention of the existing Mexican fan palms within the public right-of-way along Valley Spring Lane;
  - Rehabilitate and maintain the existing clubhouse with café, putting green, low brick retaining wall, and golf ball-shaped light standards to convey their historic value as character-defining features of the original Weddington Golf & Tennis facility; and
  - Create a controlled pedestrian crossing at the intersection of Whitsett Avenue and Valleyheart Drive and work with the Department of Public Works and the LADOT to assess further improvements as needed for street drainage and flow southward from the southwest corner of Valley Spring Lane at Whitsett Avenue and install such improvements if necessary.
3. The Project Would Represent Sustainable Development: In addition to representing smart growth by locating school and public open space and recreational opportunities within a HQTAs in proximity to residential and commercial uses, the Project would include sustainable development features in excess of State and local requirements including, but not limited to:
- Through Project Design Feature WS-PDF-2, the Project would install an approximately 350,000-gallon stormwater capture and reuse system that would help conserve the City's potable water supply and improve water quality received by the Los Angeles River from the Project Site;
  - Through Project Design Feature GHG-PDF-1, the Project would install solar voltaic panels providing 281,000 kWh per year that would reduce the amount of electricity demand from the LADWP and help reduce GHG emissions generated by production of electricity;
  - The Project would reduce water demand and the use of pesticides by eliminating ornamental turfgrass in favor of artificial turf on the athletic fields;
  - The Project would commit that if artificial turf is utilized at Fields A and B, the artificial turf shall be permitted pursuant to California Assembly Bill 1423 (Schiavo, 2023), as amended July 3, 2023, and utilize temperature reducing coatings. If artificial turf becomes not in compliance with future State and local legislation, it shall be replaced with a suitable and compliant alternative, with the artificial turf responsibly recycled;
  - The Project would implement an energy efficient building design including through consistency with the provisions of Ordinance No. 187714 regarding all electric buildings with the exception of natural gas heating for the pool and commercial

kitchen appliances, and support use of electric vehicles through the provision of electric vehicle charging stations in excess of LAMC requirements; and

- The Project would use field lights with light-emitting diode (LED) technology, timer controls, and shields that comply with the LAMC and RIO requirements regarding light impacts on sensitive receptors and reduce electricity consumption.

#### **XIV. GENERAL CEQA FINDINGS**

- a) The City, acting through the Department of City Planning, is the “Lead Agency” for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
- b) The EIR evaluated the following potential project and cumulative environmental impacts: aesthetics (light and glare); air quality, biological resources; cultural resources; energy; geology and soils; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning, noise, public services (including fire protection, police protection, and parks and recreation), transportation, tribal cultural resources, and utilities and service systems (water supply, wastewater, and solid waste), alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
- c) The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
- d) Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
- e) The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received



up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

- f) The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
- The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
- g) CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts the MMP.

- h)** In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
- i)** The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
- j)** The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
- k)** The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
- l)** The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and the other regulatory jurisdictions.



## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

**Metro DSC**

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online  
Appeal Filing



QR Code to Forms  
for In-Person Filing