

P.O. Box 27404
Los Angeles, CA 90027
323-663-1031



PRESIDENT
Marian Dodge
CHAIRMAN
Charley Mims
VICE PRESIDENTS
Mark Stratton
Wendy-Sue Rosen
SECRETARY
Carol Sidlow
Donna Messinger
TREASURER

Ms. Diana Kitching, Planning Assistant
Department of City Planning
Plan Implementation Division – Major Projects
200 Spring St., Rm. 750
Los Angeles, CA 90012

December 10, 2013

Beachwood Canyon Neighborhood
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Bel Air Ridge Association
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood Assn.
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Hollywoodland Homeowners
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
Lookout Mountain Alliance
Los Feliz Improvement Assn.
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon Assn.
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon Assn.
Oaks Homeowners Assn.
Outpost Estates Homeowners
Pacific Palisades Residents Assn.
Residents of Beverly Glen
Roscomare Valley Assn.
Shadow Hills Property Owners
Sherman Oaks HO Assn.
Studio City Residents Assn.
Sunset Hills Homeowners Assn.
Tarzana Property Owners Assn.
Torreyson Flynn Assn.
Upper Mandeville Canyon
Upper Nichols Canyon NA
Upper Riviera Homeowners Assn.
Whitley Heights Civic Assn.

Re: **Harvard-Westlake Parking Expansion Project Draft**
Environmental Impact Report ENV-2013-0150-EIR,
SCN-2013041033, October 10, 2013

Dear Ms. Kitching:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 42 homeowner and residents associations spanning the Santa Monica Mountains, from Pacific Palisades to Mt. Washington. The Federation's mission is to protect the property and quality of life of its over 200,000 constituents and to conserve the natural habitat and appearance of the hillside and mountain areas in which they live.

The Federation considered the Draft Environmental Impact Report (DEIR) prepared by the Department of City Planning at its November 2013 meeting. The Board was concerned by many aspects of the DEIR and the wholesale failure to consider any of the issues raised in the Federation's August 16, 2013 letter ("HF Comment Letter") that was submitted to the city during the process of preparing the DEIR. The Board once again voted unanimously to strongly oppose the parking expansion plan on and skybridge over the west side of Coldwater Canyon.

The Federation and its partners in advocating for hillside protections over the past several decades have worked to prevent precisely the type of degradation that is now being proposed. In our August 16th letter, we described the "proposed three-story, 750-car parking structure with an illuminated fenced-in athletic field" (the "parking/field structure") as "grossly out of character with the natural hillside environment" and the proposed skybridge as "destroy[ing] the character of the hillside

CHAIRPERSONS EMERITUS
Shirley Cohen
Jerome C. Daniel
Patricia Bell Hearst
Alan Kishbaugh
Gordon Murley
Steve Twining
Polly Ward

CHAIRMAN IN MEMORIUM
Brian Moore

environment.” The Federation, representing the interests of its broad membership, believes that the proposed skybridge and parking/field structure would be aesthetically damaging to the natural hillside environment.

Indeed, there can be no serious question that a private bridge traversing a designated scenic highway within the Santa Monica Mountains will have a substantial adverse urbanizing impact on the natural hillside environment and the scenic vista at all times of the day and night, and will also create a new source of substantial light that would adversely affect nighttime views and wildlife movement in the hillside. Moreover, although the DEIR acknowledges that the project would be built on “desirable open space” that is currently a protected Walnut Woodland and a Riparian Oak Forest adjacent to Mountains Recreation and Conservation Authority land, over a designated Scenic Highway, the DEIR does not consider the impact of destroying these scenic canyon views and open space woodland. Nor does the DEIR adequately consider the effects of the illuminated skybridge and parking/field structure on the nighttime views. *These harms cannot be mitigated and should have been recognized as a significant environmental impact on aesthetics.*

The DEIR response to these significant aesthetic concerns could not be more misguided or inappropriate. The DEIR not only fails to acknowledge the significance of the Federation’s aesthetic concerns, it dismisses those concerns as “subjective,” as if the subjective nature of aesthetic concerns was an improper basis for objection. Contrary to the DEIR’s offhand dismissal of aesthetic concerns, CEQA requires the lead agency to identify the overall aesthetic impact that a project might have on the surrounding environment and propose feasible mitigation measures. *Ocean View Estates Homeowners Ass’n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 402. To characterize a project’s aesthetic impacts as “merely subjective” is to miss the entire point of the aesthetic inquiry mandated under CEQA. Consideration of the overall aesthetic impact of a project “by its very nature is subjective.” *Id.*; *Pocket Protectors v. City Of Sacramento* (2004) 124 Cal. App. 4th 903, 938. “Any substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA.” *Ocean View*, 116 Cal. App. 4th at 401. This inherently subjective inquiry, and opinions about its significance, is “not the special purview of experts. As a result, [p]ersonal observations on these nontechnical issues can constitute substantial evidence.” *Pocket Protectors*, 124 Cal. App.4th at 938. And the opinions of citizen groups like the Hillside Federation and its members represent substantial evidence that the proposed “skybridge” and parking/field structure would significantly impair the character of the Santa Monica Mountains environment, thereby mandating the consideration of feasible alternatives, mitigation measures, and ultimately, if there are only insufficient mitigation measures, a clear and accurate description of the aesthetic damage that would likely result from the governmental decision to approve this environmentally damaging project. That is the type of governmental accountability that CEQA mandates.

The significance of the skybridge’s adverse impact on the scenic Santa Monica Mountains environment is reflected by the community response to a similar architectural project—occurring in an area that lacks the unique and natural beauty of the Santa Monica Mountains. The Studio

City Neighborhood Council recently filed a motion opposing the proposed public pedestrian bridge at the Redline Metro Station in Studio City, which would connect to Universal Studios. If, as the Studio City Neighborhood Council unanimously determined, this proposed bridge would be an eyesore, negatively impacting the community, then there can be no question that the proposed private skybridge traversing a scenic highway within the Santa Monica Mountains, with ancillary structures within designated open space land, would represent "nothing less than the urbanization of one of the Santa Monica Mountains' great and historically significant canyon roads." (HF Comment letter, Aug 16, 2013)

The DEIR further minimizes the Federation's and community's aesthetic concerns by characterizing them as involving nothing more than a mere "annoyance" to a few neighbors. (DEIR, pp. 3.1-14, 3.7-16.) That is an absurd and factually baseless dismissal of both aesthetic impacts and the Federation, with its broad-based membership of more than 40 organizations dedicated to protecting the integrity of the Santa Monica Mountains.

The Federation is also concerned about the precedent setting nature of a private pedestrian bridge over Coldwater Canyon, a designated scenic highway. Such a bridge will set a dangerous precedent that other schools and institutions may use to build similar structures across scenic roads within the Santa Monica Mountains, including on Mulholland Drive where numerous schools and religious institutions may use an approval of this skybridge as precedent to build their own. The city must consider in its EIR for this project, the cumulative impact of the foreseeable possibility that other institutions will build similar bridges within the Santa Monica Mountains. These types of skybridges, if allowed, will forever mar our treasured mountains and vistas.

The DEIR also fails to adequately consider our concern that the proposed structures and associated nighttime illumination on the west side of Coldwater "would also have an adverse impact on wildlife habitat and corridors." (HF Comment letter, Aug 16, 2013) The Santa Monica Mountains Conservancy, an independent state agency, has concluded that the mitigation measures provided in the DEIR are woefully inadequate and that the excavation of 135,000 cubic yards of soil, massive retaining walls, and subsequent nighttime illumination and noise pollution will create a "multi-acre disturbance zone" with an "unavoidable significant adverse biological impact." (Santa Monica Mountains Conservancy ("SMMC") Comment Letter, Sept 23, 2013). We also share the Conservancy's concerns that the DEIR has not adequately addressed the disturbance to the hillside and woodland habitat, which will have significant ecological and biological impacts. (SMMC Comment Letter, Nov. 4, 2013). *The DEIR conclusion that there will be no significant impact to biological resources is similarly insupportable.*

Also, of particular concern to the Hillside Federation as expressed in our August 16th letter, is the intention of Harvard-Westlake School to "bypass the Charter-mandated procedures for seeking variances. The project calls for variances (and exceptions) from, among other requirements, zoning laws, setback limits, grading restrictions, excavation limits, and airspace and height restrictions." (HF Comment letter, Aug 16, 2013) The DEIR does not address this

concern nor the precedential impact of allowing this end-run around the Baseline Hillside Ordinance (BHO). The DEIR even makes the baseless claim that the BHO does not apply to school uses. This assertion is inconsistent with the BHO's plain language and likewise contravenes the BHO's animating policy of preventing hillside degradation without regard to the identity of those who would engage in such conduct. In sum, this particular land, designated "desirable open space" in an exclusively residential hillside community, is not appropriate for the proposed use.

The DEIR also fails to consider reasonable alternatives to the proposed project. It improperly dismisses the possibility of reducing demand for parking and the use of satellite parking for major events, even though numerous other schools have successfully instituted such programs. Indeed, the neighboring Buckley School recently abandoned its parking expansion plans and instead has successfully reduced demand and used satellite parking for major events. The DEIR also fails to document any actual need for the project, making its cavalier dismissal of parking alternatives on the current campus footprint unsupportable.

For these reasons, the Federation renews its strong opposition to this project, which would set a dangerous and unwelcome precedent that would place at risk the natural integrity of hillside areas throughout the Santa Monica Mountains. We strongly urge the City to only consider alternatives on the east side of Coldwater Canyon, which would be far less impactful, destructive and disruptive to the character of the hillsides.

Sincerely,

Marian Dodge

Marian Dodge

cc:

Paul Krekorian, CD 2

Tom LaBonge, CD 4

Michael LoGrande, Director, Department of City Planning

Nick Hendricks, Department of City Planning

Studio City Neighborhood Council

Santa Monica Mountains Conservancy