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PROTEST

June 17, 2008

Subject: Case No.: CPC 2006-7806-CU-SPE-SPR
CEQA No.: ENV-2004-7171-EIR
Buckley School Expansion Project

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Dear City Council Members:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) and Parcel Map split for the Case No.: CPC 2006-7806-CU-SPE-SPR.

This document is being filed on behalf of the Sherman Oaks Homeowners Association regarding the proposed expansion of the Buckley School (sometimes referred to as the Applicant), a private school surrounded by a residential neighborhood, a state park and Santa Monica Mountains Conservancy property. Condition #14 of the Buckley School's current Conditional Use Permit from 1965 states the following, "...that the authorized use shall be conducted at all times with due regard for the residential character of the surrounding area." We submit to you that the Buckley proposal does not meet that standard and further that the City's proceedings regarding the proposal have been conducted in a way that denied due process of law.

The following topics are addressed in the EIR:

HEIGHT EXEMPTION: The Buckley School enhancement plan sets the worst possible precedent for institutional uses located in single-family residential areas in the City of Los Angeles. The school is asking to be excused from every regulation regarding building height in the RE-40 zone, the Hillside Ordinance, and the Mulholland Scenic Parkway in which the property sits, improvement of frontage on city right-of-way, and every restriction that enabled them to obtain their original Conditional Use Permit related to hours of operation, total student population, and traffic count. In the case of building height, in an area of one and two story homes they are asking for permission to construct buildings 54 feet in height, **18 feet** above the current height limit proscribed in the RE-40 zone, and not for any reason related to hardship, but because it suits them.

INCREASE IN SIZE: The increase in the student population will also mean additional numbers of staff and support personal. Approximately 1000 people will now be accessing and departing a campus, which sits at the end of a small residential cul-de-sac, every single school day, a number far beyond the capacity of adjoining residential streets ability to support. In addition, the school is projecting an approximate time frame for construction of approximately seven years. That means seven years of construction related traffic and noise that the surrounding property owners must endure.

DRAINAGE: The project will entail approvals of an NPDES permit and Stormwater Pollution Prevention Plan. Fragmentation of project approvals can result in fragmented analyses. The project description must list all necessary approvals and include a list of the agencies that are expected to use the EIR in their decision-making.

NOISE & DECIBEL LEVELS: The EIR does not provide acceptable mitigation for unhealthy construction noise that will occur over a period of at least seven years. The EIR compares the noise which will emanate from the project to that of regular residential construction. Clearly, this does not take into account noise reverberation that will result because the project is located in a canyon and noise will travel to the more than 100 homes located up the canyon. In addition, we question accuracy of the placement map of the sound devices as well as the sound measurements that were used for the basis of creating the sound level report.

STORMWATER/DISCHARGE: Last minute revisions made to staff recommendations on the EIR and Parcel Map allow the Applicant to make minimal street improvements on Camino de la Cumbre as opposed to the original recommendations of the Bureau of Engineering. The action taken by PLUM on June 10, 2008 allows the Applicant to fulfill its obligations to repair the street it has used for commercial purposes for forty years by installing only 55 feet of footing and replacing the current asphalt berm with another asphalt berm. The EIR does not discuss the ramifications of using asphalt on the 1900 linear feet of curbing adjacent to the Buckley School's property, instead of the recommended concrete curb and gutter. The street south of the Applicant collapsed three years ago resulting in its closure for several months and repair work paid for by FEMA funds. The asphalt on Camino de la Cumbre is currently disintegrating and the street is sandbagged in several locations. The EIR does not address how this will be prevented in the future or contain a proper drainage plan for the street if asphalt berms are utilized.

DISREGARD OF BOE RECOMMENDATIONS: The PLUM recommendation completely disregards the BOE's street improvement recommendations for Camino de la Cumbre. The BOE recommended street widening, undergrounding of utilities, sidewalks, concrete curbs and gutters and street lighting. After intense lobbying from the Applicant, the only requirement that was recommended by the City Planner was concrete curbs and gutters. PLUM eliminated this recommendation and replaced it with the requirement of asphalt berms. There is a nexus that was completely disregarded. The homeowners nearest to the Applicant on Camino de la Cumbre were required by the City of Los Angeles to install curbs and gutters before they could acquire their Certificates of Occupancy on their newly built homes. The Applicant should be held to the same standard. Instead, while the City of Los Angeles is undergoing a financial crisis, PLUM is allowing the Applicant to be exempt from basic improvements that would be required of any other project of this magnitude. In addition, the PLUM committee recommended that the re-paving of Camino de la Cumbre be moved up to 2008-2009 and that the City of Los Angeles cover the expense of the re-paving. The BOE had recommended that the Applicant be required to pay for this improvement. This presents the question as to why elected City officials on PLUM are not requiring the Applicant to make the street improvements initially recommended by the City Planner and its experts at the BOE.

TRAFFIC MITIGATION & TRAFFIC ANALYSIS: The traffic mitigation plan offered by the Applicant is insufficient and not consistent with other private schools. The Applicant has refused to make sufficient use of its busing program that could significantly reduce traffic on an already impacted streets. In addition, the traffic figures used in determining the TDM were inaccurate and out of date, and when SOHA introduced new figures from a recent traffic study prepared by the same traffic engineering firm, the new information was not accurately addressed. The professional traffic analysis arranged for by SOHA showed that traffic will increase with the completion of the project. In addition, traffic mitigation plans submitted by SOHA (including underground traffic loops) were not fairly examined. The Applicant gave inaccurate pricing information for the traffic loops at the City Planning Council presentation that was not sufficiently corrected and therefore the basis on which the traffic loops were excluded is faulty. Finally, there are mistakes in the AVR calculation for the traffic mitigation, there are inconsistencies as to when the traffic mitigation is to begin and the penalties for violating the traffic mitigation measures are not included in the conditions of approval but are relegated to the traffic demand management plan, a document to be worked out by Buckley and the Department of Transportation without any public involvement.

CONSTRUCTION RELATED ISSUES: The Applicant has not adequately shown in the EIR how construction trucks and related traffic will impact the neighborhood and how these problems will be mitigated. The time frame of construction as well as construction days which are referred to in the Parcel Map application have not been adequately addressed and are vague. Councilman Jack Weiss' office has stated that this will be covered under the CUP in PLUM, but this has led to conflicting recommendations from PLUM and the City Planner working on the CUP.

DUE PROCESS: The residents of Sherman Oaks have been denied due process in these proceedings. The City Planning Commission held a hearing on May 22, 2008 and subsequently, Councilman Jack Weiss submitted a 245 motion to the City Council that was passed. This gave the City Council jurisdiction over the matter. At the PLUM meeting on June 10, 2008, Councilman Jack Weiss advised the Applicant and appellants that the only matter that could be discussed were the improvements to Camino de la Cumbre. The denial of an opportunity to respond to the staff report documents at PLUM in a public forum (and the public's participation in such rebuttal as well as the opportunity for the City Council to review all relevant documents) resulted in denial of a full and fair hearing for the neighbors.

In addition, inadequate notice of the various steps in the proceedings has been given and we have not been provided the documents relevant to the PLUM and City Council hearing on a timely basis.

To deprive the neighbors and the public of a hearing at which evidence and arguments can be presented is at odds with the City Council's duty to provide a fair administrative hearing and provide meaningful public disclosure. (Lacy Street Hospitality Service, Inc.

v. City of Los Angeles (2004) 125 Cal. App 4th 526 (unpublished); see also Pub. Resources Code, SS 21000,21001; Civ. Code Proc., Subd. (b) (fair administrative trial requirement.)

As currently presented, the EIR is inadequate to fulfill the purposes of CEQA. The document must be revised and re-circulated in order that the public and decision makers may be fully informed of the impacts of the proposed project.

All prior letters and comments submitted in this case by SOHA are hereby incorporated.

Thank you for this opportunity to provide these comments. Please keep us informed regarding the progress of this project, including but not limited to any hearings or release of additional documentation.

Respectfully submitted by,



Vivian Gumbiner, Ellen Vukovich
On behalf of the Sherman Oaks Homeowners Association