

required mitigation for the project, it is not analyzed in the Draft EIR. Therefore, for purposes of this Final EIR, the comment is noted for the record and will be forwarded to the decisionmakers for their consideration as part of the CUP approval process.

**LETTER NO. 10**

No Date

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**Comment 10.01**

General Comment:

*The site has been rezoned once to increase density (additional dwellings) – now again? The Porter Ranch development has already placed a burden on this area – now more? The floor area of the proposed project is equivalent to 60 dwellings currently rezoned for only 7. We believe this neighborhood has already done its fair share to promote growth/commerce in LA.*

**Response 10.01**

No zone change is required for the project and no such change is, therefore, being requested. The proposed school would be developed in accordance with existing zoning for the site. As stated in Section IV.G, Land Use (pages IV.G-21 through 22) of the Draft EIR, “Private school uses are permitted in the RE zone by Conditional Use Permit (CUP) under City of Los Angeles Planning and Zoning Section 12.24(U), subsection 24(b)...School development and operation adhering to vesting Conditional Use provision would be considered consistent with the RE11 zone. The project would be consistent with uses allowed under the existing zoning by the CUP process and by right, and no zone change would be required.”

Pursuant to the current zoning for the site, a maximum of 26 residential units could be built across the entire 4.89-acre site, not seven, as stated in the comment. However, for purposes of providing a conservative alternative’s analysis, Alternative 2 (No Project/Eight Single-Family Residential Development Lots and Retain Existing Residence Alternative) assumed that a total of eight new residences would be developed on-site and the existing on-site residence would be retained. Furthermore, while it is unclear how the determination that the floor area of the project is equivalent to 60 residential units was made, to apply equivalencies across uses based solely on floor area does not provide an accurate comparison, as the layout of the site and residential lot requirements do not allow for direct correlations. Nonetheless, the comment is noted for the record and will be forwarded to the decisionmakers for their consideration.

Finally, growth-inducing impacts are analyzed in Section V.C of the Draft EIR. As stated on page V-4 of that section, "...the project would not remove obstacles to population growth, result in an increase in the population that may tax existing community service facilities, or encourage or facilitate other activities that could significantly affect the environment or the area, either individually or cumulatively. Thus, the project would not result in significant growth-inducing impacts."

**Comment 10.02**

Specific Comments:

II-A: Project Description

*Special Events/School Events (page II-16): We are opposed to events occurring during typical non-school hours or on holidays or weekends. These activities are not conducive to our low density residential area. We suggest you use the existing school's facilities for these events.*

**Response 10.02**

See Response Nos. 6.07 and 7.04 concerning expected hours of operation for special events. While many athletics and performing arts events do conclude prior to 5:00 or 6:00 PM, due to the nature of such events, the scheduling requirements of a secondary school campus and the ability for friends and family to attend events after work, it is not feasible to schedule all athletic and performing arts events such that they would be completed prior to 5:00 or 6:00 PM.

Additionally, due to scheduling conflicts and the need for separate facilities for a secondary school program, it is not feasible for the proposed secondary school to utilize the elementary/middle school facilities for all of its athletics and special events needs. The use of these off-site facilities would also generate additional impacts associated with increased intensity of use at the elementary/middle school as well as impacts associated with transporting students to an off-site location for all such events. In addition, extra-curricular and other program-enriching activities are an integral part of any secondary school. Thus, in order for the school to meet its programmatic needs, it is necessary that the school be permitted to hold certain events and activities during non-typical school hours. Nonetheless, the comment is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.03**

*Project Phasing: Adequate on site parking must be constructed prior to occupying any temporary classrooms.*

**Response 10.03**

Phasing for the proposed project is discussed in Section II, Project Description, pages II-15 through 16 of the Draft EIR, and revised per Correction and Addition No. II-5. During the initial site occupancy phase, temporary classrooms would be provided in up to 10 modular units. To accommodate parking needs during this initial site occupancy phase, 51 surface parking spaces would be provided, which would be in place prior to operation of the temporary classrooms. As the parking level would be constructed during the first construction phase, parking needs during subsequent phases of construction would be met per Los Angeles Municipal Code requirements, as discussed in Section IV.J, Transportation and Circulation of the Draft EIR.

**Comment 10.04**

*Also, how long will this temporary school be operated? We see little discussion regarding operational criteria and mitigation measures for the temporary school. This is a separate project by itself and needs to be thoroughly discussed!*

**Response 10.04**

As discussed in Section II, Project Description, page II-16 of the Draft EIR, installation of the modular classrooms is expected by Fall of 2006 and construction of the classroom building would be completed in time for operation in the 2007-2008 school year. Thus, the initial site occupancy phase would occur for one school year. The majority of all mitigation measures identified in the Draft EIR will be required either during construction or prior to issuance of any building permits, including any temporary permits (see Section IV, Mitigation Monitoring and Reporting Program of this Final EIR). Therefore, the initial site occupancy phase was considered in the analysis and any resulting impacts from operation of this phase have been analyzed and mitigated, as necessary. However, the comment is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.05**

IV-A: Aesthetics/Views

1. *The variance requested is for a 69' height as opposed to the 45' max height limitation (i.e. exceeds by 53%). Additionally, this height increase will appear even higher since the school is to be built on a hill above the local residences.*
2. *No detailed explanation is given as to why there must be a significant height variance. Some parts could be built below grade.*

**Response 10.05**

As stated in the comment, the project requires relief from the 45-foot height limit within the existing RE11 and A2 zones. The City Planning Commission is authorized to grant such relief in appropriate circumstances pursuant to Los Angeles Municipal Code Section 12.24(F). No variance, as authorized by Los Angeles Municipal Code Section 12.27, is required or is being requested by the applicant. Pursuant to Los Angeles Municipal Code Section 12.03, all of the heights of the proposed school structures are measured from the lowest point of the adjacent grade within five feet of the structure. Therefore, due to the sloping nature of the site, these heights are considered worst-case. When measured relative to the immediate adjacent grades, most of the classroom building would range in height from between 45 and 60 feet and most of the performing arts center would range in height from between 40 and 53 feet. These proposed building heights would be no greater than three stories. Furthermore, the design of the proposed structures would complement the site's landform and sloping topography, thereby creating a uniform character and general height across the site's frontage. The design takes advantage of the sloping grade to place a parking level within the lower elevations of the campus with the classroom building and performing arts center built entirely above, the parking level and the athletics and administration building constructed partially above this facility.

The heights are proposed in order to accommodate a 550-student secondary school. Should the school not receive relief from the height limit, the project would have to be significantly downscaled and, as a result, would likely not be able to meet the facility and financial requirements of a 550-student secondary school. Such an alternative to the project was

addressed as Alternative 3 (Reduced Enrollment/Modified Project Alternative) in the Draft EIR, on pages VI-18 through 26. This alternative reduced building heights by reducing enrollment and developing subterranean parking. Under the alternative, enrollment dependent environmental impacts would be reduced, while construction and development related impacts would increase. Finally, it should also be noted that residential uses are afforded similar relief procedures pursuant to the Los Angeles Municipal Code (i.e., a variance pursuant Section 12.27 of the Los Angeles Municipal Code) to allow for increased heights.

**Comment 10.06**

3. *Construction of the homes and property line walls south of Rinaldi prior to opening the school would help alleviate this significant aesthetic impact on existing adjacent homes.*

**Response 10.06**

The significant aesthetic impact of the project (identified and analyzed in Section IV.A of the Draft EIR) is related to the contrast between the project's features and existing site features. Thus, while the construction of new residences in the area may reduce this impact by acting as a buffer to other residences, it would not likely eliminate it. Furthermore, the school has no control over when residences or associated structures are constructed. Thus, while the residences south of Rinaldi Street and west of Lurline Avenue are considered in the cumulative analysis (Related Project No. 3), they cannot be employed as project mitigation. Should the related project and any accessory walls be developed as a part of that subdivision prior to construction of the school, any associated benefit would occur at that time and independent of the school's construction schedule. The comment is, however, noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.07**

IV-B: Air Quality

*Construction Mitigation Measures: The Porter Ranch Developer has done a poor job at keeping dust under control in this windy area. We need a 24-hour hot line to call for an immediate response.*

**Response 10.07**

As stated in Section IV.B, Air Quality of the Draft EIR, the project would comply with the South Coast Air Quality Management District's (SCAQMD) Rule 403 Fugitive Dust Control Measures, which control daily dust and PM<sub>10</sub> emissions during construction. Mitigation Measures IV.B-1 through IV.B-10 on page IV.B-18 of the Draft EIR would further ensure proper implementation of Rule 403. Rule 403 is attached (Appendix F) to the Air Quality and Noise Impact Technical Report, which is included as Appendix D of the Draft EIR. Compliance with these measures will be monitored through field inspections undertaken throughout project construction. However, should a neighbor have a specific concern regarding construction, a mitigation measure has been added to this Final EIR that requires that a 24-hour hotline be provided to address construction-related air quality complaints (see Correction and Addition No. IV.B-6 in Section II, Corrections and Additions of this Final EIR). Specifically the new measure is as follows:

Mitigation Measure IV.B-11: During construction, a 24-hour hotline shall be established for residents to register air quality complaints and inquire about the

construction process. Upon receipt of complaint, the cause of the complaint shall be determined, including the specific activity and location, and reasonable measures shall be implemented to resolve the complaint, including but not limited to, additional watering, covering of stockpiles, and other related dust control measures. Any construction notices circulated to area residents, as well as signs posted at the construction site, shall list the telephone number for the coordinator.

**Comment 10.08**

*IV-B-8: Suspend operations when wind gusts exceed 25 mph and begin an aggressive watering schedule.*

**Response 10.08**

SCAQMD's Rule 403 addresses wind gusts as well as watering. Mitigation Measure IV.B-8 requires that operation on any unpaved surfaces be suspended when winds exceed 25 miles per hour and Mitigation Measures IV.B-1 through IV.B-4 and IV.B-7 all address watering. However, in response to this comment, Mitigation Measure IV.B-8 has been revised (see Correction and Addition No. IV.B-5 in Section II, Corrections and Additions of this Final EIR), as follows:

Mitigation Measure IV.B-8: Operations on any unpaved surfaces shall be suspended when winds, including wind gusts, exceed 25 miles per hour. In addition, when winds exceed 25 miles per hour, all unpaved surfaces and stockpiles shall be watered.

**Comment 10.09**

IV-H. Noise

*General: There is no adjustment in noise calculations for:*

- 1. School height above existing residences*
- 2. Normal daily afternoon breeze/wind from the Northwest.*

**Response 10.09**

Section cuts and oblique views of the project site were taken into consideration when estimating noise levels at existing residences. Based on reviews of section cuts and oblique views of the proposed project, it was determined that the school would have a direct line of sight to existing residences. Noise levels were, therefore, calculated assuming that no barriers would be located between the existing residences and the proposed school.

Wind in the vicinity of the project site, as recorded by SCAQMD, indicates that northwesterly winds occur less than seven percent of the time in the afternoon. According to SCAQMD wind data, afternoon winds predominately come from the southeast. Thus, afternoon winds would generally be directing noise away from the residences. Additionally, wind direction varies depending on the time of day and season. Adjustments for northwesterly winds were not accounted for because afternoon winds from the northwest do not occur frequently.

**Comment 10.10**

*Construction Noise: Table IVH-7 indicates significant impact of construction noise to local residents based on conservative (high) noise estimates for the completed Rinaldi St. What will be construction noise impacts if Rinaldi St. noise is significantly less?*

**Response 10.10**

As concluded in Section IV.H, Noise (page IV.H-9 and 10) of the Draft EIR, the project would have significant construction noise impacts prior to mitigation at the proposed classroom building (receptor no. 1) as well as at the residences on Lurline Avenue and south of Rinaldi Street (receptor nos. 2 and 3, respectively). This conclusion is based on worst-case estimates for construction noise impacts (assuming no barriers or attenuation between the construction noise source and the receiver) and future traffic volumes used to estimate ambient noise levels when the Rinaldi Street extension is completed. Traffic volume estimates were determined by, and to the satisfaction of, LADOT. As they are estimates, these predicted existing noise levels may not be exact, but LADOT does not anticipate that traffic volumes on Rinaldi Street would be less than estimated. Therefore, the estimates are assumed to be accurate and valid for purposes of providing a reasonable analysis.

**Comment 10.11**

**Operation**

*General (pages H13-14): Noise from car alarms, horns, radios, bells, PA and chimes are averaged into continuous noise to lead to the conclusion they are not a significant impact. This is not true if you live close to these nuisance noises. Additional mitigation is needed for these short term noises.*

**Response 10.11**

As suggested by the comment, Mitigation Measure IV.H-7 has been revised to address potential nuisance noise from car alarms, horns, radios, bells, the public address system, and chimes (see Response to Comment No. 5.02 and Correction and Addition No. IV.H-13 included in Section II, Corrections and Additions of this Final EIR).

**Comment 10.12**

*Athletics Center and Performing Arts Center: All exit doors should face away from residences or have a permanent sound barrier constructed in front of them.*

**Response 10.12**

The main entry and exit doors to and from the athletics center and performing arts center face into the school's interior plaza and away from residential areas. However, the doors on the southeast side would not have a direct line-of-sight to nearby residences as these doors provide access to the hallways of the performing arts center rather than directly to the auditorium. Additionally, the classroom building is located between the performing arts center and nearby residences to the southeast (see Correction and Addition No. IV.H-10). Thus, noise generated within these facilities would not be audible at the residences south of Rinaldi Street.

**Comment 10.13**

*Aquatics Center and Campus Plaza: Any amplified noise/PA system shall be designed and operated to be inaudible at 150' from school property line. This is consistent with L.A. City municipal code governing noise that private residences can emit (Chapter XI, Sections 112.01 and 114.04). Design should allow for typical wind.*

**Response 10.13**

As suggested by the comment, Mitigation Measure IV.H-7 of the Draft EIR has been revised specifically to ensure that noise generated from the chimes and public address system would be consistent with Sections 112.01 and 114.04 of the City of Los Angeles Noise Ordinance (see Response to Comment No. 5.02 and Correction and Addition No. IV.H-12 in Section II, Corrections and Additions of this Final EIR).

According to SCAQMD wind data, winds predominately come from the southeast in the project area. Thus, typical wind in the area would direct noise away from the residences.

**Comment 10.14**

**Mitigation**

*H1: How will they be monitored? What are suitable noise attenuation devices? Playing of radios/boom boxes shall not be permitted on the construction site.*

**Response 10.14**

As stated in the Mitigation Monitoring and Reporting Program included as Section IV of this Final EIR, Mitigation Measure IV.H-1 would be monitored by field visits throughout construction and would be documented in quarterly certification reports. If the contractor does not meet the requirement to use equipment that is equipped with mufflers or other noise attenuation devices, the contractor would be in breach of contract and appropriate penalties would be applied. Suitable noise attenuation devices include noise barriers (e.g., acoustical blankets), mufflers, and air intake silencers. The use of radios/boom boxes on the construction site would also be required to comply with Section 112.01 of the City of Los Angeles Noise Ordinance.

**Comment 10.15**

*H2: Send notice to residences within 1/4 mile of the site.*

**Response 10.15**

Mitigation Measure IV.H-2 states that all residential units within 600 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. The distance of 600 feet was used as a benchmark because residences living within 600 feet of the project site would experience incremental increases in noise levels of five decibels or more, which is the City of Los Angeles' significance threshold during construction activities, prior to the implementation of mitigation measures. For mitigation purposes, it is not necessary to provide notices to residences who live more than 600 feet from the project site because these residences would not be significantly impacted during construction of the project site. However, the comment is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.16**

*H3: Disturbance call response should be within 10 minutes. Notice to residences within 1/4 mile of site.*

**Response 10.16**

See Response to Comment No. 10.15 regarding the suggestion that residences within ¼ mile of the site receive notices. Additionally, Mitigation Measure IV.H-3 has been revised to require prompt attention to any construction noise complaints as follows (see Correction and Addition No. IV.H-11 in Section II, Corrections and Additions of this Final EIR.):

Mitigation Measure IV.H-3: A “noise disturbance coordinator” shall be appointed. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. Upon receipt of any complaints, the disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint. The noise disturbance coordinator shall respond to the complaint as soon as it has been received, and preferably within 10 minutes of the call. All notices that are sent to residential units within 600 feet of the construction site and all signs posted at the construction site shall list the telephone number for the noise disturbance coordinator.

**Comment 10.17**

*H4: Following the standard LA City Code is not acceptable mitigation for construction of a 120,000 square foot facility in a low density residential zone. Construction should be limited to Monday through Friday from 7am to 4:30pm, and no construction on Saturdays, Sundays, and holidays. (This site was already rezoned and increased in density for the construction of only 7 dwellings.)*

**Response 10.17**

Compliance with Chapter IV, Section 41.40 of the City of Los Angeles Municipal Code as addressed by Mitigation Measure IV.H-4 would ensure that nearby residences would not be exposed to construction noise during the night when residents are sleeping. Specifically, Section 41.40 of the Noise Ordinance prohibits construction in any residential zone, or within 500 feet of land so occupied, before 8:00 AM or after 6:00 PM on any Saturday, and at any time on Sunday and that construction activities shall not be conducted in a manner as to disturb the peace and quiet of neighboring residents or any reasonable person of normal sensitiveness residing in the area. The Draft and Final EIRs also include a number of other mitigation measures that would further ensure that nearby residences would not be exposed to noise levels greater than five decibels (City of Los Angeles’ significance threshold) and that any complaints associated with construction of the proposed project would be resolved. The comment’s request for construction hours that exceed the City of Los Angeles Noise Ordinance requirements for residential areas is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.18**

*H5: What is the duration of the construction sound barrier?*

**Response 10.18**

The sound barrier would be placed along the perimeter of the construction site during the grading/excavation, foundation, and structural phases of construction.

**Comment 10.19**

*H7: (Same as Aquatics Center Comment).*

**Response 10.19**

See Response to Comment No. 10.13.

**Comment 10.20**

*H8: There should be no special events outside of normal school hours and normal school days. This is a low density residential area and should not be disturbed at all by the school during typical leisure time.*

**Response 10.20**

See Response Nos. 5.04, 6.07 and 7.04 for a discussion of special events that would occur on the project site. The comment's objection to special events held outside of regular school hours during the week is noted for the record here and will be forwarded to the decisionmakers for their consideration.

**Comment 10.21**

*Note: A possible noise mitigation measure that was not included is requiring the houses and block fences planned for south of future Rinaldi St. to be constructed prior to the school opening. This would help create a buffer zone from school and Rinaldi St. noise. This could be a major mitigation for the local residents.*

**Response 10.21**

While the proposed seven-lot subdivision on the south side of Rinaldi Street (Related Project No. 3 in the Draft EIR) may act as a noise barrier of sorts, it is not under the ownership or control of the school. Therefore, Related Project No. 3 cannot be employed as mitigation for the project. Any block fences or other attenuation barriers developed on the south side of the Rinaldi Street extension within or adjacent to the proposed subdivision would have to be undertaken by that property owner (Shapell Industries) in concert with the City of Los Angeles, and any attenuation benefit that could be provided by Related Project No. 3 would further reduce any estimated noise levels at neighboring locations as analyzed in the Draft EIR. In addition, during circulation of the Draft EIR, the applicant held community meetings with neighbors and made a presentation to the Chatsworth Neighborhood Council, and, as a follow-up to that outreach, the school indicated a willingness to increase the height of a block wall along the south side of the existing Rinaldi Street right-of-way and to close the current opening allowing pedestrian access from the terminus of Oklahoma Avenue to Rinaldi Street (see Response to Comment No. 9.01). However, how it would be implemented has not been determined, given that the existing wall and opening are not under the control of the applicant.

Should individuals pursue construction of the wall extension, the school would undertake the construction pursuant to City approval (assuming that the wall and opening are within the public right-of-way) and would fund the cost of that construction. However, construction of the wall extension is not included as part of the project nor is it a required mitigation measure for the project. As such, it is not analyzed in the Draft EIR.

**Comment 10.22**

Significance After Mitigation

*Parking Level Noise: Intermittent noise (car alarms, horns, radio, etc) is significant to the community. The parking structure southwest wall should be closed off or have a permanent sound barrier placed in front of it*

**Response 10.22**

Mitigation Measure IV.H-7 of the Draft EIR has been revised to address potential nuisance noise from car alarms, horns, radios, bells, the public address system, and chimes (see Response to Comment No. 5.02 and Correction and Addition No. IV.H-13 in Section II, Corrections and Additions of this Final EIR). The request to enclose the southwest wall of the parking structure is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.23**

*Chimes and P.A. Noise: Same as response to H7.*

**Response 10.23**

See Response to Comment No. 10.13.

**Comment 10.24**

*Special Event Noise: Same as response to H8.*

**Response 10.24**

See Response to Comment No. 10.20.

**Comment 10.25**

*Last sentences of Chapter IV-H reads: 'Thus, the proposed project would contribute to significant cumulative noise impacts over a 24-hour period at this location. This impact is considered cumulatively significant and unavoidable.'*

1. *However, we see no analysis to show that the 'unavoidable' impact on the Lurline residences is truly unavoidable. Please clarify."*

**Response 10.25**

The proposed project would not contribute to cumulative noise impacts at residential uses on Lurline Avenue. Although noise levels at these residences would cumulatively increase by 14

dBA, which exceeds the significance threshold of a five decibel or more increase in ambient noise level, the proposed project would contribute to approximately two decibels of the cumulative noise increase. The two decibel contribution from the proposed project would not be perceptible by the general public and the five decibel threshold would still be exceeded even without implementation of the proposed project. Additionally, cumulative noise levels would remain within the “conditionally acceptable” category of the Land Use Compatibility Chart. Thus, unlike the receptor on the south side of Rinaldi Street (receptor no. 3 in the Draft EIR) where the 1 dBA CNEL increase would push future ambient noise levels into the “clearly unacceptable” category (see page IV.H-18 of the Draft EIR), the proposed project is not anticipated to contribute to cumulative impacts at the analyzed Lurline Avenue location (receptor no. 2 as identified in the Draft EIR).

**Comment 10.26**

IV-J: Transportation and Circulation

Parking:

1. *Calculation of 236 spaces was done using zoning code requirements for assembly areas. Please explain how 136 spaces is enough for 550 students every day. (236-100 staff spaces = 136 student spaces – 1 space per 4 students.)*

**Response 10.26**

Since this is a private school, a great amount of control can be exercised over the student parking and driving behavior. As limited parking would be made available to students, most students will be dropped off and picked up by parents. Permits will be provided to eligible drivers to park at the school, thereby controlling the number of student drivers and, subsequently, the number of parking spaces necessary to accommodate these drivers. Additionally, as described by Mitigation Measure IV.J-1 and as revised by Correction and Addition No. IV.J-8, “the TDM plan would only allow junior and senior students to drive when accompanied by one other student (two-student carpool)”. Parking permits would not be issued for students who wouldn’t carpool and would be limited to junior and senior drivers. Thus, adequate on-site parking would be provided for day-to-day school activities.

**Comment 10.27**

2. *How will you assure cars are not parked on adjacent residential streets due to heavy DeSoto Ave. traffic for typical school days (or special events, page J28)?*

**Response 10.27**

In response to this comment, and other comments concerning parking, additional mitigation has been added to this Final EIR that would require the school to prohibit any parking on residential streets and that would provide an on-site Parking Management Program (refer to Correction and Addition Nos. IV.J-11 through 13). Additionally, parking will be available along both sides of Rinaldi Street in the vicinity of the proposed project. During larger events the school will provide off-site parking locations where the attendees can park and then shuttle to the campus. See Response to Comment Nos. 5.04 and 8.02 concerning this issue.

**Comment 10.28**

3. *How will you assure that parents will not use Nashville or Lurline to drop off students "across the street from the school?"*

**Response 10.28**

The Rinaldi Street extension will be a major highway carrying large volumes of traffic at a speed not conducive to crossing. There will be sufficient on-site accommodations for drop off and pick up activities internal to the campus parking level and parents will be instructed to use these accommodations. Additionally, as addressed by Response to Comment No. 10.27, new mitigation is provided that will prohibit parking on these streets and will include enforcement authority to rescind driving privileges. As described in the TDM plan, the school will also be encouraging parents and students through periodic newsletters to be aware of the surrounding community and to be a good neighbor by not intruding into the neighborhood. Nevertheless, as Nashville Street and Lurline Avenue are public streets, it is impossible to ensure that none of the project-related traffic will utilize these roadways (although there is no direct access to the school from any of these streets). The comment is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.29**

Mitigation Measures:

J1:

1. *How will you enforce (mandatory student) two person car pool rule?*

**Response 10.29**

Students will be required to receive a parking permit before being permitted to drive to and from school. In order to receive a permit, the student will be required to list the name of the other student(s) with whom they will be carpooling. Additionally, the arrivals and departures of the students will be monitored by school personnel through random vehicle checks. If school personnel determine that a student is parking on the campus who is not carpooling, the student will have their parking permit revoked and the permit will not be reinstated until the student complies with the carpooling mandate.

**Comment 10.30**

2. *Explain TDM numeric goals and how you will meet those goals so that 136 student parking spaces are adequate. The DEIR provides only a general guideline.*

**Response 10.30**

The project's overall TDM goal is to achieve a 25 percent reduction in trips (see Appendix A of the traffic analysis which is included as Appendix I of the Draft EIR). This means that one out of every four cars that would otherwise have been accessing the site will not be on the roadway network because of student ridesharing. This is an overall goal for vehicle trip reduction for parents dropping off students (who do not park), school personnel, and student drivers. The TDM plan includes components to encourage ridesharing through incentives as detailed in Appendix A of the traffic analysis included as Appendix I of the Draft EIR. Additionally, refer to

Response to Comment No. 10.29 for a discussion of how mandatory student carpooling will be enforced.

**Comment 10.31**

3. *The TDM study should be done twice a year (Spring and Fall). How many days are studied?*

**Response 10.31**

The LADOT will require monitoring of the TDM plan once per school year on a random day. The monitoring will be coordinated with LADOT and the school will not be notified of the day of monitoring. The suggestion to conduct a TDM study twice per year is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.32**

4. *Send TDM study results to residents within 2000' south and east of the school.*

**Response 10.32**

Once completed, the school and City can make the results of the TDM monitoring available for review upon request by any interested party. The suggestion to send the TDM study results to residents within 2,000 feet to the south and east of the school is noted for the record and will be forwarded to the decisionmakers for their consideration.

**Comment 10.33**

5. *TDM study should not be terminated after 5 years unless approved by Chatsworth Neighborhood Council.*

**Response 10.33**

LADOT considers a five-year time frame a sufficient period in which to determine the effectiveness of a TDM program. The suggestion that the termination of TDM monitoring after five years should only be allowed by approval of the Chatsworth Neighborhood Council is noted for the record here and will be forwarded to the decisionmakers for their consideration.

**Comment 10.34**

6. *What are penalties for school not meeting TDM goals?*
7. *What are penalties for student/parents violating TDM requirements?*

**Response 10.34**

If TDM goals are not met, LADOT will work with the school to modify their program to target additional reductions. Subsequent evaluations will be conducted to determine if the additional and/or modified measures are effective. However, per Mitigation Measure IV.J-1 and as described on page IV.J-32 of the Draft EIR, "in the event the School still does not meet its goals, the School shall reduce its enrollment an amount commensurate to meet the goals for the

following year.” LADOT would have the authority to enforce the restriction on the number of students enrolled at the school.

Regarding student and parent penalties for violating the TDM, The school has not yet developed specific penalties for violating these requirements. However, penalties are likely to be along the lines of warnings for first offenses, to revocation of parking permits and expulsion or not being invited back to the school in the case of repeat offenders.

**Comment 10.35**

*J2: This is unclear. A drawing is needed to clarify. NOTE: WE WILL NOT ACCEPT ANY MODIFICATIONS WHICH ENCOURAGE USE OF TULSA STREET. ADDITIONALLY, THE RESTRICTED LEFT TURN REQUIREMENT MUST REMAIN. The applicant should analyze if other restrictions would be beneficial.*

**Response 10.35**

Mitigation Measure IV.J-2, to which this comment refers, addresses signal system improvements at De Soto Avenue and Rinaldi Street, while Mitigation Measure IV.J-3 addresses improvements at De Soto Avenue and Tulsa Street. Currently, there is no channelization on Tulsa Street as it approaches De Soto Avenue. Mitigation Measure IV.J-3 will provide striping that will channelize vehicles to a dedicated right-turn lane and left-turn lane. The existing restriction for southbound traffic will remain. The changes will provide for a more efficient use of the roadway but it is unlikely that it will encourage the use of Tulsa Street because the changes will be subtle and visible only to those who currently use the roadway. Through traffic will not likely be diverted from the typical travel patterns due to the channelization changes.

**Comment 10.36**

*J4: This mitigation should be physically completed prior to school opening.*

*J5: Same as J4.*

*J6: Same as J4.*

**Response 10.36**

In order for the school to obtain a certificate of occupancy, non-ATSAC street improvements outlined in Mitigation Measures IV.J-2 through IV.J-6 will have to be in place (the applicant has no control over when the City elects to implement area ATSAC improvements, although as stated in Mitigation Measure IV.J-2, “[c]urrently, the date for completion of the system is September 2008). In some circumstances, if the applicant has made its required financial contribution or the improvement has progressed sufficiently (to the degree that completion of the improvement is guaranteed,) and to the satisfaction of LADOT and Bureau of Engineering, a temporary Certificate of Occupancy will be issued until the improvement is completed.

**Comment 10.37**

*J9: The TDM should include provisions requiring parents and students to not use Tulsa and Lurline as “short cuts” to the school. They need to sign a statement acknowledging this annually. Penalties should be described on the statement. School should keep a list of vehicle*

*license plate numbers (updated annually) of students, parents, and staff so that violators can be easily tracked.*

**Response 10.37**

Mitigation Measure IV.J-9 of the Draft EIR requires that the school provide students and parents with a newsletter that includes a section addressing parking and access to the campus. Specifically, as stated in Mitigation Measure IV.J-9, the newsletter would direct students and parents to commute to campus from readily available major boulevards and not utilize the neighboring residential streets. This mitigation measure will be expanded to further address the possible use of Tulsa Street and Lurline Avenue by parents and students. Per Correction and Addition No. IV.J-11, Mitigation Measure IV.J-9 now states that the newsletter shall include a section specifically directing parents to avoid utilizing Tulsa Street or Lurline Avenue for student drop-off and/or pick-up (although there is no direct access to the school from these streets). In addition, a new mitigation measure has been added to the EIR requiring the school to adopt a policy whereby, at the beginning of each school year, parents and student drivers shall sign a statement acknowledging that the use of Tulsa Street and Lurline Avenue is not permitted by the school. Refer to Correction and Addition No. IV.J-12 in Section II, Corrections and Additions of this Final EIR. Although the school does not have the legal authority to issue citations to parents or students who use the surrounding public streets, they can issue warnings, take away driving privileges and expel students.

**Comment 10.38**

V. Other Environmental Considerations

*Two of the impacts stated as significant and unavoidable include:*

- 1. Visual (height)*
- 2. Noise (residences south of Rinaldi)*

*These impacts could be reduced by:*

- 1. Building school structures partially below grade*
- 2. Possible design changes, but none were discussed or analyzed. No reason was given!!*

*These above impacts are described as unavoidable because of the design chosen. This is made clear when reading the last sentence of page VI: "Thus, in order to meet the objectives, the project is being proposed despite the significant and unavoidable visual impacts and cumulative noise, fire, and police protection impacts."*

*This means to us that the local residents "objectives" of having a project which produces similar impacts as few single family homes as approved by the current plan will not meet in favor of meeting the school's objectives.*

**Response 10.38**

Please refer to Alternatives 2 and 3 (pages VI-9 through VI-26) in the Draft EIR. These alternatives address residential development of the site with 8 new single-family lots and a reduced enrollment school. Both the alternatives address the design and use related issues raised by the comment.

**Comment 10.39**

*Also, the last sentences of part A reads, "Overall, the benefits realized through the achievement of the project objectives would justify the relatively minimal significant and unavoidable impacts." We disagree. These sentences should be removed as there is no evidence to prove this statement. (Those who approve the EIR make this decision).*

**Response 10.39**

The Draft EIR section referred to in the comment is specifically intended to outline the reasons why the project is proposed, notwithstanding significant and unavoidable impacts. These reasons, as well as the CEQA requirement to discuss such reasons, are addressed on pages V-1 through 2 of the Draft EIR. It is from this discussion that the conclusion quoted in the comment is made. Nevertheless, the comment is correct in stating that, ultimately, the decisionmakers will have to make the determination as to whether the overall benefits of the project justify the significant and unavoidable impacts. The lead agency (in this case, the City of Los Angeles) will have to adopt a statement of overriding considerations, pursuant to CEQA Guidelines Section 15093, if the project is approved as proposed. As stated in Section 15093(a) of the Guidelines, "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether or not to approve the project." Section 15093(b) of the Guidelines goes on to state that, "When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record."

**Comment 10.40**

VI-B Alternatives

*Alternate 4: (Reduced enrollment, 365 students). This project is much less intrusive to the community with fewer impacts. It is rejected mainly because of its subterranean parking. Why is this so bad? It appears that the applicant will only accept an A+ facility with "all the amenities" rather than a compromised A-facility.*

**Response 10.40**

Until approval of the project, none of the alternatives have been rejected. Alternative 3 - The Reduced Enrollment/Modified Project Alternative (which was incorrectly referred to as Alternative 4 in Table VI-1 of the Draft EIR and was included in pages VI-18 through VI-26) would reduce the significant unavoidable visual impacts associated with the project, but otherwise, would, overall, result in impacts similar to the project. This alternative, as with all of the alternatives analyzed in Section VI of the Draft EIR, was considered by weighing the impacts as well as the alternative's ability to meet the project objectives. While the development of subterranean parking is not ideal in that it would create additional impacts that would not occur with the project and would be counter to a stated objective of the project, it is not used as a reason to reject the alternative. Ultimately, the decisionmakers must consider the merits of all of the alternatives as well as the proposed project in determining whether or not to approve the project.

**Comment 10.41**

*Alternative 5: (Alternate sites) There was no discussion about building on vacant commercial/residential land north of the 118 freeway in Porter Ranch. Please discuss this alternative.*

**Response 10.41**

As described on Page VI-27 of the Draft EIR, the school sought candidate secondary school sites dating back to 1998, with the current Board of Trustees initiating their search in early 2001. During the search, the Board met with Shapell Industries (the Porter Ranch developer) to identify any potential school sites for purchase. Although two candidate school sites (approximately 7 and 15 acres) had been identified as part of the overall Porter Ranch development, these elementary and junior high school sites are designated for development by the LAUSD as part of the New School Construction Program currently underway throughout the City and are not available for purchase or use by a private educational entity. Should LAUSD elect not to build on these sites, Shapell Industries would pursue subdivisions for residential development on these sites. No other sites were brought to the attention of the Board by Shapell Industries during the Board's site search.

**Comment 10.42**

*The alternate project located west of DeSoto Ave. was rejected mainly because of the possible cumulative impact from two schools close together. However, Table VI-1 shows that impacts of this alternate site can be mitigated to the same level as the proposed site. Additionally, this comparison neglects to state that the residents east of DeSoto Ave. have, and continue to take, the "brunt" of the impacts from the huge Porter Ranch development (traffic, noise, construction dust, etc.). The residents west of DeSoto Ave. have partially isolated themselves from the Porter Ranch development by blocking entry on Tulsa St., requiring the future Rinaldi St. to be constructed as a non-secondary highway and apparently not wanting the development of a high school in there are to educate many of the children living in Porter Ranch. Therefore, because of continuous impacts from the Porter Ranch development, we suggest it is more appropriate to build this school west of DeSoto Ave. (Alt. 5).*

*Closing*

*We, a group of concerned residents of Tulsa Street, thank you for your consideration. We look forward to reading your responses and discussing them with you.*

**Response 10.42**

The comment's preference for the project to be constructed on the alternative site identified in the Draft EIR is noted for the record here and will be forwarded on to the decisionmakers for their consideration. Additionally, as addressed on pages VI 27 through VI-36 of the Draft EIR, while it is expected that development at an alternative site could reduce environmental impacts through mitigation similar to development at the proposed project site, some impacts would be expected to be reduced while others would be expected to increase. Ultimately, the decisionmakers must weigh the merits of both the proposed project and feasible alternatives, and fully consider the environmental impacts as analyzed in the Draft EIR, in their determination to approve the project.