Martin Kammerer
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Ms. Amy Minteer
CHATTEN-BROWN, CARSTENS & MINTEER LLP
2200 Pacific Coast Highway, Ste. 318
Hermosa Beach, CA 90254

Dear Ms. Minteer,

Your firm has requested a review of the Draft EIR for the Harvard-Westlake River Park Project. It is my understanding that your clients, the Studio City Residents Association and Save LA River Open Space would like me to evaluate portions related to the development of open space, storm water hydrology, and general CEQA matters.

My review indicates several errors and weaknesses in the analysis that I believe warrant further analysis or revisions:

1. The DEIR shows a map indicating groundwater to potentially surface at project grade and goes on to conclude that infiltration is infeasible entirely. LID regulation does, in fact, require actual groundwater data for that purpose. Geotechnical borings for this and neighboring sites indicate that measured groundwater depths are much greater than the allowable minimum 5-10 feet below project structures. The observed depths to groundwater are supported by general hydrologic principals requiring that groundwater tables slope down to meet the water surface of the nearby river or stream. In the immediate vicinity of the river it must be assumed that the highest possible groundwater level would be met at the top of the existing concrete levee of the Los Angeles River channel which is substantially below project grade. The same was assumed in the EIR for the neighboring fire station. Therefore the map used in the analysis provides little credible evidence for actual groundwater levels and should not be used to determine that infiltration is infeasible.

2. The DEIR goes on to claim that LID regulation preclude infiltration if there is potential liquefaction. That is also not true. LID regulation requires a 3-Step screening procedure and specifies under Step 2 that a geotechnical study may indicate under which conditions infiltration could be used despite potential liquefaction. The purpose of this regulation for screening is to make sure that developers use infiltration as a “priority requirement” and only use other methods if this cannot safely be accomplished. In this case, an assumption was made that groundwater levels are too high and that liquefaction would preclude infiltration entirely. Step 1 and 2 were omitted. The motivation is that surface infiltration would require greater amounts of green space and would come at the expense of a greater development footprint.

3. Liquefaction does not generally preclude infiltration. Generally, building foundations are most affected by liquefaction during earthquake induces shaking. If liquefaction is potentially present, a geotechnical model is used to determine the degree of movement that may be present in

consideration of the actual soil column and the degree and level of ground saturation. In the majority of cases these models are used to determine the size and type of footings that need to be used to make the structures safe. That is then taken as mitigation to make the project safe.

In this case, the model used very high levels of saturation (see #1) and adjusted the footings for the structures to make the project safe thereby mitigating for liquefaction. Effectively, the model with exaggerated levels of saturation has shown that the structures are safe to build, yet the DEIR still concludes that infiltration cannot be used at the site, seemingly suggesting that infiltration could add even more “unspecified” forms of hazard to the building.

4. The hydrologic analysis contains an error in the summation of the generated discharge in fourth column of Table 1 which should read 2.21 cfs instead of 1.4 cfs for the 85th percentile storm event.

5. Another issue is the fact that the 50-year storm discharge is used to show that the pre and post-runoff are identical and the impact on the hydrology of the site is less than significant. I cannot agree with that conclusion because I believe the design storm should be the 25-year event and that flow volume, rather than peak discharge, should be evaluated.

In storms of great intensity where the rainfall intensity becomes very large compared to the infiltration rate the relative difference between pre and post-development discharge peaks become smaller,-- and more favorable to the analysis. This is especially true, where only the peak discharge is reported and not the total volumes.

The differences in volumes are important when analyzing the environmental impact of storm water generation. Our analysis with the provided data indicate a 69% and 49% increase of flow volumes when comparing the pre and post-development flow volume of the 25-year event and the 85th percentile storm, respectively. This translates into significantly increased stormwater pollution going from pre to post-development discharge.

6. The use of a cistern in capturing water for irrigation is commendable. However, the plans are unclear in terms of how the water from the school site gets into the cistern, how it is treated, and who will maintain the diversion from the street and pay for the removal of the pollutants out of the BMPs. The designers should clarify their commitment to capturing and treating street run-off in perpetuity. Without that commitment, the system, as designed, may not provide the mitigation required should the diversion from the street be eliminated for other reasons. The designers should make sure that adequate cistern space is available at all times for the on-site runoff for multiple storms in succession, regardless of the external system.

7. A filtration BMP for pre-treatment is essential for the success of the project as siltation in the cistern will not be prevented through the proposed street BMP.

8. Settlement of the cistern structure may become a problem and developing fractures may lead to leakage. There are no indications in the plans of how this may be prevented. There should be a plan about how stormwater treatment, irrigation, and dewatering would function despite potential permanent leakage.

9. The DEIR seems to argue that they do not have to produce alternatives that do not meet project goals.

V-6: "In order for the Project to satisfy the Project Objectives, a property would need to be of sufficient size to accommodate two playing fields, tennis courts, a pool, all with respective bleachers, and a gymnasium that would provide for recreational practice and instruction, as well as allow for competitive meets with available spectator seating and adequate onsite parking to preclude off-site parking.

V-5: "According to the State CEQA Guidelines, the following factors may be used to eliminate alternatives from detailed consideration: 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, such as the Project's significant and unavoidable construction noise impacts."

This information is simply incorrect. In fact, the discussion of alternatives must focus on alternatives to a project or its location that avoid or substantially lessen negative impacts, even if they impede project objectives or are more costly (Public Resources Code Section 21002.1).

This DEIR does not seriously consider Alternatives. Project objectives vary going through the DEIR. In parts of the DEIR, public access and a water cistern are named as project objective, yet they are eliminated in Alternative 4. Their Alternative 3, is deemed a "low density alternative", yet, with respect to cumulative impacts to hydrology and available green space, is factually "more dense" with a far greater percentage of pavement. They never considered using only one playing field and they have never discussed the fact that they have a playing filed and a swimming arena at their current school location. What they have produced are alternatives that are less attractive than the proposed project and easier to eliminate.

Please let me know if you would like me to elaborate more on any of the topics I mentioned.

Sincerely,

Martin Kammerer, Ph.D.
Principal
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