



Kimberly Henry
Office of City Planning
221 N. Figueroa St, Suite 1350
Los Angeles, CA 90012

Re: Case No. ENV-2020-1512-EIR

We appreciate that the City of Los Angeles consulted with Environmental Science Associates (ESA) to review the calculations performed using iTree for carbon sequestration and tree canopy coverage. At first glance, it appears that the developer has a compelling argument that its proposed Project would not have an impact on carbon sequestration after year two or tree canopy after year ten.

However, when one reviews the assumptions, it is clear this report by ESA was simply a math exercise to back into positive outcomes and is highly misleading for a number of reasons: (1) no consideration was given to the practical aspects of sourcing native trees in the reported size containers, (2) Harvard-Westlake has not contractually committed to plant these size containers, and (3) no consideration was given to the mortality rate and impact on growth rates for trees of this size.

We continue to contend that the carbon sequestration and tree canopy losses are significant, as we originally set forth in our DEIR letter for the following reasons:

1. The ESA findings in the EIR are erroneous because there is no contractual commitment, or even consistency in promises for that matter, from Harvard-Westlake to plant 36" - 48" boxed trees. All the ESA calculations are based on Harvard-Westlake planting 36"- 48" boxed trees, with most tree species (74%) listed in "Figure 5-Tree Planting Plan" being planted as 48" containers. However, in the "Biological Resources Technical Report," it is stated that "replacement trees would have a minimum 24-inch box size, though many would be sourced at larger sizes." 24" containers would have significant negative impacts on the calculations that ESA are running and the EIR must clarify this discrepancy and present accurate calculations that align with the box sizes that Harvard-Westlake will contractually commit to using.

Sourcing native tree species has proven difficult for the City of Los Angeles and the City is now privately growing many of its native tree stock for street trees.¹

2. It is nearly impossible to source all the trees listed in "Figure 5-Tree Planting Plan" in these size containers (36" and 48") and in these quantities, unless Harvard-Westlake utilizes contract growing services.

(i) We suggest City Planning consult with the Urban Forestry division of the LA City Bureau of Street Services to address the difficulty of sourcing native trees, let alone only native trees in 36"

¹ <https://www.cityplants.org/commonwealth-nursery/>

and 48" containers. Urban Forestry has consistently discussed this issue during Community Forest Advisory Committee (CFAC) monthly meetings on multiple occasions.

For instance, at the May 2022 CFAC meeting,² it was discussed that contract growing of natives are needed for larger size box containers. For example, "Commonwealth [Nurseries] is growing from seed to 5 gal. to build up an inventory of 5 gal. trees for CityPlants. Currently no capacity for 15 gal. growing at Commonwealth. UFD can only purchase from contract vendors and needs a minimum 15 gal." The City's own Forest Officer, Rachel Malarich, went on to explain that, "There is a purchase order process if plants are not available from approved vendors, but it has limitations. Rec & Parks sometimes uses this but it is not feasible for UF due to the volume of plants needed. UFD standard is 15 gal and these are seldom available for native trees (from commercial nurseries) but this could change over time."²

If the City's own Forest Officer has described a municipal entity's (Urban Forestry) difficulty in sourcing native trees at its 15-gallon standard at high volumes, it will be that much more difficult for a private party, like the Applicant, to source trees at the sizes the developer is stating, but again, not contractually committing to sourcing and planting.

(ii) In our research, we contacted several large nurseries (Boethling Treeland Farms and Devil Mountain Nursery) regarding the ability to find all the trees species included in "Figure 5-Tree Planting Plan" in 48" boxes and the consensus was that Harvard-Westlake's ability to source these trees would depend on the Applicant utilizing contract growing services. However, in the EIR, there is no mention or study of this real-world phenomenon and how the Applicant would overcome this challenge.

3. It can take up to 5 years for contract growing services to grow trees of the sizes listed in "Figure 5-Tree Planting Plan", according to David Muffly, (ISA Board Certified Master Arborist) and Boethling Treeland Farms. Again, the EIR does not consider this timeline in the construction and operational phases of the proposed Project.

4. Harvard-Westlake's assumptions would dramatically increase significant negative environmental impacts, due to the weight and excavation required to plant the proposed size boxes. According to Boethling Treeland Farms, a 36" box weighs approximately 850 lbs. and will require a pit excavation of 60" wide x 32" deep (for round wholes). A 48" box weighs approximately 2,250 lbs. and will require a pit excavation of 80" wide x 36" deep. Additionally, the soil volume for a 36" box is 52.36 cubic feet and for a 48" box, it is 104.70 cubic feet. The EIR fails to describe the impacts of transporting (e.g., traffic, GHG) and installing (e.g., whether or not, with limited surface area due to buildings and impervious surfaces, there is adequate room on the proposed Project Site for planting) the proposed size boxes.

5. The transportation and crane services required to plant trees in containers of the proposed sizes would negatively impact the carbon sequestration calculations and result in an increase in air pollution. Transporting trees at these sizes would require extensive planning for delivery, requiring a substantial number of semi-trucks and will require cranes to move and position the plants. These impacts are not covered or accounted for in the EIR.

² <https://dpw.lacity.gov/sites/g/files/wph1766/files/2022-08/CFAC%20Minutes%2C%2005.05.2022%20.docx.pdf>

6. The growth rates contained in ESA estimates are erroneous and not applicable, due to the failure of consultants to address the challenges of tree stock in 36"- 48" containers adapting to a new site and standard mortality rates. Scholars estimate that in the first five years after planting, the median annual mortality rate of planted tree cohorts ranges from 6.6 to 7%.³ Not accounting for replacement trees, for the proposed Project, the expert findings would equate to 28 trees dying in Year 1, 26 trees dying in Year 2, 24 trees dying in Year 3, 22 trees dying in Year 4, and 21 trees dying in Year 5. Therefore, by Year 5, nearly a third (121 of the proposed 393) of newly planted trees will have died. It is important to note that these calculations do not even take into account stunting or declining. The EIR is insufficient because no consideration was given to these real-world situations and how the Applicant proposes to pre-emptively avoid or address tree mortality, stunting, or decline.

Year 1	Year 2	Year 3	Year 4	Year 5
$0.07 \times 393 = 28$	$0.07 \times 365 = 26$	$0.07 \times 339 = 24$	$0.07 \times 315 = 22$	$0.07 \times 293 = 21$
$393 - 28 = 365$	$365 - 26 = 339$	$339 - 24 = 315$	$315 - 22 = 293$	$293 - 21 = 272$

Planting tree stock this size requires extensive care. The preeminent environmental horticulturist, Edward F. Gilman, PhD, performed significant research on tree stock nursery production and has written extensively on the challenges associated with tree stock of this size⁴. We suggest City Planning reach out to Dr. Gilman and the LA City Urban Forestry division to discuss the occurrence of these issues with tree stock of this size and/review the significant research on this topic.

(i) A large tree in 36" - 48" box containers has only known soil developed by a nursery for growth in a container under nursery conditions. The box soil will be significantly dissimilar from the proposed Project Site. This recognition is not described in the EIR.

(ii) Watering and moistening the roots presents a significant challenge and may require supplemental arborist deep water root application, as trees must adapt to these new growing conditions. The interface between the proposed Project Site's soil to a tree's root ball remains a barrier to the tree's roots. These trees will require more water than that described in the EIR.

(iii) Dr. Edward Gilman, the preeminent environmental horticulturist and professor emeritus at University of Florida, has demonstrated the prevalence of root girdling in containers this size (36" - 48"). Root girdling severely stunts the growth of trees and in certain cases, causes tree mortality. These impacts are not described in the EIR.

(iv) All consulted horticulturists and botanists requested to review Harvard-Westlake's soil management and preparation plans to address the challenge of differing planting and growing conditions between a nursery and the proposed Project Site. To our knowledge, the EIR is flawed, as there are no soil management and preparation plans available for public review and comment.

(v) The EIR does not contain a plan for the establishment period for the proposed new trees. The first few years of a tree's life is referred to as the establishment period and research shows that

³ Hilbert, D. R., Roman, L. A., Koeser, A. K., Vogt, J., & van Doorn, N. S. (2019). Urban tree mortality: a literature review. *Arboriculture & Urban Forestry*, 45(5).

⁴ <https://hort.ifas.ufl.edu/woody/instructional-videos.shtml>

the establishment period of young trees ranges from 1 to 5 years after planting. More specifically, "there is approximately one year of "establishment" per one caliper inch (e.g., a two inch caliper tree would have a roughly two year establishment period)."⁵ In addition, the highest likelihood of mortality in young trees occurs during the first five years (especially the first year) after planting.⁴ Again, the EIR ignores and does not address these scientific findings in calculations and projections.

(v) Studies indicate that 15-gallon trees become established more quickly than and will catch up to a 24" box and exceed it soon thereafter, whereas the 24" box remains more or less the same⁶.

7. We recommend City Planning consult with the Urban Forestry division regarding the required monitoring period for the proposed Project's trees. Urban Forestry generally recommends five years as a standard for mitigation monitoring, not the three years proposed in the EIR "Tree Report" on page 9. And, in this case, because of the challenges of mortality and stunted growth associated with the proposed trees, it would be more appropriate that the maintenance of the proposed trees and replacement requirements extends from 5 years to 7 years, following the seven year monitoring period precedent set by the nearby Universal Studios development (ENV-2007-254-EIR).⁷

8. The Tree Planting Plan faces substantial challenges and will further stunt growth and increase mortality. Dave Muffly (ISA Board Certified Master Arborist) indicated that the tree palette was more consistent with a plan for a Northern California environment. As additional background, Steve Jobs specifically sought out Mr. Muffly to consult on the largest ever tree purchasing and planting project at the time - Apple Park - which required planting 9,000 trees. Mr. Muffly grew nearly 11,000 trees and this experience took 5 years.

Mr. Muffly was surprised to see the tree plant palette and as a subject matter expert, stated the palette was better suited to Northern California and not Los Angeles, particularly with the challenges associated with increased heat and climate change. Mr. Muffly indicated that the proposed tree list contains riparian species that would be improperly planted next to the channelized Los Angeles River. In practice, the area next to the channelized river does not actually function as a native riparian corridor zone, and therefore, the proposed trees will suffer and experience a high likelihood of death. Since there is no underground river/creek movement, no naturally sourced water will be available for these newly planted trees. This would then require increased watering, all of which is not taken into account in the EIR.

Additionally, Mr. Muffly confirmed that many of the species included in the Tree Planting Plan are susceptible to Sudden Oak Death. Furthermore, *Umbellularia Californica* is a vector for the *Phytophthora ramorum* pathogen, which causes Sudden Oak Death, as well as other diseases that impact many of the species on the Tree Planting Plan list.^{8,9} This information is not detailed in the EIR and needs to be further studied.

⁵ Wattenhofer, D. J., & Johnson, G. R. (2021). Understanding why young urban trees die can improve future success. *Urban Forestry & Urban Greening*, 64, 127247.

⁶ Watson, W. T. (2005). Influence of tree size on transplant establishment and growth. *HortTechnology*, 15(1), 118-122.

⁷ <https://www.google.com/cityclerk.lacity.org/AttachmentViewer/AttachmentID/D121660/6ItemIDD118820>

⁸ <https://cei.sonoma.edu/projects/search/sudden-oak-death-northern-california>

⁹ https://cei.sonoma.edu/sites/cei/files/symposium_poster_final.pdf

9. Native birds need mature trees to forage. Travis Longcore, Adjunct Professor in the UCLA Institute of the Environment and Sustainability, President of the Los Angeles Audubon Society, and Science Director of The Urban Wildlands Group, states, "Cal State LA Professor and LA Audubon Board Member Eric Wood and his student Sevan Esaian researched what trees wintering and resident birds used in residential neighborhoods (Wood and Esaian 2020). The trees that had the most value to wintering birds were two natives, Coast Live Oaks and California Sycamore, along with some nonnatives, Chinese Elm, Carrotwood, Southern Live Oak, Mexican Fan Palm, and Holly Oak... Resident and migratory birds in neighborhoods need space. The greater the volume (width and height) of tree canopy, the better."¹⁰ Despite the robust proposed planting plan, the loss of height in the replacement plant palette is notable.

Owls and hawks prefer to perch as high up as possible. In particular, according to the Los Angeles Raptor Study 2021 Final Report, "by virtue of their abundance across the urban and suburban landscape of the study area, pines and eucalyptus 'accounted for a relatively large proportion of our local nests, highlighting the importance of the very large, nonnative trees in and around the park, many of which have matured – and are now the tallest trees around – since they were planted decades ago. While non-native, they clearly provide excellent nesting opportunities to the local raptor community, and have essentially outpaced native substrates locally, perhaps enabling native raptors to continue using the habitats.'"¹¹ Research has demonstrated that Aleppo Pines, Eucalyptus, and Mexican Fan Palms, like those present on the existing Weddington site, are a favorite spot for local raptors. The sheer number of these trees slated for removal, and not to be replaced by the Harvard-Westlake planting palette, in the proposed project is disturbing.

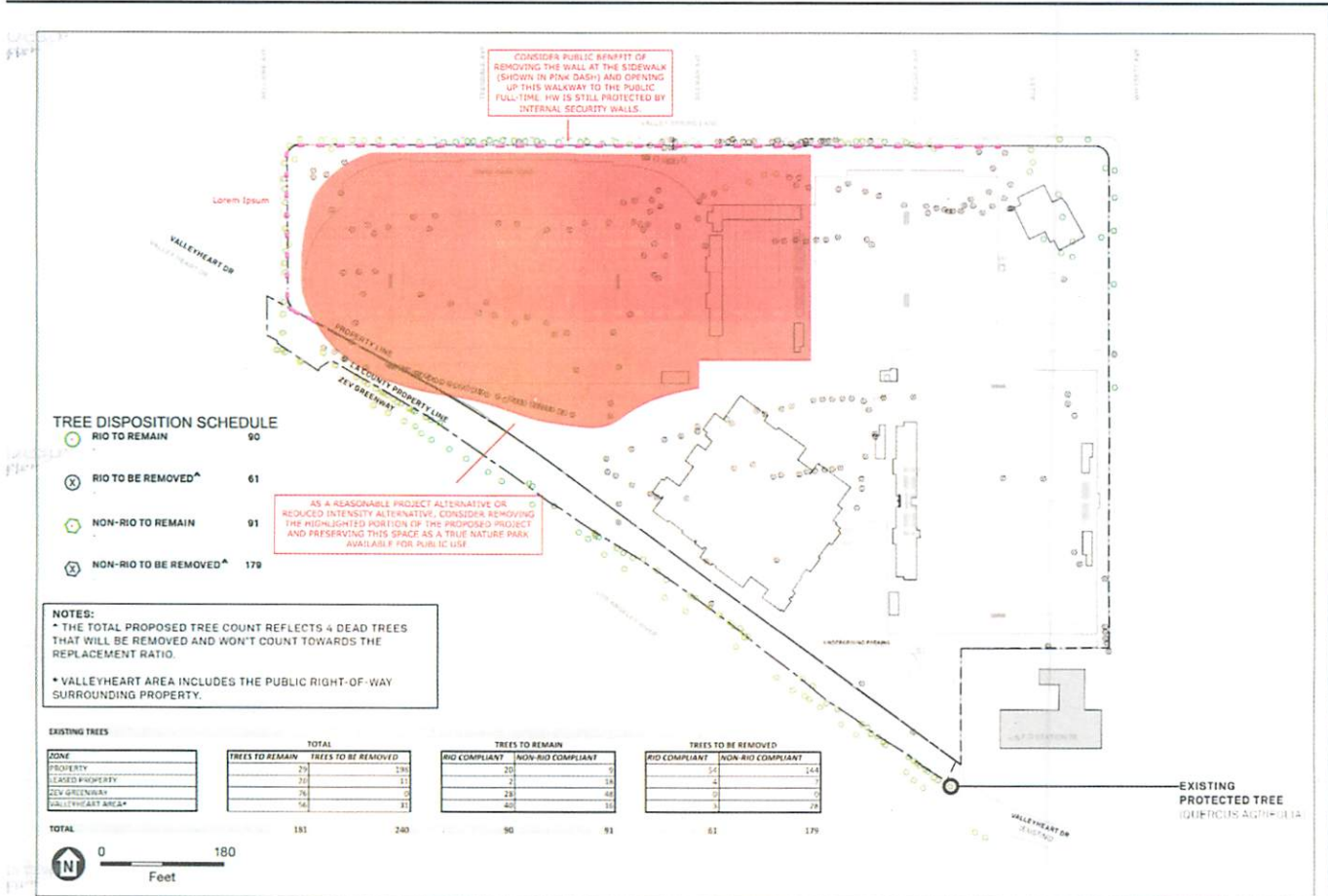
10. Native birds and native habitat need true green open space, and a Reasonable Project Alternative or Reduced Intensity Project Alternative (see Figure 1 below) can help create a true nature park that can be enjoyed by all residents and community members.

The tall wall proposed along the northern and western edges of the Project Site should be removed, so the site is open to the public. The Applicant has a secondary, interior security wall that protects its students within its sports complex. In addition, Field B and the pool should be removed. Field B is a practice field and not even configured optimally for play, as it faces east-west, which produces user glare and suboptimal lighting conditions. Across all of its campuses, Field B would also be the Applicant's fourth athletic field and the pool would be its third pool. Instead, if Field B and the pool were removed, this space would provide both the green space needed to create a true park for public enjoyment and the open space required by flora and fauna, while saving a significant number of mature trees. More specifically, if Field B and the pool were removed from the proposed Project and the land was instead preserved as green open space, the destruction of just over 100 existing significant trees would be avoided. Down the road, as these mature trees near the end of their life cycles, they could be replaced with native trees, which could help begin a transition to native understory. Finally, the preservation of a portion of the Project Site (highlighted in red in Figure 1) would help to offset some of the significant impacts of destruction to the environment the proposed Project would cause.

¹⁰ Longcore, T. (2023). An urban forest for the birds. *Western Tanager*, 89(4), 1-3.

¹¹ <https://friendsofgriffithpark.org/wp-content/uploads/2021/09/FoGP-Raptors-2021F.pdf>

Figure 1 – Reasonable Project Alternative and Reduced Intensity Project Alternative to Preserve Existing Significant Tree Canopy



SOURCE: Studio-MLA, 2021

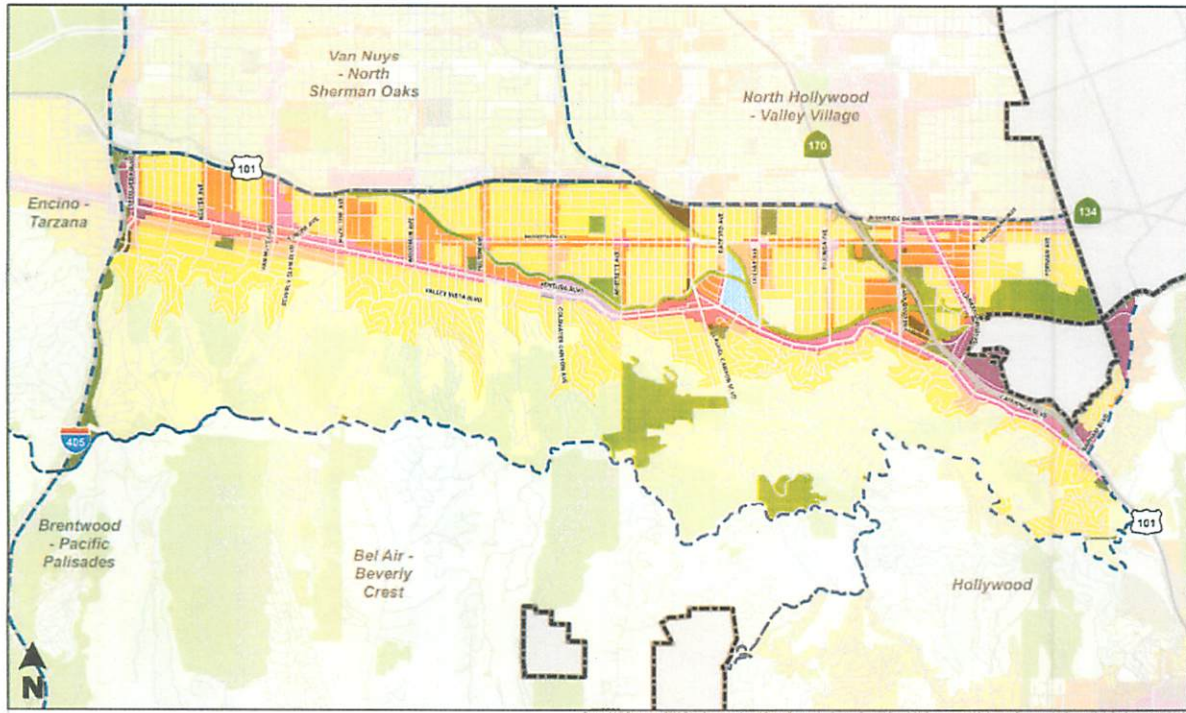
Harvard-Westlake River Park Project

Figure 4
Tree Removal Plan

The applicant maintains that the Project Site is in the Open Space Zone (Zone O-S). This is incorrect the Project Site is in located within the A1-1XL-RIO zone, not the Open Space Zone.

The Project Site however is considered open space in the Land Use Designation. Below is a map of the General Plan Land Use in the Sherman Oaks, Studio City, Toluca Lake, Cahuenga Pass Community plan area. (see Figure 2)

Figure 2- Existing General Plan Land Use which identifies the Project Site As Open Space



General Plan Land Use

Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Area

Minimum	Medium	Neighborhood Commercial	Light Manufacturing	Public Facilities	Freeways	City Boundary
Very Low	High Medium	Neighborhood Office Commercial	Open Space			Community Plan Boundary
Low	Limited Commercial	Regional Center Commercial	Other Public Open Space			
Low Medium	General Commercial	Regional Commercial	Parking			
Low Medium II	Community Commercial	Light Industrial	Public Facilities			

It is also important to note that the community (Studio City Residents Association and the Santa Monica Mountains Conservancy) previously developed the Los Angeles River Natural Park (a copy of this project description and feasibility study is attached to this letter). The Studio City Residents Association, the Santa Monica Mountains Conservancy, and local elected officials all supported the Los Angeles River Natural Park plan. However, due to a reduction in available funding around the Great Recession, this plan was unable to come to fruition. None of the justifications contained in that document have changed. Open space for habitat and residents remains necessary.

The proposed project alternative would be a true "River Park" – not the non-existent one that the Applicant refers to in its proposed Project. The highly dense San Fernando Valley is park poor and this alternative would maintain true open space that would be consistent with the General Plan Land Use and the intent of the Quimby Act, which was enacted in response to California's increased urbanization and need to preserve open space to provide parks and requires developers to donate land.

More importantly, over one half of the Studio City community signed a petition opposing this project and 1600 community members recently spoke out against the project.

In conclusion, EIR consultants' assumptions regarding proposed tree box sizes and growth rates are misleading for the calculation of carbon sequestration and canopy growth, thereby resulting in erroneous findings.

As a recap, there is no contractual commitment to purchase 48" or 36" size boxes and/or enter into a contract growing service with a respectable nursery, no soil management or preparation plan, and no maintenance/monitoring plan after planting. Since Harvard-Westlake calls this development a "park," at a minimum, it seems appropriate that the Applicant should provide the aforementioned plans, much like City parks do. In addition, the Applicant should be contractually obligated to the City to conform to these plans. However, so far, Harvard-Westlake has made no good faith effort towards the community to develop an enforceable contractual agreement (e.g., covenant) that would satisfy many of the environmental concerns raised in the above letter and that are not sufficiently addressed in the EIR.

Finally, we, as a non-profit dedicated to uniting Los Angeles neighborhoods to preserve and regenerate our rapidly shrinking urban tree canopy, would like to conclude with an excerpt that was included in our previous DEIR comment letter, but did not receive a specific response from EIR consultants. The 2016 Los Angeles County Tree Canopy Assessment clearly states, "Preserving existing tree canopy is critical. The ecosystem services provided by trees are directly related to the amount of canopy they provide. When trees are removed and replaced, there is not only a size difference in the canopy provided by the new tree compared with the mature tree; there is also a time lag of reduced benefits until the new tree can grow to the size of the mature tree. Keeping the trees you have is more efficient than removing and replacing them."¹²

Very truly yours,



Jeanne McConnell

Co-Founder
Angeles for Trees

¹² Galvin, M., O'Neil-Dunne, J., Locke, D., & Romolini, M. (2019). Los Angeles County Tree Canopy Assessment.