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January 19, 2024

BY EMAIL

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Re: USC Women's Soccer/Lacrosse Stadium (CPC 2022-5429 GPA-VZC-CUB; ENV-2009-271)

Dear More:

As you know, we represent the University of Southern California (“University”), which is seeking to redevelop the current McAlister Field (“Site”) at the University Park Campus with a modern state-of-the-art women’s soccer and lacrosse stadium (“Project”). In compliance with the California Environmental Quality Act (“CEQA”), the City of Los Angeles (“City”) prepared a third addendum (“Addendum”) to the certified Environmental Impact Report for the University of Southern California Development Plan (ENV-2009-271-EIR, SCH NO. 2009011101) (“Certified EIR”). The City Council certified the EIR in December 2012 in conjunction with its approval of the University Park Campus Specific Plan (“Specific Plan”).

In a determination letter dated November 7, 2023, the City Planning Commission (“CPC”) (a) approved the Addendum, (b) adopted required findings, (c) approved, and recommended that the Mayor and the City Council adopt, a General Plan Amendment and Vesting Zone Change and Height District Change for the Project, and (d) approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with the Project. On November 22, 2023, Jordan R. Sisson, on behalf of USC Forward (“Appellants”), filed an appeal of the CPC’s action (“Appeal”).¹

We are writing on behalf of our client to provide point-by-point responses to the claims in the Appeal. For the reasons set forth below, these claims are without merit. Therefore, the Appeal should be denied.

¹ Appellants incorporate by reference their prior comment letters (which are attached to the Appeal). All of those comment letters were responded to in detail both in writing and orally, demonstrating the comments are without merit. Those responses are incorporated herein by reference.



A. Discussion

1. The Project is Within the Scope of the Certified EIR.

Appellants claim that the Project is not within the scope of the Certified EIR as the Project was not expressly identified in the EIR and is located outside the Specific Plan’s boundary. However, the Specific Plan Project analyzed in the Certified EIR was a campus-wide project, “which would provide for the development of new uses *on and around the University Park Campus.*” (Certified EIR Project Description²; emphasis added.) The Project is the replacement of McAlister Field, which clearly operates as part of the University Park Campus and has long been used by the University’s women’s soccer and lacrosse teams, with a new, modern stadium.

The scope of the Certified EIR was the expansion of the University Park Campus, of which McAlister Field is unquestionably a part. Moreover, the Specific Plan is focused on adding new facilities and improving existing facilities. While an upgrade of McAlister Field is not specifically mentioned in the Certified EIR, that is the point of an addendum – to address “some” changes and additions that are necessary to the Certified EIR. (CEQA Guidelines section 15164(a).) Those changes and additions can be to uses, sizes, or locations. See, e.g., *Melom v. City of Madera* (2010) 183 Cal.App.4th 41 (upholding of use of an addendum for addition of a supercenter to the approved site plan); *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788 (upholding use of an 8th addendum for changes to airport master plan to change the size of certain facilities, replace facilities, and modify taxiways); *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.2d 154 (upholding use of addendum for changes to berm alignment and height); *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538 (upholding use of lengthy EIR addendum to evaluate project changes (significant size increase) and changes to surrounding circumstances). There is no CEQA statute, guideline, or case law that supports Appellants’ claim that the changes or additions analyzed in an addendum must be within the physical boundaries of the project analyzed in the underlying EIR.³

² The USC Park Campus Project “is an implementation tool for the 2030 University Park Campus Master Plan (UPC Master Plan), a framework plan that *addresses the future physical development of USC’s University Park Campus* (the Campus) and the quality of its surrounding community in the coming years.” (Certified EIR Project Description; emphasis added.)

³ Nor does the Specific Plan create immutable boundaries. Specific Plan Section 1: “The City Council establishes the University of Southern California (USC) University Park Campus Specific Plan for *the area bounded generally* by Jefferson Boulevard to the northeast; the alley south of 30th Street and 30th Street to the north; Jefferson Boulevard to the northeast; Hill Street to the east; Exposition Boulevard to the south; and Vermont Avenue to the west; and including an area south of Exposition Boulevard; as shown upon Map 1 within the heavy line.” (Emphasis added.) (See also Specific Plan Section 4. Definitions: “Project. The construction, erection, addition to or structural alteration of any building or structure (including any new parking lot, parking garage, or parking structure), or use of building or land or change of use of a building or land on a *lot located in whole or in part within the Specific Plan*”



An addendum is appropriate if the impacts of the project changes stay within the envelope of impacts analyzed in the underlying EIR, and none of the conditions requiring a subsequent or supplemental EIR are met. CEQA Guidelines section 15162 requires the preparation of a subsequent EIR when one or more of the following circumstances exist:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Public Resources Code section 21166 states that unless one or more of the following events occur, no supplemental or subsequent EIR shall be required:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;

area which requires the issuance of a grading permit, foundation permit, building permit or land use Permit.” (Emphasis added.)



- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

As demonstrated in the Addendum and its supporting expert technical studies, the Project would not result in any new significant impacts or a substantial increase in the severity of any previously identified significant impact. Furthermore, the Project would incorporate all applicable and feasible mitigation measures. Therefore, the modifications resulting from the Project do not require a supplemental or subsequent EIR, and the Addendum is the appropriate CEQA review for the Project. Appellants continue to fail to present any evidence to the contrary.

2. A Supplemental EIR is Not Required Due to Increased Student Enrollment.

Appellants assert that a supplemental EIR is required due to increases in student enrollment since the preparation of the Certified EIR. As a preliminary matter, the enrollment numbers cited by Appellants include all full-time, part-time, and remote learning students at all the University's campuses. Therefore, they do not accurately reflect the enrollment at the University Park Campus, where the Project is located. While the number of students at the University Park Campus has increased over time, the Specific Plan was expressly intended to facilitate and accommodate this growth, and the Certified EIR accurately assessed the environmental impacts from this growth.

More important, the environmental analyses in the Certified EIR were not based on student enrollment. Rather, they were based on different metrics (e.g., student housing units, hotel rooms, and square footages of classrooms and other academic facilities). Therefore, while the Specific Plan includes limitations on dwelling units, hotel rooms, square feet, etc., it does not cap student enrollment.

The projected enrollment numbers cited by Appellants are from a technical appendix to the Certified EIR, and not the EIR itself, and were never used to assess environmental impacts. Any variation from the estimated student enrollment numbers in this appendix would not affect the Certified EIR's analyses or conclusions. Therefore, an increase in enrollment at the University Park Campus is not a "significant change in circumstances" meeting the criteria for a subsequent or supplemental EIR under Public Resources Code section 21166 or CEQA Guidelines section 15162. Moreover, the Project will replace the existing McAlister Field with a new modern stadium that will better serve USC's existing women's soccer and lacrosse teams. It will not directly or indirectly increase enrollment.

Appellants maintain that the Project will increase student athlete enrollment. It will not, as the Project represents an upgrade to an existing facility that will serve two existing women's



sports teams. These teams have a fixed number of roster spots that are independent of, and will not be affected by, the Project. Therefore, the Project will not result in any increase in students, including student athletes.

Appellants seek to support their argument by referencing a purported increase in enrollment at the University's Health Sciences Campus in East Los Angeles and a pending medical research facility on that campus. However, this research facility will be located on a separate campus that is several miles away, will serve an entirely different purpose, requires different City approvals based on a different EIR, bears no relationship to the Project, and is not relevant to the Appeal.

4. A Community Benefits Agreement is Not Required.

Appellants assert that the University should enter into a community benefit agreement for the Project. However, there is nothing in the LAMC requiring such an agreement, and there is no nexus to require the Project to provide community benefits. Moreover, the University has already entered into a Development Agreement that provides more than \$46 million in public benefits, including: \$20 million in payments to affordable housing; a new fire station; new student housing; a full service grocery store; façade, pedestrian, and streetscape improvements; a bike lane; expanded shuttle service; an onsite mobility hub; contracts with small business, minority, women, and disabled veteran enterprises; local hiring, job training, and procurement; improvements and programming for local parks; a partnership with local schools; and a project labor agreement for project construction.

Contrary to the Appeal, the University has made the required annual park payment and has worked with Target so that they now accept WIC vouchers. Therefore, the University is in full compliance with its obligations under the Development Agreement.

5. The Addendum Adequately Analyzed the Project Operations.

Appellants imply that the Addendum has not adequately assessed Project operations because there is no condition of approval limiting the Project to 20 games per year. This argument assumes that (a) the University is free to increase the number of games per year at the Project absent such a condition, and (b) such an increase would result in increased environmental impacts. Neither is true. The Project will be used only by the University's interscholastic women's soccer and lacrosse teams, which play a fixed number of games per season as dictated by the NCAA. Therefore, the University cannot increase the number of games.

Moreover, assuming, for argument's sake, that the University could increase the number of games per season, such an increase would not result in increased environmental impacts. As set forth in the Addendum, most of the Project's operational impacts (e.g., aesthetics, biology, cultural resources) are unrelated to, and not affected by, the annual number of games. Other impacts (e.g., air quality, transportation, noise) are assessed on an hourly or daily basis and are



therefore governed by the size of the crowd per game, not the number of games per year. As the Project's capacity is fixed based on its size⁴, such peak impacts would not increase even if the University could increase the annual number of games. With respect to the few impact categories measured on an annual basis (e.g., solid waste, energy), the Project's impacts are minimal. Therefore, an increase in the number of games per year would not result in a new or substantially increased significant impact.

6. The CPC Adopted Legally Adequate Findings.

Appellants allege that the CPC's findings are inadequate based on the above assertions. As set forth above, these assertions are without merit. Therefore, they do not support an argument that the findings are inadequate.

Appellants claim that the CPC's finding that there are adequate remaining sites in the Housing Element to accommodate the remaining RHNA Allocation for the planning period (Finding 12) is too speculative and conclusory. In fact, Finding 12 provides sufficient supporting factual information, including (a) the amount of housing projected for the Site in the Inventory of Sites prepared for the 2021-2029 Housing Element, (b) the City's remaining RHNA Allocation for the 2021-2029 planning period, and (c) the City's remaining capacity. Appellants have provided no evidence that this supporting factual information is in any way inaccurate.

Finally, Appellants maintain that CPC and the Addendum failed to take into account housing displacement impacts. As the Site is developed with an existing stadium, the Project will not directly displace housing. As the Project is a replacement facility, it will not result in an increase in employment that could result in an increase housing demand and indirectly displace housing. Appellants have provided no credible evidence of such displacement.

⁴ In addition, Condition of Approval No. 8.b provides that "seating shall be limited to a maximum of 2,202 seats."



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B. Conclusion

For the foregoing reasons, the Appeal is without merit and should be denied.

Please feel free to contact us with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Dale J. Goldsmith'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Dale J. Goldsmith

cc: Heather Bleemers
Stephanie Escobar
Council District No. 9
University of Southern California