



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
- Zoning Administrator

Regarding Case Number: _____

Project Address: _____

Final Date to Appeal: _____

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: _____

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? Entire Part

b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Kathleen Flanagan for BHA Date: 12-14-21

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

CPC-1952-4072-CU-PA1
CEQA: ENV-2016-2319-EIR; SCH No 2016081015
ZA-2017-928-ZAD
12001 Chalon Road

Reasons for Appeal by Brentwood Homeowners Association and How Aggrieved by Decision

The Brentwood Homeowners Association (“BHA”) appeals the entire decision of the City Planning Commission (“CPC”) to the City Council in the above referenced matters, including the certification of Mount Saint Mary’s University (“MSMU”) Chalon Campus Wellness Pavilion Project EIR (“Project EIR”) as being in compliance with the California Environmental Quality Act (“CEQA”); the adoption of (a) the related MSMU Chalon Campus Wellness Pavilion Project Environmental Findings (“EIR Findings”), (b) the Statement of Overriding Considerations, and (c) the Mitigation Monitoring Program for the Project EIR; the Plan Approval to allow the development of Alternative 5 (“Project” or “Wellness Pavilion”) in conjunction with the continued use of a private school in the RE40-1-H Zone; the Modified Conditions of Approval related to the Plan Approval; and the Findings related to the Plan Approval.

In certifying the Project EIR and approving the Project, the CPC failed to address the questions and the environmental and public safety issues raised by BHA and others, which are part of the record, and the CPC abused its discretion because it proceeded in a manner contrary to law and made the determinations set forth in the prior paragraph that were erroneous and/or not supported by substantial evidence. Appellant incorporates by reference all of the comments and letters submitted into the administrative record, including and without limitation the issues raised and arguments made in prior filings, letters, emails and attachments (including without limitation, our letters, dated September 2, 2016, June 12, 2018, March 14, 2019, December 21, 2020, July 13, 2021 and October 18, 2021), as well as our testimony in these matters and the contents of the hundreds of emails filed with the Department of Planning opposing the Project, and the filings and testimony of Bundy Canyon Association and the law firm of Chatten Brown, Carstens & Minter on behalf of Bundy Canyon, Neill Brower on behalf of neighbors Bernadette and Tim Leiweke, Richard Bergman and others, and all other submittals by organizations and individuals objecting to the Project. The entirety of the letter in the record, dated July 13, 2021, to the Hearing Officer, Los Angeles City Planning Department, from Chatten-Brown, Carstens & Minter is hereby incorporated by this reference.

APPELLANT IS AGGRIEVED BY THE APPROVAL

The BHA is a nonprofit voluntary homeowner association representing over 4,500 single-family homes and condominiums in the Brentwood community. Its geographic coverage area includes the proposed project (“Project”) of MSMU, the Applicant (hereafter sometimes “School”). Many members of the BHA are residents using the roads, including Bundy Canyon and Norman Place, that run from Sunset Boulevard to the entrance to MSMU over two miles north of Sunset Boulevard. These roads, which are narrow winding hillside roads in an area designated a Very High Fire Hazard Severity Zone (“VHFHSZ”) by the State of California, are the only means of access to MSMU from Sunset Boulevard, and there is no other egress from MSMU other than egress through these roads to Sunset Boulevard. These residents are aggrieved by the CPC approval of the improperly and inadequately conditioned Wellness Pavilion Project (“Project”) that would result in significant and adverse impacts, largely due to the unjustified increased vehicle trips from an increase in use and vehicle trips from current levels and the increased risk to their lives and property by reason of dangerous, insufficiently mitigated fire/evacuation impacts. BHA’s members regularly travel on Sunset Boulevard, a major east-west highway that is frequently congested with traffic beyond its design capacity and, since all vehicle traffic to and from MSMU’s Chalon campus must use Sunset Boulevard, these BHA members are aggrieved by the CPC actions being appealed herein that fail to properly analyze and mitigate these adverse impacts.

Appellant Brentwood Homeowners Association

BASIS FOR APPEAL

The proposed Wellness Pavilion intended to serve MSMU students and to serve outside guests will strain infrastructure in a community otherwise planned, zoned, and developed for low-density, single-family development. The secluded hillside location is isolated from public transportation, public services (fire and police), and other non-residential uses which underscores the nonessential nature of the Project as it relates to the community, city, and region. Due to the remote hillside location and the increased traffic impacts and fire risks to life and property, the Project will not enhance the built environment in the surrounding neighborhood or perform a function or provide a service that is essential or beneficial to the community, city, or region.

The size of the proposed Wellness Pavilion, and the proposed uses (particularly all the proposed new uses which have the potential to be events only serving large numbers of people) would be inconsistent with the typical overall intensity of activity in the surrounding community, degrade the community with additional noise and light impacts and, most importantly, significantly more vehicle trips over recent counts in 2018. For the purpose of the required Plan Approval findings, the most recent data must be used – not what is claimed to suffice for the CEQA baseline. The Project’s hillside location, size, height, operations, and other significant features would not be compatible with and would adversely affect or further degrade adjacent properties, the surrounding neighborhood, and public health, welfare, and safety.

The fact that MSMU has been in its location for 90 years does not give it any right to ask for increased and expanded facilities and uses that would create a nuisance and significant dangers to the lives and property of surrounding residential neighbors.

The Specific Points at Issue Include the Following:

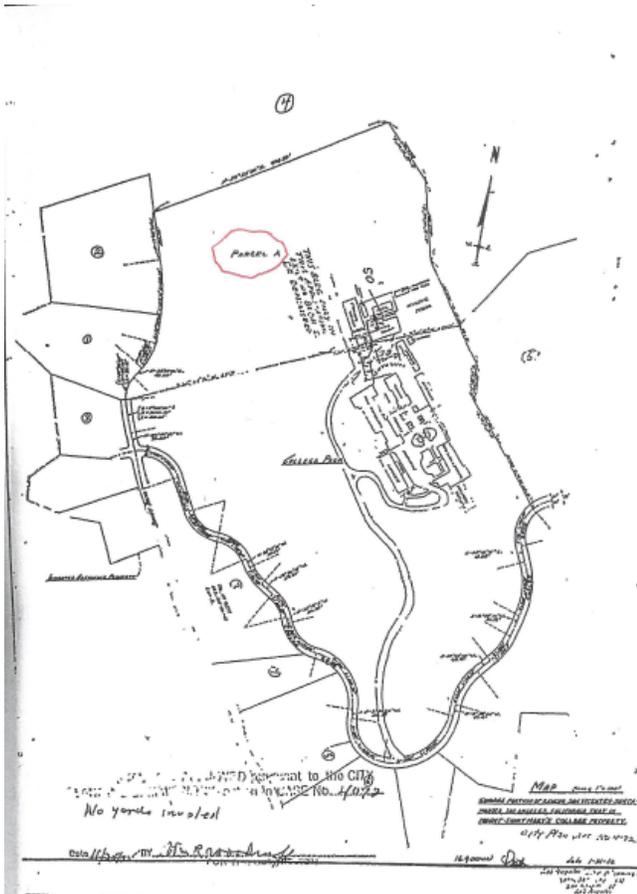
1. The CPC did not have the lawful authority to grant the requested Plan Approval to allow development of the Project since the Project site is not on a lot or portion of a lot on which a Deemed-Approved Conditional Use is permitted.
2. The requested Plan Approval should not have been granted because it includes uses that are not consistent with the stated purpose of the Project.
3. The Deemed-Approved nonconforming use that is claimed for the Project is detrimental to the public health, welfare and safety, as well as a nuisance, and the Conditions of Approval granted by CPC do not eliminate the harmful effects of the Project.
4. The CPC approved the Project without substantial evidence in the record to support the findings.
5. *The CPC erred and abused its discretion by not properly considering an alternative that sites a structure similar to Alternative 5 at the Doheny Campus instead of the Chalon Campus.*
6. The CPC erred by not including revisions and additions to the Conditions of Approval to improve their clarity, effectiveness and enforceability. Without such revisions and additions, the required findings to support a Plan Approval were unsupported by substantial evidence and could not be lawfully made by the CPC.
7. The CPC prejudicially abused its discretion under CEQA by failing to proceed in the manner CEQA provides and by reaching factual conclusions unsupported by substantial evidence or sheer speculation. Speculation

is not substantial evidence. (State CEQA Guidelines, § 15384, subd. (a).)

THE DECISION-MAKER PREJUDICIALLY ERRED OR PREJUDICIALLY ABUSED ITS DISCRETION

1. The CPC Abused Its Discretion by Granting A Plan Approval pursuant to LAMC Section 12.24 M for The Development of The Project on A Lot or Portion of a Lot on Which A Deemed-Approved Conditional Use Was Not Permitted.

The 1952 Conditional Use (Case No 4072) for MSMU describes and relates to only the 16.9 acres (sometimes referred to as 17 acres) acquired by MSMU in 1944. That 16.9-acre lot was a separate lot from the 33 1/3 acres (acquired by the School in the 1920s) until Parcel Map No 4304 was filed in 1981. Proof of that is shown by the Application for a Building Permit on the 16.9 acres filed in 1953. See Exhibit A attached hereto which includes a map referencing Case 4072 and identifies the 16.9 acres as "Parcel A." This conclusively shows that the 16.9 acres may be used only as conditioned in Case No 4072, and not because they have deemed approved conditional use status. This also conclusively shows that the Department of Planning and the City have mistakenly referred to approvals of structures on the 16.9 acres as being located on deemed approved conditional use land, and continue to mistakenly do so in this case. The Department of Planning and the City have also mistakenly referenced plan approvals for the 33 1/3-acre lot as falling under Case 4072 when, in fact, Case 4072 makes no mention of the 33 1/3-acre lot and has no applicability to that lot.



The recorded Grant Deed for Parcel A (16.9 acres) acquired in 1944 includes the following:

Appellant Brentwood Homeowners Association

U.S.I.R.S. \$11.00 Cancelled

GRANT DEED

RESIDENTIAL LAND CORPORATION, a California corporation, in consideration of Ten Dollars (\$10.00) to it in hand paid, receipt of which is hereby acknowledged, does hereby grant to MOUNT SAINT MARY'S COLLEGE, a California corporation, hereinafter called the "Grantee", the real property in the City of Los Angeles, County of Los Angeles, State of California, more particularly described as follows:

PARCEL A: Being portions of Blocks 32 and 33 of the Santa Monica Land and Water Company Tract, as per map recorded in Book 78, pages 44 to 44 inclusive, Miscellaneous Records of said County, described as follows:

Beginning at a 2-inch pipe set in concrete at the northerly terminus of the center line of Bundy Drive, as dedicated by map of Tract No. 9479, recorded in Book 164, pages 40 and 41, Map Records of said County, said point being the northerly end of a curve concave easterly having a radius of 1,000.00 feet, as shown on said map (a radial to said curve at said pipe bearing S. 75° 23' 15" W. by record, but bearing S. 75° 13' 15" W. for the purpose of this description), said point being also the northwest corner of Parcel One described in deed to Mount St. Mary's College, recorded in Book 9428, page 90, Official Records of said County, said point being also the beginning of a compound curve concave easterly, having a radius of 112.00 feet (a radial to said curve bearing S. 75° 13' 15" W.); thence from the true point of beginning northerly on said curve 93.06 feet to the end thereof; thence tangent to said curve N. 32° 49' 40" E. 48.63 feet to the beginning of a tangent curve concave northwesterly, having a radius of 236.00 feet; thence northeasterly on said curve 119.51 feet to the end thereof and the beginning of a compound curve concave westerly having a radius of 847.26 feet; thence northerly on said curve 319.90 feet to the end thereof; thence tangent to said curve N. 17° 49' 08" W. 184.00 feet to the northwest corner of this parcel; thence N. 59° 55' 42" E. 978.98 feet to the northeast corner of this parcel; thence S. 44° 27' 19" E. 263.26 feet, S. 14° 06' 20" E. 305.92 feet and S. 35° 33' 45" E. 272.00 feet to a 2-inch pipe set in concrete described in deed to Security-First National Bank of Los Angeles dated September 12, 1944, and filed for record concurrently herewith, said pipe being the southeast corner of this parcel; thence S. 70° 14' 51" W. 258.56 feet to the northeast corner of Parcel One described in said Book 9428, page 90; thence S. 70° 24' 45" W. 261.02 feet to a point; thence S. 65° 38' 46" W. 831.70 feet to the true point of beginning.

The Plan Approval by the CPC is purportedly pursuant to LAMC Section 12.24 M. However, LAMC Sections 12.24 M and 12.24 L specifically limit a deemed-approved conditional use to "any lot or portion of a lot." Therefore, the right to any grandfathered use that might apply to the 33 1/3 acre lot may not be extended to a separate property (the 16.9 acre lot) that was acquired by MSMU in 1944 (prior to the CUP provisions in the revised Zoning Code adopted in 1946) and not lawfully used by MSMU for educational uses until 1952 (Case 4072) at best. A lot or portion of a lot must have been "lawfully used" prior to 1946 in order to have a right to continue a nonconforming use on the lot. This was not true for the 16.9 acre lot; in fact, it was unlawfully used by MSMU between 1944 and 1952 – a fact that is undisputed.

Appellant Brentwood Homeowners Association

The original approval of MSMU was pursuant to Zone Variance Ordinance 62,642, dated January 3, 1929. The Variance approved certain college uses on a 33.3-acre site located on property otherwise limited to residential use in accordance with Ordinance 42,666. The Variance provided that any plans for any buildings to be built and their location must be approved by City Council. LAMC 12.24 L provides that, with respect to any nonconforming use, "the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect." This condition has been ignored by the Department of Planning and the City with respect to many improvements over the years on the 33 1/3 acre lot.

In June 1946, Ordinance 90,500 revised the City's Zoning Code to require public hearings for conditional use grants for educational institutions. Ordinance 90,500 grandfathered a use legally existing on a designated "lot or portion of a lot." On page II-64 of "Responses to Comments" in the FEIR, Topical Response No. 6 states:

"While these revisions imposed a conditional use requirement on future uses, they also provided for the "deemed approval" of pre-existing uses, including educational institutions such as MSMU. Thus, MSMU became conditionally permitted as a result of the zoning code revisions and the City accordingly began treating MSMU as a "deemed approved" conditional use. Deemed-approved conditional uses may be enlarged pursuant to Plan Approvals under LAMC Section 12.24 M.

As a "deemed approved" conditional use, MSMU then undertook the acquisition of an additional 17 acres in 1952. This acquisition grew the size of MSMU's Chalon Campus to approximately 50.3 acres."

MSMU's Response quoted above misstates the facts. The 17 (or 16.9) acres were actually acquired in 1944, not in 1952, and MSMU illegally constructed on that land in 1949 a fitness center, swimming pool, bathhouse, and tennis courts. (Again, the 1929 Variance was not for any educational use on and did not relate to 16.9-acre Parcel A.) What did occur in 1952 was a City Planning Commission approval of a conditional use application with respect to the 17 acres that had been unlawfully used by MSMU since its acquisition in 1944. The Staff Findings in that 1952 Case No. 4072 state: "*The fact that the site had no legal status [for college purposes] was not brought to light until a building application was submitted for a small 20 x 54 foot athletic and storage building and in checking the legal description it was discovered that it was not included in the original zone variance.*" Hence, it is impossible that any use on these 17 acres had, or has, deemed to be approved status. Some or all of the Project Site is on those 17 acres and does not have deemed to be approved conditional use status. And hence it is not possible to lawfully grant a Plan Approval pursuant to LAMC 12.24 M.

MSMU considered trying to remedy the fact that the 17 acres does not have deemed to be approved status by filing two cases with City Planning on March 7, 2017. Exhibit A of our July 13, 2021 comment letter contains one case with a CPC case number, and one case with a ZA case number, each with a Project Description: "APPROVAL OF A 17-ACRE ADDITION TO CHALON CAMPUS SITE, AS A DEEMED TO BE APPROVED CONDITIONAL USE." It appears these cases have been withdrawn or abandoned because MSMU realized that a lot either has deemed to be approved status in 1946 or it doesn't, but it can't be obtained at a later date.

Appellant Brentwood Homeowners Association

03/07/2017	CPC-1952-4072-CU	12001 W CHALON ROAD 90049	11	Brentwood - Pacific Palisades	APPROVAL OF A 17-ACRE ADDITION TO CHALON CAMPUS SITE, AS A DEEMED TO BE APPROVED CONDITIONAL USE	CU-CONDITIONAL USE	VICTOR DE LA CRUZ (310)312-4000
03/07/2017	CPC-1952-4072-CU-PA1	12001 W CHALON ROAD 90049	11	Brentwood - Pacific Palisades	PURSUANT TO LAMC 12.24M PLAN APPROVAL TO ALLOW A NEW MULTI-PURPOSE RECREATIONAL BUILDING AND PARKING STRUCTURE TO BE CONSTRUCTED ON A PORTION OF THE MSMU CHALON CAMPUS, WHICH IS CURRENTLY PERMITTED AS A DEEMED-APPROVED CONDITIONAL USE PER LAMC SECTION 12.24L	CU-CONDITIONAL USE	(-)
03/07/2017	ZA-2017-928-ZAD	12001 W CHALON ROAD 90049	11	Brentwood - Pacific Palisades	APPROVAL OF A 17-ACRE ADDITION TO CHALON CAMPUS SITE, AS A DEEMED TO BE APPROVED CONDITIONAL USE	ZAD-ZA DETERMINATION (PER LAMC 12.27)	VICTOR DE LA CRUZ (310)312-4000

Attached hereto is the letter, dated May 29, 2018, from CHATTEN-BROWN & CARSTENS LLP to Mike Bonin and Vincent Bertoni, Exhibit B. Incorporated herein by this reference is the portion of that letter under the heading “C. History of Chalon Campus Entitlements” on pages 11 – 21 of that letter. The facts stated therein are evidence supporting the statements above and refuting the inaccuracies in the CPC Determination.

The CPC cannot show how LAMC 12.24 M and L provisions may be lawfully used to support MSMU’s request for a Plan Approval to allow development of the proposed Alternative 5 Project. A full analysis is in the letter, dated July 13, 2021, from the undersigned to Kathleen King with respect to this matter, and such letter is incorporated herein by this reference.

2. The CPC Erred in Granting the Plan Approval for the Project Because It Includes Uses That Are Not Consistent with the Stated Purpose of the Project.

The Purpose of the Project is to develop a new on-Campus facility that provides MSMU students with comprehensive health and wellness services including modern amenities needed for physical and health education. (F-68 of CPC 1952-4072 Determination Letter.) The stated objectives for the Project contradict the Purpose when they include activities or events such as “external mental health, wellness, and sports activities.” This contradiction to the stated Purpose in the EIR has been confirmed multiple times by the School.

The original Variance in 1929 for the Campus restricted the use to education of students. All subsequent approvals restricted the use to education -- not the ability to have events or activities for rental or for outside guests. It was an abuse of discretion to grant a Plan Approval pursuant to LAMC 12.24 M for external or rental uses that involves something different and expanded from education of the students on-site. The fact that a few students might show up at some of these activities or events does not alter the fact that the requested approval for these activities or events would allow all the participants to be external guests -- hence, unlawful. It is the objective of zoning to eliminate nonconforming uses, and so “ ‘courts throughout the country generally follow a strict policy against their extension or enlargement.’ ” (*Hansen Bros. Enters. v. Bd. of Supervisors* (1996) 12 Cal.4th 533, 551 [48 Cal.Rptr.2d 778, 907 P.2d 1324].), 571-572; see, e.g., *Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651, cited with approval in *Hansen Bros.* [“if trailers could be added to plaintiffs’ trailer park as they saw fit during the 20-year period of the automatic exception granted by the ordinance, it would be akin to legalizing the addition of new buildings in connection with the nonconforming use in defeat of the zoning purpose”; *id.* at 652 [“it is well settled that a nonconforming use does not entitle the owner of the property to increase the size of his permanent buildings].”]¹

¹ The following passage in *Edmonds*, 40 Cal.2d at page 652, is noteworthy:

“The purpose of zoning in effecting the crystallization of present conditions and the constructive control of future development was recognized in the case of *City of Yuba City v. Cherniavsky*, *supra*, 117 Cal.App. 568, where it was stated at page 573: ‘If there is no limitation upon the character or location of a nonconforming

Appellant Brentwood Homeowners Association

The enhanced programming of the Wellness Pavilion does not comply with the purpose of the Project since it includes "external mental health, wellness, and sports activities." The CPC, in fact, acknowledged and MSMU confirmed, that these activities were only for rental income and not for the benefit of enrolled students. Therefore, the City Council should disallow the following uses :

1. "Other Wellness/Sports Activities" that would allow external rental events 12 times per year with 310 outside guest vehicle trips per day.
2. "Club Sports" which are estimated could have 40 outside guests but have no actual limits on the number of outside guests or the number of days, other than 310 outside guest vehicle trips per weekday.
3. "Health and Wellness Speaker Series" which the FEIR estimates could each have 250 outside guests, 12 times per year, but without any actual limit on the number of outside guests, other than a limit of 310 outside guest vehicle trips per day. (A "Speaker Series" with a large number of outside guests is inconsistent with the Project description: "The Wellness Pavilion would contain a gymnasium and other recreational and health facilities, which improves the existing function of the current recreational facilities.")
4. "Summer Sports Camps" for outside guests (rental of facilities to non-students) with no limits on the number of campers, and only limits of 236 vehicle trips per day, 102 vehicle trips during any single hour during the 7:00 - 9:00 AM weekday hours, 42 vehicle trips during the 3:00 - 4:00 PM weekday hour, and 11 vehicle trips during any single hour during the 4:00 - 6:00 PM weekday hours.

In a letter dated June 18, 2021 and sent to the community, the School asserted that "Mount Saint Mary's proposed facility will replace a small room with outdated and insufficient exercise equipment, providing the means for our students to achieve their wellness objectives." Debra Martin, Vice President of Administration and Finance, claimed: "And as we have stated in the past, we are not doing this project to expand the campus or increase enrollment. We are simply providing our students with quality exercise facilities like other universities, or even high schools." If this is indeed true, then why would the Project include outside guests for all programming requested for the Wellness Pavilion and include rental activities for non-students? Indeed, Debra Martin, at the CPC hearing, freely acknowledged, after being asked by a Commissioner about the School's asserted need to rent the facilities to maintain them, that all of the Other Wellness Activities and Summer Camp were proposed for commercial purposes only, not to serve the "wellness objectives of their students."

business, so long as it is located on the same lot where it formerly existed, then one may abandon an inexpensive notions counter which was maintained prior to the adoption of a zoning ordinance, and construct in lieu thereof an elaborate mercantile establishment at the opposite end of the same lot, at an unlimited expense, and thus circumvent and destroy the very purpose of the ordinance.'

"There is little difference in principle between enlarging a grocery business through relocation on a different part of the same property, as was the situation in the cited *Yuba City* case, and enlarging a trailer court business through the addition of trailer units for the housing of more people [the *Edmonds* fact scenario]. In either situation the enlargement of the nonconforming business would involve a detrimental effect on surrounding property values in a residential area, as well as conflict with the purpose of zoning to restrict rather than extend the 'existing' nonconforming use."

Appellant Brentwood Homeowners Association

3. CPC Abused Its Discretion by Approving A Non-Conforming Use for The Project Without Imposing Conditions That Would Eliminate the Project's Harmful Effects on the Public Health, Welfare and Safety.

Case law provides that a nonconforming use, although prohibited by enactment of a zoning ordinance, if it was in effect prior to such enactment, may be permitted if shown that it is not a menace to the health, welfare and safety of the public. (*Livingston Rock etc. Co. v. County of Los Angeles* (1954) [43 Cal.2d 121, 127](#); *Hopkins v. MacCulloch* (1939) [35 Cal.App.2d 442, 445](#); 2 Metzenbaum, *Law of Zoning*, 2d ed., chap. IX-m, p. 957; 1 Yokley, *Zoning Law and Practice*, 2d ed., § 147, p. 362; 8 McQuillan, *Municipal Corporations*, 3d rev. ed., chap. 25.160.) The reasonable and logical meaning of these cases is that if the nonconforming use may be prohibited, the use may surely be conditioned. And although the use is not a "menace to the health, welfare and safety of the public" at the time of enactment of the zoning ordinance, if external circumstances change over time so as to create such a menace, or if proposed extensions or enlargements of the nonconforming use would create such a menace, then the nonconforming use may be prohibited or conditioned. The mere fact that some applicant hardship may thereby be experienced is not controlling, for "every exercise of the police power is apt to affect adversely the property interest of somebody." (*Zahn v. Board of Public Works* (1925) [195 Cal. 497, 512.](#))

BHA, in its prior submissions to the City referenced above, detailed the many consequences of the Project, such as the serious risk of fire to MSMU and the surrounding residences (a risk climate experts are in agreement will increase over time), detriments to emergency evacuation by students, staff, and guests of MSMU as well as evacuation by surrounding residences, increased traffic, and dangerous hillside road conditions. These and other such consequences of the Project require conditions as part of any Project Approval that eliminate such consequences from aspects of the Project. Tables V-1 and V-2 in the DEIR show that the LOS Existing (2016) and Future (2020) conditions of the intersections of Barrington/Sunset, Saltair/Sunset and Bundy/Sunset at PM peak hour are all rated "F." The CPC abused its discretion by granting a Plan Approval for the Project and not requiring conditions that would mitigate these harmful consequences, such as:

- Reducing the size of the Wellness Pavilion.
- Eliminating all new events that have the potential to serve non-students or outside guests.
- Imposing vehicle trip caps from the most recent data of 2018 that reflects current conditions and would REDUCE traffic on non-conforming neighborhood streets.
- Imposing a maximum length of construction.
- Requiring annual reporting of compliance with conditions.

Therefore, among other restrictions and conditions, we request that the City Council add the following conditions:

- Average daily vehicle trip cap of 1,600.
- Enrollment cap of 1,072.
- No new non-curricular events for outside guests.
- No new external summer camps.
- No weekend use of campus by non-students.
- No outside filming permitted on campus.
- No use of new Pavilion by persons who are not students, faculty, or staff.
- Construction period limited to 20 months.

4. *The City Planning Commission Abused Its Discretion By Approving the Project Without Substantial Evidence in the Record to Support the Findings of Approval.*

The required findings under LAMC 12.24 E related to the request for a Plan Approval in accordance with LAMC Section 12.24 M for the construction and operation of the Wellness Pavilion are not supported by substantial evidence or law.

The Project would not enhance the built environment in the surrounding neighborhood nor perform a function or provide a service that is essential or beneficial to the community, city, or region. The Project, which allows new multiple events for 400 guests per day (not students, faculty members or staff) generating a new 310 guest vehicle trips per day, would definitely not enhance the surrounding neighborhood, nor perform a function or service essential, or even beneficial, to the community, City, or region as a whole. The Project introduces a new twelve-week summer camp for 200 campers and 40 staff per day, generating 236 summer camp vehicle trips per day in the summer for a new use that would definitely not enhance the surrounding neighborhood, nor perform a function or service essential, or even beneficial, to the community, City, or region as a whole.

On page F-3 of the Staff Report, the proposed Finding states: “Alternative 5 will allow MSMU to continue providing the essential and beneficial service of a private educational institution in the Brentwood Community.” The implication that a substantial number of residents of Brentwood attend the school and therefore a function or service essential and beneficial to the community is being provided is not true. MSMU had a survey done in 2019 that shows that less than 5% of its students at the Chalon campus are from the Brentwood Community.

A CPC Finding recites the vehicle trip limits proposed for multiple NEW events and the NEW summer camp as if those limits enhance the neighborhood and benefit the community. It is irrational to suggest that new adverse impacts somehow become beneficial because they are not as bad as they could have been without the limits.

A CPC Finding suggests that a 35,000 sq. ft., two story, edifice in a residential neighborhood that is in a Very High Fire Hazard Severity Zone, and that would require special exemptions for height, grading, and retaining walls, will somehow enhance the built environment in the surrounding residential neighborhood. The statement is obviously gratuitous make-believe, unsupported by evidence. The massive building would clearly violate the intent of the Hillside Mansionization Ordinance.

A CPC Finding suggests that Archer School and Brentwood School, both located on residentially zoned property on Sunset Boulevard, a four-lane highway, are precedent for approving the Project. That conclusion may not reasonably be made since the proposed Project would have only one means of ingress and egress on a narrow, winding, two-lane road over two miles from Sunset Boulevard. Further, the Finding is deficient because it avoids mentioning and dealing with the obvious hazardous and nuisance obstacles that the proposed location present to the built environment in the surrounding neighborhood.

A CPC Finding concludes that the Project “will provide students, faculty, staff” with a new facility, and will “educate students.” That statement is misleading and not true. The proposed Project includes many activities designed for outside guests and non-curriculum activities. As such, the statement does not provide evidence nor support for the Plan Approval. In fact, what is omitted from the description proves the opposite – that the Project is intended for the aggrandizement of MSMU.

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The Project's location, size, height, operations and other significant features would not be compatible with, and would adversely affect or further degrade, adjacent properties, the surrounding neighborhood, or the public health, welfare and safety. The Project would include a summer camp and many events that would be allowed to be populated solely by outside guests. The use of the Pavilion for outside guests would not be compatible with the surrounding neighborhood, and would adversely affect the public health, welfare and safety (traffic, pollution, fire/evacuation impacts), and there is no substantial evidence to support a different conclusion.

The City erred in accepting a major misrepresentation made by MSMU, namely that that the Chalon Campus primarily educates nurses and health care workers, and the so-called "Wellness Pavilion" is needed on the Chalon Campus for the education of students enrolled at the Chalon Campus in health care programs. In fact, there are undisclosed (but reasonably expected large) adverse impacts from the use of the Chalon Campus for Doheny students not enrolled at the Chalon Campus. This results in inappropriate operations not compatible with the surrounding residential neighborhood that adversely affect the public health, welfare and safety. There is no substantial evidence or reasonable explanation justifying why all square footage and operations proposed for the Wellness Pavilion that is not part of a usual BA or BS program should be located at the Chalon Campus rather than the Doheny Campus, particularly since such operations are related to programs of the Doheny students.

A CPC Finding states: "Athenian Day and Homecoming, would be permitted to increase the maximum number of outside guests, students, faculty, and staff upon relocating these events to the Wellness Pavilion. In addition, a number of new events will be held at the Wellness Pavilion including Summer Sports Camps, Health and Wellness Speaker Series, Other Wellness/Sports Activities, and MSMU's existing volleyball and basketball club sports practices and games (which currently practice and play games off-site)." These aspects of the Project that would allow new multiple events for 400 outside guests per day, who would be allowed to generate a new 310 outside guest vehicle trips per day, would definitely not enhance the surrounding neighborhood, nor perform a function or service essential, or even beneficial, to the community, City, or region as a whole. These aspects of the Project that would allow a new twelve-week summer camp for 200 campers and 40 staff per day, who would be allowed to generate 236 summer camp vehicle trips per day, would definitely adversely affect adjacent properties, the surrounding neighborhood, and the public health, welfare and safety, and there is no substantial evidence otherwise.

The fact that no change in enrollment is part of the requested entitlements does not alter the obvious fact that part of the purpose of the Pavilion Project is to make MSMU more attractive to students considering alternative schools. Even if not planned, a reasonably foreseeable consequence of the Pavilion Project is a greater enrollment, subject only to legal limits. Therefore, the omission of any discussion and analysis of induced increased enrollment makes the EIR and the proposed Plan Approval deficient, erroneous, and unlawful. The statement on page A -1 of the Staff Report "Alternative 5 will not increase student enrollment" is not supported by substantial evidence and is illogical and erroneous. Even without a specific request to increase enrollment, the fact remains that MSMU asserts the right to increase enrollment to over 2,200 at the Chalon Campus. (DEIR, pages 11-12 prior to trying to hide the issue by deleting the discussion.) Since the number of students living on campus in 2015 was the maximum that could be accommodated, an increase in enrollment would add to the demand for housing nearby with impacts on traffic and infrastructure (including utilities, LAPD, LAFD) that were not studied in the EIR. Hence, the EIR and Findings are deficient and unlawful. The failure to study the impacts from that 40% larger enrollment (claimed by MSMU as its right) prevents lawful approval of the EIR, and the failure to discuss such impacts in the CPC Findings results in the Findings being deficient, erroneous, and

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unsupported by substantial evidence. Further, adoption of the CPC Findings and Conditions without any analysis of the legal maximum enrollment amounts to a de facto or implicit approval of MSMU's asserted right to an enrollment in excess of 2,100 without any study or discussion of the adverse impacts of such increased enrollment; hence, resulting in the EIR, the Findings, and Conditions being legally deficient, and a Plan Approval and other entitlements unlawful.

The Project does not substantially conform with the purpose, intent and provisions of the General Plan, and the Brentwood-Pacific Palisades Community Plan. The CPC Finding states on page F-13: "The Campus exists as a "deemed to be approved" conditional use because its use as an educational institution predates such CUP requirement, and development of the Campus has been permitted through a series of Plan Approvals.... Alternative 5 does not involve a material change from the previously authorized deemed approved conditional use." These statements are deficient and woefully inaccurate because they ignore that the Chalon Campus is comprised of two parcels and, although the two parcels were joined by filing a Parcel Map in 1981, the treatment of the two parcels differs under the LAMC and case law . The 17-acre parcel acquired for school use by MSMU in 1944 did not have deemed approved conditional use status when the new zoning ordinance requiring a CUP was adopted in 1946. In fact, that parcel (zoned residential) was unlawfully used by MSMU between 1944 and 1952 when a CUP was finally granted. The Parcel Map filed in 1981 did not add such deemed approved status to the 17-acre parcel. Prior Plan Approvals, if any, that may have referred to such deemed approved status being applicable to the 17-acre parcel were legally wrong and may not now be used to rationalize the current Plan Approval application.

The reason this is relevant is that the proposed Alternative 5 Project would be mostly on that 17-acre parcel, and the current application and approval by the CPC purport to be pursuant to LAMC Section 12.24 M which benefits only a lot or parcel for which a *lawful* nonconforming use was in existence in 1946, when the zoning code was changed. . The 1929 variance was only for use of 33 acres of land for educational uses, excluding the 17 acres of then parcel A, and subject to getting City Council approval of plans for buildings. After the zoning code was changed in 1946, that use could not be extended to occupy a greater land area than that occupied when the legal nonconforming use was established. Legal nonconforming status may not be extended to or grafted upon adjacent property by filing a Parcel Map any more than it could be extended to subsequently acquired property that is a mile away.

The 17 acres was a separate residentially zoned parcel prior to 1981 (when Parcel Map No 4304 was filed) and was not being lawfully used for any non-residential use because MSMU never applied for a variance or conditional use for the 17 acres prior to 1952. In fact, the unlawful use by MSMU continued for over 5 years after the changes to the zoning code in 1946. The 1952 CU allowing its educational use, subject to conditions, did not give the 17 acres legal nonconforming use status. Exhibit C3 (the 1952 CU) to the Staff Report grants a Conditional Use, and there is no mention whatsoever of the property being entitled to deemed approved conditional use. Eliminating the lot line between the two parcels in 1981 does not magically extend lawful nonconforming use status to the 17 acres of land. *Hansen Bros., Inc., supra*. Hence, a plan approval process pursuant to 12.24 M and L may only be used for the 33-acre portion of the Chalon Campus.

The Project does not conform to the purpose, intent and provisions of the 1929 Variance for the 33-acre portion of the campus, nor the provisions of the Brentwood-Pacific Palisades Community Plan.

5. The CPC Erred And Abused Its Discretion By Not Properly Considering An Alternative That Sites A Structure Similar To The Project/Alternative 5 At The Doheny Campus Instead Of The Chalon Campus.

An established policy of the City is new development should take place only where public transit is available. That is true at the Doheny campus but not the Chalon campus. It is established policy of the City that, in general, development should avoid VHFHSZs. That would allow development at the Doheny campus but not the Chalon campus. It is established policy that development should not take place under conditions where there is only one means of egress in emergencies, where portions of the only neighborhood roads are less than 20 feet wide, or where the closest fire station is over a certain distance. None of those conditions exist at the Doheny campus, but they do exist at the Chalon campus.

The adjacent neighborhood of the Doheny campus (which is zoned High Medium Density Multiple Family Residential) includes institutional, educational, and commercial uses whereas the adjacent neighborhood of the Chalon campus which is zoned Minimum Residential) is entirely single-family residential. Although perhaps somewhat smaller in size, there can be no doubt that the stated Purpose of the Project/Alternative 5 could be met by a "Wellness Pavillion" at the Doheny campus, and that the risks to the lives and property of the students, faculty, staff, and neighbors from fire/evacuation issues would be significantly lower, as would be the impacts from vehicular traffic.

6. The CPC Erred and Abused Its Discretion by Not Including A Number of Revisions and Additions to the Conditions of Approval to Improve Their Clarity, Effectiveness and Enforcement. Without These Revisions and Additions, the Required Findings to Support The Plan Approval Could Not Be Lawfully Made By CPC.

Revisions to Conditions of Approval

The following revisions to the approved Conditions are necessary to effectively mitigate the harmful impacts of the Project to the surrounding community.

- Condition 2, Use, should be modified to restrict use to no outside use by individuals or groups unrelated to MSMU and the education of its students. This includes summer camps, weddings, photo and film shoots and public speaker series inviting up to 400 guests. The use of the Wellness Pavilion should be only for the benefit and education of the students at the Chalon Campus, as MSMU expressly stated is its purpose.
- Condition 3, Building, should include a moratorium on any new construction or building additions until a 20-year Master Plan is developed for the entire campus, reviewed and approved by the City. This has been a requirement for other colleges in R-1 Zoning. Loyola Marymount University is just one example.
- Condition 6, Parking, additional provisions for parking should be included that prohibit school related parking on Chalon or any other residential streets connecting the Chalon campus to Sunset Boulevard . To comply, all faculty, staff and students must register a car or other method of transportation to the School. 100% utilization of on-campus parking is required through development and implementation of an Event Parking and Transportation Management Plan that includes a parking reservation system to enforce vehicle trip caps.
- Condition 12, Event Restrictions, should be modified as follows:

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a. Rental/Leasing, should be modified to state “Rental or lease of the Wellness Pavilion is not permitted.” There should be no exceptions to the total ban on renting, leasing or use (free or for consideration) of the Wellness Pavilion by individuals or groups unrelated to MSMU. The Wellness Pavilion is not for commercial purposes and was built for the expressed use of students.

b. Other Wellness/Sports Activities, should be modified to state “No external rental activities shall be allowed.” Condition 12a states no rental or leasing of the Wellness Pavilion for a fee and then proceeds to state that Other Wellness/Sports Activities may occur 12 times per year. P. A-16 of the Staff Report defines these activities as: *External rental activities that are [sic] support health, wellness and sports.* By its very definition these events are not allowed and the Condition should reflect that.

c. Wellness Speaker Series Events. Again, this condition should strictly limit attendees to Chalon Campus staff, faculty and students .

d. Summer Sports Camp should be eliminated. It is a commercial enterprise that is unrelated to the education of the enrolled students at the Chalon Campus.

e. Club Sport Events, should be modified as follows, “All athletic competitions shall be held during the school year, Monday through Thursday. No athletic competitions shall be held on Fridays, Saturdays or Sundays. No tournaments shall be held on campus.”

h. Total Daily Outside Guest Vehicle Trips associated with Wellness Pavilion activities should not be permitted. Instead, the condition should stipulate a daily vehicle trip cap of 1,600 for all activities on campus. This trip cap should be based on 2018 average daily trips reported by MSMU of 1,813; not the 2,100 trips of 2016. This condition should be part of an overall transportation program that includes a trip reduction plan.

i. New Event Start/End Times should be modified to “shall not be permitted to start between the hours of 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 7:30 p.m. and/or end between the hours of 6:30 a.m. to 9:30 a.m. and 3:00 p.m. and 7:00 p.m.” ALL EVENTS that begin or end during AM and PM peak hours should be required to use a Campus entry reservation system. In addition, the Campus entry reservation system should apply to all events, not just those during AM and PM peak hour trips. (See new condition below.) The School shall provide annual reports regarding the issued parking reservations on a designated page or link on the School’s website for community informational and enforcement purposes.

- Condition 13, Neighborhood Outreach and Notice. In addition to the calendar identifying all campus events with over 50 outside guests, the MSMU website should include a link for the community to register complaints, ask questions and resolve issues with a reply required within 48 hours. The Community Relations Representative should also conduct neighborhood meetings twice a year to report on the compliance of the university with trip caps and all other conditions of operation and include a review of any complaints or concerns received from the community and their resolution.
- Condition 15, Construction, should be modified to include a condition that 20 months of construction are consecutive and the maximum to ensure the construction period is temporary.

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- Condition 15b, Construction Access should include a Construction Parking Plan that identifies on- and off-site parking locations for construction personnel. The details of the plan shall be submitted to the City's Department of Transportation ("LADOT") for its review and approval 30 days prior to commencement of any construction activity. MSMU will provide a copy of the parking plan to the Council District Office. All construction vehicles must arrive and depart outside of a.m. and p.m. peak hours.

No special events during the months of construction.

Additional Conditions to be Included

In order to effectively monitor and enforce compliance with the Conditions of Approval, the following conditions should be included:

Transportation Management Program.

A comprehensive Transportation Management Program with a Trip Reduction Plan should be a condition of approval. Components of the plan should include a rideshare program of carpools and shuttles, increased incentives for use of public transportation, limited vehicle trips during peak hours of 7:00 a.m.–9:00 a.m. and 3:00 p.m.–7:00 p.m., a parking reservation system and event parking plan, a full-time transportation and parking coordinator to manage the system and program, and monitoring of parking on residential streets. The electronic Campus Parking Reservation system must require a reservation and parking pass for all visitors to access the Campus for all special events or athletic competitions. All visitors, including students, faculty and staff from the Doheny campus must also use the system. Penalties should be set and enforced if limits are exceeded for trip caps.

Reporting of Transportation Management Program.

The School should be required to submit a Transportation Management Compliance Report for five years after the issuance of the Certificate of Occupancy to the City Planning Department, LADOT, and the District Council Office that demonstrates compliance with the average daily trip cap and other transportation and traffic mitigation measures required. A copy of the Transportation Management Compliance Report shall also be provided to the Brentwood Community Council and Brentwood Homeowners Association. The School shall secure, at its own expense, an independent third-party compliance monitor who shall prepare the annual Transportation Management Compliance Report. The report should include any reports of violation by students, faculty, staff or visitors parking on residential streets.

Enrollment

While Condition 6c states "any new parking provided in association with the Wellness Pavilion and/or a future use shall not be used as a mechanism to increase student enrollment for the Chalon Campus," there is no direct mechanism that exists today to cap enrollment at the campus. Parking spaces have been the traditional method used to determine enrollment, with no checks or balances or enforcement mechanisms. In fact, it appears parking spaces have been added over the years, separate from the parking structure, on open surfaces around the campus. How else to explain the increase from 1,072 allowed enrollment in the 1984 approval of a parking structure versus to the 2,244 MSMU states they are allowed today. The Staff Report for the CPC acknowledges the various interpretations over the enrollment allowed at MSMU and states new parking spaces may not be used to add enrollment in the future, but then fails to define the maximum number allowed. This is a glaring omission and deficiency with the conditions that must be remedied immediately.

In summary, we ask that the Project be conditioned with the following:

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- Enrollment Cap of 1,072 .
- No summer camp program or any other programming in the summer months.
- Wellness Pavilion programming for students, faculty and staff ONLY.
- No additional programming of Wellness Pavilion for outside guests.
- No weekend use of the campus by non-students.
- Limits on the size and number of special events.
- Reduction in daily vehicle trips to 1,600.
- PM peak hours defined as 3 p.m. to 7 p.m.
- No commercial filming permitted on campus.
- Vehicle Trip Caps that apply to all vehicles arriving to campus between 3:00 p.m. and 7:00 p.m.
- Construction period limited to 20 months.
- Annual monitoring by a third party of compliance with trip caps (through car counts, logs from security regarding pedestrian access) as well as annual reports from an electronic parking reservation system that shows compliance with use and access of allowed vehicles.
- Required Plan Approval one year after the Certificate of Occupancy to verify monitoring, enforcement and compliance with all mitigation measures with a report submitted to the Brentwood Homeowners Association.
- Penalties for noncompliance with restrictions and conditions.

Additional Fire Protection Measures Should be Included

Consistent with MSMU's statements of adopting a sheltering in place strategy in the event of a wildfire, a place designated as a shelter needs to be able to provide protection from those hazards. It seems obvious that if the objective is to protect a population from external environmental conditions that the process should not send people to an open outside area that is unprotected from those hazards.

For this reason, protection from the environment created by an encroaching wildfire should be in a purpose-built structure or an existing structure with enhanced fire protection features that provide appropriate protection. The population should remain there until the threat from the emergency is over or until the situation evolves to a point where relocation becomes appropriate. The structure should be able to provide occupants a safe place to stay and keep them informed on conditions while they are being sheltered.

If controlled relocation is not possible due to the effects of an encroaching wildfire, the residents, visitors and staff should be directed to the TSR building(s). Staff should then provide leadership and keep the population safe, informed and calm. They should describe active and passive features of the TSR facility; the building features, the safety designed into the area immediately surrounding the building including vegetation management, and the level of training of the of the staff. Additionally, the staff should have an accurate accounting of all residents and visitors on campus at all times.

The building(s) to be used as TSR's should be of sufficient size to accommodate the entire on-site population comfortably. It should be sized to allow at least 15 square feet per person which is more than twice the 7 square feet per person required of basic assembly occupancies and have bathrooms, air conditioning, and automatic fire sprinklers. The building should be ignition resistant, consistent with the most restrictive of elements of the LAFD enhanced fire-resistive construction requirements, and California Building Code, Chapter 7a. In addition, the building should be provided with automatic closure features on any windows, vents or skylights to prevent the entry of burning embers. The TSR building needs to have optimum and alternative

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communication systems in place (including systems not dependent on cell service) and be operable at all times when people are on site. This should include without limitation radio, television, telephone, and internet capability, with back-up power for those devices. Back-up power should be provided for the building, immediate area lights and all active and passive fire protection systems.

Recurring staff training and periodic exercises should be performed on site to assure the effectiveness of these protective features, operating procedures and the efficiency of staff. The frequency of the training should account for staff turnover and observed exercise performance. Contact information such as telephone numbers, cellular numbers, e-mail addresses, radio frequencies and staff descriptors should be maintained and updated as needed, and reviewed at least annually. These provisions should be included within a formal Fire Protection Plan.

- Enhanced fire resistive construction including special passive and active fire protection features to limit ember exposure such as, fire resistive shutters for windows, and self-closing vents and skylights.
- Automatic fire sprinklers in compliance with standards for public assembly areas.
- Building size exceeding (more than doubling) the required 7 sq. ft. per person for comparable assembly occupancy.
- Ability to seal off air handling system against smoke and ember intrusion.
- Fuel Modification and clearance of combustibles around TSR structure and egress ways.
- Communication systems including radio, television, telephone, internet and Wi-Fi capability with back-up (two independent sources) power for those devices (grid, solar, battery, generator, etc.)
- Back-up power for building and area lights.
- Restrooms, drinking water, emergency food supplies.
- Accountability of all personnel on site.
- Full control of air handling systems including smoke filtering.
- Significantly more than the minimum of 100 ft. of defensible space surrounding the facility.
- Perimeter exterior proprietary hydrant system.
- Adequate access for emergency first responder vehicles.
- Disabled access including restrooms.
- Fire Official or Law Enforcement on site.
- Cell phone charging capabilities.

The CPC failed to obtain from MSMU, what, if any, resources MSMU is personally willing to commit to avert the chaos and diversion of City fire resources that occurred during the Getty fire in 2019. Rather than call on LAFD to evacuate students fleeing on foot, by ambulance or fire trucks or to use other limited City resources, we respectfully request that the City Council require the School to have in place a plan similar to the Getty Museum, i.e., where staggered evacuation in institutional transportation (such as MSMU's shuttle vans) is implemented after temporary refuge has occurred.

7. The CPC Determination Approving the Project/Alternative 5, Including the Findings and Certification of the FEIR, Violates the California Environmental Quality Act (CEQA).

The CPC's environmental review and approval of the Project/Alternative 5 violates CEQA and the regulations implementing CEQA (Pub. Resources code, 21000 et seq.) found in California Code of Regulations, title 14, section 15000, et seq. (CEQA Guidelines). The CPC failed to disclose or adequately

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analyze the Project/Alternative 5's significant environmental impacts on wildfire risks and greenhouse gas (GHG) emissions as required by CEQA and the CEQA Guidelines, and failed to identify and adopt feasible, verifiable and enforceable mitigation measures to substantially reduce these impacts. The CPC's approval of the Project/Alternative 5 based on such an inadequate review violates California law and must be overturned.

The CPC has prejudicially abused its discretion. As a result of the CPC's approval of the Project/Alternative 5 and certification of the FEIR, the BHA, its members, and residents in the vicinity of the School and in the Brentwood Community Planning Area will suffer great and irreparable harm to their interests, owing to the adverse environmental effects of the Project/Alternative 5 that may endanger the Project/Alternative 5's residents, neighboring residents, other members of the public, public and private property and the public generally -- and will do so during Santa Ana wind-driven firestorms.

CEQA requires an EIR to identify and analyze a project's significant environmental impacts, including those impacts caused or exacerbated by bringing development and people into the area affected. (See Pub. Resources Code, §§ 21002, 21002.1, subd. (a); CEQA Guidelines, § 15126.2, subd. (a).) The impacts of development in areas prone to severe wildfire hazard specifically require consideration: "the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, *wildfire risk areas*), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazard areas." (CEQA Guidelines, § 15126.2, subd. (a), emphasis added.)

In 2012, the California Legislature required the Office of Planning and Research, together with the Natural Resources Agency and the California Department of Forestry and Fire Protection (CalFIRE), to amend the CEQA Guidelines to require consideration of fire hazard impacts for projects on lands classified as very high fire hazard severity zones, such as those where the Project/Alternative 5 is located. (See Pub. Resources Code, § 21083.01.)

The Natural Resources Agency amended CEQA Guidelines Appendix G, which is the checklist for agencies considering environmental review under CEQA, to include questions specifically focused on "the effects of new projects in creating or exacerbating wildfire risks." "While wildfire risk already exists in such areas, bringing development to those areas makes the risk worse."

The potential wildfire-related impacts that agencies must consider include: whether a project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires; whether the project would, due to slope, prevailing winds, and other factors, a project would exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or the uncontrolled spread of wildfire; whether the project would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or result in temporary or ongoing environmental impacts; whether the project would expose people or structures to significant risks, *including downslope* or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (CEQA Guidelines, App. G, subs. IX(g), XX.)

MSMU's plan to shelter-in-place increases the risk of injury or death to Project occupants and it was not analyzed in the FEIR.

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The EIR also must identify feasible mitigation measures to reduce or avoid the project's environmental impacts. (Pub. Resources Code, §§ 21002, 21002.1, subd. (a).) Lead agencies "should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.) As such, CEQA requires each lead agency to "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Resources Code, § 21002.1, subd. (b).) In the case of MSMU, measures such as sprinklers and brush clearance that are already required do not constitute adequate mitigation for new incremental direct and indirect impacts that are the result of the Project/Alternative 5. In addition, the MSMU FEIR is fatally flawed due to the City's failure to offer an in-depth analysis of the alternative of locating the Project/Alternative 5 at another campus (Doheny campus) owned by the School within the City of Los Angeles, i.e., an alternative *without* the environmental impacts of fire/evacuation, wildland fire hazard related air pollution, GHG emissions, and traffic since it is not in a VHFHSZ and is close to and well served by public transit. Also, the EIR erroneously neglects to properly describe and analyze the reduced size Alternative with respect to lessening environmental effects of the Project.

CEQA also requires that an "EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans ... [including] regional transportation plans." (CEQA Guidelines, § 15125, subd. (d).) The MSMU FEIR is flawed due to its failure to discuss the Project inconsistencies with the Safety Element of the City's General Plan and numerous policies, laws and regulations of the City and the State, restricting or limiting development in VHFHSZs in the hillsides and where public transit is not practically available.

The City's decision must be supported by substantial evidence in light of the whole record. (Pub. Resources Code, §§ 21168, 21168.5; CEQA Guidelines, § 15384.) "Substantial evidence" is defined as relevant, reasonable information and inferences that a fair argument can be made to support a conclusion, including facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. (CEQA Guidelines, § 15384.) Argument, speculation, unsubstantiated opinion or narrative, or inaccurate or erroneous evidence does not constitute substantial evidence. (*Ibid.*) The EIR Findings in the CPC Determination are not supported by substantial evidence.

Only one two-lane road—Bundy Drive (and a possible alternative *for part of the distance* downslope — Norman Place) — provides ingress and egress for the entire Project/Alternative 5 site. Project/Alternative 5 would inevitably exacerbate this area's already-strained evacuation routes and times. If a fire occurred in or near the Project/Alternative 5 site, all approximately 1,600 residents on those streets, MSMU's potential 2,400 students plus faculty and staff, and the 450 outside guests at events permitted by the CPC Determination, would be forced to evacuate on the same two-lane road. However, the MSMU FEIR failed to analyze in any respect whatsoever the potential increase in student enrollment merely because Project/Alternative 5 did not formally ask for an increase in enrollment. But the FEIR is fatally flawed because it analyzes all impacts based on current student enrollment even though the School claims a right to increase that enrollment by 60% without having to ask for an increase in the future. MSMU's plan to temporarily shelter in place may not be used to skirt an analysis of evacuation issues since common sense requires an acknowledgement that, at some point, fire suppression capabilities can be overwhelmed and evacuation then becomes necessary. In addition, the MSMU FEIR is flawed because it does not analyze the risks to the lives and property of residents in the neighborhood surrounding the MSMU campus due to the diversion of fire resources from the homes of those residents to the MSMU campus. Further the MSMU FEIR is flawed because it does not analyze how the population on the MSMU

Appellant Brentwood Homeowners Association

campus, including the potential increase in that population by reason of the CPC Determination, would be able to be transported out of the VHFHSZ residential area.

The MSMU FEIR fails to properly analyze significant environmental effects Project/Alternative 5 may cause or threatens to exacerbate by bringing development and people into the VHFHSZ. (CEQA Guidelines, § 15126.2, subd. (a).) CEQA requires the EIR to analyze a project's potential to increase or exacerbate wildfire risk, including the increased risk of wildfire ignition or spread and the sufficiency of evacuation capacity, particularly in a wildfire-prone area. (Pub. Resources Code, § 21083.01; CEQA Guidelines, App. G, subds. IX and XX.) This analysis must disclose the project's potential wildfire impacts based on its specific design, density, configuration, land uses, and location, among other relevant factors. And it must disclose the level of severity of public health hazards due to pollutant concentrations from a wildfire. (*Ibid.*; see Pub. Resources Code, § 21083, subd. (b)(3).) The MSMU FEIR and the CPC Determination fail to meet these requirements.

The MSMU FEIR fails to disclose and properly analyze the Project/Alternative 5's significant direct, indirect, and cumulative wildfire impacts. Among other things, the FEIR's conclusions regarding Project-related wildfire risk are not supported by substantial evidence, including but not limited to its rejection of the scientific evidence documenting the increased ignition risk resulting from building in the wildland-urban interface (including from construction activities) and its disregard of the inadequate evacuation route by assuming that, in an extreme wildfire where evacuation is impossible, MSMU students, faculty, staff, and outside guests at events and summer camps allowed by the CPC Determination could simply—and safely—stay on the MSMU campus. Indeed, the CPC Determination does not quantify the risk at all, but simply concludes that Project/Alternative 5 can fully compensate for wildfire hazards and drive any impact to a less than significant level through limited Project design features and mitigation measures such as brush clearance and sprinklers that do not even qualify as discretionary mitigation measures.

The MSMU FEIR also fails to disclose and analyze the cumulative increased wildfire risk posed by the Project/Alternative 5 in conjunction with other proposed development, including the nearby Berggruen Institute project. That development would add hundreds of people in the same severe fire-prone area of Los Angeles. Construction in such an area substantially increases the threat of wildfires (welding, soldering, use of onsite heaters and cooking equipment, storage of chemicals or flammable materials used in building, use of cordless tools and equipment running on lithium ion batteries, known to combust etc.), and together the new developments will only amplify these effects.

The action of the CPC Determination in certifying the FEIR and approving the Project/Alternative 5 without adequately evaluating the Project/Alternative 5's environmental impacts is arbitrary and capricious, lacking in substantial evidence or not in accordance with law, i.e., a prejudicial abuse of discretion.

The fire/evacuation issues are accompanied by improper, analytical short-cuts. Instead of independently acknowledging all the significant impacts of the Project as to wildfire risks and then assessing mitigating measures correlated to the relative severity of such impacts, the mitigation measures are characterized in the EIR as being part of the Project. Compressing the analysis of impacts and mitigation measures into a single issue, too, violates CEQA. The adoption of the secret "Chalon Wildfire Emergency Response Plan" (not available for public review) and compliance with applicable fire codes do not obviate the need for the EIR to analyze significant impacts that would exist prior to the implementation of any mitigation measures, let alone the need for *public participation* in the CEQA process. (See CEQA Guidelines, § 15201.)

Appellant Brentwood Homeowners Association

The action of the CPC Determination in certifying the FEIR and approving the Project/Alternative 5 is a prejudicial abuse of discretion also because such action is contrary to the policies and regulations of the City of Los Angeles intended to reduce risks from wildland and urban fires to people (their public safety and health), property, environment and economy, including the risks during construction of the Project, operation of the Project, over-development in VHFHSZs, and risks due to the limited capacity, safety, and viability of limited evacuation routes. These policies and regulations are contained in the Safety Element of the City's General Plan, the Local Hazard Mitigation Plan (Council File No. 17-1399), the Office of Planning and Research's "Fire Hazard Planning," and Hillside Ordinance laws and regulations requiring a 20-foot width roadway prior to development in hillsides.

The CPC Determination fails to analyze the risks from the Project, exacerbated by climate change, and fails to adopt a mitigation strategy to reduce potential losses.

EXHIBIT A

ELECT. DIV.	
Spec. req'd.	<input checked="" type="checkbox"/>
Spec. req'd.	<input type="checkbox"/>
Spec. req'd.	<input type="checkbox"/>
Spec. req'd.	<input type="checkbox"/>

APPLICATION TO ERECT A NEW BUILDING AND FOR A Certificate of Occupancy

Form B-1
CITY OF LOS ANGELES
DEPARTMENT
OF
BUILDING AND SAFETY
BUILDING DIVISION

Lot No. None Block 33

Tract Santa Monica Land & Water Co.

Location of Building 12001 CHALON ROAD (House Number and Street)

Approved by
City Engineer
R.B.
Deputy

Between what cross streets? BUNNY DRIVE & My. end

USE INK OR INDELIBLE PENCIL
1. Purpose of building RESIDENCES AND GARAGES Families 1 Rooms 9
(Store, Dwelling, Apartment House, Hotel or other purpose)

2. Owner MOUNT ST. MARY'S COLLEGE Phone BR 2-3616
(Print Name)

3. Owner's Address 12001 CHALON ROAD P. O. LOS ANGELES

4. Certificated Architect _____ State License No. _____ Phone _____

5. Licensed Engineer JAMES M. FOX State License No. 5765 Phone JE 6249

6. Contractor PAUL D. McCLARY State License No. 12148E Phone K1 6391

7. Contractor's Address 4941 E. CLAUSON AVE, WILLOWOOD, CALIF.

8. VALUATION OF PROPOSED WORK (including all labor and material and all permanent lighting, heating, ventilating, water supply, plumbing, fire sprinkler, electrical wiring and elevator equipment therein or thereon) \$ 30,000

9. State how many buildings NOW on lot and give use of each. 9 CHAPEL, RESIDENCE, HALLS, LIBRARY, GARAGES, CLASS ROOMS
(Store, Dwelling, Apartment House, Hotel or other purpose)

10. Size of new building 90' x 60', No. Stories 2, Height to highest point 22' 6", Size lot 16.9 ACRES

11. Material Exterior Walls CONC. BLOCK AND WOOD & PLASTER Type of Roofing COMPO

12. Buildings and similar structures
For Accessory } (a) Footing: Width _____ Depth in Ground _____ Width of Wall _____
Buildings } (b) Size of Studs SEE PLANS Material of Floor _____
and similar } (c) Size of Floor Joists _____ Size of Rafters _____
structures }

I hereby certify that to the best of my knowledge and belief the above application is correct and that this building or construction work will comply with all laws, and that in the doing of the work authorized thereby I will not employ any person in violation of the Labor Code of the State of California relating to Workmen's Compensation Insurance.

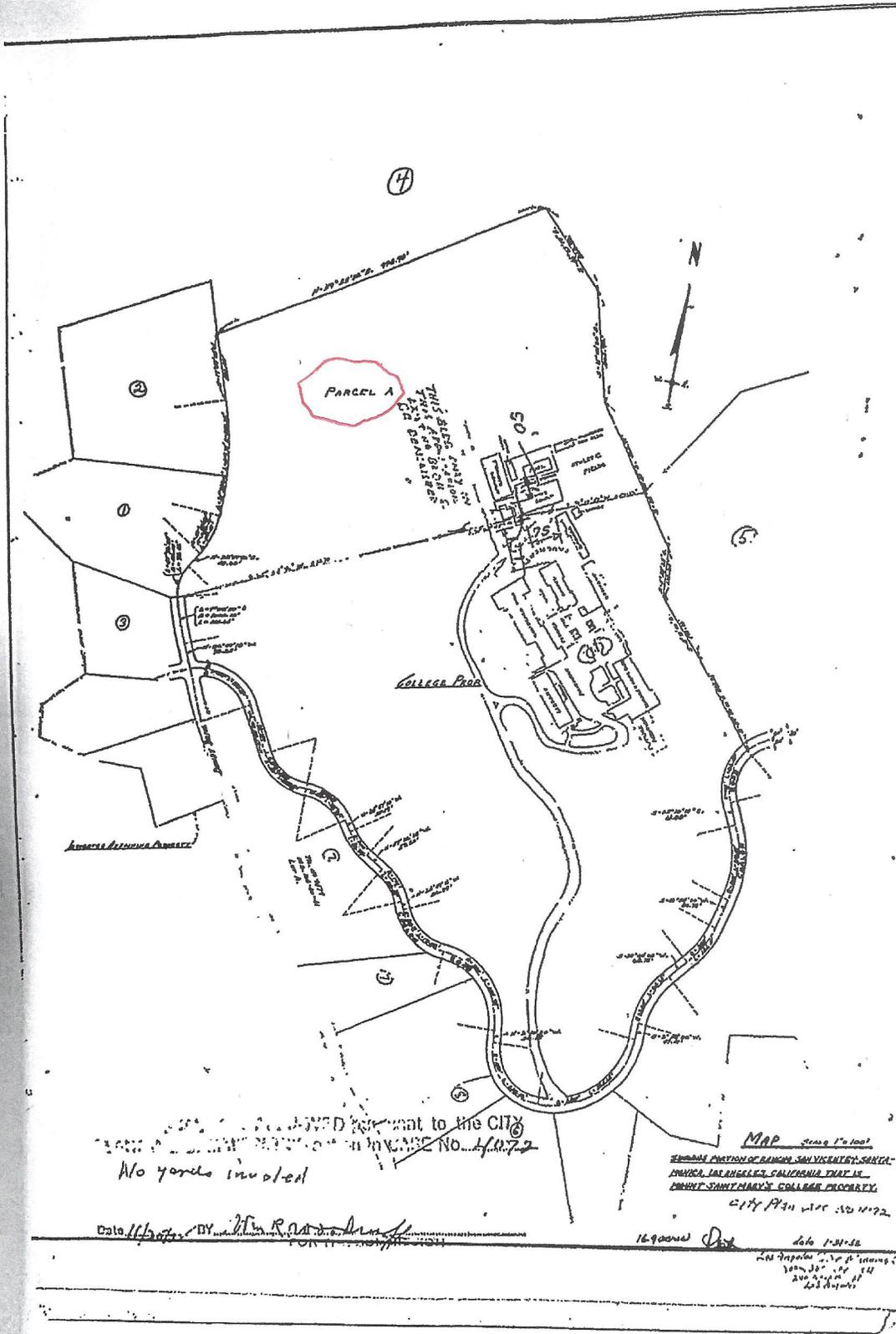
Sign here MOUNT ST. MARY'S COLLEGE
(Owner or Authorized Agent)
By Edward W. Crane

DISTRICT OFFICE WEST L.A.

FOR DEPARTMENT USE ONLY					
PLAN CHECKING					
Valuation \$ <u>30,000</u>				Investigation Fee \$ _____	
Fee \$ <u>40.00</u>				Bldg. Permit Fee \$ <u>8.00</u>	
				Total \$ _____	
TYPE <u>V</u>	Maximum No. Occupants <u>1 Family</u>	Inside Lot <u>Corner Lot</u>	Key Lot <u>No Keyed</u>	Lot Size _____	Corner _____
GROUP <u>H-2-F-1</u>	Plans and Specifications checked <u>Bechtel</u>	Corner Lot Keyed _____	Zone <u>R-1</u>	Fire District No. _____	District Map No. <u>7235</u>
Four Plans See <u>X</u>	Correcting Verified <u>Bechtel</u>	Bldg. Line _____	Street Widening _____	Application checked and approved <u>W. J. Tom</u>	Clerk _____
Filed with <u>15</u>	Plans, Specifications and Application prepared and approved, <u>Bechtel</u>	Continuous Inspection _____	SPRINKLER Specified-Required Valuation Included <u>Yes</u>	Inspector <u>1953</u>	Clerk _____

DO NOT WRITE BELOW THIS LINE

TYPE OF RECEIPT	DATE ISSUED	TRACKER NO. (M)	RECEIPT NO.	CODE	FEE PAID
Plan Checking	<u>NOV 28 52</u>		<u>28366</u>		
Supplemental Plan Checking					
Building Permit	<u>NOV 27 52</u>		<u>1 A 0788</u>		



PARCEL A

THIS BLOCK TAKES UP
THE ENTIRE SOUTH
SIDE OF COLLEGE
AND PARALLEL

COLLEGE ROAD

... TO THE CITY
... No yards involved

MAP

... PART OF RANCHO SAN VICENTE, SANTA
ANITA, LOS ANGELES, CALIFORNIA, THAT IS
MOUNT SAINT MARY'S COLLEGE PROPERTY,
CITY 1941 MAP 30 1172

Date 11/5/71 BY [Signature]

16900000 Date 1-31-72
... 1941 MAP 30 1172

May 11, 1953

Mount St. Mary's College
12001 Chalon Road
Los Angeles 49, California

RE: 12001 Chalon Road - LA

Permit No. LA 49788 - 1953

The Department of Building and Safety authorizes the Chief Clerk of this Department to change the Occupancy on the above permit from H-2 and F-1 to H-2 and J-1. This is a 68' x 90' two-story building.

G. E. MORRIS
Superintendent of Building

By LESTER PALEY

REQ: jm
cc: Hd. Ver.
cc: Paul D. McClary
4941 E. Slanson Avenue
Maywood, California

cc: Chief Clerk

CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
CERTIFICATE OF OCCUPANCY

NOTE: Any change of use or occupancy
Must be approved by the Department of
Building and Safety.

Address of Building..... 12001 Elysian Road

Permit No. and Year..... LA 49788 - 1953

Certificate Issued..... September 12, 1953

This certifies that, so far as ascertained by or made known to the undersigned, the building at above address complies with the applicable requirements of the Municipal Code, as follows: Ch 1, as to permitted uses; Ch. 9, Arts. 11, 3, 4, and 5; and with applicable requirements of State Housing Act, for following occupancies:

28
Single Family Dwelling
Garage
Storage

Owner
Owner's Address
Richard B. Fry
12001 Elysian Road
Los Angeles 49, California

Form B-995a-10M-2-53

G. E. MORRIS, Superintendent of Building By

EXCEPT FOR DEVIATIONS APPROVED BY
BOARD OF BLDG. & SAFETY COMMISSIONERS

EXHIBIT B

CHATTEN-BROWN & CARSTENS LLP

2200 PACIFIC COAST HIGHWAY

SUITE 318

HERMOSA BEACH, CALIFORNIA 90254

www.cbcearthlaw.com

Telephone: (310) 798-2400

Facsimile: (310) 798-2402

E-mail:

DPC@CBCEARTHLAW.COM

May 29, 2018

Honorable Mike Bonin
Councilman, CD11
200 North Spring Street
Los Angeles, CA 90012-4801

Vincent Bertoni
Director of Planning
200 North Spring Street
Los Angeles, CA 90012-2601

RE: Request for Revocation – Conditional Use Authority – Case No. CPC 4072 –
Mount St. Mary's University - 12001 Chalon Road, Los Angeles, CA 90049;
Deemed-Approved CPC-1952-4072-CU-PA1; ENV-2016-2319-EIR

Dear Councilmember Bonin and Director Bertoni:

On behalf of Sunset Coalition and Brentwood Residents Coalition (BRC), we hereby request that formal revocation action be initiated in accordance with the provisions of sections 12.24.Z and 12.27.1.B of the Los Angeles Municipal Code to revoke the current conditional use authority for Mount St. Mary's University (referred to as "University," "Chalon Campus," and "MSMU").

The University has violated conditions of its Conditional Use Permit (CUP) and it has been operated in a way that adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area, adversely impacts nearby uses, violates provisions of the Los Angeles Municipal Code, and violates conditions imposed by prior discretionary land use approvals.

Sunset Coalition is an unincorporated organization founded by concerned residents and organizations and represents the thousands of individual residents from Pacific Palisades to Brentwood impacted by the unprecedented number of large development projects that threaten to impact traffic, safety, and the environment in the Sunset Corridor between the 405 freeway and the Pacific Ocean. The organization includes Residential Neighbors of Archer, Brentwood Residents Coalition, Brentwood Hills Homeowners Association, Upper Mandeville Canyon Association, Bel Air Skycrest Property Owners' Association and Bundy Canyon Association.

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The Brentwood Residents Coalition is a grass roots, non-profit advocacy group whose purposes are to preserve and enhance the environment and quality of life in Brentwood, to protect the integrity of residential neighborhoods, to assist with planning, to uphold zoning and municipal codes, to encourage traffic safety, and to educate the public on issues that affect quality of life and the environment.

As detailed further below, the Brentwood community first sought revocation of the University's CUP to operate a school in a residential neighborhood in 1996, through the Bundy/Norman Place Committee and the Brentwood Homeowners Association. That revocation request was based on the University's (1) renting and leasing of the Chalon Campus for outside events in violation of the Municipal Code and (2) exceeding enrollment limits imposed through a 1984 CUP for a parking structure on the University's campus.

The community presented a comprehensive list of CUP violations and followed it up with a full traffic study that provided evidence to the city of detrimental impacts from excessive campus operations. Unfortunately, Bob Rogers, the city planner who reviewed the case, failed to address the community's concerns stating he found insufficient evidence to support the initiation of a revocation action. He recommended University staff meet with affected residents to resolve long simmering traffic issues and stated that if additional evidence were submitted regarding uses not permitted by conditional use grants or evidence of excessive traffic, the city planning department would further consider initiation of revocation proceedings.

The substantial evidence provided with this letter is more than sufficient to establish the CUP violations that Mr. Rogers failed to recognize. We provide a detailed, evidence-based history spanning 90 years of problems due to University expansion, enrollment increases outside events, commercial use of the campus, and generally wholesale intensification of use. This intensification has led to traffic congestion, hazardous driving and roadway conditions, parking shortages, and the exacerbation of fire hazards that make all residents of this residential neighborhood less safe.

This evidence documents the University's longstanding pattern and practice of creating significant negative impacts on the community by its actions as well as its unreasonable failures to act. The University has promoted a multitude of different self-imposed but futile "mitigation" measures that have had little if any effect. There has been little success due to the failure to control impacts in the most effective ways, i.e., by limiting enrollment and commercial events. Because of MSMU's illegal intensification of use in violation of CUP and zone variance conditions, with continuous increases in enrollment and outside events and ongoing unmitigated traffic and safety impacts, we are requesting revocation of the University's deemed approved CUP.

I. BACKGROUND.

A. Legal Background.

Revocation of a conditional use permit is provided for in the Los Angeles Municipal Code when various conditions are met.

LAMC Section 12.24.Z provides:

If the applicant fails to comply with the conditions of any conditional use or other similar quasi-judicial approvals granted pursuant to this section, the Director or the appropriate Area or City Planning Commission..., upon knowledge of the fact of non-compliance, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the Area or City Planning Commission or Director and show cause why the decision granting the approval or conditional use should not be repealed or rescinded.... [T]he Area or City Planning Commission or the Director may revoke, temporarily suspend or impose further restrictions on the conditional use or other similar quasi-judicial approval.

(LAMC Section 12.24.Z.)

LAMC Section 12.27.1.B provides:

[T]he Director may require the modification, discontinuance or revocation of any land use or discretionary zoning approval if it is found that the land use or discretionary zoning approval as operated or maintained:

1. Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area; or
2. Constitutes a public nuisance; or...
4. Adversely impacts nearby uses; or...
5. Violates any provision of this chapter; or any other city, state, or federal regulation, ordinance, or statute; or
6. Violates any condition imposed by a prior discretionary land use approval including approvals granted pursuant to ... this Code....

(LAMC Section 12.27.1.B.)

The Municipal Code refers to a “public nuisance” created by a permitted use and a use that unreasonably “adversely impacts nearby uses.” Such a use is a private nuisance. A nuisance may be both a public nuisance and a private nuisance at the same time. (*Newhall Land & Farming Co. v. Superior Court* (1993) 19 Cal. App. 4th 334.) A

private nuisance is the unreasonable, unwarranted, or unlawful use by an individual of his or her own property so as to interfere with the rights of others. (*Wolford v. Thomas* (1987) 190 Cal. App. 3d 347, 358.)

A claim for private nuisance involves three elements: interference with use and enjoyment of property, invasion of a property owner's interest in the use and enjoyment of the land, and actions of "such a nature, duration or amount as to constitute unreasonable interference with the use and enjoyment of the land." (*San Diego Gas & Electric Co.*, 13 Cal.4th at p. 938.) So long as the interference is substantial and unreasonable, and would be offensive or inconvenient to the normal person, virtually any disturbance of the enjoyment of private property may amount to actionable private nuisance. (*Monks v. City of Rancho Palos Verdes* (2008) 167 Cal.App.4th 263.)

A public nuisance is one that encompasses the foregoing definition of private nuisance and affects an entire community or neighborhood or a considerable number of persons, even though the extent of the annoyance or damage may be greater for some individuals than for others. (Civ. Code, § 3480; *People ex rel. Gallo v. Acuna* (1997) 14 Cal. 4th 1090, 1104.)

The University operates and maintains its campus in such a way as to create both public and private nuisances as described below.

B. The Chalon Campus of Mount St. Mary's University.

1. Existing Condition.

a. The Chalon Campus Setting.

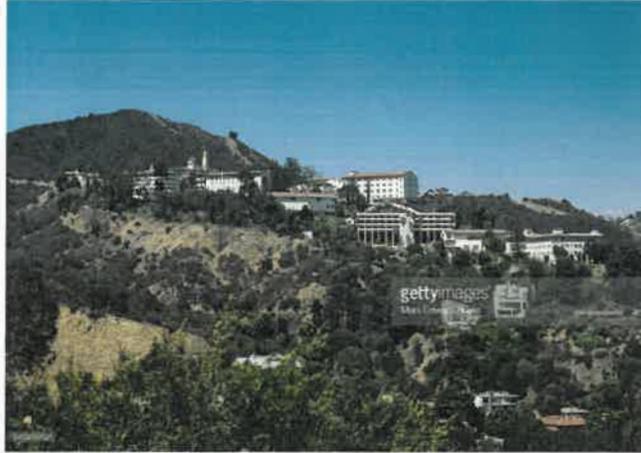
Mount St. Mary's University is located at 12001 Chalon Road in the Brentwood neighborhood within the City of Los Angeles. The 45-acre Chalon Campus is set along a ridge crest on the southern flank of the Santa Monica Mountains.

The University's entrance is accessible only from Bundy Drive and Chalon Road, approximately 2 miles north of Sunset Boulevard. Immediately south and adjacent to the Campus along Chalon Road is the Carondelet Center, a large building that serves as the provincial headquarters for the Sisters of St. Joseph of Carondelet, a separate entity from MSMU (although ingress and egress is shared with the University).

The Chalon Campus is bounded on three sides by undeveloped open space owned by the University. The Getty Center is located .5 miles southeast and owns open space which abuts the Campus. MSMU's irregularly-shaped and steeply sloping property is located at an elevation above surrounding properties on the east, south and west, all

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zoned RE15-1-H, low density residential. The Campus and properties to the north are zoned RE40-1-H, low density residential.



b. Street Conditions.

The narrow, winding hillside roads leading to the Chalon Campus are designated as substandard hillside local limited streets. Allyn Rifkin, former Chief of LADOT, Bureau of Planning and Land Use Development, explains in his report that the roads accessing the Chalon Campus are designated as “local” because they are “very narrow, windy, lacking sidewalks, and with limited sight-lines.” The roads (Bundy Drive, Norman Place, Chalon Road and Saltair Avenue to the north of Sunset) range between 30 to just 19 feet wide. “[T]hese roads... *are intended to accommodate lower volumes of vehicle traffic.*” And the “*sections of roadway below 20-feet are substandard by any of the City applicable standards and unsafe for two-way traffic.*” (See Allyn Rifkin, P.E., report, “Traffic and Circulation Issues – Regarding the proposed Mount St. Mary’s University Expansion,” May 23, 2018, Enclosure 1, p. 3, emphasis added.)



Indeed, these local roads are so narrow in places that cars traveling in opposite directions have difficulty passing each other, especially where vehicles are parked on one or the other side of the street. The driver of one vehicle is frequently forced to quickly pull over to the side to allow the other vehicle to pass. This unsafe roadway condition is commonly experienced by neighboring Bundy Canyon residents.

The situation is even more challenging and dangerous when MSMU's buses, shuttles and large delivery trucks are navigating these hillside roads to or from the Campus. As Rifkin explains, large vehicles like buses necessitate wider widths than on these narrow local roads.

c. Very High Fire Hazard Severity Zone.

What makes the location of the Chalon Campus even more precarious is its hillside location within a designated Very High Fire Hazard Severity Zone (VHFHSZ). The designation is based on the area's vegetation density, slope severity and several other factors that heighten the risk and severity of fire. The designation requires responsible authorities to identify measures that will limit or halt the rate of fire spread and reduce the intensity of uncontrolled fire through vegetation management and the implementation of development standards to minimize loss of life, resources and property.

In that manner, fire-safety risk must be managed through sensitive planning focused not only on fire prevention and mitigation, but also ready access for fire fighters and safe egress for residents and visitors if evacuation is necessary. Unfortunately, the University has a long history of violating development conditions on enrollment and events intended to protect the safety of its students, faculty and staff, as well as the hundreds of neighboring resident families, during fire emergencies and at other times.

2. History of Fires near the Chalon Campus.

Brentwood north of Sunset Boulevard is an area of severe fire danger, as fires in the past have shown. Residents must share the same narrow evacuation routes of Bundy Drive, Norman Place, Saltair, and Chalon Road as all persons located at MSMU.

a. The 1961 Bel Air Fire.

On November 6, 1961, the infamous Bel Air Fire, fueled by strong Santa Ana winds, destroyed 484 homes, 21 other buildings and burned 16,090 acres in Bel Air and Brentwood. Thousands of people were forced to evacuate. The 405 freeway was newly constructed and thought to be a great manmade barrier, but embers from the massive flames jumped across it. The Los Angeles Fire Department called The Bel Air-Brentwood Fire one of the worst fires in the history of Los Angeles. (See Los Angeles Fire Department Historical Archives, http://www.lafire.com/famous_fires/1961-1106_BelAirFire/1961-1106_LAFD-Report_BelAirFire.htm, see also The Los Angeles Fire Department-produced documentary film "Design For Disaster," <http://www.scpr.org/news/2011/11/07/29756/50-years-ago-today-bel-air-fire/>.) In response to that tragedy, Los Angeles banned wood shingle roofs and adopted one of the most stringent brush clearance policies in the country.

The Chalon Campus suffered significant damage in the Bel Air Fire. One-fifth of the Campus and part of the Carondelet Center were destroyed. According to the Mount Archives Blog, "*At one point, the Chalon Campus was almost completely surrounded by fire.*" (See "Fire on the Mountain," The Mount Archives history blog, July 5, 2011, Enclosure 2, emphasis added.) The possibility of the entire campus going up in flames was so close to reality, the local evening news (wrongly) reported that the College had burned to the ground.



The Bel Air Fire was not the first time the Chalon Campus faced fire danger. Two or three times in the past, *“the College was in imminent danger of destruction by brush fire, going right back to the beginning in the 1930s.”* (*Id.*, emphasis added.)

b. The Many Fires Threatening Brentwood over the Past 15 Years.

Thankfully, the Bel Air Fire was the only fire that caused significant damage to the Chalon Campus. Since then, however, the University (as well as the Carondelet Center) has been impacted by a number of area fires, some of which were so threatening that full evacuations were required. That should not be a surprise because the threat of hillside brushfire has dramatically increased in recent years.

Just focusing on the past 15 years, there have been far too many warnings to ignore. On May 4, 2004, a fire broke out in the kitchen of the Carondelet Center. The residents were evacuated to neighboring Mount St. Mary’s University. As reported in MSMU’s magazine, *“...the road to the College had been closed because of the fire engines and possible danger.... Father George O’Brien recalled wondering if there was a brush fire—not uncommon in the surrounding hills.”* (See “Remarkable Service to Our Dear Neighbors,” *The Mount*, Summer 2004, Enclosure 3, emphasis added.)

On July 9, 2009, a brush fire broke out above the Getty Center’s parking facilities. Before it was contained, it quickly burned through 80 acres forcing the Getty Center and MSMU to evacuate: *“College was not in session but 100 staff members were being evacuated along with 200 other people attending a conference... The school used campus shuttles to take them out...”* (See “L.A. Fire Forces Evacuation of Getty Center, Mount St. Mary’s College,” Fox News, <http://www.foxnews.com/story/2009/07/09/la-fire-forces-evacuation-getty-center-mount-st-mary-college.html>, emphasis added.)

On September 4, 2010, a small fire scorched 10 acres of brush on the east side of the I-405 freeway at Getty Center Drive. The next day, the fire reignited brush along the freeway, forcing firefighters to get back on the hillside and closing one lane of the freeway over the Sepulveda Pass. A city fire dispatcher reported that firefighters had remained on site all night in case of just such a flare-up: *“We’re baby sitting this whole thing. We always have flare ups.”* (See “Bel Air Brush Fire Flares Up Again Next To 405 Freeway,” Beverly Hills Courier, <http://bhcourier.com/bel-air-brush-fire-flares-up-again-next-to-405-freeway/>, emphasis added.)

On Friday afternoon, September 14, 2012, fire erupted in the Sepulveda Pass near the Getty Center burning for two days and destroying 70 acres, the largest fire in the area since the Bel Air fire. The Getty Center and the University voluntarily evacuated using Chalon Road because of the location and direction of the fire: *“A fast-moving, rapidly*

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growing brush fire along the Sepulveda Pass was causing students and staff to evacuate Friday afternoon from Mount St. Mary's College near the Getty Center." (See "Sepulveda brush fire: Mount St. Mary's College evacuating," LA Times blog, <http://latimesblogs.latimes.com/lanow/2012/09/sepulveda-brush-fire.html>.)

The September 2012 evacuation clearly illustrates the risk to all area residents. Chalon Road connects the Getty Center with Mount St. Mary's University at the top of Norman Place. Hundreds of vehicles exiting from both campuses poured onto the narrow and winding hillside streets of Chalon Road, Norman Place and Bundy Drive. As Ellen King, a former Norman Place resident recalls, the resulting gridlock left local residents blocked and stuck in their driveways and unable to evacuate: "*We residents were left alone twiddling our thumbs. Once MSM was gone so were the [fire] trucks.*" (See Ellen King email, April 17, 2017, Enclosure 4, emphasis added.)

That terrifying experience should be a lesson learned—and not forgotten as the University now seeks to expand its Chalon Campus. And that lesson was reinforced again on September 16, 2014, when a brush fire ignited in the 1200 block of Getty Center Drive in the Sepulveda Pass, burning 80 acres and forcing the Getty Center to evacuate. More than 200 firefighters battled the flames as Getty visitors and staff were evacuated.

By 2017, it was clear we had entered a new era in fire danger—as evidenced by the many recent threats in the immediate area, in the region, and across the state. On May 28, 2017, an accidental blaze sparked by brush clearance workers in Mandeville Canyon, approximately 1.5 miles from the Chalon Campus, was declared a "major emergency." The fire charred 55 acres, forced evacuations, and took three days to attain full containment. (See "Mandeville Canyon 'major emergency' fire near Getty Center 95 percent contained," Daily News, <https://www.dailynews.com/2017/05/29/mandeville-canyon-major-emergency-fire-near-getty-center-95-percent-contained/>.)

Then on December 6, 2017, the Skirball Fire struck—the most damaging fire in the area since the 1961 Bel Air Fire. The blaze began as a brush fire near the I-405 and Skirball Center Drive. It burned for 10 days, scorched 422 acres, injured three fire fighters, destroyed 6 and damaged 12 structures, closed schools and cultural facilities, caused multiple evacuations and shut down the I-405 freeway and Sepulveda Boulevard. Evacuation orders covered a 3.2 mile range and many neighboring residents evacuated, while others were on mandatory evacuation watch for three days. Mount St. Mary's transported its students to its Doheny Campus.

Had the winds been blowing westward—as during the Bel Air fire and is typical during wind-driven fire events—the Skirball Fire could have easily crossed the 405 to threaten the Chalon Campus. Luckily, the winds chose another route and heroic firefighters managed to tame it before they changed course. Reasonable public safety

decisions, however, cannot be based on the hope that favorable wind conditions will spare the area when the next brushfire erupts.



3. Realities of Living in a Very High Fire Hazard Severity Zone.

Just eight months before the Skirball Fire, a neighbor living within 500 feet of the Chalon Campus received a notice of non-renewal for fire coverage. It read, *“The property listed above poses an unacceptable risk for wildfire.”* (See Liberty Mutual Insurance letter, April 15, 2017, Enclosure 5, emphasis added.) The insurer listed the conditions justifying denial of coverage: *“close proximity to native and/or non-native flammable vegetation, wind patterns relative to fire fuel during typical wildfire season, and poor road accessibility for firefighting/emergency response equipment.”*

Following the Skirball fire, experts opined that the state has seen its most destructive year of wildfires in its history: *“Researchers warn that 2017 is a sign of what’s to come... The study concluded that property loss was most likely in neighborhoods with low to intermediate densities and in areas with a history of frequent fire”* such as Mount St. Mary’s. (See “After California’s most destructive fire season, a debate over where to rebuild homes,” LA Times, <http://www.latimes.com/local/lanow/la-me-ln-rebuilding-in-hazard-zones-20171216-story.html>.)

Experts and elected officials weighed in on the realities of living in areas prone to wildfire. The majority of California’s 10 largest wildfires have occurred in the last decade. California Governor Jerry Brown described the ongoing blazes as *“the new normal.”* (See “How much did climate change affect California’s wildfires? Depends on where you are.” Vox, <https://www.vox.com/energy-and-environment/2017/12/12/16762120/los-angeles-california-fire-climate-change>.) According to Joe Edmiston, Executive Director of the Santa Monica Mountains Conservancy, *“Southern California has moved into a climate regime resulting in all-year*

wildfire danger.”

The dire combination of high fire danger and substandard hillside streets leading to and from the Chalon Campus, create a dangerous situation not only for the University’s constituents, but also for many neighboring families along the evacuation route. With the history of fires in this Very High Fire Hazard Severity Zone, the increased risk due to climate change, and the substandard hillside streets that must be used in any evacuation, more students, more events, large buses and shuttles, and more traffic has been a recipe for disaster.

C. History of Chalon Campus Entitlements.

1. 1930-1983: Promises Made.

Mount St. Mary’s University was established as a College in 1925 and became a University in 2015. At its inception, the institution was housed at St. Mary’s Academy at Slauson and Crenshaw in Los Angeles. In 1928, the University purchased a property consisting of about 33 acres of land from the Los Angeles Mountain Park Company located in the Santa Monica Mountains (Brentwood), which became the site for the future Chalon Campus. The Chalon Campus opened in 1930 and in 1962, the University also opened another location, known as the Doheny Campus, located just south of downtown Los Angeles.

In the 1920’s, the area surrounding the Chalon Campus was blanketed with an “A” zoning designation, which qualified as residential area and permitted only single-family homes. On October 20, 1928, Mount St. Mary’s applied to the City of Los Angeles for a permit to establish a college for girls on the subject property. The “Application For Special Permit” stated that *“Property is now included within Zone A, which does not permit schools. Said change will not be materially detrimental to public welfare because of its use as an educational institution of the highest order.”* (See Application For Special Permit, October 20, 1928, Enclosure 6, emphasis added.) Later that year, during a public hearing, in front of the City Planning Commission, a representative of the University stated, *“they will have between 150 and 200 students and the maximum number will be 500, about 75 of the students will be resident and 75 will be day pupils.”* This statement was confirmed by one of the Commissioners *“it is the intention to have a minimum of 150 students and a maximum of 500 students.”* (See Planning Commission Hearing transcript, 1928, Enclosure 7, emphasis added.)

On December 5, 1928, the City Council denied a report and recommendation from the Planning Commission, under Case No. 3066, that recommended that the property purchased by the College be classified in the “B” zone, thereby permitting the establishment of Mount St. Mary’s College by right. Instead, the City Council partially

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adopted a report from the City Planning Committee, which stated that “...in view of the special circumstances that attach to the property and in order to protect the adjoining property to the fullest extent, that the action of said Board (i.e., Board of City Planning Commissioners) in recommending that the property be placed in the “B” zone be not concurred in and that the City Attorney be instructed to prepare an ordinance under the terms of Section 4 of the Zoning Ordinance, allowing the establishment of said college on the property therein described...” subject to the following condition – **“That the plans for the buildings and the location of same be approved by this Council prior to the issuance of building permit.”** (See Zone Variance approval, December 5, 1928, Enclosure 8, emphasis added.)

On January 4, 1929, the City Council approved Ordinance No. 62642, granting an exception (i.e., variance) from the provisions of an earlier Ordinance, No. 42,666 that became effective on October 21, 1921. (See Ordinance No. 62642, January 4, 1929, Enclosure 9, emphasis added.) Ordinance No. 42,666 (New Series) passed by the Los Angeles City Council, provided for the creation of five zones in the City of Los Angeles (“A”, “B”, “C”, “D” and “E”), with the subject property placed in “A” zone by the adoption of Ordinance No. 58283 which became effective on September 2, 1927. As mentioned previously, Zone “A” only permitted single family dwellings by right. This zone variance was granted “...but only so far as such exception is necessary to establish a college on that certain property...” (*Id.*, emphasis added.)

In accordance with the condition of Ordinance No. 62642, which required that the City Council must approve any plans for new buildings, on December 22, 1939, a permit for a Faculty Building was approved. (See Faculty Building approval, December 22, 1939, Enclosure 10, emphasis added.) In 1944, the University concluded the purchase of an additional 17 acres of land, adjoining the campus to the north. (See Application For Conditional Use, March 14, 1952, Enclosure 11 and Mary Germaine McNeil, “History of Mount St. Mary’s College, Los Angeles, California: 1925-1975, Enclosure 12, p. 63.)

On June 1, 1946, under Ordinance 90,500 for the City of Los Angeles, the Comprehensive Zoning Plan became effective (see Los Angeles Zoning Code, 1946, Enclosure 13) and the property occupied by Mount St. Mary’s College was classified under R1 One-Family Zone, subsequently changed to the RE40-1-H “low density residential” Zone in 1982. (See Zone Change Recommendation Report, May 10, 1982, Enclosure 14.)

In addition, Ordinance No. 90,500 placed “Educational Institutions” under the authority of the Planning Commission as a Conditional Use. (See Los Angeles Zoning Code, 1946, Enclosure 13, p. 49.) Section 12.24 B.9 of this Ordinance states that “Any of the ... uses existing at the time this Section (i.e. Section 12.24) became effective, shall be deemed to have been approved by the Commission and nothing in this Section shall be

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construed to prevent the enlargement of existing buildings for such uses if all other regulations of this Article are complied with, including the conditions of any special district ordinance, exception or variance heretofore granting authorizing said use.” (Id., emphasis added.)

Additionally, under the newly adopted Zoning Code, Section 12.24.A.1, conditional uses for Educational Institutions required a mandatory public hearing: *“Uses for which at least one public hearing shall be held include: airports or aircraft landing fields; cemeteries; educational institutions; and golf courses (except driving tees or ranges, miniature courses and similar uses operated for commercial purposes).” (Id., emphasis added.)*

In 1949, MSM built a swimming pool, bathhouse and tennis courts on the 17-acre lot. It was not until 1952, however, that the University applied for a conditional use for those structures and uses already existing. In its application, the University wrote, *“Inadvertently Parcel A was used for swimming pool, bathhouse, and tennis courts, as we did not realize at the time that it was not included in the original application for zoning. This was brought to our attention recently when a building permit was being taken out for a proposed building.”* (See Application For Conditional Use, March 14, 1952, Enclosure 11, emphasis added.)

On May 23, 1952, the City Council, under Case No. 4072, Conditional Use for expansion, approved plans to allow the addition of 17 acres of new land to the existing College site for future expansion and the construction of athletic facilities. (See City Plan Case 4072-CU, May 23, 1952, Enclosure 15.) Condition No. 3 states ***“This grant shall only apply to school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious educational activities.”*** (Id., emphasis added.)

An exhibit to the 1952 Plot Plan contains a list of 161 then-existing parking spaces required for the buildings on the Chalon Campus at that time. (See Plot Plan, Exhibit A, 1952, Enclosure 16.) City records also show that additional buildings were constructed between 1952 and 1984: two Facilities Management Buildings (1952 and 1964), Carondelet Hall (1958), William H. Hannon Theater and Humanities Building (1965), Jose Drudis-Biada Art Gallery and the Fine Arts Building (1974) and Yates, Aldworth and Burns Houses (1984.)

On March 5, 1964, the City approved a plot plan for a new Arts and Humanities building as a replacement for the old Arts Building, which was destroyed by fire in 1961. The report stated, *“The parking requirements for the Science Building, the Humanities Building, the Chapel and the Residence Hall, were found to be 161 spaces. As shown on Exhibit ‘A-1,’ the school will be able to accommodate 201 cars, including the new*

proposed parking area.” (See Approval of Plot Plan Report, March 5, 1964, Enclosure 17, emphasis added.) It is important to note that the report also addressed enrollment: *“This new building is not intended to house any additional students but to accommodate the existing enrollment.”*

In 1979, the City Planning Commission approved a plan for four temporary housing units, to be located on an existing parking area behind the tennis courts. (See City Planning Commission Approved Plan, August 29, 1979, Enclosure 18.)

2. 1984: More Promises Made for a Modest Expansion of Facilities— Expressly Disavowing Any Increase In Enrollment.

On January 26, 1984, the City Planning Commission approved plans for the construction of a Faculty Residence Hall facility. Condition No. 1 stated, *“There shall be no increase in student enrollment beyond 750 students, until a parking structure is constructed at the southern end of the campus. In lieu of this, when an increase in enrollment beyond 750 students is contemplated, the college may apply to the City Planning Commission for a review of the adequacy of existing and any proposed on-campus surface parking.”* Staff Report Comments noted *“The new residence hall is therefore being built to increase the number of students living on-campus, **not to increase enrollment.**”* (See City Plan Case 4072-CU, January 26, 1984, Enclosure 19, emphasis added.)

The Staff Report also stated, *“It should also be noted that, at the southern end of the campus, there is a proposed future parking structure. While no new parking is needed at the present time, future changes in enrollment could create a demand for more parking.”* (*Id.* emphasis added.)

Further, the Staff Report concluded, *“That staff has recommended that any future expansions of enrollment be predicated upon the construction of the future parking structure at the southern end of the campus. While it is true, as the applicant has noted, that the proposed faculty residence hall contemplates a net addition of 10 parking spaces on-campus, with no increase in student enrollment, there would be no inherent control in this approval to insure that enrollment would not grow in an ad hoc fashion, apart from the condition relating future increases to the proposed parking structure.”* (*Id.*, emphasis added.)

On March 26, 1984, The Blurock Partnership, an architectural firm representing Mount St. Mary’s University, sent a letter to the Los Angeles Planning Department notifying the City that *“[a]t this time, the Mt. St. Mary’s College would like to begin construction of this proposed parking structure.”* The letter further suggested, *“If the current ratio of students to parking available is used, the enrollment on campus **could***

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increase to 1037 from 750 with the additional 188 spaces (244-56 existing)." (See The Blurock Partnership letter, March 26, 1984, Enclosure 20, emphasis added.)

In the process of reviewing the application for the proposed parking structure, on April 18, 1984 the City Planning Department issued a Mitigated Negative Declaration (MND.). The project description in the MND included no increase in enrollment, describing the project as, "*Conditional Use for a 4-story, 80,000 sq. ft. parking structure for 244 cars located on the Mount St. Mary's College campus on 45.5 net acres, zoned RE40-1-H.*" The MND "*concluded that no significant impacts are apparent which might result from this project's implementation. This action is based on the project description.*" (See MND, April 18, 1984, Enclosure 21, emphasis added.)

The Mitigated Negative Declaration was further supported by an Initial Study Traffic Analysis, signed by the Los Angeles Department of Transportation (LADOT). The LADOT Analysis concluded "*Impact of Traffic Generation: Not Significant. Provided that no enrollment increase is allowed.*" (See LADOT Initial Study Traffic Analysis, April 4, 1984, Enclosure 22, emphasis added.)

On July 12, 1984, the City Planning Commission conditionally approved plans for a multi-level parking structure on the University's site with 244 parking spaces, which later was amended to allow 268 spaces. Bob Rogers, Senior City Planner, signed the Staff Recommendation Report. Amongst the various conditions imposed, Condition No. 3 stated, "*That the ratio of parking to students shall not be less than 1/4 parking spaces for each student enrolled at Mount St. Mary's College.*" (See City Plan Case 4072-CU, July 12, 1984, Enclosure 23, emphasis added.)

Based on the project description in the Initial Study Traffic Analysis and MND and as recommended by City staff in the January 1984 CUP, the condition related only to "*future increases to the proposed parking structure.*" It did not permit an enrollment increase, which would have required an additional environmental review and traffic analysis, disclosure of potential significant impacts, and mitigation measures under CEQA.

This is further evidenced by the July 27, 1984 letter from the City Planning Commission to the University: "*Please be advised that the City Planning Commission on July 12, 1984 conditionally approved the plans for a multi-level parking structure on the Mount St. Mary's College site... Condition No. 4 revised to permit 268 spaces.*" (See City Plan Case 4072-CU, July 27, 1984 Enclosure 23, p. 1, emphasis added.)

3. 1984-1995: Promises Broken.

Despite the validly and prudently imposed conditions on the Chalon Campus, the

University has continuously—and illegally—acted without the requisite permission to increase its enrollment, expand the number of special events, and even going so far as renting-out campus facilities for large revenue-generating events. Similarly, illegal was the University's unilateral decision to expand its programming by offering evening and weekend classes, thereby operating seven days a week from early morning to late evening, without requesting the requisite approval.

The very substantial intensification of use has negatively and significantly impacted the surrounding residential community's quality of life.

Accordingly, in 1995, the Brentwood Homeowners Association (BHA) and a group of neighbors who were most immediately affected by the University's operations (the Bundy/Norman Place Committee "BNPC"), filed a request with the City to initiate a formal revocation of the University's conditional use authority. The BHA/BNPC letter was written by James J. Crisp, a former City of Los Angeles Associate Zoning Administrator. The request was based on the provisions of Section 12.24-J of the Los Angeles Municipal Code and by evidence of long-term and ongoing commercial use, significant traffic and noise, endangering public safety and other impacts created by the University's illegal intensification of use. (See James J. Crisp letter, August 29, 1995, Enclosure 24.)

The BNPC letter referred to the renting and leasing of the campus facilities for outside events and stated, *"use of the site for commercial use stands in direct violation of past and current provisions of the Los Angeles Municipal Code and there is no indication that any effort to reduce or eliminate these activities is being voluntarily undertaken at the present time. To the contrary, these commercial activities have been consistently promoted and expanded."* (*Id.*, p. 6, emphasis added.)

The letter also raised the issue of enrollment not being in compliance with the 1984 CUP for parking structure *"Potentially and knowingly violating the Conditions of Operation imposed under a Plan Approval dated July 12, 1984 which limited parking on the site to 268 automobile parking spaces and enrollment to a maximum of 1072 students."* (*Id.*, p. 7, emphasis added.)

The impacted neighbors further complained about the lack of response and cooperation from the University in addressing the serious concerns: *"Records and information received from the "BHA" and "BNPC" indicate that individuals and groups from the community have consistently tried to reach some degree of compromise or problem recognition from college representatives since at least 1989. All efforts have failed with the college representatives taking no initiative to resolve concerns or mitigate potential and real problems. Therefore, revocation is both needed and necessary with no other form or reasonable dialogue or solution available or acceptable to the parties*

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involved." (*Id.*, p. 6, emphasis added.) Upon receiving this request for revocation of MSM's conditional use permit, the City initiated an investigation that was led by Bob Rogers, Principal City Planner.

During the time the City was reviewing the case, the neighbors and the Brentwood Homeowners Association submitted an additional letter with the results of a very comprehensive traffic study that was commissioned by the Association. The letter stated, "*Both BNPC and BHA believe the results are highly pertinent to your and the City's determination regarding the previously submitted request for revocation of the CUP of Mount St. Mary's College and, further, buttress our contentions, made so often over the years, that the College, in conjunction with the Carondelet Center, are the source of traffic volumes far in excess of what the canyon can bear... The results were impressive (or appalling, depending on your point of view!). **Between 2,500 and 2,700 vehicle trips through the canyon take place on weekdays as a result of the College and Center's operations.** Even on an unremarkable Saturday or Sunday, 1,700 vehicles pour through the neighborhood each day. The volumes mean residents must put up with, on average, one car going by each and every minute of every waking hour and, for many of those hours, well over two cars per minute.*" (See BHA letter, November 2, 1995, Enclosure 25, p. 1, emphasis added.)

The University formally responded to the various complaints raised by impacted neighbors: "*With regard to rentals, the College rents its facilities, mainly in the summer months, to **selected outside groups** which have educational purposes. The sole rentals **not strictly for educational uses** are for weddings and receptions held in our chapel.*" (See MSMC letter, November 7, 1995, Enclosure 26, p. 2, emphasis added.)

MSM also addressed the enrollment issues: "*The total enrollment of the College was 1,935 students in the fall of 1994, but students attended different programs split between the two campuses. On the Chalon Campus, the College **enrolled 790 students** in the weekday B.A. program, 744 of whom were full time. Our Weekend College program enrolled an average of **235 students** for the 1994-1995 academic year. The remaining students were enrolled at our Doheny Campus... I was concerned that the analysis appears to have been completed using an incorrect enrollment figure. As I noted above, the actual enrollment at the Chalon Campus is considerably lower than that of the entire College.*" (*Id.*, pp. 1-2, emphasis added.)

Upon completion of the investigation, Bob Rogers submitted a report to the Councilmember with a recommendation and a conclusion: "*Based on my research, there is insufficient evidence to support the initiation of a revocation action. However, **it is recommended that the school meet with the residents to try and resolve long simmering traffic issues.** Should additional evidence be submitted regarding uses not permitted by the conditional use grants or excessive traffic, this office will give further consideration*

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to initiation of revocation proceedings." (See Bob Rogers report, January 25, 1996, Enclosure 27, p. 2, emphasis added.)

Bob Rogers also commented on the enrollment issue: "*In 1984 ...the Commission did not specifically limit enrollment in its approval, but in approving the plans for the parking structure, they imposed a condition requiring 1/4 parking space per student. In a Plan Approval, dated July 12, 1984, enrollment was limited to 1,072, based on 268 parking space.*" (*Id.*, p. 4, emphasis added.) It is important to note that Bob Rogers was the same Senior City Planner who signed the Staff Recommendation Report for that approval in 1984, which included the enrollment limit.

Within a few months following the Rogers Report, the issues raised by the impacted neighbors continued and they were forced once again to return to the City to ask for help, "*The neighbors sent another letter to Braude in June 1996, stating that their concerns were not fully addressed by Rogers. They asked for a hearing on behalf of surrounding neighbors.*" (See "Neighborhood Concerns Over Traffic to Chalon Causes Formation of a New Committee," *The Oracle*, December 1996, Enclosure 28, emphasis added.) As a result, a special group was formed (called the "*Town and Gown*" committee) to address the concerns of the community and "*to find cooperative solutions to problems.*" The committee was made up of the most impacted neighbors, BHA, MSMU and Council office representatives.

Through the "Town and Gown" committee, the University was forced to address and to attempt to mitigate the significant traffic impacts to the neighboring community. One of the proposed solutions, was an agreement between MSMU and the BHA, to establish a bi-directional traffic "loop," whereby all vehicles were required to travel up Bundy Drive to Norman Place to access the Campus and down Chalon Road to South Bundy to exit the Campus. This traffic-flow pattern was intended to disperse traffic impacts, so that residents living along Norman Place and Bundy Drive would be impacted equally by the University's traffic. MSMU's self-imposed measures, including the "loop," all failed.

4. Mount St. Mary's University Draft EIR Circulated in April, 2018.

In August 2016, Mount St. Mary's held a Public Scoping Meeting announcing plans for the expansion of its Chalon Campus. According to the Draft EIR (ENV-2016-2319-EIR) circulated in April 2018, "The current fitness facilities are not adequate for the existing number of students on Campus; the proposed Wellness Pavilion would offer fitness programming that would be able to serve the existing student body."

a. The University's "need" is based on a self-imposed hardship.

The University proposes to demolish its existing 1,030 square foot Fitness Center, including tennis courts, swimming pool and several surface parking lots containing a total of 226 parking spaces approved in 1952 and replace it with a 38,000 square foot, 2-story Wellness Pavilion, which will have a recreation and practice gym, multi-purpose rooms, exercise rooms, physical therapy lab, dance and cycling studios, offices and support space, tennis courts, outdoor pool area and 281 parking spaces.

The document goes on to say that the University intends to rent its Wellness Pavilion for events that will draw 50 to 450 attendees from outside the campus. As conceded in the DEIR, "Events hosted on the Campus throughout the year draw visitors beyond the student body, staff and faculty already on Campus."

The proposed use is not permitted by the applicable CUP, nor is it a deemed approved use. In 1952, when the City approved plans for the addition of these 17 acres of new land to the existing College site for future expansion and the construction of athletic facilities, it was under the condition that "[t]his grant shall only apply to school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious educational activities." (See City Plan Case 4072-CU, May 23, 1952, Enclosure 15, emphasis added.) Renting or leasing campus facilities for outside or revenue-generating events is not a "school use" and is therefore not permitted under the terms of the CUP—nor can it be treated as a deemed approved use because the CUP is expressly limited to school uses within the residential zone.

The University makes the circular argument that the proposed fitness facility with increased capacity and intensified uses is necessary to serve (1) the current student enrollment—despite the fact that the current enrollment is *substantially greater* than the enrollment cap previously approved by the City, and (2) the substantial expansion of special events necessitated by the illegal enrollment expansion. Thus, the asserted "need" is nothing more than a self-imposed hardship that can be remedied by compliance with existing enrollment limitations. As courts have made clear, that type of self-imposed hardship is not a proper basis for granting special privileges or deviations from applicable zoning requirements. (*City of San Marino v. Roman Catholic Archbishop* (1960) 180 Cal.App.2d 657, 673; *Broadway, Laguna, Vallejo Ass'n v. Board of Permit Appeals of City and County of San Francisco* (1967) 66 Cal.2d 767, 778.)

b. The DEIR also fails to recognize the project would significantly increase enrollment.

The Draft EIR's Project Description is fundamentally flawed because it fails to

recognize that the project would result in a substantial increase in student enrollment to 2,244 students. The DEIR incorrectly states that the project would not increase enrollment on the Campus, nor would it create any need for a future increase in the maximum enrollment.

The DEIR fails to recognize that the City has only approved enrollment for 750 students. To avoid that inconvenient fact, the University relies on a 1984 CUP that has been improperly construed as authorizing an increase in enrollment. The DEIR states that “condition number three of City Plan Case No.4072-CU dated July 27, 1984 provides as follows: ‘That the ratio of parking to students shall not be less than $\frac{1}{4}$ parking spaces for each student enrolled at Mount St. Mary’s College.’ The Campus currently provides 561 spaces, which results in a maximum enrollment for 2,244 students ($561 \times 4 = 2,244$).” (DEIR, Project Description, II-12.) Enrollment of 2,244 would *be a 200% increase over the 750 enrollment permitted in January 1984.*

However, according to Allyn Rifkin, the City’s Transportation Bureau Chief at the time the 1984 CUP was approved, there was no request for an enrollment increase in 1984 and, if there had been, further environmental review would have been mandated under CEQA: “From the project description it is clear that the request was to build a parking structure and *not for an enrollment increase*. That is how the City should have processed the entitlement. *If the City instead permitted an increase of enrollment to 1,072 students* (a 43% increase without additional traffic analysis and new environmental review), that would have been *a critical error*.” As Mr. Rifkin explains, the July 1984 CUP was approved based on an initial transportation study that was found sufficient by LADOT for purposes of environmental review “provided that *no enrollment increase* is allowed.” Thus, the 1984 CUP did not authorize an increase to the then existing 750 student enrollment cap.

As Mr. Rifkin also explains, the DEIR contains an even more extreme error, relied upon by the University in claiming that the 1984 CUP increased the enrollment cap to 2,244—even though (1) no enrollment increase was sought and (2) the traffic review was conditioned on the assumption that no increase from the 750 student cap would be granted. The DEIR’s erroneous assumption that the 1984 CUP implicitly increases the 750-student enrollment cap to 2,244 is based on a gross misreading of the 1984 CUP: “The current MSMU Draft EIR includes a misleading assumption which asserts that the ratio of 1 to 4 parking spaces to students applies to all of the parking on campus...If the permit was to provide for increased student enrollment, LADOT would have required further assessment of the added vehicle trips to determine the need for a traffic study and ultimate assessment of traffic impacts.” (See Allyn Rifkin report, Enclosure 1, p. 1, emphasis added.)

Indeed, the University's theory is absurd. One would have to assume that the City would allow every single parking space on campus to park four students and leave no parking for any other use, including for all of its buildings: Mary Chapel, Rossiter Hall, St. Joseph Administration and Saver Science Center, William H. Hannon Theater, Humanities Building, Jose Drudis-Biada Art Gallery (open to the public) and the Fine Arts Building, the Charles Willard Coe Memorial Library, Carondelet Hall, Brady Hall, Facilities Management Buildings, Fitness Center, Yates, Aldworth and Burns Houses, pool, tennis courts, or to park its 176 staff and 273 faculty members, Doheny students attending Chalon classes, guests, deliveries, etcetera.

Despite the lack of any City approval for an enrollment increase, the University is already far in excess of the 750-approved enrollment. According to the Draft EIR, total enrollment at the Chalon Campus in 2016 reached 1,498 (down from 1,561 in 2015). The maximum number of students living on Campus is 470. MSMU employs 176 staff members (administration, maintenance, executive, etc.), 63 full-time and 210 part-time faculty teach at the Campus, 42 external and internal events with outside visitors. (DEIR, Project Description, II-12 – II-13.) These numbers exceed by far anything ever contemplated by the City in any of its approvals.

It is clear that the Project Description in the Draft EIR is flawed in that it claims a deemed approved enrollment of 2,244 students and a deemed approved right to lease or rent its facilities to outside uses. The DEIR must be held in abeyance to allow the Campus to begin to operate legally so the community and experts can assess the actual impact of the legally operating enrollment numbers and events that are associated with the University's mission as required by its current entitlements.

D. INTENSIFICATION OF USE.

As described above, enrollment increases and campus facility expansions have contributed to substantially intensified use of the Chalon Campus. Making the adverse effect of these changes more pronounced is the fact that the University has also increased its commercial and non-educational activities over time.

1. Unpermitted Increases in Enrollment.

After Mount St. Mary's University was established as a "small college for girls" in 1925, the institution's leaders chose to relocate its campus from downtown Los Angeles to a residentially zoned hillside area in the Santa Monica Mountains in a wildfire zone. During a 1928 public hearing, in front of the City Planning Commission, a representative of the University stated that "*they will have between 150 and 200 students and the maximum number will be 500, about 75 of the students will be resident and 75 will be day pupils.*" (See Planning Commission Hearing transcript, 1928, Enclosure 7, emphasis

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added.) This statement was further confirmed by one of the Commissioners: *“it is the intention to have a minimum of 150 students and a maximum of 500 students.”*

However, City decision makers were concerned about the impact of an educational institution on the neighboring residential area and stated that *“...in view of the special circumstances that attach to the property and in order to protect the adjoining property to the fullest extent...”* the requested zone variance should be subject to a condition requiring ongoing planning review: *“That the plans for the buildings and the location of same be approved by this Council prior to issuance of building permit.”* (See Zone Variance approval, December 5, 1928, Enclosure 8, emphasis added.)

The first building on Chalon Campus was built out by 1931 as *“...13 resident students, and 45 commuter students became well situated within the campus. As the number of students gradually increased, so did the desire to structurally expand the college.”* (See “Mount Celebrates 55th Year,” The View, 1955, Enclosure 29, emphasis added.) By 1950, MSMU has grown, *“...from one room at St. Mary’s Academy with an enrollment of 25 students, to a group of 5 buildings in the Brentwood Hills with a student body of 561.”* (See “Quarter Century Notes Changes—One to Five,” The View, October 12, 1950, Enclosure 30, emphasis added.)

In the span of 25 years, the University’s curriculum expanded from music, languages, history and art to include elementary teaching, pre-nursing, home economics, secondary teaching, social welfare, cancer research, physical education, drama and a four-year nursing program. (See “New Mount Departments Reflect Changing College Curriculum,” The View, October 12, 1950, Enclosure 31.) In 1957, the University opened its second campus, downtown Los Angeles, which later became known as the Doheny Campus and started offering a variety of programs and degrees. In the spring of 1980, the University began offering evening classes on its Chalon Campus.

In the years following the addition of the Evening College, the University continued to increase enrollment at both campuses and expanded its curriculum by a multitude of programs. By academic year 1982-83, *“Enrollment at Mount St. Mary’s...totaled 1,099 in the spring and increased to 1,252 in September 1983.”* (See “Mount St. Mary’s at a Glance,” MSMC Magazine, Fiscal Year 1983, Enclosure 32, emphasis added.) The MSMC Magazine also reported that, *“In May 1983, the College awarded 80 Associate in Arts degrees, 191 baccalaureate degrees, and 69 graduate degrees and teaching credentials.”*

In addition to tuition revenue, MSMU relies on other funding sources, such as private gifts and grants. The University is a member of the Independent Colleges of Southern California (ICSC). According to Wikipedia, the ICSC is *“an association that secures ‘money and other resources’ for its seventeen member institutions.”* (See

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[https://en.wikipedia.org/wiki/Category:Independent_Colleges_of_Southern_California.](https://en.wikipedia.org/wiki/Category:Independent_Colleges_of_Southern_California))

*“As you know, the ICSC fund supports 15 local liberal arts colleges and universities through contributions from the business community. **The size of the gift allocated to an individual college is related to the size of the enrollment.**”* (See “How to Read Mount St. Mary’s Development Report,” MSMC Magazine, Winter 1983, Enclosure 33, emphasis added.) In other words, MSMU has a vested financial interest in expanding enrollment, regardless of the resulting impacts to the surrounding community.

It became evident the continuous increase in enrollment exceeded the physical capacity of capital improvements on the Chalon Campus and in 1984, the City granted two approvals to expand the University’s facilities: (1) residence hall with a one-story garage and (2) multi-level parking structure. The January 1984 CUP for a residence hall stated, *“The College, for the past five years, has maintained a constant enrollment of between 700 and 750 students... The new residence hall is therefore being built to increase the number of students living on-campus, not to increase enrollment.”* (See City Plan Case 4072-CU, January 26, 1984, Enclosure 19, emphasis added.)

The July 1984 approval for a multi-story parking structure for 268 spaces included a condition limiting the enrollment number on Chalon Campus to the number of parking spaces available in the approved structure, as *“there would be no inherent control in this approval to insure that enrollment would not grow in an ad hoc fashion, apart from the condition relating future increases to the proposed parking structure.”* (*Id.*, emphasis added.)

Based on the review of various documents in the City’s files, there’s no evidence that the University ever applied to the City for approval to increase enrollment above 750. However, as reported in The Winter 1985 MSMC Magazine, a University publication, *“Official enrollment for the current academic year is 1,222 students... Students currently enrolled...at the Chalon Campus total 833, of whom 354 are in residence.”* (See “At A Glance,” MSMC Magazine, Winter 1985, Enclosure 34, emphasis added.)

In 1992, the University further expanded its enrollment by offering a Weekend College program on the Chalon Campus, *“The program enrollment is expected to reach 400 by the Fall of 1994, up from its current enrollment of 142.”* (See “Weekend Program Offers Full Degrees At Reduced Rates,” The View, Spring 1993, Enclosure 35, emphasis added.)

The University continued unpermitted expansion in enrollment and by 1995, *“MSMC’s enrollment has increased by more than 20% over the last three years. Our total of 1,935 students...represents an all-time high [for both campuses].”* (See “Mount St. Mary’s,” Los Angeles Times, February 21, 1995, p. B4, Enclosure 36,

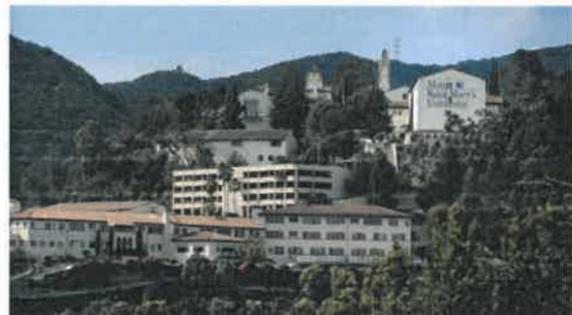
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emphasis added.) In this article, the President of the University also stated, *“It was dismaying, however, that Mount St. Mary’s College, the only women’s college right here in Los Angeles, was overlooked in the sidebar about enrollment increases.”*

By 2006, the decades of overcapacity expansion in enrollment at the Chalon Campus resulted in such an impact to the residential community, the University was forced to relocate, *“all of the nontraditional programs...and Weekend/Evening College program from the Campus to the Doheny Campus between 2006 and 2008 (reduction of approximately 400 students in all programs total).”* (DEIR, Project Description, II-11, emphasis added)

Currently, according to the University’s website, MSMU offers Undergraduate Bachelor Programs in more than 30 majors and concentrations (Chalon Campus), Undergraduate Associate Programs, Graduate Programs (in business, creative writing, nursing, health policy and management, physical therapy, education, psychology, religious studies, humanities and film & television), as well as Weekend/Evening College (Doheny Campus). The 2018 DEIR states that as of fall 2016, total student enrollment was 3,554 for both campuses, and of these, 1,498 students were enrolled on the Chalon Campus.

Over the last 90 years, Mount St. Mary’s has morphed from a “small college for girls” into a large educational institution and events center that is still located in a remote residential neighborhood.



2. University-Related Activities and Events Have Grown in Size With Unauthorized Enrollment Increases.

Every year, the University hosts a large number of activities and events on the Chalon Campus that are related to its educational program and mission. Some of these events, such as open house, student orientation, move-in day and commencement, are operational in nature. These types of events are a normal part of providing educational services.

Additionally, the Chalon Campus offers a multitude of educational, social and cultural events aimed at enhancing the program curriculum, fundraising and generating new business. From a land use perspective, these types of events are more intensive because they are not limited to students, staff and faculty, but also bring to campus a large number of family member, guests and other visitors.

As the University has expanded over the years, increasing its enrollment and program offerings in violation of its approvals, these types of events have grown in number and size. Given the remote location of the Chalon Campus in a low density residential zone, even these “internal” (a term the University uses) campus events have become very impactful to the neighboring community.

Currently, according to the 2018 DEIR, some of the events hosted at the Chalon Campus include the following: student orientation (1,000 attendees), admitted students day (300 attendees), residence move-in days (500 attendees), Mary’s Day (500 attendees), open house (500 attendees). (DEIR, Project Description, II-13.)

3. Unpermitted Commercial Activities Have Increased Over Time.

a. Leasing and rental of facilities for commercial, non-educational purposes.

The 1952 Conditional Use was approved with the following condition: *“This grant shall only apply to school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious educational activities.”* (See City Plan Case 4072-CU, May 23, 1952, Enclosure 15, emphasis added.) A review of City records indicates that no authority has ever been granted for the commercial exploitation of the campus property by leasing or renting campus facilities. Indeed, the only use ever permitted is limited to “school use involving educational subjects.”

Despite that limitation, the University has a long history of advertising and profiting from leasing its facilities for commercial, non-academic program events and activities. Currently, in the “Campus Events” section of its website, the University advertises the availability and benefits of its location and facilities: *“Our mission at the Office of Campus Events is to help you find the perfect place for your conference, special event, workshop or meeting, and work with you to ensure the total success of your event.”* (See <https://www.msmu.edu/resources-culture/campus-events.aspx>.)

The University especially promotes its facilities for summer rental when regular classes are not in session. We *“market our college in order to bring in different resources during the summer. We have groups that come in and hold conferences and workshops,*

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and stay in residence the dorms... We should have over 200 in residence and I'm really looking forward to meeting this group. Then there's a group of about 200... So, although most of our summer groups are education-related, they're not the sort of groups we can host during the school year, since all require residency." (See "An Interview with Lisa Melou," The Oracle, 2008-2009, Enclosure 37, emphasis added.)

In addition, the University advertises the availability of a 350-seat William Hannon Theatre, a 4,800 sq. ft. Conference Center, and the "classic" Mary Chapel with seating for 350, as well as many conference rooms at the Chalon Campus. As mentioned above, housing is offered for long term events during summer months (May to July).

Over the decades, the University has been the site of hundreds of commercial events, bringing in tens of thousands of visitors and vehicles that all have to traverse the local narrow and windy roads. A sampling of past events includes weddings, large national conferences with hundreds of attendees, film festivals, movie screenings, Mount Orchestra festivals, High School Choral Festival (with "*hundreds of high school choristers from the Los Angeles area*"), Concerto Competition for High School Students, Invitational Youth Chess Tournament, multi-day yoga retreats (with up to 500 attendees a day), workshops, art exhibitions, wine tastings, etc. These are just some examples of the plethora of commercial events and non-program related activities that take place on the campus. (See MSMU Events, Enclosure 38, emphasis added.) The continuous use of the Chalon Campus for such events has detrimentally impacted the surrounding residential community by adding to traffic burdens already heavy from education-related functions, thereby creating additional noise, pollution, traffic and safety hazards.

Mary Chapel, located on the Chalon Campus, has routinely been available for rent and lease for weddings. Generally, weddings take place on weekend afternoons or evenings, lasting late into the night and attracting scores of visitors from outside areas not familiar with the local hillside streets—or the risks inherent in the windy, view-limited roads—or local traffic patterns, often causing problems for neighbors.

The University has previously conceded it has used the campus for weddings and implicitly acknowledged the impact by promising to limit future weddings to only students and alumni: "*Representatives of the Mt. St. Mary's administration did admit there were numerous weddings in the chapel for a short period following the Northridge earthquake, pending repairs to Saint Monica Church. They indicate that weddings are now limited to registered students enrolled in the school's B.A. program or alumni of the institution.*" (See Bob Rogers report, January 25, 1996, Enclosure 27, p. 4, emphasis added.)

Regardless of who uses the Chapel for wedding events (alumni or not), the significant negative impacts of the additional visitors driving through the residential

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neighborhood is considerable. Following the City review in the 1990s, the University continued to allow weddings at the Chapel, despite many complaints from its residential neighbors. Most recently, the DEIR addressed this issue: "*The Campus wedding ceremony and wedding reception policy has been updated to no longer allow wedding receptions on the Campus and restrict the number of wedding ceremonies permitted annually on Campus.*" (DEIR, Project Description, II-11, emphasis added.) The problem is that the area is not compatible with events like weddings, which is why the use has never been permitted.

The Jose Drudis-Biada Art Gallery is another Chalon Campus attraction that is advertised to draw visitors. The gallery is open to the public on most days of the week, including the weekends, and has an ongoing exhibition program. (See <https://www.msmu.edu/resources-culture/jose-drudis-biada-art-gallery/hours-and-directions/>.)

Since 2013, the University has rented out its facilities to accommodate the annual "Ready to Run" Campaign Training for women interested in running for political office, which usually takes place on Saturdays and attracts at least 200 attendees. Individual general tickets were \$110 per person this year and the sponsorship packages varied from \$10,000 to \$30,000. (See <https://www.msmu.edu/ready-to-run/sponsorship-packages/>.) The event, which starts at 8:30 am, brings dozens of speeding cars onto local narrow roads on what otherwise should be a quiet Saturday morning in a low density residential area. In fact, the adverse traffic impacts were so significant that the University was forced to move the event to its Doheny Campus after several impactful years "*in order to help alleviate neighborhood traffic from the event.*" (See Chalon Neighbor Newsletter, January 2016, Enclosure 39, emphasis added.)

During the spring 2016 semester alone, the following events were advertised in the "Chalon Neighbor Newsletter:"

- Sunday, Jan. 17: C.G. Jung Retreat (approx. 50 outside guests)
- Wednesday, Jan. 27: Cokie Roberts event (approx. 200 outside guests)
- Wednesday, Feb. 4: Live at the Mount Admission Event. Annual event held for high school students to introduce them to the college experience, (approx. 280 outside guests, and about five school buses.)
- Friday, Feb. 19: High School Choral Festival (approx. 200)
- Saturday and Sunday, Feb. 27-28: Music Teachers Association of California open house/student evaluations (approx. 600 over two full days, with parents)
- Sunday, April 10: Admitted Students Day (approx. 800)
- Sunday, April 24: National Coalition of Girls Schools (approx. 150)
- Saturday, April 30: Expanding Your Horizons conference (approx. 250)

The variety of commercial use activities and events, which are not permitted under the CUP, impose significant, unmitigable adverse impacts to the residential neighborhood.

b. Commercial filming.

Commercial activities are prohibited in the Residential Estate (RE) Zone where the MSMU campus is located. (LAMC section 12.07.01 [Stating “No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged, or maintained except for the following uses” which do not include commercial activities.] Commercial filming is not a permitted use and for good reason, it brings large trucks with large crews to filming locations. It exposes neighbors to excessive traffic, noise, light-intrusion, and assorted other impacts inherent in film production.

Throughout the years, the University has rented out the Chalon Campus for movies and TV shows, music videos and commercials. According to the Internet Movie Database IMDb and a report from Film LA, Inc., the Chalon Campus has been used in over 20 movies, TV shows, music videos, pilots and commercials, including but not limited to: “Falcon Crest,” “Less Than Zero,” “Death Becomes Her,” “The Glass House,” “90210,” “Modern Family,” and “Monk.” (See Film LA and IMDb Titles with Filming Locations, Enclosure 40.) As evidenced by the University’s financial statements, during the time from July 1, 2010 to June 30, 2016, it has reported over \$800,000 in revenues from such filmmaking activities. (See MSMU Form 990, July 1, 2010 – June 30, 2016, Enclosure 41.)

Renting out its facilities for filmmaking is obviously a lucrative side business for the University: *“One of the ways that Mount St. Mary’s College raises money is by renting its campuses as a location for movies, television and commercials... The majority of actors who come to Doheny or Chalon really enjoy our campuses. They really are, in general, very generous with their time and understand that filming is an interruption to our regular business.”* (See “An Interview with Lisa Melou,” The Oracle, 2008-2009, Enclosure 37, emphasis added.) But that is no justification for violating the land use limitations designed to protect the residential neighborhood from the impact of such non-permitted uses.

The negative, unmitigable impacts from filming are so significant that, even the University’s own students are adversely affected. A letter, written by a resident student, published in MSMU’s student newsletter, describes the problem: *“The television show, MONK, seemed to invade the entire campus... Crews arrived at six in the morning the first day, seven the next. Rattling generators and crashing equipment were unwelcome*

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early morning wake-up calls. Even worse was the situation with parking...and still at eleven o'clock Tuesday night...." (See "Solitude Lost...Monk Set on Campus," The Oracle, April 28 2003, Enclosure 42, emphasis added.) Filming activities also have other negative impacts on the adjacent residential community. A 2016 email from the Brentwood Homeowners Association alerted Brentwood residents that "*Next Wednesday and Thursday... there may be simulated gunfire associated with filming taking place on the campus of Mount St Marys University.*" (See BHA Weekend Update, December 9, 2016, Enclosure 43, emphasis added.)

This use is a clear violation of the Community Plan, which protects residential neighborhoods from incompatible commercial uses. The restriction is even more important for a campus located deep in the Santa Monica Mountains, within a high fire hazard zone, where access is limited by substandard streets.

II. The Adverse Impacts of MSMU's Unpermitted Enrollment Increases and Intensification of Use.

For decades Mount Saint Mary's University has knowingly caused more significant negative and dangerous impacts on local residents, by its self-interested, continuous increases in enrollment and intensification of on-campus activities. It has done so, without ever providing the public and the City any analysis of the resulting impacts, and opportunity for comment and independent review thereof, as should have occurred under CEQA.

Together, the enrollment expansions and intensification of use have created an intolerable situation in the Brentwood area along the roads used by University students, faculty, and guests. These effects are manifested in the significant traffic impacts, parking shortages, and fire risks that are currently unacceptable and would be made worse by continued uncontrolled operations.

A. Significant Traffic Impacts Occur and Are Made Worse by MSMU Actions.

1. The University has already induced far more traffic than can be accommodated in this hillside residential neighborhood.

Ninety years ago, the University was permitted to operate a "small college for girls" in a quiet residentially-zoned canyon located deep in the Santa Monica Mountains, which was accessible only by substandard hillside streets. Today, after years of expansion and intensification far greater than necessary for the "small college" that was permitted to invade this residential hillside neighborhood, the University has forced the substandard local streets to bear more than 2,000 vehicles on any given day. The University draws to

its campus hundreds of student and visitor vehicles, University shuttles and buses, large delivery trucks, and even large tour and event buses. For years now, the University's ever-expanding traffic demands have made a mockery of the formerly "small" school's promise it would not burden the neighboring residential community. Unfortunately, the community has also been consistently burdened by University students and visitors engaging in unsafe driving practices—putting everyone at risk.

a. The increased volume of traffic has unfairly institutionalized the neighboring residential area.

The incongruity of the neighborhood's residential zone status and the operation of an educational institution—even just a "small college"—raised concerns from the beginning. At a 1928 Planning Commission hearing a resident testified the he "*objects to the amount of traffic, the entire amount will pass behind his house to get to the school and he will have between 50 and 200 cars pass morning and night and the additional traffic will be objectionable; that the traffic must pass behind his house and he will catch the dust from the dirt road.*" The concern was and remains compelling. As one of the Planning Commissioners summarized it, "*the protestants took the position that this property was purchased by them under the representation that it was to be used for single family residential use only and that the cars used by the day pupils will cause noise and dust and traffic congestion and will commercialize the district.*" (See Planning Commission Hearing transcript, 1928, Enclosure 7, emphasis added.)



The same intensification that exacerbated the overflow-parking problem (discussed below) also caused increased traffic congestion. This was one of the main complaints raised by residents in the August 1995 revocation request: "*This amount of traffic on a deficient street system raises the potential for accident or injury to an unacceptable level of risk; and has direct traffic related impacts of accident, injury, noise, lighting and general disturbance on residential properties.*" (See James J. Crisp letter, August 29, 1995, Enclosure 24, p. 5, emphasis added.)

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The revocation request was supported by a comprehensive traffic study stating that the residents' *"contentions, made so often over the years, that the College, in conjunction with the Carondelet Center, are the source of traffic volumes far in excess of what the canyon can bear... The results were impressive (or appalling, depending on your point of view!). Between 2,500 and 2,700 vehicle trips through the canyon take place on weekdays as a result of the College and Center's operations. Even on an unremarkable Saturday or Sunday, 1,700 vehicles pour through the neighborhood each day."* (See BHA letter, November 2, 1995, Enclosure 25, p. 1, emphasis added.)

One band-aid mitigation measure was agreed upon in the 1990's in negotiations between City Council District-11, Brentwood Homeowners Association and the University. A bi-directional traffic "loop" was intended to mitigate University-induced traffic by dispersing the number of vehicles traveling on the local streets leading to Chalon Campus: *"Why has the Mount asked that we drive up Norman Place and down Bundy Drive? In the early 1990's a few surrounding neighbors began to voice their concern through letters and phone calls about the Chalon campus' traffic volume. In 1992, the addition of Weekend College created an increase in traffic. 'This was the straw that broke the camel's back,' said Jill Perry, Director of Public Relations."* (See "Neighborhood Concerns Over Traffic to Chalon Causes Formation of a New Committee," The Oracle, December 1996, Enclosure 28, emphasis added.)

To implement the loop, the University required that *"All vehicles traveling to the Chalon Campus ... must turn north on Bundy Drive from Sunset Boulevard, RIGHT ON NORMAN PLACE, left on Chalon Road and right into the Mount St. Mary's College driveway. When exiting the College, all vehicles must turn RIGHT ON CHALON ROAD and left on Bundy.... The Speed limit is 25 mph on these streets. This traffic route has been made in agreement with the Brentwood Homeowners Association. Help the College maintain a good relationship with its neighbors."* (See "What's Happening," The Oracle, February 2, 1998, Enclosure 44, emphasis added.) To induce compliance, the University implemented a \$75 citation penalty and/or loss of parking permit privileges. (See MSMU Student Handbook, 2017-2018, Enclosure 45, p. 85.)

Unfortunately, the University has not effectively enforced the "loop" requirement and the traffic impacts remain substantially unmitigated. After receiving neighbor complaints that students were not honoring the loop requirement, the University installed a camera at the Chalon Campus entrance *"to monitor violations of the policy mandating the prescribed routes for traffic traveling to and from the Campus... Those in violation are fined \$75.00."* (DEIR, Project Description, II-11, emphasis added.) The University also paid for the installation of a *"radar speed traffic calming sign."*

But its efforts have been futile. Even at the outset of the program a Norman Place

resident reported that *"I have a few cars to report coming down Norman. Two today –the other a couple of days ago."* The University representative's email reply confirmed that, *"I just wanted to get back to you and let you know we were successful in identifying two of the three vehicles you noted below, and the students have been referred to Student Affairs."* (See Community Emails, September 2012, Enclosure 46, p. 1, emphasis added.) But another Norman Place email described more "loop" violations as well as dangerous driving, and complaining that *"[w]e're being patient, we're working with you all, but at the same time–feeling frustrated."* (See Community Emails, April 2013, Enclosure 46, p. 2, emphasis added.)

As illustrated by yet another email from a neighbor, non-compliance with the mandated traffic "loop" created dangerous conditions not only for the neighbors, but also the University's own students, *"This morning at 6:30 am, we heard a crunch. Sure enough two students, one coming down Norman, one going up, crashed into each other. Phil went out to make sure everyone was ok, and it seemed so and amicable as they exchanged information. Just thought, I'd give you the heads up. It's dark and poorly lit up here now at that time in the a.m. Not sure how you can make these kids understand why they shouldn't speed, or turn down Norman?????"* (See Community Emails, October 2013, Enclosure 46, p. 3, emphasis added.)

In addition to not being able to enforce "loop" compliance with its own students, the University lacks effective control over the many large delivery trucks arriving at the Chalon Campus: *"I just caught the HUGE Semi-truck heading down Norman right now. It seems nothing has changed and the disrespect to our neighborhood continues... The truck is too massive, the hill too steep for it to come down on Norman."* (See Community Emails, February 2010, Enclosure 46, p. 4, emphasis added.) The response from the University confirmed the ineffectiveness of the loop monitoring: *"I've checked with Security, and there were about 4 trucks that left our campus about that time. Do you recall what type of truck it was, so we can follow up with the appropriate vendors? Any additional information you can provide will help us as we talk to them."* (*Id.*, emphasis added.)

b. The students' often-dangerous driving exacerbates the impacts.

Even apart from the adverse impacts of traffic congestion, residents have faced safety concerns because college-age students simply drive too fast and without due regard for the hazards of speeding on the substandard roads. This too has been a constant, decades-long problem: *"The Mount girls drive fast; they drive much too fast along Bundy... We've been lucky this year, only two little dogs – family pets – have been killed; but unless something is done, unless you slow down, it won't be too long until a child follows his dog into the street – then the score, thanks to you – will be three dogs and a*

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child. Bundy is a residential street, not a speedway. Why should the Bundy residents – mothers especially – be terrorized because of our selfishness.” (See “Perspective,” The View, November 20, 1947, Enclosure 47, emphasis added.)

The students’ dangerous driving habits have been likened to a deadly sport: *“Mount students fail to realize the responsibility of safe driving that has come upon them in the last few years. They do not regard Bundy Drive as a hazard, but merely as an obstacle course... Today students drive a road bordered with residences; they dodge children who spring from behind bushes at the shoulder of the road and dogs that dash in front of cars.”* (See “Attention Wanted-- All Mount Drivers,” The View, April 19, 1955, Enclosure 48, emphasis added.) Thus, in 1957, after accidents occurred on Chalon Road, the University tried to address the consequences of unsafe driving by its students: *“Recent accidents on Chalon Road have called the Student Council to establish a Traffic Safety Committee.”* (See “Council Initiates Safety Committee,” The View, December 13, 1957, Enclosure 49, emphasis added.) But that did not solve the problem.

In 1959, the City paved Norman Place to provide access to the Chalon Campus. The inevitable result of that paving was highlighted in a morbidly satirical commentary published in The View, the University’s newsletter: *“The Mountie coming down the hill is also in a hurry. There are some children who live at the bottom of Norman Place, so, not being accustomed to the fact that their once quiet, peaceful street is now a direct routed freeway from Bundy Drive to the Mount play in the aforesaid street. If the Mount girl hurries, she may get there in time to kill one of them. After all, a really astute and observant driver can gain 15 points for each moving object he or she is able to wipe out of existence.”* (See “Our New Road; High, Wide and...,” The View, December 15, 1959, Enclosure 50, emphasis added.)

By 1960, LAPD had received so many complaints that *“Officer Leo Long of the West Los Angeles Police Department came up to the Mount to inform the administration of the many complaints being received at the police station concerning the careless and rapid driving of the Mount students along Bundy, Chalon, Bowling Green, and Norman streets. Particularly heavy are the complaints from the Norman Place area where the children play on the street for lack of backyard... The parents are incensed over the driving of the students.”* (See “Careless Drivers Censured,” The View, October 4, 1960, Enclosure 51, emphasis added.)

However, the traffic burden was not limited to daytime driving. As one University alum reminisced about her time at the Campus in the 1960s, *“the traffic jam up Chalon Road on Saturday night so our dates could get us in before lock-out.”* (See “Three Years of Challenge,” MSMC Magazine, Spring 1986, Enclosure 52, emphasis added.) And with weekend traffic comes dangerous driving: *“Two policeman had to leave their posts...to catch a speeder on campus two Saturdays ago. The speeding on Bundy Drive and*

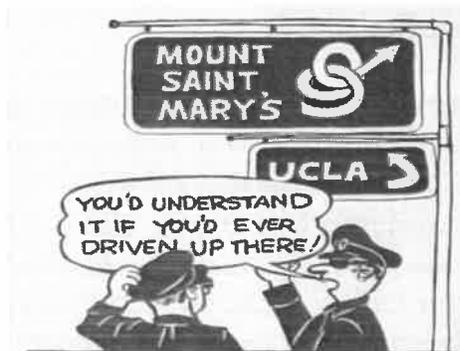
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Norman Place has been so flagrant as to prompt residents of these streets to complain to the Los Angeles Police Department.” (See “Speeder Pays,” The View, October 31, 1962, Enclosure 53, emphasis added.)

As recognized in The View, *“the situation is pretty serious when the people who live on these streets have to register formal complaints to the college...because the students persist in speeding, persist in turning left where a sign explicitly says right...the situation is a lot worse when parents have to organize mothers to stand by groups of children to protect them from the drivers who are rushing to college...”* (See “Rationalize,” The View, November 3, 1964, Enclosure 54, emphasis added.)

A year later, The View again reported on the problem: *“Traffic lawlessness can become an epidemic at the Mount...Today we remind you again that speed laws and stop signs are reasonable demands...Police officers have reported that Mounties have trouble reading the sign at Saltair -- it says Stop.”* (See “Traffic again,” The View, February 9, 1965, Enclosure 55, emphasis added.)

By 1967, the University tried to mitigate the problem by posting traffic signs around the campus and on nearby roads: *“The ‘No Left Turn’ sign at the bottom is not mandatory... Very few realize that there is an unwritten law that you go up Norman Place and come down Chalon... Norman Place is not the Indianapolis Speedway... There have been more near-fatal accidents at the two blind curves on Norman than any other place.”* (See “Do You Have a Right to Turn Left,” The View, October 13, 1967, Enclosure 56, emphasis added.)



WATCH OUT for the new directional signs for the Mount, appearing on the San Diego Freeway within the next few months. Installed by the California State Highway Commission, the signs will be placed over the north and south-bound lanes.

This unfortunate University tradition of unsafe driving has been the source of self-parody by students: *“Drivers also get a peculiar enjoyment out of the agility of many Mount students and Norman Place inhabitants who leap out of the way of cars bearing the Mount emblem. Try walking down the hill some day, and see if your attitude of driving changes any.”* (See “Sliding Away,” The View, April 28, 1969, Enclosure 57,

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emphasis added.)

The University attempted to mitigate hazardous driving on campus by installing speed bumps in 1979: *“Many Mount students, as well as faculty members are discouraged by MSMC’s attempt to stop the alleged ‘speeding problem’ here – the bright yellow speed bumps drivers cannot miss seeing on the road to the Mount.”* (See “Speed Bumps ‘Drive’ Students Mad,” *The View*, 1979, Enclosure 58, emphasis added.)

As the University is well aware, the safety problems have gotten worse over time. One email describes a persistent problem: *A “black car blew through one of the Norman stop signs on the way up the hill... And...small car who almost hit me as she turned down Norman and I was turning back into my driveway... What more can be done to stop this...? ...These are dangerous situations-especially since I was almost body injured a couple of months ago... Also-no security vehicle from MSM has been spotted lately.”* (See Community Emails, April 2013, Enclosure 46, p. 2, emphasis added.)

c. MSMU’s buses, shuttles and trucks exacerbate the problems.

The DEIR proposes a mitigation measure that has already been implemented without success—busing and shuttling.

As Allyn Rifkin explains, the substandard roads cannot safely accommodate large vehicles: *“these substandard roads in a high fire area [] are inadequate for the amount of current and future traffic generated by Mount St. Mary’s University.”* (See Allyn Rifkin report, Enclosure 1, p. 4.)

Moreover, busing and shuttling have been tried and failed. In addition to exacerbating traffic conditions on the local residential streets, shuttle and bus programs had problems with schedule times and late arrivals. The Transportation Services addressed students concerns, *“...will make every effort to meet the needs of the students, from Chalon, Doheny, and the University of Judaism. ‘We take the students at both campuses, and UJ very seriously. In fact, we have gone as far as to provide a shuttle service for those few students who have classes early in the morning. For instance, we provide an early shuttle to accommodate only two or three students. At times you will see a shuttle with only about 3 students riding on it.’”* (See “Transportation Concerns,” *The Oracle*, November 5, 1999, Enclosure 59, emphasis added.)

In addition to “regular” MSMU traffic clogging and endangering the narrow local roads, The University hosts large events that bring hundreds of visitors and guests to the Chalon Campus. The Inauguration of the new University president is one example of how large and impactful these events are to the community, *“The overall guest list for the*

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Inauguration tops an estimated 1200 people. 'We have tried to make this as convenient as possible... Students can park at Doheny and at a Park n' Ride lot near Chalon...with shuttles running constantly.'" (See "Doud's Inauguration Marks the End of an Era," The Oracle, October 10, 2000, Enclosure 60, emphasis added.)

The University's unpermitted commercial uses result in large tour and event buses coming to the Chalon Campus. In addition to not following the mandated traffic "loop," these massive buses frequently end up getting stuck on the local narrow winding roads. An email from a resident describes an incident when multiple large buses heading to the Chalon Campus for an outside event got stuck in front of his house on his particularly narrow street, *"You should inform the homeowners of such events and you should make sure these buses do not come through streets like Saltair."* (See Community Emails, July 2015, Enclosure 46, p. 5, emphasis added.)

A picture is worth a thousand words:



The University's representative addressed this issue of large buses getting stuck by explaining that there was a miscommunication between the University and the event organizers.

The history shows that there is no effective mitigation for the University's intensified use of the Chalon Campus. The exponential and non-permitted increases in enrollment and special events have created significant traffic impacts on the residential neighborhood. The supposed mitigation efforts have done nothing to improve the problem. Inadequate measures such as street signs, speed bumps, shuttle and bus programs, housing students off campus, bi-directional traffic flow, street cameras, radar speed traffic calming sign, moving programs and events off Chalon Campus have been merely cosmetic—used to create the false impression of real solutions. But none of these, nor the combination of all of them together, have been enough to relieve the aggravation and safety hazards suffered by residents in the area.

B. Significant Parking Impacts Already Occur and Are Made Worse.

There has long been a shortage of onsite parking for University students, faculty and staff. MSMU's perpetual intensification of the Chalon Campus by increasing enrollment, special events and programming has necessitated the use of local substandard hillside streets for overflow campus parking. The adverse impact on the hillside neighborhood is well documented in the City's files.

The neighborhood's vulnerability to excessive campus development was evident as far back as 1928. The original zoning variance that permitted the University to operate as a college in this residential zone included a condition intended to control impactful development, requiring "[t]hat the plans for the buildings and the location of same be approved by this Council prior to the issuance of building permit." (See Zone Variance approval, December 5, 1928, Enclosure 8, emphasis added.) Over the years, as the University built-out the Chalon Campus and constructed multiple buildings, the City tied code-required parking to each building to protect the neighborhood from problems associated with overflow parking.

In 1964, the University applied for approval of a new Arts and Humanities Building and for additional parking area. (See Approval of Plot Plan Report, March 5, 1964, Enclosure 17, emphasis added.) This building was a replacement for a building destroyed in the 1961 Bel Air fire. The report stated, "*The parking requirements for the Science Building, the Humanities Building, the Chapel and the Residence Hall, were found to be 161 spaces. As shown on Exhibit 'A-1,' the school will be able to accommodate 201 cars, including the new proposed parking area.*"

The historical documents reveal that the University was already experiencing a shortage of parking, as students were humorously complaining about the difficulty of finding available spaces: "*It might be sporting of the Mount to advertise...if it plans to continue with the delightful parking situation it has created...Or at least it might add a few courses to its curriculum. Courses like 'Hitch-hiking LA' and 'The Subtle Art of Ride-Bumming.'* There are rumors that some of you have been complaining about the difficulty of piloting an automobile to within hiking distance of the Mount... Why just think of those poor kids at UCLA who have to park in eight-story air-conditioned lots, right near their classes." (See "About Parking," The View, May 26, 1964, Enclosure 61, emphasis added.)

In November 1968, the University announced that more parking would become available: "*January 1969 will mark the opening of the \$80,000 parking lot on the Mount campus. The site, located behind the swimming pool, will facilitate approximately 150 cars in a three level lot.*" (See "Parking Lot Ready for 1969," The View, November 4, 1968, Enclosure 62, emphasis added.) While the new parking lot was being constructed,

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one of the existing lots became structurally unsound adding to the parking shortage: *“‘Please move your car; it’s about to slide down the hill.’ True, the lower parking lot is slipping away and may soon be part of the ‘great ravine.’ But dozens of cars ‘slide’ down the hill every day, heedless of pedestrians, parked cars, and falling mountain sides, gaining break-free speed as they go.”* (See “Sliding Away,” The View, April 28, 1969, Enclosure 57, emphasis added.)

During this time, students were forced to use tennis courts for parking: *“For some time, the parking situation had been critical; even the tennis courts in front of the swimming pool as well as behind the garages had become temporary parking areas when college events brought numbers of visitors on campus.”* (See Mary Germaine McNeil, “History of Mount St. Mary’s College, Los Angeles, California: 1925-1975, Enclosure 63, p. 307, emphasis added.)

Over the next several years, the University continued to increase enrollment by accepting more resident students than its facilities could accommodate: *“At the beginning of this 1977-78 school year...Director of Residence was faced with the problem of lack of sufficient dorm facilities at the Mount... This year however, there are not nearly enough rooms to meet the demands of the number of students who desire residence at the Mount, and consequently a number of Mount students were forced to temporarily reside at the Holiday Inn of Westwood.”* (See “Holiday Inn Becomes Temporary Residence,” The View, October 1977, Enclosure 64, emphasis added.)

The University then attempted to mitigate the dorm shortage by adding more students per room: *“Because of a shortage of dorm facilities to accommodate this year’s 325 resident students...Director of Residence was forced to convert single rooms on First Floor Brady to double rooms, giving each inhabitant half as much space as before.”* (See “First Floor Brady Goes Double,” The View, November 1977, Enclosure 65, emphasis added.)

This large increase in resident student enrollment once again resulted in parking shortages. A University student addressed the parking issue with humor: *“There’s a new class being offered at the Mount, Beginning Hill Climbing. You get zero units, and many students are finding themselves unwillingly enrolled. This new class is needed because of the parking situation... The solution to the parking situation may be costly, but something must be done.”* (See “New Class at Mount,” The View, November 1977, Enclosure 66, emphasis added.)

In 1979, the City approved temporary housing to accommodate additional resident students. The temporary structures replaced existing parking behind the tennis courts and eliminated 20 parking spaces—reducing parking capacity even further. (See City Planning Commission Approved Plan, August 29, 1979, Enclosure 18.) To address the

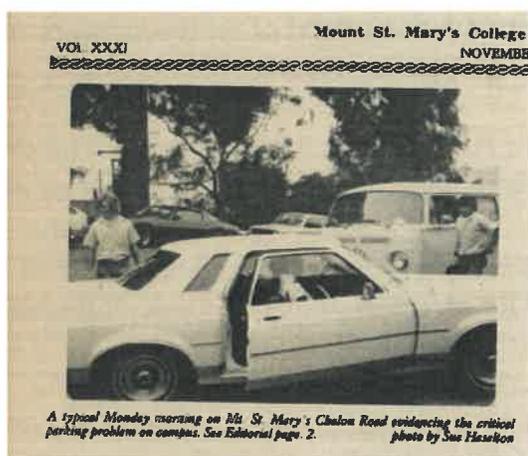
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parking shortage, a Parking Committee was formed, comprised of representatives of University resident and commuter students and its Parking Board.

That same year an article asked, "Where Have All the Parking Spaces Gone?" and affirmatively stated what the title implied: "*There appears to be a tremendous amount of concern regarding the parking situation at the Mount.*" (See "Where Have All the Parking Spaces Gone?," The View, 1979, Enclosure 67, emphasis added.) Some of the commuter students were forced to use Chalon Road, where they experienced problems that are common to today's University commuters and neighborhood residents: "*[A]s I drove along Chalon Road I was puzzled at all the cars parked on both sides of the street... but I soon realized that these cars were the cars of students who had not been able to find parking spaces on campus. The parking situation...is BAD...there are more students coming to the Mount this year...there are actually not enough parking spaces to accommodate all of the students' vehicles.*" MSMU's representative confirmed that "*Parking at the Mount is a difficult situation...*" (*Id.*, emphasis added.)

As a result of the Parking Committee's deliberations, the University attempted to mitigate the parking problem by (1) directing students to park on Chalon Road, where they would be shuttled to the campus and (2) renting parking space from the University Synagogue and shuttling students to the campus. However, the students complained that this was ineffective because "*the shuttle bus schedule was poorly publicized to the commuters.*" (*Id.*, emphasis added.)

In the end, the University's Parking Committee was unable to mitigate the parking crises: "*It is estimated that 80 cars belonging to Mount St. Mary's College students will be forced to park along Chalon every Monday and Wednesday of the school year. The problem is simple – a lack of sufficient parking space on campus. The solution is clearly more complex, but the tuition paying student body deserves better efforts than the present non-action that is based on the assumption that the college is doing the best it can. The shuttle bus from Chalon Road is an appropriate effort to bring a commuter student closer to the classrooms without the uphill hike.*" (See "Mount Faces Crisis," The View, November 1980, Enclosure 68, emphasis added.)



The shortage of student parking became so dire that the *“Director of Business and Finance...counts as many as 150 cars parked along Chalon Road this semester.”* (See *“Parking Problem Confronted,”* The View, March-April 1981, Enclosure 69, emphasis added.) To try and further resolve this problem, the University attempted to add more parking spaces by restriping existing lots and thus creating more, but smaller spaces: *“During the spring semester break, the parking spaces behind the Art Building and Chapel were restriped, creating an additional 34 spaces.”* (*Id.*, emphasis added.)

In addition, the University’s faculty and staff were instructed to park tandem on campus, with a low-cost/low-tech method for extricating blocked vehicles—the blocking driver was instructed to leave a note on the windshield of the blocked vehicle. As the University explained, *“This is designed so that when someone wants to leave, he knows who owns the blocking car.”* (*Id.*, emphasis added.)

Blocking other cars was apparently a common practice on the campus, as the parking shortage was a daily struggle for students, staff and faculty. The University’s representatives also considered adding a new parking lot behind the existing three level lot: *“The idea is to cut the slope existing between each level. Then a retaining wall would be built, and a few more spaces would be gained. If this slope is removed...about 70 additional parking spaces will result.”* (*Id.*, emphasis added.) Another less expensive option was restriping all three levels of the existing lot, as well as replacing the temporary resident structures, which were located on one of the parking lots and taking up parking spaces.

The parking crisis and student housing shortage continued until 1984, when the University applied to the City for two separate approvals: (1) a faculty residence hall with three dwelling units and a one-story parking garage, and (2) a multi-level parking structure. As with past City approvals for new buildings, the parking requirements were tied to the approved buildings. The Staff Report Comment section of the Jan 1984 CUP

for the residence hall stated, "**By Code, the proposed residence hall will require seven additional parking spaces. This includes two parking spaces for each of the three dwelling units, and one additional space for three guest bedrooms (the latter requirement is so low because more than 60 guest rooms are located elsewhere within the campus.**" (See City Plan Case 4072-CU, January 26, 1984, Enclosure 19, emphasis added.)

The residence hall and one-story garage were approved in January 1984 and in March, the University returned to the City proposing a multi-level parking structure for 268 parking spaces, which was approved in July 1984. The CUP tied enrollment to the number of available parking spaces in the approved structure to mitigate the risk of overflow parking on residential streets.

According to transportation engineering expert and former LADOT official Allyn Rifkin, "*There is no basis in City of Los Angeles entitlements to calculate student enrollment based upon the number of parking spaces provided.*" (See Allyn Rifkin report, Enclosure 1, p. 3.)

Once the parking structure was built, MSMU continued to expand enrollment over the next several years. Additionally, in 1992, the University added a weekend program offering classes on Saturdays and Sundays. By 1995, "*MSMC's enrollment has increased by more than 20% over the last three years. Our total of 1,935 students in associate, baccalaureate and graduate degree programs represents an all-time high!*" (See "Mount St. Mary's," Los Angeles Times, February 21, 1995, p. B4, Enclosure 36, emphasis added.) The Chalon Campus was over capacity and parking became an issue once again: "*Parking on the campus is also difficult...I used to be able to pull up and get a space, now not always. When I asked about it, I was told that enrollment was up, but no allowances were made for that increase.*" (See "The Bumpy Road of Commuter Life," The Oracle, December 1995, Enclosure 70, emphasis added.)

In January 1996, following a request for revocation from the community, Bob Rogers, Senior City Planner submitted a report to the City. Remarkably, the report denied the existence of any overflow parking problem—contrary to the real-world parking conditions described by everyone else: "*A visit to the campus clearly established that there is no problem with overflow parking from the school using Bundy Drive to park. Because of very steep terrain in the area any off campus on-street parking would be at an elevation well below campus and would require a very substantial uphill hike to the school.*" (See Bob Rogers report, January 25, 1996, Enclosure 27, p. 5, emphasis added.)

It is clear that the conclusion of Rogers' report was mistaken. Indeed, later the same year, the University's own Transportation Coordinator described the parking problem that somehow eluded Mr. Rogers' view: "*It is as bad as it's ever been.*" (See "Increase in Cars Causes Overcrowding in Student and Faculty Parking Areas," The

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Oracle, November 1996, Enclosure 71, emphasis added.) The article continues, “As students and faculty trek up the Mount, they encounter daily the difficulty of finding a parking space... The parking pandemonium was reflected... when **the fire department penalized the Mount for letting students park on the road.**” (*Id.*, emphasis added.)

The parking shortage was so serious that the University hired extra security guards to help students find parking spaces. The illegally parked students were not ticketed “as long as they did not block others or the fire lanes.” The commuter students were often, “...circling 45 minutes for a space, before sometimes resorting to parking illegally” and some “...have not purchased their parking permits because they do not feel the college can guarantee them a parking spot.” (*Id.*, emphasis added.)



By 1998, the University implemented a carpool program in a further attempt to mitigate the ongoing parking shortages resulting from its over-enrollment and unpermitted special events: “Tired of looking for parking spaces or of taking the bus to school everyday? Well, now your frustration can come to an end because the Mount has started the Student Carpool Program. According to the...brochure, the purpose of the carpool program is to ‘reduce parking congestion on the Chalon campus in a way that is beneficial to everyone.’” (See “Reaping the Benefits of Carpooling,” The Oracle, February 2, 1998, Enclosure 72, emphasis added.)

Another parking problem faced by University students was the too-narrow parking spaces. As one student lamented, “much of the problem must be attributed to a really bad parking lot. The parking spaces are tiny at best and ridiculously close together. The aisles are so narrow that anything larger than a clown car has to make a series of complicated maneuvers just to get in or out.” (See “Careless Drivers, Beware!,” The Oracle, September 24, 1999, Enclosure 73, emphasis added.)

It appears that during this time, the University was bursting at the seams due to its non-permitted enrollment increases and parking shortages on the Chalon Campus. That caused another problem that also impacted parking—a housing shortage. The

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University's enrollment swelled to such an extent that there was no more room for students to board on the Chalon Campus: "[T]here was no housing available on campus (the waiting list for on-campus housing is approximately ten students long), the only available housing being at the University of Judaism, about fifteen minutes from campus." (See "Battling Bureaucratic Run Around," The Oracle, September 9, 1999, Enclosure 74, emphasis added.)

Given the lack of parking on the Chalon Campus, students housed at the University of Judaism were shuttled to the Campus and told that the University's Transportation Services "...will make every effort to meet the needs of the students, from Chalon, Doheny, and the University of Judaism." (See "Transportation Concerns," The Oracle, November 5, 1999, Enclosure 59, emphasis added.)

As the University increased enrollment and special events, the parking issues worsened: "There are significantly more cars in the lots this year, making parking especially more difficult. I've noticed that empty spaces are hard to find. Many students are forced to park illegally, often blocking in other cars or parking lot entrances. There also seems to be an increase of cars parked up and down Chalon and Bundy." (See "Buses, Parking, Senioritis," the Oracle, October 10, 2000, Enclosure 75, emphasis added.)

By 2006, the University made some changes to the traffic flow and the layout of parking spaces: "In a continuing effort to improve our campus environment and provide adequate parking for Students, Faculty, and Staff, the following changes have been made to the Chalon campus: Additional parking spaces have been added along the Fitness Center and behind Carondelet residence hall. The road along the tennis courts, leading up to the Fitness Center is now a ONE-WAY route going north." (See "To the Mount Community," Chalon Student News, January 20, 2006, Enclosure 76, emphasis added.)

Limiting parking permits to selected students was another attempt by the University to mitigate its self-induced parking shortage. The 2012 Student Handbook stated, "Parking is limited on the Chalon campus, so only resident students in their second year or above may buy a parking pass... Commuter students of any year are eligible to buy a parking pass and may buy a parking pass and may park in lot G in front of the tennis courts and gym, or in the commuter parking structure." Instead of allowing first year resident students to park on campus, the University provided a car rental service, "Need a car on campus? The Hertz On Demand Car Sharing service is great for students living on campus who may need a car for meetings, run errands or head out to have fun with friends. Rent by the hour, or by the day." (See MSMU Chalon Campus Student Handbook, 2012, Enclosure 77, emphasis added.)

The most recent Student Handbook (2017-2018) refers to parking on Chalon

Campus as a “privilege” and states, “*The registration of a vehicle on campus and purchase of a parking permit does not guarantee a parking place, but affords the registrant the opportunity to park in designated parking areas when space is available... Everyone pays for parking. There is no free parking – everyone is required to pay to park on MSMU campuses.*” (See MSMU Student Handbook, 2017-2018, Enclosure 45, p. 84, emphasis added.)

The Student Handbook also addresses parking on local residential streets: “*In addition, we ask that students not bring cars to campus with the expectation that they can be parked on the streets or public areas of our neighboring communities within a two mile radius of the Chalon campus only. Mount St. Mary’s University requests that Chalon commuter students refrain from parking in the neighborhood, including Chalon Road, Norman Place and Bundy Drive for the safety of the community.*” (*Id.*, pp. 85-86, emphasis added.)

Remarkably, the DEIR refers to overflow parking on the local residential streets as if it’s part of an approved parking plan: “*On-street parking is unrestricted on the surrounding local streets near the Campus. In addition to on-site Campus parking, Campus users currently park on Chalon Road along with non-Campus users. Approximately 107 parking spaces are located within a quarter mile walking distance from the Campus along Chalon Road. MSMU monitors the number of cars parked on Chalon Road throughout the day and night, maintaining a daily/weekly parking log during the school year.*” (DEIR, Project Description, II-8.)

But overflow parking on the substandard neighborhood streets has an obviously negative and well-documented impact on the environment. The only reason prior entitlements were granted was because mitigating conditions required sufficient onsite parking to prevent overflow parking. (See Allyn Rifkin report, Enclosure 1, pp. 2-3.) Consistent with the need to prevent overflow parking on neighborhood streets, the 2017-2018 Student Handbook asks students to refrain from parking in the neighborhood. But as decades of abuse have revealed, the University has used the neighborhood streets as its own overflow-parking lot to facilitate its unpermitted expansion of enrollment, programming and special events. The University very well understands that further intensification on the campus will just make the problem worse—although that seems of little concern to the University.

Yet the DEIR proposes to “mitigate” the crush of traffic by the proposed increase in outside commercial events—which would bring hundreds more visitors to the campus—by hiring a valet parking service: “*Parking for all events is provided on the Campus. As described above, if events are scheduled for over 50 people during the day and could impact parking on the Campus, MSMU provides on-Campus valet parking*” (DEIR, Project Description, II-13.) While a valet benefits the University by making it

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easier for visitors to simply drop-off their vehicles at a valet station, it does nothing to mitigate the use of *neighborhood streets* as a de facto parking lot for *commercial events*, nor does it reduce traffic congestion on the substandard hillside streets.

It is evident from a long history of parking problems on Mount St. Mary's Chalon campus as the University has continued to increase enrollment and lease and rent its facilities for many small and large outside events, its informal attempts at "mitigation" measures have proven ineffective. These failed measures include the following: restriping of parking spaces; narrowing parking space; parking in undesignated parking areas, such as tennis courts; carpooling; busing; parking on local streets; car rental sharing; renting parking from offsite facilities; shuttles; tandem parking; eliminating a traffic lane for parking spaces on one side of the roadway; valet parking. Thus, none of these are true mitigation measures. Further, mitigation measures must be effective and enforceable. (*Lincoln Place Tenants Ass'n v. City of Los Angeles*, (2005) 130 Cal. App. 4th 1491, 1508.) The University's ineffectual attempts to resolve parking issues created by its over intensification of use and event scheduling are neither.

While MSM continuously attempted to address the parking problems that it had itself created through its persistent and unpermitted increases in enrollment, it mostly ignored the severe and cumulative impacts on the surrounding community: congestion on the local substandard streets, dangers from speeding students, a growing impossibility of evacuating both the campus and the residents during fire or earthquake emergencies. For decades MSMU has knowingly worsened these impacts on local residents without seeking City review that would be open to the public.

III. Conclusion: Revocation of MSMU's CUP is Necessary, Appropriate, and Long Overdue.

As shown above, Mount St. Mary's University displays a history of noncompliance with permit conditions and a willful disregard of adverse impacts it is creating to its neighbors. While certain aspects of MSMU's activities might be "deemed approved" because they existed prior to 1946, that "deemed approved" status does not insulate it from having that approval fully or partially revoked.

The provisions of Los Angeles Municipal Code sections 12.24.Z and 12.27.1.B for revocation are well met. The University's continual expansions and intensification of operations have created conditions that "jeopardize[] or adversely affect the public health, peace, or safety of person residing or working on the premises or in the surrounding area." MSMU's careless operation "adversely impacts nearby uses" who are affected by the significant parking, traffic, and fire safety hazards identified above.

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The University's unpermitted expansions and commercial operations violate provisions of the Los Angeles Municipal Code and conditions imposed by prior discretionary land uses approvals.

Thus, we request that pursuant to Los Angeles Municipal Code section 12.24.Z and 12.27.1.B you immediately initiate proceedings to revoke MSMU's conditional use permit allowing its operations. The evidence we present here is a mere sampling of the evidence of the intensification of use and severity of impacts that are discussed and is not exhaustive. We reserve the right to submit additional evidence to supplement the record in the future.

Because revocation is appropriate, the University's current application for a CUP that relies upon its deemed approved status and contains significant materially misleading information in its EIR project description must be held in abeyance while this revocation request is evaluated. No further approvals should be granted to an entity such as Mount St. Mary's University that has already made it abundantly clear it does not, and will not, respect the conditions that have been placed upon it by prior City approvals, and that does not have due regard for the adverse impacts its operations have on its surrounding neighbors.

The Brentwood community has suffered impacts from Mount Saint Mary's University for long enough. We request a prompt response to this application to initiate revocation proceedings.

Sincerely,



Douglas P. Carstens

Enclosures:

1. Allyn Rifkin Report, May 23, 2018
2. "Fire on the Mountain," The Mount Archives history blog, July 5, 2011
3. "Remarkable Service to Our Dear Neighbors," The Mount, Summer 2004
4. Ellen King email, April 17, 2017
5. Liberty Mutual Insurance letter, April 15, 2017
6. Application for Special Permit, October 20, 1928
7. Planning Commission Hearing transcript, 1928
8. Zone Variance approval, December 5, 1928
9. Ordinance No. 62642, January 4, 1929
10. Faculty Building approval, December 22, 1939
11. Application for Conditional Use, March 14, 1952

12. Mary Germaine McNeil, "History of Mount St. Mary's College, Los Angeles, California: 1925-1975
13. Los Angeles Zoning Code, 1946
14. Zone Change Recommendation Report, May 10, 1982
15. City Plan Case 4072-CU, May 23, 1952
16. Plot Plan, Exhibit A, 1952
17. Approval of Plot Plan Report, March 5, 1964
18. City Planning Commission Approved Plan, August 29, 1979
19. City Plan Case 4072-CU, January 26, 1984
20. The Blurock Partnership letter, March 26, 1984
21. MND, April 18, 1984
22. LADOT Initial Study Traffic Analysis, April 4, 1984
23. City Plan Case 4072-CU, July 27, 1984
24. James J. Crisp letter, August 29, 1995
25. BHA letter, November 2, 1995
26. MSMC letter, November 7, 1995
27. Bob Rogers report, January 25, 1996
28. "Neighborhood Concerns Over Traffic to Chalon Causes Formation of a New Committee," The Oracle, December 1996
29. "Mount Celebrates 55th Year," The View, 1955
30. "Quarter Century Notes Changes—One to Five," The View, October 12, 1950
31. "New Mount Departments Reflect Changing College Curriculum," The View, October 12, 1950
32. "Mount St. Mary's at a Glance," MSMC Magazine, Fiscal Year 1983
33. "How to Read Mount St. Mary's Development Report," MSMC Magazine, Winter 1983
34. "At A Glance," MSMC Magazine, Winter 1985
35. "Weekend Program Offers Full Degrees At Reduced Rates," The View, Spring 1993
36. "Mount St. Mary's," Los Angeles Times, February 21, 1995
37. "An Interview with Lisa Melou," The Oracle, 2008-2009
38. MSMU Events
39. Chalon Neighbor Newsletter, January 2016
40. Film LA and IMDb Titles with Filming Locations
41. MSMU Form 990, July 1, 2010 – June 30, 2016
42. "Solitude Lost...Monk Set on Campus," The Oracle, April 28 2003
43. BHA Weekend Update, December 9, 2016
44. "What's Happening," The Oracle, February 2, 1998
45. MSMU Student Handbook, 2017- 2018
46. Community Emails
47. "Perspective," The View, November 20, 1947
48. "Attention Wanted-- All Mount Drivers," The View, April 19, 1955

49. "Council Initiates Safety Committee," The View, December 13, 1957
50. "Our New Road; High, Wide and...," The View, December 15, 1959
51. "Careless Drivers Censured," The View, October 4, 1960
52. "Three Years of Challenge," MSMC Magazine, Spring 1986
53. "Speeder Pays," The View, October 31, 1962
54. "Rationalize," The View, November 3, 1964
55. "Traffic again," The View, February 9, 1965
56. "Do You Have a Right to Turn Left," The View, October 13, 1967
57. "Sliding Away," The View, April 28, 1969
58. "Speed Bumps 'Drive' Students Mad," The View, 1979
59. "Transportation Concerns," The Oracle, November 5, 1999
60. "Doud's Inauguration Marks the End of an Era," The Oracle, October 10, 2000
61. "About Parking," The View, May 26, 1964
62. "Parking Lot Ready for 1969," The View, November 4, 1968
63. Mary Germaine McNeil, "History of Mount St. Mary's College, Los Angeles, California: 1925-1975
64. "Holiday Inn Becomes Temporary Residence," The View, October 1977
65. "First Floor Brady Goes Double," The View, November 1977
66. "New Class at Mount," The View, November 1977
67. "Where Have All the Parking Spaces Gone?," The View, 1979
68. "Mount Faces Crisis," The View, November 1980
69. "Parking Problem Confronted," The View, March-April 1981
70. "The Bumpy Road of Commuter Life," The Oracle, December 1995
71. "Increase in Cars Causes Overcrowding in Student and Faculty Parking Areas," The Oracle, November 1996
72. "Reaping the Benefits of Carpooling," The Oracle, February 2, 1998
73. "Careless Drivers, Beware!," The Oracle, September 24, 1999
74. "Battling Bureaucratic Run Around," The Oracle, September 9, 1999
75. "Buses, Parking, Senioritis," the Oracle, October 10, 2000
76. "To the Mount Community," Chalon Student News, January 20, 2006
77. MSMU Chalon Campus Student Handbook, 2012

Applicant Copy
 Office: Downtown
 Application Invoice No: 77041

City of Los Angeles
 Department of City Planning



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Applicant: BRENTWOOD HOMEOWNERS ASSOCIATION - FLANAGAN, PRESIDENT, KATHLEEN (424-2428765)
Representative:
Project Address: 12001 W CHALON ROAD, 90049

NOTES:

CPC-1952-4072-CU-PA1-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 11
 Plan Area: Brentwood - Pacific Palisades
 Processed by CHAN, JASON on 12/14/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 77041

City of Los Angeles
 Department of City Planning



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City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number: 141221EC0-A240311C-2936-46D1-A378-FAA6C4108249, Amount: \$109.47, Paid Date: 12/14/2021

Applicant: BRENTWOOD HOMEOWNERS ASSOCIATION - FLANAGAN, PRESIDENT, KATHLEEN (424-2428765)
Representative:
Project Address: 12001 W CHALON ROAD, 90049

NOTES:

CPC-1952-4072-CU-PA1-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
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