



**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: CPC-1952-4072-CU-PA1

Project Address: 12001 Chalon Road

Final Date to Appeal: 12/17/2021

#### 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: Douglas P. Carstens on behalf of Brentwood Residents Coalition et al. (see all appellants at 3. a.)

Company/Organization: Chatten-Brown, Carstens & Minter LLP

Mailing Address: 2200 Pacific Coast Highway, Ste. 318

City: Hermosa Beach                      State: CA                      Zip: 90254

Telephone: (310) 798-2400                      E-mail: dpc@cbcearthlaw.com

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

- Self                       Other: Brentwood Residents Coalition, Brentwood Alliance of Canyons & Hillside, and Residential Neighbors of Mount Saint Mary's University

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: *Douglas P. Cant* Date: 12-15-2021

**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)



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### **JUSTIFICATION / REASON FOR APPEAL**

**Mount St. Mary's University Chalon Campus**

**CEQA: ENV-2016-2319-EIR; SCH No. 2016081015**

**CPC-1952-4072-CU-PA1**

**ZA-2017-928-ZAD**

#### **1.0 The Reason for the Appeal**

Brentwood Residents Coalition, Brentwood Alliance of Canyons & Hillside, and Residential Neighbors of Mount Saint Mary's University (collectively "Appellants") bring this appeal because their members have a direct and substantial beneficial interest in ensuring that the City complies with laws relating to environmental protection and the City's Zoning Code. Further, Appellants' members will be adversely affected by the City's failure to comply with CEQA and approval of the Mount Saint Mary's University Chalon Campus Wellness Pavilion Project ("Project"). Project approval includes the following City actions:

- Certification of an Environmental Impact Report ("EIR");
- Adoption of Environmental Findings;
- Adoption of a Statement of Overriding Considerations;
- Adoption of the Mitigation Monitoring Program;
- Plan Approval, pursuant to Section 12.24 M of the Los Angeles Municipal Code (LAMC), to allow for the development of Alternative 5 in conjunction with the continued use of a private school in the RE40-1-H Zone;
- City Planning Commission ("CPC") Determination, pursuant to Section 12.24 F, to permit a building height of 42 feet for the Wellness Pavilion, in lieu of the maximum height of 30 feet otherwise permitted by LAMC Section 12.21 C.10(d);
- Adoption of Modified Conditions of Approval;
- Associated CPC Findings;
- Zoning Administrator ("ZA") Determination, pursuant to Section 12.24 X.28 of the LAMC, to permit a total of 9,343 cubic yards of grading (cut and fill), in lieu of the maximum cut and fill amount of 6,600 cubic yards permitted by LAMC Section 12.21C.10(f)(1);
- ZA Determination, pursuant to LAMC Section 12.24 X.26, to permit the following:
  - An allowance of 12 retaining walls per lot in lieu of the maximum limit of one retaining wall per lot otherwise permitted by LAMC Section 12.21 C.8; and,
  - A total of 12 retaining walls ranging in height from two feet to a maximum height of up to 17 feet, in lieu of the 12-foot height limit otherwise permitted by LAMC Section 12.21 C.8
- Adoption of ZA Determination Findings.

Appellants members' safety and environmental interests are directly and adversely affected by the City's approval of the Project. Mount St. Mary's University Chalon Campus ("MSMU") is zoned minimum low-density residential, and is located in a state-designated Very High Fire Hazard Severity Zone ("VHFHSZ") at the top of a ridge in the Santa Monica Mountains. The Project site is accessible only via substandard hillside streets off the already overburdened and congested Sunset Boulevard with no secondary access. The Project represents an on-going expansion of use, in an area which is not suited or zoned for such use, as evidenced by the numerous discretionary approvals necessary to allow it to move forward. The findings associated with the Project EIR and CPC and ZA approvals fail to accurately describe the true Project impacts. Appellants therefore appeal both the EIR and associated actions as well as approval of the Project entitlements.

## 1.1 History

The campus is permitted by Conditional Use under Municipal Code section 12.24, which allows educational institutions to operate in residential zones with required findings and conditions that **limit** or **restrict** the uses to ensure **consistency** with the (minimum low-density residential hillside) zone in which they are located.

Mount St. Mary's opened its Chalon campus in 1930 with 150-200 students, a stated intention of maximum enrollment of **500 students** and a condition that its uses must be **consistent with educational subjects** (in conformance with the State Educational Code). However, MSMU has expanded its enrollment over the years well beyond its approved enrollment cap in violation of its conditional approval.

To ensure consistency with the zone, in 1984 the city **limited the school's enrollment to 750** and agreed not to increase enrollment in an ad hoc fashion, limiting growth to 1,072 students if later requested, contingent on construction of a parking structure. Although MSMU applied to build the parking structure, it did not request an additional enrollment increase. **In fact, the environmental documents for the parking structure indicate, "no enrollment increase is allowed."**<sup>1</sup>

Despite these clear limits, MSMU's enrollment has grown to over 1,500 students with future plans for 2,200 students (according to the Draft EIR). Outside events have also grown exponentially at the expense of the neighborhood. These intensifications have led to traffic congestion, hazardous driving and roadway conditions, parking shortages, and the exacerbation of fire and evacuation hazards on local Bundy Canyon neighborhood streets. The problems with this intensification of use were highlighted during the Getty Fire when, due to MSMU's poor fire and emergency planning, students fled on foot. Significant Los Angeles Fire Department ("LAFD") resources were then required to protect MSMU residents who Sheltered-In-Place without proper planning, reducing fire resources available to address the needs of the adjacent residential community.

## 2.0 How Appellants Are Aggrieved by the Decision

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<sup>1</sup> See the June 12, 2018 letter from former LA City Traffic Engineer Allyn Rifkin included in Attachment F of the July 13, 2021 Chatten-Brown letter. Specifically, see page 522 of the Chatten-Brown letter.

The City Planning Commission erred in approving the Project by not addressing the significant impacts discussed in community members' letters and testimony or requiring any additional mitigation measures to reduce the significant negative impacts of this Project on the environment. Appellants oppose the Project based on the following:

- The EIR is fatally flawed.
- The Project is not in substantial conformity with the purpose, intent and provisions of the Brentwood-Pacific Palisades Community Plan.
- The Project allows an improper intensification of use/commercialization of a minimum low-density residential zone.
- The Project violates the height, grading and retaining wall limits prescribed in the Baseline Hillside Ordinance and is incompatible with the surrounding neighborhood.
- The Project expands non-academic uses of the Campus and dramatically increases the number of visitors.
- The Project impacts adversely affect and further degrade adjacent properties.
- There is no Shelter-In-Place or Evacuation Plan and none was required for disclosure or analysis.
- The wildfire-related impacts have not been accurately identified or mitigated.
- The closest fire station is 2.6 miles from the Campus, outside of the 1.5 miles designated by LAFD as a safe distance.
- The Project does not provide adequate and necessary access:
  - Primary access: Bundy Canyon hillside streets (i.e. Bundy, Chalon, Norman) are substandard (too narrow in some places). Recently adopted state law requires 20' wide roadway widths to meet minimum fire safe regulations for concurrent ingress for fire equipment and egress for evacuation. MSMU cannot meet this requirement.
  - Secondary access: MSMU claims it will use dirt trails (i.e., Getty and Mount St. Mary's Fire Roads) that are inadequate for evacuation.
  - Essentially access to the Project is a dead-end road that does not meet State access requirements for new construction located in a VHFHSZ.
- There are no standards for sheltering in place and human behavior suggests, and past history proves, that when faced with an emergency, people will flee (as we saw during the 2019 Getty Fire).

- MSMU plans to exponentially increase the number of students, faculty and visitors/event attendees appreciably heightening fire risk.
- MSMU claims they have adopted a Shelter-in-Place policy but have provided no details or information to test that this strategy will be effective or safe.
- CA Attorney General, Rob Bonta noted the potential for “another record breaking” wildfire season, saying it is “more critical than ever that we build responsibly.”
- MSMU’s proposed oversized building will facilitate increases in enrollment (and staff). MSMU was permitted for 750 students, but is currently operating with 1,500 students (in violation of its permits). This new approval would allow for the increase of 700 additional students for a total of 2,200 absent any analysis of traffic or fire evacuation impacts.
- MSMU proposes NO enrollment cap.
- The size of the MSMU’s Project and the resulting increase in operational use are not compatible with the surrounding neighborhood and will adversely impact public health, welfare and safety.
- Cumulative impacts were not properly analyzed.
- The City failed to consider the neighborhood’s reasonable request to limit the Project by adopting an enrollment cap, downsizing the building to what is required to serve students and faculty, and prohibiting the use of the building for outside events and/or non-school related functions.
- Project approval improperly relies on Project Design Features (“PDFs”) and Mitigation Measures (“MMs”) which are infeasible and/or which have inadequate enforcement mechanisms. As a result, the City has failed to consider the true impacts of the Project.
- The required findings pursuant to LAMC Section 12.24 cannot be made.

The Council must grant this appeal, limit enrollment to the currently permitted 750 students and curb all commercial activities at the Project site consistent with the requirements of the municipal code and for the public health, welfare, and safety of the neighborhood in which MSMU operates.

### **3.0 Specifically, the Points at Issue**

Council must grant the appeal for the following reasons:

- The EIR for the Project is Fatally Flawed
- The Conditions of Approval are Problematic
- The Project is Not Consistent with the Conditional Use
- The Required Findings Cannot be Made

### 3.1 The EIR for the Project is Fatally Flawed

As detailed in the July 13, 2021 Chatten-Brown, Carstens & Minter LLP (“Chatten-Brown”) letter included in the administrative record, incorporated herein by reference, the EIR for the Project is fatally flawed and understates Project impacts. The EIR fails to accurately characterize the impacts of the Project or to adequately mitigate those impacts. This is due to: (1) improper classification of mitigation measures as Project Design Features, incorporating those mitigation measures into the description of the project, and then basing conclusions of less-than-significant impacts in part on those mitigation measures; (2) infeasible mitigation measures and Project Design Features; (3) the unsupported assumptions that MSMU will operate the Project facilities in keeping with the PDFs, mitigation measures, and days of operation assumed in the EIR; and, (4) the EIR’s reliance on the City to enforce both PDFs and MMs.

The EIR for the Project understates Project impacts by improperly relying on PDFs which are in fact mitigation measures, as a basis for concluding that Project impacts are less than significant. In *Lotus vs. Department of Transportation* (2014) 223 Cal.App.4th 645 (Lotus), the court found that an EIR violated CEQA by incorporating proposed mitigation measures into the description of the project, and then basing its conclusion of less-than-significant impacts in part on those mitigation measures. This is exactly what has been done in the EIR for the Project. As a result, the EIR underestimated and failed to identify a significant number of impacts, as detailed in Section 3 of the Chatten-Brown letter and is fatally flawed.

Appellants provided detailed information during the administrative and CEQA processes, including an October 18, 2021 letter by fire expert David Shew of Wildfire Defenseworks, incorporated herein by reference, documenting that the Project would result in significant wildfire-related impacts. The Project site is located on a ridgetop with steep downhill slopes on both sides in a Very High Fire Hazard Severity Zone, 2.6 miles from the closest fire station and therefore does not meet the Los Angeles Bureau of Fire Prevention’s maximum safe distance criteria of location no more than 1.5 miles from the first-due Engine Company and 2 miles from the first-due Truck Company,<sup>2</sup> on a Campus with only one access point, reached by substandard roadways in places less than 20 feet in width,<sup>3</sup> in violation of the standard for evacuation route widths in Section 1273.01<sup>4</sup> of the Fire Safety Regulations for VHFHSZs.<sup>5</sup> Neither North Bundy Drive nor North Norman Place, which are primary access routes to the one Campus entrance, would meet the state standards for VHFHSZs currently in place. It is thus inappropriate to introduce new and expanded uses on this Campus. In addition, the conclusions in the EIR regarding the lack of wildfire-related impacts are clearly inaccurate as emergency access does not comply with State law.

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<sup>2</sup> See April 3, 2018 Inter-Departmental Correspondence from the Fire Department included as Attachment H to the Chatten-Brown letter. Specifically see page 563 of the Chatten-Brown letter.

<sup>3</sup> See May 29, 2018 letter from Allyn Rifkin included as Attachment F to Chatten-Brown letter. Specifically, see page 123 of the Chatten-Brown letter of July 13, 2021.

<sup>4</sup> <https://regulations.justia.com/states/california/title-14/division-1-5/chapter-7/subchapter-2/article-2/section-1273-01/>

<sup>5</sup> See Title 14, Division 1.5, Chapter 7, Subchapter 2 of the California Code of Regulations, available at:

<https://bof.fire.ca.gov/media/3y5lvwfh/doc791.pdf>

<https://regulations.justia.com/states/california/title-14/division-1-5/chapter-7/subchapter-2/>

The EIR for this Project does not provide any detail at all regarding the fire protection and evacuation plans for the Project and Campus, other than to indicate that a Shelter-In-Place strategy will be used. In commenting on defects in the EIR for the Paraiso Springs Project,<sup>6</sup> the State Attorney General noted that an analysis related to evacuees trying to leave the site while emergency response personnel are trying to access the site was inadequate and conclusory because it depended on a Fire Protection Plan and the Wildland Fire Evacuation Plan, which identified the issue, but did not describe how it would be addressed. The EIR's conclusions that wildfire-related impacts would be less than significant was therefore not supported by substantial evidence.

The same is true for this Project. The EIR's failure to contain a copy of the fire protection and evacuation plans for the Campus for public review and comment, and to contain any real analysis of the impacts of the Project on evacuation times, has prevented the City and the public "from gaining a true perspective on the consequences of approving the[] project[]." (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 80.)

Impact conclusions in the EIR rely on the feasibility and effectiveness of an undisclosed emergency response and Shelter-In-Place Plan which is not subject to any review and approval and which is not included as either a PDF or MM. At best such a plan must be considered a deferred mitigation measure, which is generally improper under CEQA, (CEQA Guidelines §15126.4(a)(1)(B).) In fact, the Superior Court of the County of San Diego in a recent case held that:<sup>7</sup>

The adoption of the Fire Protection Plan (FFP) 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. The EIR fails to comply with *Lotus*.

The same is true of the EIR for the Project.

Additionally, the EIR fails to address the Project's lack of compliance with Fire Safety Regulations for VHFHSZs. As noted by the Attorney General in a comment letter on the Paraiso Springs Resort Project:<sup>8</sup> "It is the construction of a new project that triggers the application of the SRA regulations; the fact that the Project is being constructed at the end of an existing road does not negate the triggering effect of new construction." The same is true for the new Fire Safety Regulations for VHFHSZs. However, the EIR does not address the Project's lack of compliance with the Fire Safety Regulations for VHFHSZs and the City has failed to consider the Project's lack of compliance with this State law in recommending Project approval.

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<sup>6</sup> State of California Department of Justice, letter to the Planning Commission of Monterey County, October 25, 2019. Re: Paraiso Springs Resort, Project No. PLN040183

<sup>7</sup> See: CASE NO: 37-2019-00038820-CU-TT-CTL CASE INIT.DATE: 07/25/2019 CASE TITLE: Petition of Sierra Club, available at: <https://biologicaldiversity.org/programs/urban/pdfs/Court-ruling-on-Otay-Village-14.pdf>

<sup>8</sup> State of California Department of Justice, letter to the Planning Commission of Monterey County, October 25, 2019. Re: Paraiso Springs Resort, Project No. PLN040183

As detailed more fully in the Chatten-Brown letter, problems with the EIR and EIR process include, but are not limited to:

- Lack of an accurate, stable or finite project description;
- An incomplete cumulative project's list resulting in an underestimate of cumulative impacts;
- An inaccurate baseline resulting in an underestimate of impacts;
- Improperly deferred mitigation measures;
- Imposing mitigation measures already required by code;
- Failure to analyze or identify potentially significant mountain lion impacts. The EIR fails to identify significant cumulative impacts to wildlife (mountain lion) movement and migration; pursuant to CEQA Guidelines Section 15088.5(a)(1) and (2) correction and recirculation of the EIR is required.
- The EIR has failed to identify the following additional significant environmental impacts of the Project:
  - A significant cumulative impact to the habitat of a candidate species, the mountain lion.
  - A significant VMT impact.
  - A significant cumulative impact to wildfire associated risks in the area.
  - A significant cumulative impact to emergency access in the area during both construction and operation.
  - A significant cumulative impact to evacuation response times in the area during both construction and operation.
  - A Project impact to emergency access in the area during both construction and operation.
  - A Project impact to evacuation response times in the area during both construction and operation.
- The EIR understates and misclassifies impacts due to the inclusion of Project Design Features which are clearly mitigation measures, in the Project Description. The EIR has underestimated significant environmental impacts of the Project in the following issue areas: aesthetic, air quality, biological resources, geology, greenhouse gas emissions, hydrology and water quality, and transportation. This includes the following impact areas which required mitigation after consideration of PDFs:
  - Noise
  - Transportation and Traffic
  - Scenic resources
  - Light and Glare
  - Consistency with the Applicable Air Quality
  - Air Quality Standard Violation Plan

- Cumulative Considerable Increase of Criteria Pollutant in Nonattainment Area,
  - Sensitive Receptor Exposure to Pollutant Concentrations
  - Consistency with Local Policies and Ordinances for Protection Biological Resources
- The EIR found the following impact areas to be less than significant. Proper environmental analysis, however, would have found significantly greater impacts if PDFs were accurately described and portrayed as MMs as required by law and the *Lotus* decision:
    - Exacerbation of Existing Hazardous Environmental Conditions
    - Soil Erosion or Loss of Topsoil
    - Unstable Geologic Unit or Soils
    - Expansive Soils
    - Greenhouse Gas Emissions
    - Alteration of Drainage Patterns
    - Stormwater Drainage Systems/Pollutants
    - Fire Protection
    - Police Protection
    - Construction Traffic Impacts at intersections and on street segments where impacts were found to be less than significant
    - Operational Traffic Impacts at intersections and on street segments where impacts were found to be less than significant
    - Energy Consumption
    - Energy Infrastructure
  - The Project impacts related to aesthetic, air quality, biological resource, geology, greenhouse gas emissions, hydrology and water quality, and transportation impacts have been understated due to reliance on PDFs, necessitating recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2).
    - During construction, specifically during the concrete pouring phase, the Project would result in significant and unavoidable construction traffic noise impacts along Chalon Road – **after consideration of PDF-TRAF-6 and after MM-Noise-1 to MM-Noise-2**. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
    - During construction the Project would result in the following significant and unavoidable traffic impacts on the following three (3) neighborhood street segments during construction - **after consideration of PDF-TRAF-1 to PDF-TRF-6** and with MM-BIO-2. The magnitude of these impacts has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
    - During operation, the Project would result in the following significant and unavoidable impacts at several Study Area intersections and neighborhood street segments - **after consideration of PDF-TRAF-7 to PDF-TRF-8**. The

magnitude of these impacts has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.

- The EIR states that the Project would result in the following significant impacts which would be reduced to less than significant through implementation of mitigation measures, but which rely also on PDFs (which are themselves properly classified as mitigation measures):
  - Scenic resources – **after consideration of PDF-BIO-1** and with MM-BIO-2. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
  - Consistency with the applicable Air Quality Plan – **after consideration of PDF-AQ-1 to PDF AQ-8** and with MM-AQ-1. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
  - Air Quality Standard violation – **after consideration of PDF-AQ-1 to PDF AQ-8** and with MM-AQ-1. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
  - Cumulative considerable increase of criteria pollutant in nonattainment area - – **after consideration of PDF-AQ-1 to PDF AQ-8** and with MM-AQ-1. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
  - Sensitive Receptor exposure to pollutant concentrations – **after consideration of PDF-AQ-1 to PDF AQ-8** and with MM-AQ-1. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
  - Local policies and ordinances for protection biological resources – **after consideration of PDF-BIO-1** and with MM-BIO-2. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.
  - Local policies and ordinances for protection biological resources – **after consideration of PDF-BIO-1** and with MM-BIO-2. The magnitude of this impact has therefore been understated in the EIR; pursuant to CEQA Guidelines Section 15088.5(a)(2) correction and recirculation of the EIR is required.

- According to the EIR the Project would result in less than significant impacts without mitigation, but only after considering PDFs (which are properly classified as mitigation measures) in the analysis:
  - Light and Glare – **after consideration of PDF-AES-1 and PDF-AES-2.** The magnitude of this impact has therefore been understated in the EIR; since mitigation in the form of the PDFs was required to reach the less than significant impact judgement, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Exacerbation of Existing Hazardous Environmental Conditions – **after consideration of PDF-GS-1;** since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Soil Erosion or Loss of Topsoil – **after consideration of PDF-GS-1;** since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Unstable Geologic Unit or Soils– **after consideration of PDF-GS-1;** since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Expansive Soils – **after consideration of PDF-GS-1;** since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Greenhouse Gas Emissions – **after consideration of PDF-AQ-1 through PDF-AQ-8;** since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Alteration of Drainage Patterns – **after consideration of PDF-HWQ-1;** since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Stormwater Drainage Systems/Pollutants – **after consideration of PDF-HWQ-1;** since mitigation in the form of the PDFs was required to reach

the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.

- Fire Protection – **after consideration of PDFs TRAF-1 to TRAF-8**; since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Police Protection - **after consideration of PDFs TRAF-1 to TRAF-8**; since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Construction Traffic Impacts at intersections and on street segments where impacts were found to be less than significant - **after consideration of PDFs TRAF-1 to TRAF-8**. Since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Operational Traffic Impacts at intersections and on street segments where impacts were found to be less than significant - **after consideration of PDFs TRAF-1 to TRAF-8**. Since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Energy Consumption - **after consideration of PDF-AQ-3, PDF-AQ-5 and PDF-AQ-7**. Since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
  - Energy Infrastructure - **after consideration of PDF-AQ-3, PDF-AQ-5 and PDF-AQ-7**. Since mitigation in the form of the PDFs was required to reach the less than significant impact judgment, pursuant to CEQA Guidelines Section 15088.5(a)(1) and/or (2), correction and recirculation of the EIR is required.
- MSMU has a history of exceeding permitted levels of operation. The analysis in the EIR is thus fatally flawed because it assumes that MSMU will operate the Project at levels consistent with the PDFs and other operational assumptions in the EIR. The EIR similarly assumes that MSMU will comply with the PDFs and Mitigation Measures in the EIR. Any assumptions in the EIR regarding operational levels are likely to be substantially understated, given MSMU’s past behavior regarding lack of compliance

with operational limitations. Any assumptions in the EIR that MSMU will comply with PDFs and MMs is contrary to substantial evidence. The analysis in the EIR thus understates the potential for Project impacts. Recirculation is thus required pursuant to CEQA Guidelines Section 15088.5(A)(1), (2) and (4).

- The current Project is a huge commercial event center, commercial summer camp operation and further intensification of use, masquerading as an innocuously sounding “gym,” the size and uses of which are inappropriate for a small Academic Institution in a high fire zone. As shown in the following table from the CPC Letter of Determination, the Project will result in a number of large events and outside guests (“OG”), including **400 outside guests per day for twelve weeks per year** for the Summer Sports Camp which is included as an annual Project.

<b>Alternative 5 Existing and New Events to be Held at the Wellness Pavilion</b>					
<i>Event</i>	<i>Description</i>	<i>Frequency</i>	<i>Time of Day</i>	<i>Current Location</i>	<i>Estimated Attendance</i>
<b><i>Existing Events to be Relocated to the Wellness Pavilion / No Additional Changes</i></b>					
Spring Convocation	Staff and faculty meeting prior to start of spring semester	Annual one- day event / January	8 am to 2 pm / Weekday	Circle / Campus Center	275 SFS <b>25 OG</b> Total: 300 people
Nursing Panel	Career Services event with outside vendors and panelists	Annual one- day event / January	3 pm to 10 pm / Weekday	Campus Center	125 SFS <b>25 OG</b> Total: 150 people
Women’s Leadership Conference	Conference focused on women leadership	Annual one- day event / September	8 am to 5 pm / Weekend day	Circle / Campus Center/ Classrooms	175 SFS <b>175 OG</b> Total: 350 people
Live at the Mount	High school students visit the Chalon Campus to learn more about MSMU <sup>1</sup>	Four days fall / four days spring	Morning Weekdays	Campus Center / Circle/ Theater	30 SFS <b>250 OG</b> Total: 280 people
Student Orientation	Orientation for new students and family members	Annually / two days	8 am to 5 pm / Weekend days	Circle / Center Campus/ Theater / Classrooms	400 SFS <b>600 OG</b> Total: 1,000 people
<b><i>Existing Events to be Relocated to the Wellness Pavilion and Increase Attendance / No Additional Changes</i></b>					
Athenian Day	Athletic event for students and alum	Annual one- day event / spring	8 am to 5 pm / Weekend day	Circle / Center Campus / Pool/ Fitness Facilities	200 SFS <b>100 OG</b> Total: 300 people <b>(Increase of 50 SFS and 50 OG)</b>
Homecoming	Students, faculty, staff, and alum MSMU celebration	Annual one- day event / October	2 pm to 4 pm / Weekend day	Circle / Campus Center / Classrooms	200 SFS <b>150 OG</b> Total: 350 people <b>(Increase of 50 SFS and 50 OG)</b>
<b><i>New Events to be Located at the Wellness Pavilion</i></b>					
Summer Sports Camps	Sports campus available to students, faculty, and the public	12 weeks during summer	8 am to 5 pm / Monday-Sunday /	New event, not currently held on Campus	<b>400 OG</b>

Health and Wellness Speaker Series	Lecture series to support MSMU's health and wellness curriculum	Maximum 8 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours /	New event not currently held on Campus	200 SFS <b>250 OG</b> Total: 450 people
Other Wellness / Sports Activities	External rental activities that are support health, wellness and sports	Maximum 12 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours / weekday or weekend day	New event not currently held on Campus	<b>50-400 OG<sup>2</sup></b>
Club Sports	MSMU club volleyball and basketball games and practices	During the school year / no other restrictions	After 7:30 PM on weekdays / no restrictions on weekend days	Existing event not currently held on Campus	<b>20-40 OG</b>

Notes:  
 SFS - Students, Faculty, Staff  
 OG - Outside Guests  
<sup>1</sup> Students are transported to the Campus via five buses.  
<sup>2</sup> Attendance at Other Wellness/Sports Activities Events assumes all OG to be conservative. However, attendees could be a combination of SFS and OG.

To address the associated traffic from these new or expanded events, the EIR improperly relied on the following Project Design Features, in reaching the conclusion that traffic impacts would be less than significant:

- PDF-TRAF-12: Total daily outside guest vehicle trips to/from Other Wellness/Sports Activities, Health and Wellness Speaker Series events, and Club Sports activities will be limited to 310 outside guest vehicle trips (155 inbound and 155 outbound), which will be applicable to all vehicles, including shuttles. Pedestrian access shall be restricted in accordance with PDF-TRAF-17.
- PDF-TRAF-13: MSMU shall require that campers attending Summer Sports Camps with more than 50 campers travel via shuttles and/or carpools. The number of allowable trips for each peak period would be restricted to 71 inbound and 31 outbound trips during any single hour within the weekday 7:00-9:00 AM peak period, 8 inbound and 34 outbound trips during the weekday 3:00-4:00 PM peak hour, and 3 inbound and 8 outbound trips during any single hour within the weekday 4:00-6:00 PM peak period. If MSMU permits Summer Sports Camps to begin or end during the AM-PM peak hours, it shall provide a Campus entry reservation system, to the satisfaction of LADOT, that shall log and ensure AM-PM peak period trips are not exceeded, and that can be audited by LADOT at any time.
- PDF-TRAF-14: Total daily vehicle trips to/from Summer Sports Camps will be limited to 236 trips (118 inbound and 118 outbound), which will be applicable to all vehicles, including shuttles. Pedestrian access shall be restricted in accordance with PDF-TRAF-17.
- PDF-TRAF-17: Concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall institute and thereafter maintain a policy prohibiting entry on to the Campus by all pedestrians except persons meeting one of the following conditions:

- (1) Persons residing within the community around the Campus;
- (2) Persons entering the Campus via bicycle or similar conveyance, as established to the satisfaction of LADOT;
- (3) Persons arriving to the area around the Campus via public transportation, as established to the satisfaction of LADOT; and
- (4) Persons re-entering the Campus after walking outside of the Campus on the same day.

Thus, in approving the Project, the City claims that the daily traffic for up to 400 new summer camp-related guests and other wellness sports activities can be successfully limited per the PDFs, and that MSMU, with its history of failing to comply with restrictions will enforce these limitations. The Project approvals do not provide for an adequate monitoring or enforcement mechanism and do not provide the community with an adequate means to remedy likely future non-compliance. The conclusion that operational traffic impacts will be less than significant is not supported by substantial evidence. Recirculation is thus required pursuant to CEQA Guidelines Section 15088.5(A)(1).

- To avoid classifying wildfire impacts as significant, EIR determinations regarding wildfire impacts rely on a “Shelter-In-Place” (SIP) strategy that has proved in the past to be infeasible. Given MSMU’s utter failure to implement a fire response plan during the Getty fire for students living on Campus, it is unreasonable to rely on the assumption that MSMU will implement a successful SIP strategy for users of the Project and attendees at Project events when making impacts judgments about the Project’s wildfire-related impacts. Since the Wildfire analysis in Appendix B of the FEIR assumes successful implementation of a SIP strategy by MSMU, the EIR understates Project impacts and fails to identify the potential for the Project to result in significant adverse wildfire-related impacts including cumulative and Project impacts to emergency access and evacuation response, as well as impacts to evacuation routes. Recirculation is therefore required pursuant to Guidelines Section 15088.5(a)(1).
- The validity of post-mitigation impact judgements depends on successful City mitigation monitoring and compliance enforcement. However, the City does not conduct the required mitigation monitoring. For example, according to the Mitigation Monitoring Program for the Project, monitoring of the Traffic PDFs, which include the operational limits assumed in the impact analysis, would be conducted by the City of Los Angeles Department of City Planning and/or the City of Los Angeles Department of Transportation. Neither of these departments conduct mitigation monitoring of these types of PDFs or MMs.<sup>9</sup> The EIR thus fails to identify impacts. Recirculation is thus required pursuant to CEQA Guidelines Section 15088.5(A)(1), (2) and (4).

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<sup>9</sup> See the July 10, 2021 letter from former LA City Traffic Engineer Allyn Rifkin included in Attachment F of the July 13, 2021 Chatten-Brown letter. Specifically, see page 520 of the Chatten-Brown letter.

- The PDFs and MMs for the Project lack any penalty to the applicant for non-compliance or provisions for a mitigation monitor who is responsible to the local neighborhood groups, for identification and reporting of non-compliance. In the absence of: (1) a mechanism for identifying PDF, Mitigation Measure, and Condition of Approval violations which is not dependent on the local community or at the community's expense; (2) a clear and substantial penalty for non-compliance; (3) a clear reporting mechanism, and (4) the assurance of timely enforcement by the City, the potential for impacts remains. Recirculation of the EIR is, therefore, required pursuant to CEQA Guidelines Section 15088.5(a)(2) and (4).
- Failure to recirculate the EIR despite substantial evidence that recirculation was required provided in the Chatten-Brown letter, including additionally:
  - The Project would result in significant unmitigated impacts to native habitat. Recirculation is required pursuant to CEQA Guidelines Section 15088.5(a)(1).
  - The VMT analysis is fatally flawed because it relies on PDFs, resulting in an inaccurate analysis and necessitating recirculation of the EIR.
  - New FEIR Appendix B and the EIR fail to recognize this significant cumulative impact of the Project. While the impacts of the Project on the exacerbation of construction-related wildfire hazards may be individually limited, the incremental effects are cumulatively considerable when viewed in connection with the effects of past current, and probable future projects. Pursuant to CEQA Guidelines Section 15088.5(a)(1) recirculation of the EIR is required.
  - The Project will introduce new users into a Very High Fire Hazard Severity Zone. The Campus allows smoking and not all smokers comply with guidance regarding non-smoking areas. Ninety-five percent of wildfires ravaging California in the past 100 years were caused by human ignition sources, according to a study in the International Journal of Wildland Fire 2018.<sup>10</sup>
  - The Project will result in a significant cumulative impact on fire safety in the Project area by exacerbating wildfire risk in the area. Pursuant to CEQA Guidelines Section 15088.5(a)(1) recirculation of the EIR is required.
  - In the absence of a showing that required water pressure would be sufficient and that appropriate fire flow levels are available, the potential for significant wildfire impacts to existing MSMU students, faculty and staff, and Project users remains. Similarly, the EIR has failed to show that on-site-generator-boosted water pressure will be maintained at required flow levels during a wildfire event. The potential for impacts remains during a "Shelter in Place" event. Pursuant to CEQA Guidelines Section 15088.5(a)(1) recirculation of the EIR is required.

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<sup>10</sup> Available at: <https://climatechangedispatch.com/study-humans-not-global-warming-sparked-almost-all-of-californias-wildfires/>

- In addition to increasing fire risk in the area, the Project will result in a significant cumulative impact on emergency response and evacuation times in the area should Project users opt to evacuate. Pursuant to CEQA Guidelines Section 15088.5(a)(1), recirculation is required.
- In the event of a wildfire, as history illustrates, Project users, faculty, students and staff will evacuate via Chalon Road, the single access point to the Campus, should they opt not to “Shelter-in-Place.” Project users are more likely to evacuate since no provision has been made for educating Project users on Campus fire safety protocols and they are not Campus residents. The Project would thus result in cumulative emergency evacuation impacts on Campus faculty, staff, students and area residents and exacerbate the existing lack of adequate functional evacuation routes. This would be a significant cumulative impact of the Project. Pursuant to CEQA Guidelines Section 15088.5(a)(1) recirculation is required.
- The City waited until the Final EIR stage of the CEQA process to address potential wildfire-related impacts, which precluded meaningful public review and comment on the new analysis hidden in new EIR Appendix B. The fact that public review is necessary is illustrated by the comments provided by Chatten-Brown and others, which demonstrated that the Project will result in wildfire-related impacts, and that there are substantial problems with the new wildfire analysis added to the FEIR. Pursuant to CEQA Guidelines Section 15088.5(a)(1) and (4) recirculation of the EIR is required.
- The Project would result in a significant cumulative impact on a candidate species, the mountain lion. Pursuant to CEQA Guidelines Section 15088.5(a)(1) and (4) correction and recirculation of the EIR is required.

The City’s decision-makers thus failed to acknowledge the Project’s significant impacts when deciding whether to approve the Project, when considering the adequacy of mitigation measures, and when making decisions regarding whether Overriding Considerations justified approval of the Project in light of the Project’s environmental impacts. The City cannot proceed with certification of the EIR and Project approval, pending completion of a corrected and recirculated EIR.

### **3.2 The Conditions of Approval are Problematic**

Condition 7 states that the Mount St. Mary’s Fire Road shall only be used for emergency access. As demonstrated in the Chatten-Brown and Wildfire Defenseworks letters, this fire road is not appropriate for emergency access.

Condition 12 allows for rental or lease of the Wellness Pavilion for “Other Wellness/Sports Activity Events” and outside use of the facilities provided a fee is not charged. Condition 12 allows for an unspecified number of Club Sport Events and does not limit these events to only faculty and students. Although Condition 12 limits the start and end times for Other Wellness/Sports Activities, Health and Wellness Speaker Series Events and Club Sports, this does not guarantee that users will not access the Campus during peak hours. Condition 12 does not prohibit the Summer Sports Camps from beginning or ending during the AM and PM

peak hours, instead it relies on a Campus entry reservation system to ensure the peak hour trips will not exceed the assumptions in the EIR. There has been no showing that this will feasibly restrict peak hour trips. Condition 12 lacks a penalty for failure to comply with the trip limits.

Condition 13 requires MSMU to keep a complaint log, but does not require that complaints be resolved, or provide any mechanism for the community to enforce the PDFs and mitigation measures, to require City enforcement, or to impose a penalty for failure to resolve complaint issues.

Environmental Condition 1 allows MSMU to certify compliance with the operational MMs and PDFs, to maintain records demonstrating compliance and to make such records available to the City upon request. This Condition demonstrates that the City has no intention of conducting independent mitigation monitoring and enforcement.

Environmental Condition 3 inappropriately allows for substantial rather than strict conformance with the PDFs and mitigation measures and inappropriately allows for modification or deletion of a PDF or mitigation measure if substantial conformance does not occur. The Condition allows for this modification or deletion if the City finds it “complies with CEQA, including CEQA Guidelines Sections 15162 and 15164.” However, CEQA does not provide for deletion or substitute of mitigation measures when an EIR is prepared. Section 15074.1 does allow this in the case of a Mitigated Negative Declaration, but only after a public hearing has been held and a written finding has been made that the new measure is equivalent or more effective in mitigating or avoiding an impact. “Equivalent or more effective” means that the new measure will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure. It would be inappropriate and contrary to CEQA for the City to allow modification or deletion of a PDF or mitigation measure without public notice, a hearing and the right of the public to challenge the determination.

Environmental Condition 4 addresses the inadvertent discovery of tribal cultural resources and what must be done if they are discovered. However, the Condition does not require that construction workers be trained regarding such discoveries, or that someone qualified to make such a discovery be present on the Project site during construction. The Condition is thus ineffective in protecting tribal cultural resources.

### **3.3 The Project is Not Consistent with the Conditional Use**

The Project facility would be used for events for outside guests and a Summer Sports Camp and other Wellness/Sports activities which are not a “school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious activities” and are thus not necessary to provide the comprehensive health and wellness services to students, which is the stated purpose of the Project, as opposed to developing an event space for non-educational uses. These new outside events violate the conditions established in 1952 for Campus uses. In addition, a number of the proposed uses of the Wellness Pavilion, including the following intended uses are not consistent with the stated purpose of the Project on DEIR page II-17 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” and should therefore not be allowed:

1. "Other Wellness/Sports Activities" that would allow external rental events 12 times per year with 310 outside guest vehicle trips per day. (page FEIR III-21)
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. (page FEIR III-21)
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. (page FEIR III-21)
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.

### **3.4 The Required Findings Cannot Be Made**

As detailed in the July 13, 2021 and October 18, 2021 Brentwood Homeowners Association letters, incorporated herein by reference, the required findings cannot be made. The following findings identified in LAMC 12.24 E are required for:

- A Plan Approval in accordance with LAMC Section 12.24 M for the construction and operation of the Wellness Pavilion and a determination, in accordance with LAMC Section 12.24 F, to allow a maximum building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet for a building located in the RE40-1-H Zone with a roof slope of less than 25 percent.
- A Determination in accordance with LAMC Section 12.24 X.28, for a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone.
- A Determination in accordance with LAMC Section 12.24 X.24, for 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone.

LAMC Section 12.24 E requires a “decision-maker shall not grant a conditional use or other approval specified in Subsections U., V., W., or X of this Section without” making the following three findings which cannot be made:

1. *“That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;”*

**This required finding cannot be made because** providing a wellness facility/gym for MSMU students does not constitute provision of a service that is essential or beneficial to the community, city or region. The programs, such as a summer camp are also not essential to the community, city or region. The additional traffic associated with the Project, which would not be mitigated by PDFs which lack adequate monitoring and enforcement, would not be beneficial to the community.

As noted by the Brentwood Homeowners Association: “The proposed Finding suggests that a 35,000 sq ft, two story, edifice in a residential neighborhood that is in a VHFHSZ, 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 not true and is unsupported by evidence. The building would clearly violate the intent of the Hillside Mansionization Ordinance.”

2. *“That the project’s location, size, height, operations and other significant features will be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;”*

**This required finding cannot be made because**, as explained in the EIR for the Project, the Project would result in significant unmitigated impacts which would adversely affect adjacent properties, the surrounding neighborhood and public health welfare and safety. However, the EIR understates and fails to accurately and completely identify such impacts, including wildfire-related and traffic impacts. The City has incorrectly concluded that this finding can be made.

3. *“That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.”*

**This required finding cannot be made because**, given the Project’s excessive height, excessive grading, excessive number of retaining walls and the number and nature of Project impacts, the Project is not consistent with the following plan goals, policies, and objectives cited in the LOD: Framework Element Goal 3A, Objective 3.1, Policy 3.1.4, Objective 3.2, Policy 3.2.4, Goal 3B, Objective 3.5, Policy 3.5.2, Policy 6.1.6; and Brentwood-Pacific Palisades Community Plan Objective 1-3, Policy 1-3.2, Goal 4, Objective 4-1, Policy 4-1.1, Objective 6-1, Objective 6-1.1, Goal 11, Objective 11-1, Policy 11-1.1, Policy 13-1.2, Policy 13-1.2, and Policy 15-1.1.

LAMC Section 12.24 E further specifies that the “decision-maker shall also make any additional findings required by Subsections U., V., W. and X., **and shall determine that the project satisfies all applicable requirements of those subsections.**” The Project requires two additional approvals pursuant to LAMC Section 12.24 X: (1) for excessive grading; and (2) for

an excessive number of retaining walls. Additional findings are required for each of these approvals.

The Determination, pursuant to LAMC Section 12.24 X.28 (a)(5), to allow up to 9,343 cubic yards of grading in lieu of the maximum 6,600 cubic yards of grading for a lot in a Hillside Area in the RE40-1 Zone requires the following additional findings pursuant to LAMC Section 12.24 X.28(b)(5), which cannot be made:

1. *“The project is in conformity with the public necessity, convenience, general welfare and good zoning practice.”*

**This required finding cannot be made because** the Project is not required by public necessity and would harm the general welfare by locating a new facility and intensifying uses on a Campus with inadequate emergency access. The Project is not in conformity with good zoning practice: it is out of scale and does not comply with height limits; it requires excessive grading; and, it requires an excessive number of retaining walls.

2. *“The action will be in substantial conformance with the various elements and objectives of the General Plan.”*

**This required finding cannot be made because** of the reasons cited under 3 above.

3. *“That the grading in excess of the absolute maximum Grading quantities is done in accordance with the DCP Planning Guidelines Landform Grading Manual and is used to reflect the original landform and result in minimum disturbance to natural terrain. Notching into hillside is encouraged so that projects are built into natural terrain as much as possible.”*

**This required finding cannot be made because** the Project would be located on a prominent ridgetop with steep downhill slopes on both sides in a VHFHSZ. However, the Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities. As a result, the Project requires grading in excess of LAMC limits and an excessive number of retaining walls, also in excess of LAMC limits.

The Landform Grading Manual includes Specific Techniques for varying slope ratios, drainage devices, streets and sidewalks, and Hillside maintenance plans. There has been no analysis prepared which shows that the Project will comply with the guidelines contained in the Landform Grading Manual or that the original landform will be retained. Any conclusions regarding the Project’s ability to meet this finding is not supported by substantial evidence.

4. *“That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing*

*conditions of the Street improvements and traffic of the streets along the haul route; and that potentially significant impacts to the public health, safety and welfare of the surrounding community are being mitigated to the fullest extent feasible.”*

**This required finding cannot be made because** the Project will result in significant impacts. The LOD acknowledges that the Project will result in significant and unavoidable construction noise and construction traffic impacts as well as a cumulative human annoyance vibration impact as detailed in the Project EIR. Truck trips associated with maximum pour days would have significant and unavoidable construction traffic impacts. The Project would also result in significant and unavoidable traffic impacts during periods of peak construction at three street segments: Bundy Drive north of Norman Place, with a projected increase of 11.7 percent, exceeding the applicable impact criteria of 10 percent, Chalon Road east of Bundy Drive with an increase of 18.3 percent, exceeding the applicable impact criteria of 12 percent, and Bundy Drive north of Sunset Boulevard with an increase of 8.6 percent, exceeding the applicable impact criteria of 8 percent. Off-site construction traffic will increase noise levels at noise-sensitive receptors (residential uses) in the Project Site vicinity in excess of applicable threshold standards. Impacts from concrete trucks will remain significant and unavoidable along Chalon Road. No feasible mitigation will reduce the significant and unavoidable noise impacts associated with concrete trucks and, as such, noise impacts related to truck activity would be significant and unavoidable.

However, as detailed in the Chatten-Brown letter, the EIR underestimates construction and operational impacts, and has failed to identify a number of significant impacts, including wildfire-related impacts. As a result, the City has failed to mitigate impacts to the fullest extent feasible, because the City has failed to acknowledge the real magnitude and extent of impacts. The City has failed to limit any outside use of the facilities, and has failed to reduce the size of the facility to further reduce impacts and to be consistent with existing code requirements.

The Determination, pursuant to LAMC Section 12.24 X.26 to allow up to 12 retaining walls and to exceed the allowable height otherwise permitted on a lot in a Hillside Area in the RE40-1 Zone requires the following additional findings pursuant to LAMC Section 12.28 C.4, which cannot be made:

1. *“That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.”*

**This required finding cannot be made** because the Project could be downsized to code required height with reduced grading. There has been no showing that site characteristics make strict adherence to the zoning regulations impractical or infeasible. This finding is not supported by substantial evidence.

2. *“That in light of the project as a whole, including any mitigation measures imposed, the project’s location, size, height, operations, and other significant features will be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.”*

**This required finding cannot be made because**, as detailed in the Chatten-Brown letter, the Project will result in a number of significant impacts, which the City and EIR have failed to identify, as well as the significant unmitigated impacts identified in the EIR. As a result, the Project will adversely affect the surrounding neighborhood, and public health, welfare and safety.

3. *“That the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.”*

**This required finding cannot be made because** the General Plan and applicable community plan do not identify the need for such a facility to be located on the MSMU campus. The Project is contrary to policies aimed at ensuring neighborhood compatibility and safety.

#### **4.0 How the Decision-Makers Erred or Abused Their Discretion**

The ZA and CPC abused their discretion by certifying the EIR and adopting the related Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program, despite the substantial evidence presented by Chatten-Brown and others of significant defects in the document, the need for correction and recirculation, the gross understatement of impacts, and the failure of the EIR to clearly identify and analyze significant impacts.

The ZA and CPC abused their discretion by approving a Project in a Very High Fire Hazard Severity Zone with access that does not comply with State law. The Project would be located on a ridgetop with steep downhill slopes on both sides in a VHFHSZ, more than the 1.5 maximum safe distance from a fire station, on a Campus with only one access point, reached by roadways which are less than 20 feet in width in places, in violation of the standard for evacuation routes in Section 1273.01 of the Fire Safety Regulations for VHFHSZs in Title 14, Division 1.5, Chapter 7, Subchapter 2 of the California Code of Regulations.

The ZA and CPC abused their discretion because substantial evidence in the record shows the required findings for the Project cannot be made, that the Project includes uses which are not consistent with the Conditional Use, and the EIR fails to fully describe or analyze the significant and unavoidable impacts of the Project.

#### **CONCLUSION**

This Project will bring hundreds of additional visitors to the Campus daily, increasing the risk of fire and traffic, noise, light and biological impacts. The EIR is fatally flawed, the mitigation measures are inadequate, there is insufficient justification for overriding

considerations, and the findings for the Project cannot be made. For all of the above reasons and those submitted in letters to the record, the City must grant the appeal.

Sincerely,



Douglas Carstens



# WILDFIRE DEFENSEWORKS

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WildfireDefenseWorks.com | 707-337-8046 | 952 School Street | N° 239 | Napa, California 94559-2824

October 18, 2021

To: Wendy-Sue Rosen, President  
Brentwood Residents Coalition  
200 South Barrington Ave. Box 49583  
Los Angeles, CA 90049

Re: Environmental Case: ENV-2016-2319-EIR State Clearinghouse No.: 2016081015  
Response to the Final EIR Mount Saint Mary's University Chalon Campus Wellness Pavilion  
Project

Comments on Wildfire Safety Impacts

Dear Ms. Rosen,

I am pleased to have been invited to review the documentation for the Mount St. Mary's University Chalon Campus (MSMU) Final Environmental Impact Report (FEIR), and provide my expert opinion related to wildfire safety factors. In 2018, I retired from the California Department of Forestry and Fire Protection (CAL FIRE) as the Staff Chief of Planning and Risk Analysis after a successful and dedicated 32-year career and now run my own wildfire consulting business.<sup>1</sup>

In preparation of this letter, I have reviewed both the DEIR, the FEIR, including the comments and responses. I have driven through the surrounding neighborhoods, and observed the landscape around the University in person, in order to directly assess how a wildfire scenario would affect this Project and how the addition of the proposed Project would impact the safety of the neighboring community. My assessment of the proposed Project's potential to result in fire-related impacts is based on more than three decades of experience with CAL FIRE. I remain actively engaged in wildfire research and technology, specifically focused on how wildfires impact individual structures and the effects of large, devastating wildfires on entire communities. I have recently completed a Wildfire Assessment Report for the City of Beverly Hills, and am completing a similar report for the residents of Hollywoodland, providing them with an overview of wildfire risks and steps to help reduce these risks. This knowledge and experience form the basis for my comments.

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<sup>1</sup> See bio at [www.DefenseWorks.com](http://www.DefenseWorks.com)

As detailed in this letter, the proposed Project has the potential to result in significant impacts by:

- Impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan;
- Exposing people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires;
- Exacerbating existing wildfire hazards due to slope, prevailing winds, and other factors, which may expose project occupants and local community members to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; and,
- Requiring 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 that may result in temporary or continuing impacts to the environment.

The MSMU project site is located on a ridge on the south flank of the Santa Monica Mountains, surrounded on three sides by natural open space and wildlands, within a very high fire hazard severity zone. The 35,500 square foot Wellness Pavilion as proposed is an individual structure that will serve the current student population as well as offer increased outside events. The FEIR fails to provide sufficient information to determine whether the structure and its increased capacity will be a significant contributing factor in exacerbating existing and increasing wildfire hazards.

Additionally, the accompanying infrastructure and cumulative impacts from additional uses of the facility have not been adequately addressed within the FEIR. Mitigation factors such as evacuation analysis, emergency planning, and sufficient plans for sheltering in place are virtually ignored as they relate to the current wildfire environment of the project site. By ignoring wildfire-related issues at the outset, the life safety risks become insurmountable, not only to University occupants and visitors, but also to surrounding communities.

We as a society have but one opportunity to incorporate the highest levels of life safety factors into our built environment – and that is during the planning stages of new development. Once projects have been approved and built, it becomes virtually impossible to alter components that may have been inadequate to begin with. California Attorney General Rob Bonta recently emphasized this very point saying, “Local governments have a responsibility to address wildfire risks associated with development projects at the front end. Doing so will save dollars – and lives – down the line.”<sup>2</sup>

It is my opinion that the assumptions and determinations being presented in the MSMU FEIR related to wildfire safety factors are wholly inadequate. The FEIR essentially ignores current wildfire risk factors and assessment methods entirely, or brushes them aside as “insignificant.” As a result, the FEIR has failed to identify or mitigate the significant fire-related impacts of the proposed Project.

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<sup>2</sup> <https://timesofsandiego.com/politics/2021/10/07/judge-finds-environmental-review-of-huge-otay-ranch-projects-failed-to-account-for-wildfire-risks/>

## PROJECT OVERVIEW

The proposed 35,500 square foot Wellness Pavilion will include a gymnasium, fitness center and equipment, and associated meeting rooms for various functions related to overall health and wellness. The Project will include parking and an outdoor pool area, and is intended to be used by campus students, faculty and staff, and other members of the University. In addition, Project facilities will be used for summer camping programs, speaker series, sports activities and other events that will bring guests and visitors to the campus.

The project site lies at the northern end of the MSMU campus, straddling a ridge with downhill slopes on both sides to the East and West. The project's orientation and vulnerability to wildfire risk is significant. The fact that the University sits on a ridgetop with steep downhill slopes on both sides makes it extremely vulnerable to a wildfire event. Most campus structures appear to be built with materials that may provide some level of resiliency from an encroaching wildfire, however I have not had an opportunity to inspect these structures in person. In addition, environmental and other project documents do not provide sufficient information to determine the fire resiliency value of MSMU's structures or whether materials and structures are maintained in a fire resilient manner.

From the original project drawings, the Wellness Pavilion appears to have been planned with some level of fire resiliency. Neither the construction details nor long-term maintenance plans have been disclosed as part of the project information, however, so no conclusion can be drawn as to the Wellness Pavilion's fire resilience. It is unclear whether the structure itself presents qualities that could allow it to be one of the structures that the University would deem as a "shelter" in the event of a wildfire. These details are not disclosed in the environmental document and therefore cannot be analyzed.

## FOCUSED REVIEW OF FEIR RELATED TO WILDFIRE ISSUES

The Environmental Impact Report, in both Draft and Final form, presents significant gaps in its wildfire analysis. Most important, the FEIR lacks any recognition of the current wildfire regime. Experts universally agree that wildfires have become far more intense, more destructive, and more frequent over the past several years than ever before.<sup>3</sup> In fact, this year is on target to become the second worst on record, approaching last year's record-breaking acreage burned, making it the worst in modern history.<sup>4</sup> Climate change, with warmer temperatures, drier vegetation and longer "windows" in which catastrophic wildfires burn, has become the new normal. Even communities that have been built to the newest code requirements have suffered catastrophic damage in wildfire events.

Yet, the MSMU FEIR references documents that are in some cases close to a decade old. In many instances, the reference material used to determine "significant" or "less than significant" wildfire impacts dates back to 2018, or earlier. An official document with a 2018 date on it means that the

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<sup>3</sup> See <https://www.biologicaldiversity.org/programs/urban/pdfs/Built-to-Burn-California-Wildfire-Report-Center-Biological-Diversity.pdf>

<sup>4</sup> <https://www.latimes.com/california/story/2021-07-12/california-wildfires-outpacing-2020-worst-on-record>

information used to create that report most likely occurred prior to 2018. Yet the most catastrophic wildfire events started to occur in late 2017, and have continued almost nonstop since then. Therefore, the documentation used to analyze this project predates almost all of the most up-to-date wildfire information available today. This translates into an Environmental Impact Report that fails to consider many of the current impacts from a wildfire event that may occur today or in the future.

Wildfires are primarily influenced by three factors: weather, topography, and fuels (anything the fire can burn). We have no control over weather factors, especially wind events that are one of the most significant elements contributing to wildfire behavior. We do not have the ability to change entire hillsides, ridgetops and valleys, nor how they affect wildfire behavior. The one factor we do have control over is the fuel component. We can choose where we build structures and the materials used for their construction. We have the ability to alter the vegetation around structures and entire communities, and we know these actions can have a tremendous influence on fire behavior and structure resiliency.

The FEIR presents plans for vegetation clearances and long-term planning for vegetation on the downhill slopes that present a potential wildfire challenge for this project, and the entire University as a whole. However, the larger focus of evacuation planning and the suggestion that occupants and visitors at the University may be directed to a “shelter” are not explained in a manner that incorporates current fire behavior factors or anticipated reactions of occupants and visitors during a wildfire event. This information has not been disclosed or discussed in the environmental document, so any references to “shelters” as part of life safety planning for this project have not been adequately reviewed.

One of the most elusive factors that occurs during a wildfire emergency relates to human behavior. Despite stated claims to have a plan in place to coordinate and provide emergency information to campus residents and visitors when a wildfire event occurs, it is unclear if these plans have been adequately practiced or fully understood by residents and staff at MSMU. The FEIR maintains that collective control of students will be handled by shuttling students off campus in buses or private vehicles, or by directing them to shelter on campus. Yet these claims are unsupported by any analysis or evidence that have these life safety procedures have been practiced. As recently as 2019 this control plan has been shown to be inadequate. When the Getty Fire erupted near Interstate 405 on October 28, 2019, burning significant areas around the campus, numerous students fled on foot down local streets through the residential neighborhood instead of remaining on campus as directed.

Based on the growing pace and scale of wildfires, and the accompanying difficulties with evacuations, the concept of providing “shelters” for people to take refuge as a last resort during a wildfire situation is gaining ground. Many wildfire experts, researchers, building and code officials, and fire officers have begun discussing the options that could provide safe facilities to help people trapped in a wildfire survive. A great deal of research must be conducted to fully understand what these “shelters” should be to adequately provide the basic life-safety principles that exist in all types of building construction today. Because of the greatly increased fire behavior, fire severity and intensity, it is not yet fully understood what these “shelters” may look like, nor what factors

must be incorporated into them in order to provide a safe, habitable environment for people to escape the effects of an approaching wildfire. Basic analysis such as air quality within the shelter, water consumption, communications capabilities, and other factors related to essential life safety must be analyzed and tested. The lengthy process of creating a building type to fully fit within fire code regulations has simply not been done yet.

It is premature to simply point to any given existing structure and assume it can adequately serve as a “shelter” for people in today’s wildfire environment. While this concept was considered valid by many as recently as a decade ago, the increase in wildfire behavior has rendered previous assumptions invalid. It is therefore problematic to recommend a “shelter in place” strategy for MSMU. There is no documentation identifying where sheltering would take place, nor any responsible quantification or analysis to demonstrate that “shelters,” which have not yet been identified, may adequately serve the potential number of people on campus or provide safe shelter for humans from the impacts of a wildfire. Therefore, it is astonishing that one of the proposed mitigation measures for this project is to rely on a plan that implies a facility or structure on campus may serve as a life-saving “shelter.” The details necessary to make this determination have not been defined nor reviewed on any level. The FEIR’s contention that the significant potential risk of structure loss, as well as human injury or death from wildland fires can be mitigated by a shelter-in-place strategy is not supported by evidence provided in the FEIR.

Not only is the project site located in a very high fire hazard severity zone on a ridgetop with steep downhill slopes on both sides, it is located beyond the maximum safe distance from the nearest fire station. Fire Station 19 on Sunset Boulevard is the nearest fire station to the project site. The Los Angeles Fire Department’s (LAFD) designated maximum safe distance from a fire station is 1.5 miles. The Wellness Pavilion project site is 2.6 miles from Station 19, well outside LAFD’s designated maximum safe distance. The LAFD provides options to meet “same practical effects” or “alternatives” to allow for development beyond the 1.5 mile distance without requiring new stations or other types of infrastructure to be built. For this particular project, the proposed “alternative” is to provide the Wellness Pavilion with a full interior sprinkler system complying with the accepted national standards as outlined in the National Fire Protection Association (NFPA) 13 Handbook. But a structure such as the Wellness Pavilion is already required by current building codes to be fully sprinklered with the NFPA 13 system, even if it were being built across the street from Station 19. Therefore, this required system does not compensate for the extended distance from the nearest fire station. The FEIR has failed to specify how the failure to meet LAFD proximity to the fire station requirement, and the associated risk of significant loss, injury or death involving wildland fires will be mitigated. There remains a significant unmitigated impact due to the proposed Project location.

The FEIR fails to provide a robust review of the evacuation factors in the face of an encroaching wildfire event. As previously mentioned, the environmental document implies that an emergency plan by MSMU is coordinated by individuals directing what actions will be taken based on any specific situation. This may include shuttling students, faculty, and other occupants at MSMU via preplanned buses, or private vehicles. Ultimately, people may be directed to take shelter, a plan that is completely lacking in specificity on any level. But physical evacuations utilizing vehicles has also not been adequately reviewed nor tested. The FEIR fails to include an adequate analysis of

the feasibility of evacuations in the event of a wildfire, the adequacy of evacuation routes, the impact of evacuation procedures, and how they all may impact the surrounding area.

Evacuation is significantly hampered by the lack of a feasible secondary access route. The FEIR indicates that the evacuation plan provides for evacuations to the north of MSMU campus via the Mt. St. Mary's Fire Road. This dirt road is inadequate as a traditional evacuation path for several reasons. First, the road surface itself is not well maintained, and many vehicles, whether buses or passenger vehicles, would be unable to safely traverse the trail. In addition, should this route be needed for emergency equipment to gain access to the north side of the campus, there is inadequate room to accommodate two-way traffic on this narrow dirt road. Further, the Fire Road exits into the Mountaingate Community, whose residents may also need to utilize the road to evacuate. Therefore, the route is compromised due to the inadequate road surface from a stability standpoint, as well as inadequate ability to provide for access and egress to occur simultaneously.

But an even larger issue with the suggestion that the Mt. St. Mary's Fire Road could provide for evacuation has not been addressed – the trail's location on the landscape. The most severe wildfires occur during high wind events, which, in the vicinity of the project site, traditionally blow from the north, northeast, or east, pushing fires across the landscape to the west or south. Hillsides, ridges and valleys play a significant role in determining the direction and intensity of fires. The consideration of Mt. St. Mary's Fire Road as an evacuation route fails to consider its high risk location and geography.

The Mt. St. Mary's Fire Road traverses hillsides and ridgelines to the north of the campus. As has been seen by numerous fires in the past, most recently the Getty Fire in 2019, a wildfire occurring during these events renders this fire road impassable due to potentially extreme fire behavior across most of the route. Sending evacuees on this road would put them in extreme, and possibly life-threatening danger.

Over the past several years, attempted evacuations over similarly precarious routes have provided difficult lessons about evacuations made in the face of extreme fire behavior. Unfortunately, a significant number of fatalities have occurred during these desperate evacuations, including the Tubbs Fire (2017) and the Camp Fire (2018). These risk factors have not been identified or discussed in any detail in the environmental document.

Another proposed emergency evacuation alternative is a route to the east through the Getty Center. This potential route suffers from many of the same issues as the Fire Road to the north – potential conflicts with responding emergency equipment, and inadequate road surfaces and bridges. Although this alternative evacuation route was proposed as one of the early considerations, it is understood that MSMU has since withdrawn this option as one of the alternative evacuation routes. But the fact that it was initially suggested leaves the concept for this option to remain as a potential future option. The inadequacies of this option must be addressed prior to being reconsidered again. The FEIR has failed to demonstrate that the proposed Project has a safe and viable secondary emergency access or egress route.

The final proposed option for evacuation is MSMU's sole access, the existing paved street surfaces through the communities to the south of the campus. The two primary routes would direct

evacuees leaving the main entrance to campus onto Chalon Road, which travels to both the east and west when exiting the campus. Taking the eastern path would then transfer these evacuees onto N. Norman Place, and continue down the hill to the south. Taking the western path would transfer evacuees onto N. Bundy Drive, and also continue down the hill to the south. In many areas these streets measure less than the minimum 20-foot width that is the standard for evacuation routes according to the Fire Safety Regulations in the Public Resource Code 4290. These new standards were derived from a new law, signed by the Governor in 2018, and took effect on July 1, 2021. This expanded a regulation that previously applied only to the State Responsibility Areas, but has now extended it to the Local Responsibility Areas: Very High Fire Hazard Severity Zones. This bill requires roadways to be a minimum of 20 feet in width, with a minimum 1-foot shoulder on either side to accommodate concurrent fire safe ingress for fire equipment and egress for evacuation.

Further, no new development is permitted on dead end roads longer than 800 feet where any parcel served is less than 1 acre, as is the case for this project location. There is no adequate mitigation for a dead-end road project other than construction of another 20' wide road that does not travel to the same dead end road to provide true secondary egress. Neither N. Bundy Drive nor N. Norman Place meet the standards currently in place for new development. The environmental review provides no reference to these new required standards, nor any disclosure on how these new requirements would be met. None of these factors are disclosed within the environmental review.

Adding Project and Campus traffic to the existing evacuation route from the neighborhoods in the MSMU vicinity would result in a significant impact on emergency response. Eastbound Chalon Road exiting MSMU takes traffic to N. Norman Place, while westbound Chalon Road exiting MSMU takes traffic to N. Bundy Drive. These two roads then intersect, combining the volume of both roads into a single road that eventually winds its way down two miles to Sunset Blvd. Therefore, regardless of which direction an evacuee might choose to take when leaving the campus, they eventually end up on N. Bundy Drive, heading toward Sunset Blvd. The fact that these two streets merge compounds the volume of traffic from residents trying to flee a wildfire event on these evacuation routes. Additional traffic from MSMU and the proposed Project would likely overwhelm the capacity of these streets, potentially placing people in harm's way. When additional traffic loads are added to the already overburdened local streets, the inability of traffic to quickly and safely evacuate the neighborhood becomes more likely. This scenario would also be exacerbated by and interfere with emergency responders trying to gain access at the same time, further obstructing the roadways and inhibiting safe egress. All of this is compounded in the areas where local streets measure less than the minimum requirement of 20 feet in some areas.

The environmental review deemed the access issues to the campus as adequate, but that does not take into account statements made in the LAFD's letter dated October 17, 2017, which stated that based on proximity to fire station criteria, "fire protection would be considered inadequate" or that "development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following: 1 increased staffing for existing facilities (i.e. Paramedic Rescue Ambulance and EMT Rescue Ambulance resources.) 2. Additional fire protection facilities. 3. Relocation of present fire protection facilities." The environmental review has failed to take more recent and current potential impacts into consideration.

The FEIR has failed to demonstrate that the proposed Project has either adequate primary or secondary access which complies with fire safety standards or provide sufficient details and analysis that a shelter in place strategy can be effectively implemented for the MSMU Campus. Given the proposed Project's location, the escalating fire regime, inadequate access, lack of adequate shelter in place or evacuation planning, the proposed Project could result in a significant risk of loss, injury or death.

An additional factor related to potential evacuation impacts is the student population of MSMU, which has been projected to be increased from the approved level of 750 to approximately 2200 students. The Wellness Pavilion would bring an increased number of occupants well above the 1500 current student population. Collectively, this translates into even more people who would be required to successfully evacuate in the event of a major wildfire scenario. Additionally, if a large gathering of visitors are on site when an emergency occurs, many, if not most, would not be familiar with the details of MSMU's Emergency Plan. Despite MSMU's plans to have onsite personnel provide direction, fire emergency planners must consider that human behavior frequently takes over when an emergency occurs. Despite the best intentions, residents during an emergency situation will default to their own senses, which too often ignore established protocol. Essentially, many more people will travel downhill onto N. Bundy Drive and N. Norman Place, increasing the possibility of gridlock as more people attempt to flee.

The Staff Recommendation Report references Pepperdine University as a facility that has successfully used sheltering in the event of wildfires. But comparing Pepperdine University to MSMU is inappropriate. Pepperdine University was designed with wildfire risk as one of the primary design considerations, and the Pepperdine campus has long had a shelter in place policy in effect. Even still, during the Woolsey Fire, many students fled the campus onto Pacific Coast Highway, which was backed up for miles. It was reported that motorists spent four hours to get out of the area (a drive that normally takes half an hour). The two campuses are not comparable when referencing wildfire planning and impacts.

We have unfortunately witnessed forced evacuations from many wildfire events in recent years with hundreds of uncomfortable and sometimes dramatic videos posted by evacuees on social media and through witness statements. The FEIR does not address the reality of human behavior to consider how panicked individuals react in the face of an encroaching wildfire and the potential life-threatening situations that often result. Given the proposed Project's location, the escalating fire regime, inadequate access, lack of adequate shelter in place or evacuation planning, the proposed Project could result in a significant impact to adopted emergency response and evacuation plans.

## **CONCLUSION**

This letter details four primary areas of concern:

1. Lack of review related to current wildfire behavior. In many instances, the environmental review relies on older and outdated documents that have no reference to the increasing wildfire intensity or severity that is common today. Therefore, the conclusions throughout

the report deem the impacts from the project as “insignificant” when viewed through this outdated information. Conclusions may appear insignificant based on outdated review methodologies, but this conclusion is not supported when considering the more catastrophic nature of wildfires today.

2. MSMU’s emergency planning, which includes references to “sheltering” people in the event of a wildfire is wholly inadequate. The idea of creating shelters for this purpose are currently in the early discussion stages, and there are no tests or acceptance from current code analysis to accurately quantify what these shelters should be.
3. The proposal to install a sprinkler system in the building is not an adequate mitigation for the structure being sited beyond what is the maximum safe distance from a fire station. This building type is already required to include a sprinkler system without regard to the distance from the nearest fire station, and therefore cannot also be a mitigation to compensate for excessive distances from a fire station.
4. The evacuation plans for the increased number of people and vehicles on the existing substandard hillside streets that do not conform with current minimum requirements for road widths or have an appropriate secondary access or egress route. The environmental review does not provide sufficient information or analysis to demonstrate how the increased population can successfully use existing streets for evacuation.

The environmental review does not take current wildfire behavior nor current documentation into account to arrive at its final conclusions. Collectively, these factors may put both occupants at MSMU as well as neighborhoods below the campus at great risk in the event of a major wildfire event. The Final EIR should be revised and recirculated to provide additional wildfire analysis, either to adequately address these issues, or to provide alternatives, including consideration of an alternative safer site without similar wildfire risks on which to construct the facility.

Thank you for the opportunity to provide my comments on this project. I welcome any feedback you may provide.

With Best Regards,

*David B. Shew*

**David Shew**  
Owner/CEO, *Wildfire Defense Works*  
Retired Staff Chief, CAL FIRE

## **AUTHOR'S BIO**

The following background provides readers a chance to understand my qualifications and experience which provide me the authority to make these observations.

I retired from the California Department of Forestry and Fire Protection (CAL FIRE) as the Staff Chief of Planning and Risk Analysis after a successful and dedicated 32 year career. Prior to my career in the fire service, I practiced as a licensed architect in both Northern and Southern California, becoming deeply familiar with building design, materials, construction, land use planning, and other typical aspects of working as an architect. I joined a volunteer fire department in a rural community where I was living at the time, and this newly discovered focus of helping people in their time of need led to a job offer from the State to join CAL FIRE as a permanent employee.

I started as an entry level firefighter, moving up to become an engine operator, Fire Captain, and Battalion Chief. I served in both Operational and Administrative Chief positions, and finally promoted to the level of Staff Chief, working directly for the State Fire Marshal (a branch of CAL FIRE) in Sacramento Headquarters. During my career, I traveled around the state to numerous emergency incidents, served as Incident Commander on many large wildfires, and was the Public Information Officer (PIO) for 11 years on Incident Management Team 3. This experience allowed me to be directly involved with, and witness, numerous historic fires in the past three decades, such as the Tunnel Fire in the Oakland Hills in 1991, the devastating fire sieges in Southern California in both 2003 and again in 2007. As a resident of Napa, California, I witnessed first-hand the devastating impacts of the fire siege that erupted on October 8, 2017 in Napa and Sonoma Counties. These and many other fires have allowed me to understand wildfire behavior, the overall wildfire environment, and the increasing impacts they are now having on our built environment. In addition, I also served as the Napa County Fire Marshal for a number of years. This position enabled me to pull together my background as an architect and my years of fire experience in the review and approval phases of many projects, marrying the design and planning worlds with the emergency life safety world in a unique manner.

Since my retirement, I have continued to be closely involved with the fire community as they continue to struggle with the increasing impacts of wildfires on our landscape. I am connected with researchers and scientists around the world who are all identifying why fires have become so destructive, with a focus on how to be better prepared and more resilient during future fires. I am working with communities, businesses, and individuals who are deeply concerned about how they can introduce more fire resilient measures into their structures, their landscapes, and their planning goals. These efforts are designed to save lives, structures, and infrastructure when – not if – the next fire occurs.

My consulting work continues to be in high demand because of my unique background and experiences. It is due to over 40 years of working in these professions that have now merged, and provide me the opportunity to review of this project. It is hoped that my experienced perspectives and knowledge will help create a more resilient and safe future from wildfire impacts.



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: DEC 02 2021

**Case No. CPC-1952-4072-CU-PA1**

Council District: 11 – Bonin

CEQA: ENV-2016-2319-EIR; SCH No. 2016081015

Plan Area: Brentwood – Pacific Palisades

Related Case: ZA-2017-928-ZAD

**Project Site:** 12001 Chalon Road

**Applicant:** Debra Martin, Mount Saint Mary's University  
Representative: Victor De la Cruz, Manatt, Phelps & Phillips, LLP

At its meeting of **October 21, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Alternative 5 (“the Project”) includes the demolition of two tennis courts, the outdoor pool area, one Facilities Management building and the Fitness Center building, and several surface parking lots on a 3.8-acre portion of the 45-acre Campus, and the development of a 35,500 square-foot two-story Wellness Pavilion, a new outdoor pool area, Campus roadway improvements, new landscaped areas, and several surface parking lots totaling 186 vehicle spaces. The Wellness Pavilion will provide students, faculty, and staff with a gym, multi-purpose rooms, a physical therapy lab, dance and cycling studios, lockers, showers, restrooms, and an equipment storage area. The Project does not include a request to increase student enrollment but will require the addition of one new staff person and will introduce three new types of events which can be attended by outside guests, students, faculty, and/or staff. The Project's new events will include: (1) Summer Sports Camps (which will operate over a 12-week period during the summer); (2) Health/Wellness Speaker Series (a maximum of eight annual events), and (3) Other Wellness/Sports Events/Activities (a maximum of 12 events per year). Additionally, two existing events, Athenian Day and Homecoming, currently held at the Campus, will be moved to the Wellness Pavilion to allow for potential attendance increases, and Club Sports, but not intercollegiate sports, will be permitted. The Project will include a maximum building height of 42 feet.

1. **Found**, that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-2319-EIR (SCH No. 2016081015) dated April 2018, and the Final EIR, dated June 2021 (collectively, Mount Saint Mary's University Chalon Campus Wellness Pavilion Project EIR), as well as the whole of the administrative record;

**CERTIFIED** that:

- a. The Mount Saint Mary's University Chalon Campus Wellness Pavilion Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The Mount Saint Mary's University Chalon Campus Wellness Pavilion Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- c. The Mount Saint Mary's University Chalon Campus Wellness Pavilion Project EIR reflects the independent judgment and analysis of the lead agency.

**ADOPTED** the following:

- a. The related and prepared Mount Saint Mary's University Chalon Campus Wellness Pavilion Project Environmental Findings;
  - b. The Statement of Overriding Considerations; and
  - c. The Mitigation Monitoring Program prepared for the Mount Saint Mary's University Chalon Campus Wellness Pavilion Project EIR;
2. **Approved**, pursuant to Section 12.24 M of the Los Angeles Municipal Code (LAMC), a Plan Approval to allow for the development of Alternative 5 in conjunction with the continued use of a private school in the RE40-1-H Zone;
  3. **Approved**, pursuant to LAMC Section 12.24 F, a determination to permit a building height of 42 feet for the Wellness Pavilion, in lieu of the maximum height of 30 feet otherwise permitted by LAMC Section 12.21 C.10(d);
  4. **Adopted** the attached Modified Conditions of Approval; and
  5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman  
 Second: López-Ledesma  
 Ayes: Campbell, Choe, Hornstock, Leung  
 Absent: Mack, Millman, Dake Wilson

**Vote: 6 - 0**

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Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** DEC 17 2021

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Milena Zasadzien, Senior City Planner  
 Kathleen King, City Planner

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 21, 2021)

Pursuant to LAMC Sections 12.24 M and 12.24 F the following conditions are hereby imposed upon the use of the Wellness Pavilion.

1. **Site Development.** The use and development of the Wellness Pavilion portion of the property shall be in substantial conformance with the attached plans labeled as Exhibit A1, dated May 17, 2021. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.

### Plan Approval Conditions

2. **Use.** Operation of the Wellness Pavilion shall be limited to athletic and recreation facility uses and activities or events that complement the purpose of the Wellness Pavilion (i.e., promote health, fitness, and/or wellness).
3. **Building.** The Wellness Pavilion shall be a maximum of 35,500 square feet in floor area.
4. **Height.** The height of the Wellness Pavilion shall not exceed 42 feet from hillside area grade, with a roof slope of less than 25 percent, in lieu of the maximum height limit of 30 feet otherwise permitted by Section 12.21.1 of the LAMC. The maximum building height can be exceeded by certain roof structures and equipment in accordance with LAMC Section 12.21.1 B.3.
5. **Lighting.** All lighting shall be directed onto the site. Floodlighting shall be designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties, nor seen from above.
6. **Parking.**
  - a. Vehicle Parking. A minimum of 95 permanent, striped vehicular parking spaces shall be provided in accordance with the provisions of Section 12.21.A.5 of the Municipal Code.
  - b. Electric Vehicle Parking. All electric vehicle charging stations (EV spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
  - c. New and Future Parking. 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.
  - d. Bicycle Parking. At least 71 short term and 35 long term bicycle parking spaces shall be located in a prominent, accessible location on the Campus and in accordance with the provisions of Section 12.21.A.16 of the Municipal Code.
7. **Access.** Primary ingress and egress shall be limited to the Chalon Road entrance. The Mount Saint Mary's Fire Road shall not be used for public access to the site, including access by construction vehicles. The Mount Saint Mary's Fire Road shall only be used for emergency access.

8. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Planning Department for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A1 dated May 17, 2021. Minor deviations from the requirements provided below may be permitted by the Planning Department to permit the existing landscaping conditions provided that the plantings are well established and in good condition. The surface parking lots shall comply with the requirements of the City's Landscape Ordinance (LAMC Section 12.40) and in addition the landscape plan shall include a minimum of five percent of the surface parking area, to be curbed landscaped area.
9. **Trees.** The Landscape Plan shall include a minimum of eight Protected Trees and 46 Non-Protected Trees to the satisfaction of Urban Forestry Division of the Bureau of Street Services.
  - a. Tree Wells.
    - i. The minimum depth of tree wells shall be as follows:
      1. Minimum depth for trees shall be 42 inches.
      2. Minimum depth for shrubs shall be 30 inches.
      3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
      4. Minimum depth for an extensive green roof shall be three inches.
    - ii. The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:
      1. 220 cubic feet for a tree 15 - 19 feet tall at maturity.
      2. 400 cubic feet for a tree 20 - 24 feet tall at maturity.
      3. 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.
      4. 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.
  - b. Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three-foot planter.
  - c. The eight Protected Trees and 46 Non-Protected Trees shall be planted within the boundaries of the Campus.
10. **Solar Power.** Solar panels will be installed on at least 25 percent of the total roof area. Solar panels may be installed on all rooftop areas with the exception of areas occupied by rooftop mechanical equipment.
11. **Utilities.** All utilities shall be fully screened from view of any abutting properties and the public right-of-way.
12. **Event Restrictions.**
  - a. Renting/Leasing. Rental or lease of the Wellness Pavilion is not permitted, with the exception of Other Wellness/Sports Activities Events. The term "rental of facilities" is dependent upon the payment of a fee; for example, the use by homeowner or civic groups is permitted if MSMU does not charge a fee to use the Wellness Pavilion.
  - b. Other Wellness/Sports Activities. A total of 12 Other Wellness/Sports Activities Events are permitted annually.

- c. Wellness Speaker Series Events. A total of 8 Wellness Speaker Series Events are permitted annually.
- d. Summer Sports Camps. Summer Sports Campus located at the Wellness Pavilion are only permitted Monday through Friday over a 12-week period during the summer.
- e. Club Sport Events. Club Sport Events located at the Wellness Pavilion are only permitted during the school year.
- f. Intercollegiate Sport Events. No intercollegiate sport events (including practices) are permitted at the Wellness Pavilion.
- g. Homecoming and Athenian Day. Both events shall be held on a weekend day and are not permitted to be held on a weekday.
- h. Total Daily Outside Guest Vehicle Trips.
  - iii. The maximum number of total daily outside guest vehicle trips for Other Wellness/Sports Activities, Health and Wellness Speaker Series Events and Club Sports shall be limited to 310 outside guest vehicle trips (155 inbound and 155 outbound) and shall be applicable to all vehicles, including shuttles.
  - iv. Shuttles/carpools shall be required for all Summer Sports Campus with more than 50 campers. The maximum number of total daily outside guest vehicles trips for Summer Sports Campus shall be limited to 236 outside guest vehicle trips and shall be applicable to all vehicles, including shuttles. The specific number of trips permitted during the AM and PM peak hours shall comply with the applicable restrictions outlined in PDF-TRAF-13.
- i. New Event Start/End Times.
  - v. Other Wellness/Sports Activities, Health and Wellness Speaker Series Events and Club Sports shall not be permitted to start between the hours of 7:00 AM to 9:30 AM and 4:00 PM to 7:30 PM and/or end between the hours of 6:30 AM to 9:30 AM and 3:30 PM to 7:00 PM.
  - vi. If MSMU permits Summer Sports Camps to begin or end during AM and PM peak hours, a Campus entry reservation system demonstrating that the maximum AM and PM peak hour trips (as outlined in PDF-TRAF-13) are not exceeded, shall be provided to LADOT

### 13. Neighborhood Outreach and Notice

- a. MSMU shall maintain on its website a publicly accessible calendar, updated at least once per month, identifying all Campus events with over 50 outside guests.
- b. A Community Relations representative shall be designated and contact information of that person posted online on the school's website, and prominently at the school, 10 days prior to the beginning of each school year.
- c. A complaint log shall be kept and include the complainant's name, date and time of complaint, phone number, the nature of the complaint, the date and time of the response of the complaint, and a description of how the issue was responded to or resolved. Record of all complaints must be maintained on the premise. Information on how the public can report concerns or complaints shall be posted online on the school's website, and prominently at the school visible from the public right of way, 10 days prior to the beginning of each school year for public reference.

#### 14. Noise

- a. No outdoor public address system shall be installed or maintained for an event being held at the Wellness Pavilion. A paging system shall be permitted inside the Wellness Pavilion building. An emergency alert system shall be permitted to be used only in the event of an emergency.
- b. No amplified music or loud non-amplified music is permitted outside for any event being held at the Wellness Pavilion.
- c. Compressors and other equipment that may introduce noise impacts beyond the Campus property line would incorporate noise attenuation features as required by the LAMC.
- d. No exterior bells are permitted.
- e. Motorized cleaning and landscaping (taking place outside) shall not be permitted before 8 a.m. or after 6 p.m.

#### 15. Construction

- a. Construction Relations Liaison. Prior to commencement of construction, a Construction Relations Liaison shall be designated by MSMU to serve as a liaison with neighbors concerning construction activity. Contact details for the liaison, together with dates for the construction schedule, shall be provided to the Council Office and all residents immediately abutting and adjacent to MSMU prior to commencement of construction. The construction schedule shall be the general contractor's construction manager's best estimate for construction activities.
- b. Construction Access. During construction, vehicles shall access and leave the Campus via the Chalon Road ingress/egress driveway.
- c. Catering Trucks. A maximum of three catering truck visits daily is permitted and such trucks shall be accommodated within the Campus. Catering truck operators shall be instructed in writing not to use their horn or other loud signal. A copy of such letter shall be submitted to the City of Los Angeles Planning Department.
- d. Portable Toilets. Any portable toilets shall be on the Campus and screened from single family residences and the public right-of-way.

#### **Conditional Use Determination Conditions**

16. **Grant.** The use and development of the Wellness Pavilion may be permitted the following variations of the LAMC regulations, and shall be in substantial conformance with Exhibit A1, dated May 17, 2021:

The Wellness Pavilion shall be permitted to have a maximum height of 42 feet from hillside area grade, with a roof slope of less than 25 percent, in lieu of the maximum height limit of 30 feet otherwise permitted by Section 12.21.1 of the LAMC. The maximum building height can be exceeded by certain roof structures and equipment in accordance with LAMC Section 12.21.1 B.3.

### **Environmental Conditions**

1. **Implementation.** The Mitigation Monitoring Program (MMP), attached as Exhibit E and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
2. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

3. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the nonenvironmental conditions of approval.

4. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- a. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
  - b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - c. The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.
  - d. The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - e. If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
  - f. The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
  - g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

**Administrative Conditions of Approval**

1. **Approval, Verification and Submittals.** Copies of any approvals guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
7. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
8. **Indemnification.** The Applicant shall do all of the following:
  - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
9. The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

10. For purposes of this condition, the following definitions apply: "City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers. "Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law. Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

### **A. Plan Approval Findings in Accordance with LAMC Section 12.24 M and 12.24 F (School Use in a Residential Zone, Height Modification).**

The following is a delineation of the findings as 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 and a determination, in accordance with LAMC Section 12.24 F, to allow a maximum building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet for a building located in the RE40-1-H Zone with a roof slope of less than 25 percent. These requests require that the following findings identified in LAMC 12.24 E be made.

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

#### **a. Plan Approval**

Mount Saint Mary's University (MSMU) is requesting a Plan Approval to allow for the construction and operation of Alternative 5. Alternative 5 will improve MSMU's fitness/educational facilities on the Chalon Campus (Campus) providing a greater and enhanced educational and wellness experience for MSMU students, faculty, staff, and outside guests, thereby providing a service that enriches and benefits the students, community, City, and region as a whole.

Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of the Campus. The Campus' existing fitness facilities include a pool area, two tennis courts, a 1,030 square-foot Fitness Center building that was constructed in 1949 and a 1,470 Facilities Management building that was constructed in 1964. The Wellness Pavilion will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health.

The Wellness Pavilion will host existing on-Campus events and new events. A total of seven existing events currently held elsewhere on the Campus will be moved to the Wellness Pavilion. Besides the change in location, there will be no other change to five of the seven existing events; Athenian Day and Homecoming, will 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). Alternative 5 will not increase student enrollment but will permit an increase in the number of outside guests, students, faculty, and staff that can attend Athenian Day and Homecoming, as well as introduce the three new event types described above, which can be attended by outside guests, students, faculty, and staff. The table below provides the existing and new events which will be relocated to the Wellness Pavilion, the permitted increase in the number of students, faculty, staff, and outside guests for Athenian Day and Homecoming, and the

estimated number of students, faculty, staff, and outside guests which will be permitted at the three new event types.

<b>Alternative 5 Existing and New Events to be Held at the Wellness Pavilion</b>					
<i>Event</i>	<i>Description</i>	<i>Frequency</i>	<i>Time of Day</i>	<i>Current Location</i>	<i>Estimated Attendance</i>
<b>Existing Events to be Relocated to the Wellness Pavilion / No Additional Changes</b>					
Spring Convocation	Staff and faculty meeting prior to start of spring semester	Annual one-day event / January	8 am to 2 pm / Weekday	Circle / Campus Center	275 SFS 25 OG Total: 300 people
Nursing Panel	Career Services event with outside vendors and panelists	Annual one-day event / January	3 pm to 10 pm / Weekday	Campus Center	125 SFS 25 OG Total: 150 people
Women's Leadership Conference	Conference focused on women leadership	Annual one-day event / September	8 am to 5 pm / Weekend day	Circle / Campus Center/ Classrooms	175 SFS 175 OG Total: 350 people
Live at the Mount	High school students visit the Chalon Campus to learn more about MSMU <sup>1</sup>	Four days fall / four days spring	Morning Weekdays	Campus Center / Circle/ Theater	30 SFS 250 OG Total: 280 people
Student Orientation	Orientation for new students and family members	Annually / two days	8 am to 5 pm / Weekend days	Circle / Center Campus/ Theater / Classrooms	400 SFS 600 OG Total: 1,000 people
<b>Existing Events to be Relocated to the Wellness Pavilion and Increase Attendance / No Additional Changes</b>					
Athenian Day	Athletic event for students and alum	Annual one-day event / spring	8 am to 5 pm / Weekend day	Circle / Center Campus / Pool/ Fitness Facilities	200 SFS 100 OG Total: 300 people (Increase of 50 SFS and 50 OG)
Homecoming	Students, faculty, staff, and alum MSMU celebration	Annual one-day event / October	2 pm to 4 pm / Weekend day	Circle / Campus Center / Classrooms	200 SFS 150 OG Total: 350 people (Increase of 50 SFS and 50 OG)
<b>New Events to be Located at the Wellness Pavilion</b>					
Summer Sports Camps	Sports campus available to students, faculty, and the public	12 weeks during summer	8 am to 5 pm / Monday-Sunday /	New event, not currently held on Campus	400 OG
Health and Wellness Speaker Series	Lecture series to support MSMU's health and wellness curriculum	Maximum 8 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours /	New event not currently held on Campus	200 SFS 250 OG Total: 450 people

			weekday or weekend day		
Other Wellness / Sports Activities	External rental activities that are support health, wellness and sports	Maximum 12 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours / weekday or weekend day	New event not currently held on Campus	50-400 OG <sup>2</sup>
Club Sports	MSMU club volleyball and basketball games and practices	During the school year / no other restrictions	After 7:30 PM on weekdays / no restrictions on weekend days	Existing event not currently held on Campus	20-40 OG
<p>Notes:  SFS -Students, Faculty, Staff  OG – Outside Guests  <sup>1</sup> - Students are transported to the Campus via five buses.  <sup>2</sup> - Attendance at Other Wellness/Sports Activities Events assumes all OG to be conservative.  However, attendees could be a combination of SFS and OG.</p>					

The Wellness Pavilion will provide a practice facility to accommodate MSMU's club sport practices and games, fostering an improved educational experience and eliminating operational challenges by removing the necessity of locating club sport practices and games off-site. Accordingly, Alternative 5 will allow MSMU to continue providing the essential and beneficial service of a private educational institution in the Brentwood Community.

In addition to the educational value that MSMU provides, Alternative 5 will implement traffic operational restrictions, including maximum daily vehicle trip caps for Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (Project Design Feature (PDF) PDF-TRAF-12). The daily trip maximum will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will be required to implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E).

Alternative 5 will also enhance the built environment in the surrounding neighborhood by creating a visually unified Campus with buildings and landscaping that respect the scale and character of the surrounding area. The Wellness Pavilion as proposed under Alternative 5 will demolish outdated fitness facilities and construct a building that includes a colonnade of columns and glazing, differentiating the ground level from the second level, and creating a pleasing pedestrian environment. The ground floor colonnade element will preserve the color, proportions and rhythm of the typical gothic arch colonnades found throughout Campus, while the second story will be constructed out of glazed glass allowing for the infiltration of natural light and reducing the demand on artificial lighting. The typical clay tile roof forms of older on Campus buildings will be reinterpreted as an expansive ceiling (an inverted roof) bringing the texture and color found on the clay roofs inside the building.

The Campus is eligible for the National Historic Register and is listed on the California Register of Historical Resources as a Historic District at the local level for its association with a recognized architectural style and locally known architects. The Historic District includes the following buildings which are identified as contributors: Brady Hall, Mary Chapel, Rossiter Hall, St. Josephs Administration and Seaver Science Center, Charles Willard Coe Memorial Library, and Carondelet Hall. While construction of Alternative 5 will not result in the alternation of the six contributing structures and the existing structures located on the Project Site are not contributors to the Historic District, the Wellness Pavilion will be proportioned to be similar in height (a maximum of 42 feet tall) to the adjacent Campus buildings, including Mary Chapel (which is 54 feet tall, 113 feet tall at the top of the bell tower), Rossiter Hall (which is 35 feet tall), and Yates, Aldworth, and Burns Residences (43 feet tall). Thus Alternative 5 will enhance the built environment existing on the Campus and not negatively impact the structures which make-up the Historic District.

With the exception of the Campus and Carondelet Center, the land uses along Chalon Road and Bundy Drive, north of Sunset Boulevard, consist of low-density residential neighborhoods. The nearest residences to the Project Site, are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection. These residences are sited approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site. Single-family residences are also located along Chalon Road south and east of the Campus and along Grace Lane directly south of the Carondelet Center. Similar to the single-family homes located to the north of the Bundy Drive/Chalon Road intersection, the residences along Chalon Road and Grace Lane are substantially lower in elevation than the Campus (including the Project Site), ranging from 200 to 400 feet below the Campus setting. The difference in elevation between the surrounding land uses and the Campus reduces the visual interaction between the surrounding land uses and Campus.

Because of the varying topography within the Campus and surrounding areas, public views of the Project Site from the surrounding areas are limited. While Sunset Boulevard, located approximately two miles (driving distance) south of the Project Site, is a City designated Scenic Highway in the Brentwood-Pacific Palisades Community Plan and City of Los Angeles Mobility Plan 2035, the Project Site is not visible from Sunset Boulevard. The Project Site, however, is visible from two residential streets, including North Tigertail Road and Sky Lane at Canna Road, located approximately 0.3 mile to the west and southwest of the Project Site. While there are rises in topography at the north edge of the Campus and beyond, the varying intervening landforms or hills, along with intervening vegetation (trees, shrubs, etc.) obstruct some views of Campus buildings, while still encompassing vistas of the west Los Angeles Basin and cityscape across the Project Site. Views of the Project Site are also available from trails to the north of the MSMU Campus and north of the Tigertail Road north terminus. Views of the Project Site are available

from the Getty Museum, which is located to the southeast of the Campus, although partly obscured by existing on-Campus buildings.

Because of the topography of the area, together with dense vegetation along nearby roadways, the Campus and the Project Site are minimally visible from the surrounding area. Thus, views across the Campus would not be interrupted or blocked by the proposed Wellness Pavilion and the nearest residences along Bundy Drive will not be able to see the Wellness Pavilion.

While the Project Site is located in the RE40-1-H Zone and subject to the LAMC single-family zone hillside development standards, MSMU has operated on the site since 1929. The continued use of the Campus and the proposed physical and operational components that will occur under Alternative 5 will be consistent with the intent of the Land Use Element of the General Plan which permits schools in residential zones including the nearby Archer School for Girls which has a land use of Very Low II Residential and Medium Residential and R3-1 and RE1-1 zones and Brentwood School which has a land use of Very Low II Residential and RE11-1 and RE15-1 zones.

Accordingly, for the reasons discussed above, Alternative 5 will enhance the built environment on the Campus and will not impact the built environment of the surrounding neighborhood. Further, Alternative 5 will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity, to educate students on nutrition and health, and result in an upgraded and regionally competitive university campus.

### **b. Height Modification**

In connection with the Plan Approval, the Wellness Pavilion will require a determination by the decision-maker (in this case the City Planning Commission) to allow a maximum building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet for a building located in the RE40-1-H Zone with a roof slope of less than 25 percent, as permitted by LAMC Section 12.21 C.10(d). Additional height is required due to the nature of the use (e.g., a gym with a tall ceiling) and the sloping topography of the Site. Improving the School's functionality, by allowing for the construction and operation of the Wellness Pavilion will result in benefits to the students and surrounding neighbors as club sport practices and games can now be held on Campus in the Wellness Pavilion, reducing the need for students to travel off-site for such events.

Further, while the Wellness Pavilion will be proportioned to be similar in height (a maximum of 42 feet tall) to the adjacent Campus buildings, including Mary Chapel (which is 54 feet tall, 113 feet tall at the top of the bell tower), Rossiter Hall (which is 35 feet tall), and Yates, Aldworth, and Burns Residences (43 feet tall); the nearest residences are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection, approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site.

- 2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;**

### **a. Plan Approval**

Mount Saint Mary's University (MSMU) is requesting a Plan Approval to allow for the construction and operation of Alternative 5. Alternative 5 will replace the Chalon Campus' (Campus) inadequate and outdated existing fitness and recreation facilities and include the construction and

operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of its Campus. The Campus' existing fitness facilities include a pool area, two tennis courts, a Facilities Management building (a single-story 1,470 square-foot building) constructed in 1952, and a 1,030 square-foot Fitness Center building that was constructed in 1949. The Wellness Pavilion will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health and allow MSMU to continue providing the essential and beneficial service of a university.

Schools are permitted and frequently do use residentially-zone properties for school purposes. Many private schools throughout the City are located in single-family residential neighborhoods. Recognizing that schools are in residential neighborhoods, the LAMC allows private schools to use residential zoned parcels for school purposes through a Conditional Use Permit (CUP) and subsequent Plan Approval process.

In connection with the 1929 zone variance and subsequent construction of various Campus buildings granted under Case No. 3066, the deemed-to-be approved Conditional Use status, as well as previous plan approvals granted under Case No. CPC-1952-4072, the City has determined that the Campus and previously approved structures are compatible with and will not adversely affect or degrade adjacent properties, the neighborhood, or the public health, welfare, and safety. Further, the location, size, height, and operations of Alternative 5 will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety. The Wellness Pavilion and Project Site is located entirely within a developed area of the Campus, and will be replacing older facilities. Alternative 5 will result in the expansion of the Project Site's 200-foot fuel modification zone into 0.9-acres of native plant communities, however due to the proximity of the 200-foot fuel medication zone to developed areas of the Campus, the new fuel modification area is already subject to indirect biological resource effects associated with Campus activities, and would therefore not adversely affect or degrade the portion of the Campus site or adjacent properties. The nearest residences to the Project Site are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection. These residences are sited approximately 300 feet below the Project Site. Under Alternative 5 a two-story, 42-foot tall, 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots will be constructed. The requested height modification as well as the adjustments needed for the grading amount and number and height of retaining walls are discussed in greater detail below. In accordance with the requirements included under LAMC Section 12.21 C.10, no portion of Alternative 5 will be constructed in any of the required setback areas. In combination with the RE40 Zone and City designated Hillside Area, the LAMC sets a minimum guaranteed residential floor area of 18 percent of the total lot size. The Wellness Pavilion's additional square footage will result in approximately 13.5 percent of the Campus (which is a single lot) being developed, below the guaranteed minimum residential floor area of 18 percent.

Due to the topography and vegetation, the Project Site is shielded from the view of the surrounding residences, however Alternative 5 will create a visually unified Campus with buildings and landscaping that respect the scale and character of the surrounding area. The building will include a colonnade of columns and glazing, differentiating the ground level from the second level, and create a pedestrian-oriented environment. The ground floor colonnade element will preserve the color, proportions and rhythm of the typical gothic arch colonnades found throughout Campus, while the second story would be constructed out of glazed glass allowing for the infiltration of

natural light and reducing the demand on artificial lighting. The typical clay tile roof forms of older on Campus buildings will be reinterpreted as an expansive ceiling (an inverted roof) bringing the texture and color found on the clay roofs inside the building. Thus, the new Wellness Pavilion will not encroach upon or adversely impact existing visual resources, including the surrounding undeveloped open space, the Circle, and the Campus's historic buildings but will result in a compatible visual interface between the residence hall to the north and the lower Campus while creating a visual break between the Wellness Pavilion's modernist architecture and the Spanish Colonial Revival architecture of the Campus Circle.

Regarding construction of the Wellness Pavilion, Alternative 5's temporary construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. To ensure minimal disturbance to the surrounding neighborhood, in accordance with PDF-TRAF-1, MSMU will be required to prepare and submit a Construction Traffic Management Plan to the City of Los Angeles Department of Transportation (LADOT) for approval. The Construction Traffic Management Plan will disclose street closure information, detour plans, haul routes, staging plans, require that access be maintained for surrounding residences, prohibit haul truck staging on surrounding roadways and truck loading and unloading, schedule construction related deliveries (excluding concrete related deliveries) between the hours of 7 AM and 3 PM to avoid PM peak hours, coordination with emergency service providers to ensure adequate access to the Campus and surrounding neighborhood is provided at all times, require MSMU to attend bi-monthly construction management meetings with City staff, Archer School for Girls and Brentwood School to avoid overlapping hauling activities, provide advance notice to LADOT and the surrounding schools of upcoming construction activities and post a hotline on Campus, including at the entrance to the Campus, to provide the public with a number to call to report non-compliance with the Construction Traffic Management Plan. Additionally, PDF-TRAF-2 will require MSMU to prepare a Construction Parking Plan prior to issuance of a building permit. The Construction Parking Plan shall identify temporary on Campus parking areas for students, faculty, staff and construction workers and requires that all construction workers park on Campus. Thus Alternative 5's construction activities will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or public health, welfare and safety.

Regarding operation of the Wellness Pavilion, while Alternative 5 will not increase student enrollment, the Wellness Pavilion will host existing on-Campus events and new events. A total of seven existing events currently held elsewhere on the Campus will be moved to the Wellness Pavilion. Besides the change in location, there would be no other change to five of the seven existing events; 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). Alternative 5 will permit an increase in the number of outside guests, students, faculty, and staff that could attend Athenian Day and Homecoming, as well as introduce the three new event types described above, which can be attended by outside guests, students, faculty, and staff. The table below provides the existing and new events which will be relocated to the Wellness Pavilion, the permitted increase in the number of students, faculty, staff, and outside guests for Athenian Day and Homecoming, and the estimated number of students, faculty, staff, and outside guests which will be permitted at the three new event types.

<b>Alternative 5 Existing and New Events to be Held at the Wellness Pavilion</b>					
<i>Event</i>	<i>Description</i>	<i>Frequency</i>	<i>Time of Day</i>	<i>Current Location</i>	<i>Estimated Attendance</i>
<b>Existing Events to be Relocated to the Wellness Pavilion / No Additional Changes</b>					
Spring Convocation	Staff and faculty meeting prior to start of spring semester	Annual one-day event / January	8 am to 2 pm / Weekday	Circle / Campus Center	275 SFS 25 OG Total: 300 people
Nursing Panel	Career Services event with outside vendors and panelists	Annual one-day event / January	3 pm to 10 pm / Weekday	Campus Center	125 SFS 25 OG Total: 150 people
Women's Leadership Conference	Conference focused on women leadership	Annual one-day event / September	8 am to 5 pm / Weekend day	Circle / Campus Center/ Classrooms	175 SFS 175 OG Total: 350 people
Live at the Mount	High school students visit the Chalon Campus to learn more about MSMU <sup>1</sup>	Four days fall / four days spring	Morning Weekdays	Campus Center / Circle/ Theater	30 SFS 250 OG Total: 280 people
Student Orientation	Orientation for new students and family members	Annually / two days	8 am to 5 pm / Weekend days	Circle / Center Campus/ Theater / Classrooms	400 SFS 600 OG Total: 1,000 people
<b>Existing Events to be Relocated to the Wellness Pavilion and Increase Attendance / No Additional Changes</b>					
Athenian Day	Athletic event for students and alum	Annual one-day event / spring	8 am to 5 pm / Weekend day	Circle / Center Campus / Pool/ Fitness Facilities	200 SFS 100 OG Total: 300 people (Increase of 50 SFS and 50 OG)
Homecoming	Students, faculty, staff, and alum MSMU celebration	Annual one-day event / October	2 pm to 4 pm / Weekend day	Circle / Campus Center / Classrooms	200 SFS 150 OG Total: 350 people (Increase of 50 SFS and 50 OG)
<b>New Events to be Located at the Wellness Pavilion</b>					
Summer Sports Camps	Sports campus available to students, faculty, and the public	12 weeks during summer	8 am to 5 pm / Monday-Sunday /	New event, not currently held on Campus	400 OG
Health and Wellness Speaker Series	Lecture series to support MSMU's health and wellness curriculum	Maximum 8 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours /	New event not currently held on Campus	200 SFS 250 OG Total: 450 people

			weekday or weekend day		
Other Wellness / Sports Activities	External rental activities that are support health, wellness and sports	Maximum 12 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours / weekday or weekend day	New event not currently held on Campus	50-400 OG <sup>2</sup>
Club Sports	MSMU club volleyball and basketball games and practices	During the school year / no other restrictions	After 7:30 PM on weekdays / no restrictions on weekend days	Existing event not currently held on Campus	20-40 OG
<p>Notes:  SFS -Students, Faculty, Staff  OG – Outside Guests  <sup>1</sup>- Students are transported to the Campus via five buses.  <sup>2</sup>- Attendance at Other Wellness/Sports Activities Events assumes all OG to be conservative. However, attendees could be a combination of SFS and OG.</p>					

The Wellness Pavilion will provide a practice facility to accommodate MSMU's club sport practices and games, fostering an improved educational experience and eliminating the club sports operational challenges by removing the necessity of locating club sport practices and games off-site.

Alternative 5 will implement traffic operational restrictions relative to the Wellness Pavilion events start and end times and permitted number of vehicle trips to ensure the Wellness Pavilion events are compatible with the surrounding community. Alternative 5 will implement maximum daily vehicle trip caps for Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will be required to implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E). Thus Alternative 5's operational activities will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or public health, welfare and safety.

## **b. Height Modification**

The Wellness Pavilion will require a determination to allow a maximum building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet for a building located in the RE40-1-H Zone with a roof slope of less than 25 percent, as permitted by LAMC Section 12.21 C.10(d). Additional height is required due to the nature of the use (e.g., a gym with a tall ceiling) and the sloping topography of the Site.

The Campus is located on a ridge on the south flank of the Santa Monica Mountains and slopes to the south. The Project Site is currently developed and located on the northern portion of the Campus. As stated above, the nearest residences to the Project Site, are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection. These residences are sited approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site. The existing buildings on Campus range in height from 12 feet tall to 70 feet tall, with the Mary Chapel bell tower being 113 feet tall. While the Wellness Pavilion, will be relatively higher than Rossiter Hall to the south (35 feet tall), the Yates, Aldworth and Burns Houses, located to the immediate north (43 feet tall), as well as the Mary Chapel (which is located immediately south of the Project Site and 54 feet tall), will have a greater height than the Wellness Pavilion.

The Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. The Campus is visible from hiking trails to the north and west and at a higher elevation than the Project Site. Views of Alternative 5 from the northern hiking trail will be largely obscured by intervening land forms, vegetation, and buildings (the tops of the Yates, Aldworth and Burns Houses). The Mary Chapel bell tower will be taller than the Wellness Pavilion and will remain visible. Alternative 5 will not break the skyline and will not block existing views of the skyline, nearby hills, and/or the horizon as viewed from trails along the Santa Monica Mountains foothills to the north.

The closest public access to the Campus from the west is the hiking trail on the first major ridge to the west, which is located more than 0.32 miles west of the Project Site. The trail is located approximately 0.24 mile to the north of the North Tigertail Road terminus at an elevation of approximately 1,300 feet above mean sea level (amsl) (approximately 200 feet higher than the Project Site). Under Alternative 5, the Wellness Pavilion will be located on the northern portion of the Project Site and the Campus will be visible in the foreground/mid-ground of existing panoramic views of the Santa Monica/Hollywood Hills and the horizon currently across the Campus. Alternative 5 will not block any existing horizon views or existing views of natural hillsides.

The Project Site will also be visible from two local residential streets to the southwest, including Canna Road at Sky Lane and North Tigertail Road. The Sky Lane/Canna Road view location is located approximately 0.32 miles southwest of the Site. Alternative 5 will be a small background feature and will not block views of the surrounding and/or background open space, including the view of the fire road/trail in the center left of the photograph, or views of the horizon.

The North Tigertail Road view location is located approximately 0.58 miles southwest of the Project Site. The Wellness Pavilion will be located on the northern portion of the Site and will be largely obscured by landform and vegetation, and will not encroach into the existing views of the ridgeline or affect horizon views. No existing open space will be infringed upon and no views of open space, including views of the surrounding Santa Monica Mountains will be affected. It is further noted that public views from these public streets are limited to a few openings between residences and are not considered to be valued key views that would be generally available to or

valued by the public. No other view fields across the Project Site are available from neighborhood streets that are closer to the Campus. Views across the Campus will be available from the Getty Center, approximately 0.58 mile to the southwest. Views of the Wellness Pavilion will be obscured by the existing Humanities Building, landform, and vegetation. Alternative 5 will not block any open space vistas, including ridgelines or open space as viewed from this location.

Thus, Alternative 5's height will be compatible with and will not adversely affect or degrade adjacent properties (both on and off-Campus), the surrounding neighborhood, or the public health, welfare and safety.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

**a. Plan Approval**

The original 33.3-acre Campus was established in January 1929 with the adoption of Ordinance No. 62,642 which granted a zone variance permitting the construction of the Chalon Campus (Campus) in a residential zone. In 1952, the City granted a 17-acre expansion of the Campus.

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. The continued operation and development of the Campus substantially conforms with the purpose, intent and provisions of the General Plan, Framework Element, and the Brentwood Pacific-Palisades Community Plan. The residential neighborhood has grown around the Campus over time. Alternative 5 does not involve a material change from the previously authorized deemed approved conditional use. The proposed addition of the Wellness Pavilion will allow the continued school use and will replace previous outdated athletic and wellness facilities within the same area of the Campus. Student enrollment will not be increased however the Wellness Pavilion will be used to host existing on-Campus events and new events that will be attended by students, faculty, staff, and outside guests.

The following findings include applicable goals, objectives, and policies from both the General Plan Framework Element and Brentwood-Pacific Palisades Community Plan and all relevant approval(s) (e.g., Plan Approval, Height Modification, Grading, and/or Retaining Walls (height and number), that substantially conforms with the purpose, intent and provisions of the referenced goal, objective, and policy.

**General Plan Framework Element**

The Framework Element of the General Plan was adopted the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project Site. It also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the current request:

*Chapter 3 – Land Use*

*Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically*

*depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.*

**Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.**

#### **a. Plan Approval**

The Chalon Campus (Campus) was established in 1929 and the construction of Brady Hall, a three-story building that currently provides student services was constructed shortly thereafter in 1931. Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of the Campus. The Campus' existing fitness facilities include a pool area, two tennis courts, a 1,030 square-foot Fitness Center building that was constructed in 1949 and a 1,470 Facilities Management building that was constructed in 1964. The Fitness Center building encompasses the Campus' entire weight training and cardio facilities which includes free weights, three treadmills, one stair machine, two elliptical machines, and several strength training machines, while the Facilities Management building includes a 600 square-foot maintenance area and 870 square-foot shower/locker room area. The Wellness Pavilion will provide students, faculty, and staff with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health and allow MSMU to continue support the needs of the City's existing and future residents, businesses, and visitors.

MSMU is a university that contributes towards and facilitates the City's long-term fiscal and economic viability. As stated above, the current fitness facilities are outdated; construction and operation of the Wellness Pavilion will support the viability of an established educational institution that plays a vital role in educating women from diverse backgrounds. Further, higher education institutions play an essential role in the health and wellness of their students. The Wellness Pavilion will address the lack of adequate fitness and wellness facilities on the Campus.

The existing fitness and recreation facilities located on the Campus must be updated to ensure MSMU can provide their students with similar fitness facilities offered at other universities, located in the City. Operation of the Wellness Pavilion will not increase student enrollment however the Wellness Pavilion will be used to host existing on-Campus events and new events. A total of seven existing events currently held elsewhere on the Campus would be moved to the Wellness Pavilion. Besides the change in location, there would be no other change to five of the seven existing events; 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). Alternative 5 will permit an increase in the number of outside guests, students, faculty, and staff that could attend Athenian Day and Homecoming, as well as introduce the three new event types described above, which could be attended by outside

guests, students, faculty, and staff. The introduction of new events open to outside guests will further contribute to the City's diversity of uses and will provide new extracurricular events/activities for the City's existing and future residents, businesses, and visitors.

The Wellness Pavilion will be located on a developed portion of the Campus and preserve the adjacent natural open space to the east and west of the Campus, as well as the residential neighborhood to the south. Alternative 5 will result in the expansion of the Project Site's 200-foot fuel modification zone into 0.9-acres of native plant communities, however the expansion of the fuel modification is necessary to comply with fire safety requirements. Thus, construction of the Wellness Pavilion will not result in the development of natural open space. Further due to the topography and surrounding vegetation, the Project Site is not visible from the nearest residences, located along Bundy Drive. Thus, Alternative 5 will not change the atmosphere of the residential community to the south.

Alternative 5 will contribute to the Campus' physically balanced distribution of uses that contributes towards and facilitates the City's long-term fiscal and economic viability, while also supporting the needs of the City's existing and future residents, businesses, and visitors, and conserving the natural open space and residential community that is adjacent to the Campus and Project Site.

*Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.*

#### **a. Plan Approval**

The Campus land use designation is Minimum Residential and is zoned as RE40-H-1. As set forth in Table 3-1, Land Use Standards and Typical Development Characteristics, in the General Plan Framework, typical development characteristics of the Single-Family Residential category, which includes uses designated for Minimum Residential, include the development of single-family dwelling units, as well as supporting uses such as parks, schools, and community centers. Alternative 5 involves the construction of a new fitness and recreation building (Wellness Pavilion), a pool, surface parking lots, improvements to an internal roadway, and new landscaped areas. Alternative 5 will be consistent with the Single-Family Residential category from the Framework Element, as this category allows for the development of schools. Overall, Alternative 5 will be generally be consistent with the General Plan Framework's guidelines.

*Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution.*

#### **a. Plan Approval**

Alternative 5 includes components to restrict the interim vehicle trips that will be generated by Wellness Pavilion events, provides a variety of shuttle options, as well as last mile connections to the surrounding public transit options. MSMU's various shuttles provide transportation options for arrivals to the Campus and serves to reduce the number of trips to and from the Campus. The Campus is not served directly by public transit however the Campus is located four miles north of the Metro E Line Bundy Light Rail Station (formerly the Expo Line) and MSMU provides weekday AM and PM shuttle services to and from the light rail station and the Campus. Additionally, the City of Santa Monica Big Blue Buses and Local and Rapid Metro Buses provide public transit service along Sunset Boulevard, Wilshire Boulevard, Santa Monica Boulevard, and San Vicente

Boulevard. MSMU provides weekday AM and PM shuttle services to and from the Metro bus station located at Sunset Boulevard and Saltair Avenue. MSMU operates several shuttles including a weekday inter-campus shuttle (between the Doheny and Chalon Campuses), a weekday Union station shuttle (between the Doheny Campus and Union Station), a daily afternoon and evening Explore LA shuttle (providing access to the Westwood community and City of Santa Monica), a weekday E Line (formerly the Expo Line) Bundy Station shuttle and a weekly club sports team shuttle, as MSMU's club volleyball and basketball practices are held off-site. In addition to the shuttle services described above, MSMU operates a rideshare program that provides faculty and staff a monthly \$50.00 transit subsidy, carpool program, TAP card, guaranteed ride home program, Enterprise Carshare Program, park and rideshare information, and ZimRide vehicles (a rideshare program).

Alternative 5 will implement maximum daily vehicle trip caps for the Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for the Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E). Alternative 5 will promote an improved quality of life by reducing the number of vehicle trips associated with operation of the Wellness Pavilion.

*Policy 3.2.4: Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.*

*Goal 3B: Preservation of the City's stable single-family residential neighborhoods.*

*Objective 3.5: Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

*Policy 3.5.2: Require that new development in single-family neighborhoods maintains the predominant and distinguishing characteristics, such as property setbacks and building scale.*

### **a. Plan Approval**

Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots, while maintaining the overall spatial relationships with the surrounding environment.

The 3.8-acre Project Site is located on the northern portion of the 45-acre Campus and currently developed. Surrounding uses include open space to the east, west, and north, and single-family residential uses to the south. The closest single-family residence, located along Bundy Drive is approximately 300 feet from the Campus. The Campus, including the Project Site is Zoned RE40-H-1 and subject to the LAMC's Single-Family Zone Hillside Area Development Standards. Pursuant to LAMC Section 12.21 C.10-1, parcels located in a City designated Hillside Area and zoned RE40 must maintain a front yard setback that is not less than 20 percent of the lot depth and not greater than 25 feet; a 10-foot side yard setback and for buildings with a height greater than 18 feet, one additional foot shall be added to each required side yard for each increment of 10 feet or fraction thereof above the first 18 feet; and a rear yard setback that is not less than 25 percent of the lot depth and not greater than 25 feet. Alternative 5 will comply with all required setbacks.

In combination with the RE40 Zone and City designated Hillside Area, Height District 1 imposes a maximum height of 30 feet for buildings with a roof slope of less than 25 percent. In combination with the RE40 Zone and City designated Hillside Area, the LAMC sets a minimum guarantee residential floor area of 18 percent of the total lot size. The Wellness Pavilion's additional square footage will result in approximately 13.5 percent of the entire Campus (which is a single lot) being developed, below the guaranteed minimum residential floor area of 18 percent. MSMU is requesting a determination to allow a maximum building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet as discussed further below. Additionally, MSMU is requesting a Zoning Administrators Determination to exceed the maximum by-right cut and fill amount of 6,600 cubic yards and the maximum number and height of retaining walls permitted on a parcel zoned RE40. Both of these requests are discussed in greater detail below.

With the exception of the Campus and Carondelet Center, the land uses along Chalon Road and Bundy Drive, north of Sunset Boulevard, consist of low-density residential neighborhoods. The nearest residences to the Project Site, are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection. These residences are sited approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site. Single-family residences are also located along Chalon Road south and east of the Campus and along Grace Lane directly south of the Carondelet Center. Similar to the single-family homes located to the north of the Bundy Drive/Chalon Road intersection, the residences along Chalon Road and Grace Lane are substantially lower in elevation than the Campus (including the Project Site), ranging from 200 to 400 feet below the Campus setting. The difference in elevation between the surrounding land uses and the Campus reduces the visual interaction between the surrounding land uses and Campus and will ensure that the character and scale of the single-family residential neighborhood is maintained.

### **b. Height Modification**

The Wellness Pavilion will require a determination to allow a maximum building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet for a building located in the

RE40-1-H Zone with a roof slope of less than 25 percent, as permitted by LAMC Section 12.21 C.10(d). Additional height is required due to the nature of the use (e.g., a gym with a tall ceiling) and the sloping topography of the Site.

The Campus is located on a ridge on the south flank of the Santa Monica Mountains and slopes to the south. The Project Site is currently developed and located on the northern portion of the Campus. As stated above, the nearest residences to the Project Site, are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection. These residences are sited approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site. The existing buildings on Campus range in height from 12 feet tall to 70 feet tall, with the Mary Chapel bell tower being 113 feet tall. While the Wellness Pavilion will be relatively higher than Rossiter Hall to the south (35 feet tall), the Yates, Aldworth and Burns Houses, located to the immediate north (43 feet tall), as well as the Mary Chapel (which is located immediately south of the Project Site and 54 feet tall), will have a greater height than the Wellness Pavilion, creating a visually interesting tiering effect.

The Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. Thus, the character and scale of stable single-family residential neighborhoods will be maintained; Alternative 5 is compatible with the surrounding on-Campus development and the requested height increase will not conflict with the scale and character of existing single-family residential development.

#### *Chapter 6 – Open Space and Conservation*

*Policy 6.1.6: Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics.*

##### **a. Plan Approval**

The Campus is surrounded by open space to the east, west, and north. Alternative 5 will be constructed on a developed portion of the Campus. The Project Site is currently developed with a 1,030 square-foot single-story Fitness Center building, two Facilities Management buildings (a two-story 3,500 square-foot building and a single-story 1,470 square-foot building), two tennis courts, a swimming pool, and several surface parking lots. Alternative 5 will result in the expansion of the Project Site's 200-foot fuel modification zone into 0.9-acres of native plant communities, however due to the proximity of the 200-foot fuel medication zone to developed areas of the Campus, the new fuel modification area is required per regulations designed to enhance fire safety. Thus, Alternative 5 will preserve the surrounding open space to the maximum extent feasible.

#### **Brentwood-Pacific Palisades Community Plan**

The Brentwood-Pacific Palisades Community Plan was adopted by the Los Angeles City Council on June 17, 1998. The Community Plan's purpose is to, "to promote an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community." Alternative 5 will be in conformance with the following goals, objectives, and policies as described below.

Objective 1-3: *To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.*

Policy 1-3.2: *Preserve existing views in hillside areas.*

#### **a. Plan Approval**

As discussed above the Campus has existed in its current location since 1929. Since 1931, with the construction of Brady Hall, MSMU has made Campus improvements, including new buildings which require discretionary approvals. Coinciding with the Campus improvements, the surrounding neighborhood comprised of single-family residences has developed around the Campus.

The Campus is located on a ridge on the south flank of the Santa Monica Mountains and slopes to the south. Open space surrounds the Campus to the east, west, and north, and single-family residences are located to the south. The Project Site is currently developed and located on the northern portion of the Campus. As stated above, the nearest residences to the Project Site, are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection. These residences are sited approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site. Due to the Campus and surrounding area's topography and the location of the Project Site within the Campus, the Wellness Pavilion will not impact the residential character and integrity of the single-family residential neighborhood to the south.

As discussed in detail below under "Height Modification", the existing views in hillside areas will be preserved under Alternative 5.

Operation of the Wellness Pavilion will not increase student enrollment however the Wellness Pavilion will be used to host existing on-Campus events and new events. A total of seven existing events currently held elsewhere on the Campus will be moved to the Wellness Pavilion. Besides the change in location, there will be no other change to five of the seven existing events; Athenian Day and Homecoming, will 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). Alternative 5 will permit an increase in the number of outside guests, students, faculty, and staff that could attend Athenian Day and Homecoming, as well as introduce the three new event types described above, which could be attended by outside guests, students, faculty, and staff. While the introduction of new events open to outside guests will result in new vehicle trips, the Wellness Pavilion will provide a practice facility to accommodate MSMU's club sport practices and games, fostering an improved educational experience and eliminating operational challenges by removing the necessity of locating club sport practices and games off-site.

To ensure the new interim vehicle trips do not impact the residential character of the community, Alternative 5 will include traffic operational restrictions, applicable to events hosted at the Wellness Pavilion, in regards to maximum daily vehicle trip caps for Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for the Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable

to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance will exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E). Thus Alternative 5's operational activities will not impact the residential character and integrity of the surrounding residential neighborhood.

### **b. Height Modification**

The Wellness Pavilion will require a building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet for a building located in the RE40-1-H Zone with a roof slope of less than 25 percent, as permitted by LAMC Section 12.21 C.10(d). Additional height is required due to the nature of the use (e.g., a gym with a tall ceiling) and the sloping topography of the Site.

The Campus is located on a ridge on the south flank of the Santa Monica Mountains and slopes to the south. The Project Site is currently developed and located on the northern portion of the Campus. As stated above, the nearest residences to the Project Site, are located along Bundy Drive, to the north of the Bundy Drive/Chalon intersection. These residences are sited approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site. The existing buildings on Campus range in height from 12 feet tall to 70 feet tall, with the Mary Chapel bell tower being 113 feet tall. While the Wellness Pavilion, would be relatively higher than Rossiter Hall to the south (35 feet tall), the Yates, Aldworth and Burns Houses, located to the immediate north (43 feet tall), as well as the Mary Chapel (which is located immediately south of the Project Site and 54 feet tall), will have a greater height than the Wellness Pavilion.

The Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. The Campus is visible from hiking trails to the north and west and at a higher elevation than the Project Site. Views of Alternative 5 from the northern hiking trail will be largely obscured by intervening land forms, vegetation, and buildings (the tops of the Yates, Aldworth and Burns Houses). The Mary Chapel bell tower will be taller than the Wellness Pavilion and will remain visible. Alternative 5 will not break the skyline and will not block existing views of the skyline, nearby hills, and/or the horizon as viewed from trails along the Santa Monica Mountains foothills to the north.

The closest public access to the Campus from the west is the hiking trail on the first major ridge to the west, which is located more than 0.32 miles west of the Project Site. The trail is located approximately 0.24 mile to the north of the North Tigertail Road terminus at an elevation of approximately 1,300 feet above mean sea level (amsl) (approximately 200 feet higher than the Project Site). Under Alternative 5, the Wellness Pavilion will be located on the northern portion of

the Project Site and the Campus would be visible in the foreground/mid-ground of existing panoramic views of the Santa Monica/Hollywood Hills and the horizon currently across the Campus. Alternative 5 will not block any existing horizon views or existing views of natural hillsides.

The Project Site will also be visible from two local residential streets to the southwest, including Canna Road at Sky Lane and North Tigertail Road. The Sky Lane/Canna Road view location is located approximately 0.32 miles southwest of the Site. Alternative 5 will be a small background feature and will not block views of the surrounding and/or background open space, including the view of the fire road/trail in the center left of the photograph, or views of the horizon.

The North Tigertail Road view location is located approximately 0.58 miles southwest of the Project Site. The Wellness Pavilion will be located on the northern portion of the Site and would be largely obscured by landform and vegetation, and would not encroach into the existing views of the ridgeline or affect horizon views. No existing open space would be infringed upon and no views of open space, including views of the surrounding Santa Monica Mountains would be affected. It is further noted that public views from these public streets are limited to a few openings between residences and are not considered to be valued key views that would be generally available to or valued by the public. No other view fields across the Project Site are available from neighborhood streets that are closer to the Campus. Views across the Campus will be available from the Getty Center, approximately 0.58 mile to the southwest. Views of the Wellness Pavilion will be obscured by the existing Humanities Building, landform, and vegetation. Alternative 5 will not block any open space vistas, including ridgelines or open space as viewed from this location.

Thus, Alternative 5's height will not interfere with existing hillside views and Alternative 5 will be compatible with and will not impact the residential character and integrity of the surrounding residential neighborhood.

*Goal 4: A Community with sufficient open space in balance with development to serve the recreational, environmental, health and safety needs of the community and to protect environmental and aesthetic resources.*

*Objective 4-1: To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.*

*Policy 4-1.1: Natural resources should be conserved on privately-owned land of open space quality and preserved on state parkland. City parks should be further developed as appropriate.*

#### **a. Plan Approval**

The Campus is located on a ridge on the south flank of the Santa Monica Mountains and slopes to the south. As discussed above, the Campus is surrounded by open space to the east, west, and north. Alternative 5 will be constructed on a developed portion of the Campus. The Project Site is currently developed with a 1,030 square-foot single-story Fitness Center building, two Facilities Management buildings (a two-story 3,500 square-foot building and a single-story 1,470 square-foot building), two tennis courts, a swimming pool, and several surface parking lots. Alternative 5 will result in the expansion of the Project Site's 200-foot fuel modification zone into 0.9-acres of native plant communities, however due to the proximity of the 200-foot fuel

medication zone to developed areas of the Campus, the new fuel modification area is already subject to indirect effects to biological resources associated with Campus activities. Thus, Alternative 5 will preserve the surrounding open space to the maximum extent feasible.

### **b. Height Modification**

The Wellness Pavilion will require a building height of 42 feet, in lieu of the otherwise permitted maximum building height of 30 feet for a building located in the RE40-1-H Zone with a roof slope of less than 25 percent, as permitted by LAMC Section 12.21 C.10(d). Additional height is required due to the nature of the use (e.g., a gym with a tall ceiling) and the sloping topography of the Site. The Campus is located on a ridge on the south flank of the Santa Monica Mountains and slopes to the south. The Project Site is currently developed and located on the northern portion of the Campus. The requested increase in height will not impact any of the surrounding open space.

*Goal 6: Appropriate locations and adequate facilities for schools to serve the needs of existing and future population.*

*Objective 6-1: To site schools in locations complementary to existing land uses and community character.*

*6-1.1: Encourage compatibility in school locations, site layout and architectural design with adjacent land uses and community character.*

### **a. Plan Approval**

As discussed above the Campus has existed in its current location since granted in 1929. The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. The nearest residential uses are located approximately 300 feet from the Project Site. Since 1931, with the construction of Brady Hall, MSMU has made Campus improvements, including the construction of new buildings which require discretionary approvals. Coinciding with the Campus improvements, the surrounding single-family residential neighborhood has developed around the Campus.

The Campus land use designation is Minimal Residential and is zoned as RE40-H-1. As set forth in Table 3-1, Land Use Standards and Typical Development Characteristics, in the General Plan Framework, typical development characteristics of the Single-Family Residential category, which includes uses designated for Minimum Residential, include the development of single-family dwelling units, as well as supporting uses such as parks, schools, and community centers. Alternative 5 involves the construction of a new fitness and recreation building (Wellness Pavilion), a pool, surface parking lots, improvements to an internal roadway, and new landscaped areas. Alternative 5 will be consistent with the Single-Family Residential category from the Framework Element, as this category allows for the development of schools.

The Project Site is currently developed with the Campus' existing fitness facilities that include with a 1,030 square-foot single-story Fitness Center building, two Facilities Management buildings (a two-story 3,500 square-foot building and a single-story 1,470 square-foot building), two tennis courts, a swimming pool, and several surface parking lots. Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots.

The Wellness Pavilion design and layout reflect a consideration of the Campus' relationship to adjacent residential uses. Alternative 5 will create a visually unified Campus with buildings and landscaping that respect the scale and character of the surrounding area. The Wellness Pavilion as proposed under Alternative 5 will demolish outdated fitness facilities and construct a building that includes a colonnade of columns and glazing, differentiating the ground level from the second level, and creating a pleasing pedestrian environment. The ground floor colonnade element will preserve the color, proportions and rhythm of the typical gothic arch colonnades found throughout Campus, while the second story will be constructed out of glazed glass allowing for the infiltration of natural light and reducing the demand on artificial lighting. The typical clay tile roof forms of older on Campus buildings will be reinterpreted as an expansive ceiling (an inverted roof) bringing the texture and color found on the clay roofs inside the building.

The Wellness Pavilion will be proportioned to be similar in height (a maximum of 42 feet tall) to the adjacent Campus buildings, including Mary Chapel (which is 54 feet tall, 113 feet tall at the top of the bell tower), Rossiter Hall (which is 35 feet tall), and Yates, Aldworth, and Burns Residences (43 feet tall). With the exception of the Campus and Carondelet Center, the land uses along Chalon Road and Bundy Drive, north of Sunset Boulevard, consist of low-density residential neighborhoods. The nearest residences to the Project Site, are located along Bundy Drive, to the north of the Bundy Drive/Chalon Road intersection. These residences are sited approximately 300 feet below the Project Site and do not have views of the developed portion of the Campus, including the Project Site. Single-family residences are also located along Chalon Road south and east of the Campus and along Grace Lane directly south of the Carondelet Center. Similar to the single-family homes located to the north of the Bundy Drive/Chalon Road intersection, the residences along Chalon Road and Grace Lane are substantially lower in elevation than the Campus (including the Project Site), ranging from 200 to 400 feet below the Campus setting. The difference in elevation between the surrounding land uses and the Campus reduces the visual interaction between the residences and Campus. Residential neighborhoods with views of the Campus are located along Tigertail Road, Canna Road, and Sky Lane, but are located approximately 0.3 or more miles to the west.

As such, approval of Alternative 5's site layout and architectural design will be compatible with the existing Campus buildings and the surrounding community character.

*Goal 11: Encourage alternative modes of transportation to the use of single occupancy vehicles (SOV) in order to reduce vehicle trips.*

*Objective 11-1: To pursue transportation management strategies that can maximize vehicle occupancy, minimize average trip length and reduce the number of vehicle trips.*

*Policy 11-1.1: Encourage public schools, private schools and non-residential development to provide employee incentives for utilizing alternatives to the automobile (i.e. car pools, vanpools, buses, flex time, telecommuting, bicycles and walking, etc.).*

#### **a. Plan Approval**

Alternative 5 will include transportation operation components that restrict vehicle trips associated with the Wellness Pavilion events and MSMU will continue to provide various shuttles to and from the Campus, as well as provide last mile connections with the surrounding public transit options. MSMU's various shuttles provide transportation options for arrivals to the Campus and serves to reduce the number of trips to and from the Campus. The Campus is not served directly by public

transit however the Campus is located four miles north of the Metro E Line Bundy Light Rail Station (formerly the Expo Line) and MSMU provides weekday AM and PM shuttle services to and from the light rail station and the Campus. Additionally, the City of Santa Monica Big Blue Buses and Local and Rapid Metro Buses provide public transit service along Sunset Boulevard, Wilshire Boulevard, Santa Monica Boulevard, and San Vicente Boulevard. MSMU provides weekday AM and PM shuttle services to and from the Metro bus station located at Sunset Boulevard and Saltair Avenue. MSMU operates several shuttles including a weekday inter-campus shuttle (between the Doheny and Chalon Campuses), a weekday Union station shuttle (between the Doheny Campus and Union Station), a daily afternoon and evening Explore LA shuttle (providing access to the Westwood community and City of Santa Monica), a weekday E Line (formerly the Expo Line) Bundy Station shuttle and a weekly club sports team shuttle, as MSMU's club volleyball and basketball practices are held off-site. In addition to the shuttle services described above, MSMU operates a rideshare program that provides faculty and staff a monthly \$50.00 transit subsidy, carpool program, TAP card, guaranteed ride home program, Enterprise Carshare Program, park and rideshare information, and ZimRide vehicles (a rideshare program).

Alternative 5 will include traffic operational restrictions, applicable to events hosted at the Wellness Pavilion, in regards to maximum daily vehicle trip caps for the Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E).

Alternative 5, unlike an office or residential project, will not add daily vehicle trips. Instead, Alternative 5 will add new vehicle trips only on those days on which an Other Wellness/Sports Activities event, Health and Wellness Speaker Series event, or a Summer Sports Camp will be held on Campus. Under Alternative 5 Health and Wellness Speaker series events will be permitted a maximum of eight times per year, Other Wellness/Sports Activities events will be permitted a maximum of 12 times per year, and Summer Sports Camps will be permitted during the summer months only. LADOT determined that Alternative 5 does not meet the VMT analysis threshold of 250 new daily trips because based upon the frequency of new events and the trip caps, Alternative 5 will generate approximately only 81 average daily weekday vehicle trips under a worst-case scenario.

Thus, the design features associated with Alternative 5, specifically the TDM measures and vehicle trip restrictions, such as requiring that shuttles be used to transport outside guests to certain events, will encourage alternative modes of transportation, and reduce trips to the extent feasible.

Policy 13-1.2: *New development projects shall be designed to minimize disturbance to existing traffic flow with proper ingress and egress to parking.*

Policy 13-1.2: *Discourage non-residential traffic flow for streets designed to serve residential areas only by the use of traffic control measures.*

#### **a. Plan Approval**

Alternative 5 will include construction and operational components to minimize disturbance to the existing traffic flow. Regarding construction of the Wellness Pavilion, Alternative 5's temporary construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. In accordance with PDF-TRAF-1, MSMU will be required to prepare and submit a Construction Traffic Management Plan to the City of Los Angeles Department of Transportation (LADOT) for approval. The Construction Traffic Management Plan will disclose street closure information, detour plans, haul routes, staging plans, require that access be maintained for surrounding residences, prohibit haul truck staging on surrounding roadways and truck loading and unloading, schedule construction related deliveries (excluding concrete related deliveries) between the hours of 7 AM and 3 PM to avoid PM peak hours, coordination with emergency service providers to ensure adequate access to the Campus and surrounding neighborhood is provided at all times, require MSMU to attend bi-monthly construction management meetings with City staff, Archer School for Girls and Brentwood School to avoid overlapping hauling activities, provide advance notice to LADOT and the surrounding schools of upcoming construction activities and post a hotline on Campus, including at the entrance to the Campus, to provide the public with a number to call to report non-compliance with the Construction Traffic Management Plan. Additionally, PDF-TRAF-2 will require MSMU to prepare a Construction Parking Plan prior to issuance of a building permit. The Construction Parking Plan shall identify temporary on Campus parking areas for students, faculty, staff and construction workers and requires that all construction workers park on Campus. Thus Alternative 5 includes features to minimize its construction activities disturbance to existing traffic flow and will provide on-site parking for all construction workers.

In regard to operational activities, Alternative 5 will implement maximum daily vehicle trip caps for the Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall

trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E).

Thus, the implementation of Alternative 5's PDFs will minimize disturbance to the area's existing traffic flow and include features to require the use of shuttles and carpools if specified trip thresholds are met.

Policy 15-1.1: *Consolidate parking where appropriate, to minimize the number of ingress and egress points onto arterials.*

Policy 15-1.2: *New parking lots and new parking garages shall be developed in accordance with the design standards.*

#### **a. Plan Approval**

There are currently 561 vehicle parking spaces on the Campus, of which 226 spaces are located on the Project Site. As shown in the table below and in compliance with LAMC Sections 12.21 A.4(d) and 12.21 A.4(e), Alternative 5 will be required to provide a total of 95 vehicle spaces. Alternative 5 will provide a total of 186 parking spaces, a net reduction of 46 spaces, in three surface parking lots. Thus Alternative 5 will provide 91 excess vehicle spaces on the Project Site, but will reduce the total number of Campus vehicle spaces from 561 spaces to 521 spaces.

<b>Alternative 5 Required Vehicle Parking</b>			
<i>Wellness Pavilion</i>	<i>Parking Rate</i>	<i>Required</i>	<i>Provided</i>
26,550 sf of assembly space	1 space / 500 sf	53 spaces	186
212 fixed seats	1 space / 5 fixed seats	42 spaces	

The three new surface parking lots that will be constructed as part of Alternative 5 will be required to comply with LADOT design standards. Ingress and egress to the Campus from Chalon Road is through the Carondelet property. Alternative 5 will not result in any change to the existing Campus ingress/egress.

#### **CEQA Findings**

An Environmental Impact Report (ENV-2016-2319-EIR) was prepared for Alternative 5. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the EIR, there is no substantial evidence that Alternative 5 will have a significant effect on the environment. The EIR reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Major Projects Section of the Planning Department in Suite 1350, 221 N. Figueroa Street.

#### **I. INTRODUCTION**

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and

the general public regarding the objectives and environmental impacts of the Mount Saint Mary's (MSMU) Wellness Pavilion (Project), located within a 3.8-acre portion of MSMU's Chalon Campus (Campus) at 12001 Chalon Road, Los Angeles, CA 90049 (Site or Project Site).

The Project involves the construction of a new 38,000-square-foot, 2-story Wellness Pavilion that would provide students, faculty, and staff with comprehensive health and wellness services including modern amenities needed for physical and health education. The proposed Wellness Pavilion would include a recreation and practice gym, multi-purpose rooms, exercise rooms, physical therapy lab, dance and cycling studios, offices and support space, and a new outdoor pool area. The Project would not increase enrollment at the Campus.

The EIR analyzed the project originally proposed by the applicant (referred to as the "Original Project"), as well as multiple alternatives, including Alternative 4, *Reduced Event Alternative*. In response to comments from the public made on the Draft EIR, and pursuant to guidance offered by the City of Los Angeles (the "City"), the Final EIR also analyzed an alternative not included in the Draft EIR, Alternative 5. Alternative 5 incorporates event reductions that are similar to those of Alternative 4, as well as further operational restrictions designed to reduce significant environmental impacts. Alternative 5 eliminates the parking deck component of the Original Project and shifts the location of the Wellness Pavilion to the north, into the former parking deck space. Compared to the Original Project, Alternative 5 would result in a net reduction of 46 parking spaces. Alternative 5 would allow for the preservation of the existing two-story Facilities Management building, which would be demolished under the Original Project, reduce overall construction length by approximately two months, and incrementally reduce the Wellness Pavilion's floor area from 38,000 square feet to 35,500 square feet. Other than the physical and operational differences between Alternative 5 and the Original Project explained in the Final EIR, Alternative 5 is identical to the Original Project and will include the implementation of all of the Original Project's PDFs and mitigation measures.

For purposes of these Findings, the term "Project" is used for statements that are equally attributable to the Original Project and Alternative 5. Where a statement applies specifically only to the Original Project or Alternative 5, the more specific terminology is used.

The City, as Lead Agency, has evaluated the environmental impacts of the implementation of the Original Project by preparing an EIR (Case Number ENV-2016-2319-EIR/State Clearinghouse No. 2016081015). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public 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[.]" The procedures required by CEQA "are intended to assist public agencies in systematically

identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for Alternative 5 as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of Alternative 5.
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.

- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

## II. ENVIRONMENTAL REVIEW PROCESS AND RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of CEQA (Pub. Resources Code § 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 31-day period commencing on August 4, 2016 and ending on September 4, 2016. The NOP also provided notice of a Public Scoping Meeting held on August 16, 2016. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project/No Build" alternative (Alternative 1), a "Reduced Intensity Alternative – 50 Percent Floor Area Reduction" (Alternative 2), an "Alternative Construction Route" (Alternative 3, and a "Reduced Event Alternative" (Alternative 4). The Draft EIR for the Project (State Clearing House No. 2016081015) incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for an

initial 48-day public comment period beginning on April 12, 2018, and a 15-day extension was added, for a total public comment period of 63 days ending on June 13, 2018. A Notice of Completion and Availability (NOC/NOA) was distributed on April 12, 2018 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and could be accessed and reviewed by members of the public by appointment with the Planning Department, and digital copies were made available to the Los Angeles Central Library at 630 W. 5<sup>th</sup> Street, Los Angeles, CA 90071, the West Los Angeles Regional Library at 11360 Santa Monica Boulevard, Los Angeles, CA 90025, the Westwood Branch Library at 1246 Glendon Avenue, Los Angeles, CA 90024, and the Donald Bruce Kaufman – Brentwood Branch Library at 11820 San Vicente Boulevard, Los Angeles CA 90049. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on April 12, 2018.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on April 12, 2018, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on June 17, 2021, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Chapter II, Responses to Comments, of the Final EIR. In Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, the City made revisions, clarifications and corrections to the Draft EIR regarding the Project and in addition, analyzed the environmental effects of Alternative 5, focusing particularly on the differences in its environmental impacts as compared to those of the Original Project analyzed in the Draft EIR. Notices regarding the availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Public Hearing.** A noticed public hearing for the Project was held by the Deputy Advisory Agency/Hearing Officer on behalf of the City Planning Commission on July 14, 2021. Notices were mailed and posted to the Department's website on June 17, 2021. After the Public Hearing, the City Clerk notified Planning Staff that the Public Hearing Notice and NOA/NOC had not been published in the Daily Journal, as required by the LAMC. Thus a second Public Hearing will be held by the City Planning Commission on October 21, 2021 to satisfy this noticing requirement.

## RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Original Project and Alternative 5 includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City determined to approve Alternative 5. The

following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Original Project plans and application materials including supportive technical reports;
- All Alternative 5 plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, the Final EIR and Appendices, and all documents cited, relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Original Project and Alternative 5;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. SCH#2019011061));
- The Los Angeles Municipal Code, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision and these CEQA Findings are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> and click on the Project title, where the Draft and Final EIR are made available. Due to government facility closures as a result of the COVID-19 crisis, the Final EIR documents could not be made available at a public library. However, consistent with state emergency orders, the public was notified of an ability to call or email the City and schedule an appointment to review the documents at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. - 4:00 p.m.

### **III. DESCRIPTION OF ALTERNATIVE 5**

Alternative 5 involves the demolition of two tennis courts, the outdoor pool area, one Facilities Management building and the Fitness Center building, and several surface parking lots on a 3.8-acre portion of the Campus, and the development of a 35,500 square-foot two-story Wellness Pavilion, a new outdoor pool area, landscaped open space, and several surface parking lots totaling 186 vehicle spaces (a net decrease of 46 spaces). The Wellness Pavilion would provide students, faculty, and staff with a gym, multi-purpose rooms, a physical therapy lab, dance and cycling studios, lockers, showers, restrooms, and an equipment storage area. Alternative 5 does not include a request to increase student enrollment but would introduce three new types of events which could be attended by outside guests, students, faculty, and/or staff. Alternative 5's new events would include: 1. Summer Sports Camps (which would operate over a 12-week period during the summer), 2. Health/Wellness Speaker Series (a maximum of eight annual events), and 3. Other Wellness/Sports Events/Activities (a maximum of 12 events per year). Additionally, two existing events, Athenian Day and Homecoming, with potential attendance increases currently held elsewhere on Campus would be moved to the Wellness Pavilion, and Club Sports activities, both practices and games, but not intercollegiate sports, would be permitted. Alternative 5 would include a maximum building height of 42 feet, require a total of 9,343 cubic yards of grading (cut and fill), and 12 retaining walls with a maximum height of 17 feet. A complete description of Alternative 5 is provided in Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR.

As explained on Page B-1 of Appendix B of the Final EIR, revisions to the CEQA Guidelines Appendix G—Environmental Checklist Form became effective on December 28, 2018, but do not apply to CEQA documents that were sent out for public review before the effective date. The Draft EIR's initial 48-day public review period commenced on April 12, 2018 and was scheduled to end on May 29, 2018. A 15-day extension was added to the public review period extending the review date until June 13, 2018 for a total of 63 days. Therefore, the revisions to Appendix G do not apply to the Project's Draft EIR or Final EIR. However, for informational purposes only, a discussion of the revised Appendix G checklist was included in the Final EIR for both the Project and Alternative 5. That analysis and the substantial evidence included and referenced therein forms the basis for the City's findings with respect to less than significant impacts in the impact categories discussed below which were added to the Environmental Checklist Form following the release of the Draft EIR.

### **IV. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT WITHOUT MITIGATION OR LESS THAN SIGNIFICANT IN THE EIR**

Impacts of Alternative 5 that were determined to have no impact or to be a less than significant impact in the EIR (including having a less than significant impact with the incorporation of PDFs and compliance with regulatory compliance measures, where applicable) and that require no mitigation are identified below.

The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by Alternative 5 and, therefore, no additional findings are needed. The following information does not repeat the full discussion of environmental impacts contained in the EIR or the Initial Study (Appendix A to the Draft EIR). The City ratifies,

adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the EIR and of the Initial Study.

## **A. Aesthetics:**

### **1. Scenic Vista**

As discussed on pages IV.A-1 through IV.A-43 of Chapter IV of the Draft EIR and pages III-29 through III-34 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would not have a substantial adverse effect on a scenic vista, and impacts would therefore be less than significant. Alternative 5 would not block any scenic vistas or views of open space, ridgelines, horizons, or other hillside and urban views, and would be minimally visible from public view locations. Impacts related to views and scenic vistas would be similar during construction and operation and less than significant under Alternative 5.

### **2. Visual Character and Quality**

As noted on page B-1 of Appendix B of the Final EIR, revisions to the CEQA Guidelines have clarified that in urbanized areas such as the Project Site, visual character and quality of public views are not considered, apart from a determination of a project's consistency with regulations that govern scenic quality. As discussed on pages III-41 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's visual quality impacts would be less than significant because it would not encroach upon or adversely impact existing visual resources, including surrounding undeveloped open spaces, the Campus Circle, and the Campus's historic buildings, would incorporate complementary building materials that are seen throughout the Campus, and would replace existing utilitarian buildings with a new building designed in an architectural style that complements the surrounding buildings.

### **3. Light and Glare**

As discussed on pages IV.A-1 through IV.A-43 of Chapter IV of the Draft EIR and pages III-42 through III-43 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, and light and glare impacts would therefore be less than significant. Adjacent undeveloped open space would not be illuminated under Alternative 5. The Project Site's distance from the closest off-site residential viewers (0.3-mile), combined with the shielding of source light required by PDF-AES-1 and relevant LAMC provisions, would limit impacts with respect to lighting to a level of less than significant. Alternative 5 would also implement PDF-AES-2, requiring that glass used in building facades minimize glare, and applicable energy and building code requirements would further require the reduction of glare.

## **B. Agriculture and Forestry Resources:**

### **1. Farmland**

As explained on page B-4 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project's Project Site is not located on designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown in the General Plan Land Use Map for the Brentwood-Pacific Palisades Community Plan or maps prepared pursuant to the Farmland Mapping and Monitoring Program, no agricultural or other related activities occur on the Project Site or within the Project vicinity, and the Original Project would therefore not result in any impacts

to farmland. Alternative 5 would be constructed on the same Project Site as the Original Project. Therefore, Alternative 5 would not result in any impacts to farmland.

## **2. Agricultural Zoning**

As explained on page B-4 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, no agricultural uses are permitted within the land use or zoning designation applicable to the Campus, no agricultural zoning is present in the immediate surrounding area, and no nearby lands are enrolled under the Williamson Act, and the Original Project would therefore not conflict with existing zoning for agricultural use or a Williamson Act contract. Alternative 5 would use the same Project Site as the Original Project, and Alternative 5 would therefore similarly result in no impacts with respect to agricultural zoning.

## **3. Forestland Zoning**

As explained on page B-4 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, no portion of the Campus is designated for forest land or timberland production and the Original Project would therefore not conflict with existing zoning or cause the rezoning of forest land, timberland, or timberland production land. Alternative 5 would have the same Project Site as the Original Project and would similarly result in no impacts with respect to forestland zoning.

## **4. Loss of Forest Land**

As explained on page B-4 through B-5 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is currently developed and no forest lands exist within the Campus, and development of the Original Project would therefore not cause a loss of forest land. Because Alternative 5 will occur on the same Project Site as the Original Project, this conclusion follows for Alternative 5 as well.

## **5. Conversion of Farmland or Forest Land**

As explained on page B-5 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, no agricultural resources or operations currently exist on or near the Project Site or Campus, and the Original Project would therefore result in no impacts with respect to the conversion of Farmland. Because Alternative 5 will occur on the same Project Site as the Original Project, this conclusion follows for Alternative 5 as well.

### **C. Air Quality:**

#### **1. Criteria Air Pollutants**

As discussed on page IV.B-37 of Chapter IV the Draft EIR, operational emissions from the Original Project would not introduce any substantial stationary sources of emissions, anticipated CO emissions would not violate state and/or federal standards, nor would operational emissions exceed the SCAQMD regional or local thresholds or result in ground level concentrations that exceed the NAAQS or CAAQS and would therefore be less than significant. As discussed on page III-44 through III-45 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would also incorporate PDF-AQ-1 through PDF-AQ-8, and emissions during operation would be similar to those of the Original Project and would therefore also be less than

significant. With respect to Alternative 5's criteria air pollutant impacts during construction, see Section V B below.

## **2. Sensitive Receptors**

As discussed on pages IV.B-41 through IV.B-48 of Chapter IV of the Draft EIR and pages III-45 through III-46 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts with respect to sensitive receptors would be less than significant. Alternative 5 would not expose sensitive receptors to substantial pollutant concentrations from localized construction emissions, and localized emissions during operation would not exceed the SCAQMD's localized thresholds, as shown on Table IV.B-7 of the Draft EIR. Further, Alternative 5's overall Toxic Air Contaminants (TAC) emissions from construction would result in a less than significant incremental increase in lifetime carcinogenic health risks to off-site receptors, and Alternative 5 would not contain substantial TAC sources and would be consistent with CARB and SCAQMD guidelines.

## **3. Other Emissions**

As explained on page B-7 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would not introduce any major odor-producing uses that would have the potential to affect a substantial number of people, and odors generated during construction are anticipated to be localized and temporary in nature, and impacts with regard to odors and other emissions would be less than significant. Because Alternative 5 would involve the same type of uses as the Original Project and use the same construction methods with a slightly reduced construction schedule, impacts with respect to Alternative 5 would also be less than significant.

### **D. Biological Resources:**

#### **1. Special Status, Sensitive or Candidate Species**

As discussed on pages IV.C-1 through IV.C-39 of Chapter IV of the Draft EIR and page III-46 through III-47 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts to special status, sensitive or candidate species would be less than significant. Direct and indirect impacts to plant communities and special status plant species would be less than significant under Alternative 5, and impacts to four special-status wildlife species not observed on the Project Site but with the potential to occur are expected to be less than significant. Alternative 5 would not disturb wildlife in a way that would meaningfully diminish the chances for long-term survival of a special-status species.

#### **2. Riparian and Sensitive Natural Communities Habitat**

As discussed on pages IV.C-1 through IV.C-39 of Chapter IV of the Draft EIR and page III-47 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would have no impacts to riparian and sensitive natural communities habitat because the Project Site does not contain any Waters of the U.S., Waters of the State, or wetlands under the jurisdiction of the US Army Corp of Engineers (USACE)/Regional Water Quality Control Board (RWQCB), or any streambed and associated sensitive riparian habitat.

### **3. Wetlands**

As explained on page B-7 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is currently developed and the open space areas along the slopes adjacent to the Project Site do not contain wetlands, and the Original Project would therefore have no impact on wetlands. Because Alternative 5 would use the same Project Site as the Original Project, Alternative 5 would also result in no impacts to wetlands.

### **6. Adopted Habitat Conservation Plans**

As explained on page B-9 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is not located within a habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan and will therefore not conflict with the provisions of any conservation plan. Alternative 5 would use the same Project Site as the Original Project and would similarly have no impacts in this category.

#### **E. Cultural Resources:**

##### **1. Historic Resources**

As discussed on pages IV.D.1-1 through IV.D.1-2 of Chapter IV of the Draft EIR and page III-49 through III-50 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's direct and indirect impacts to historic resources would be similar to those of the Original Project and less than significant.

##### **2. Human Remains**

As discussed on page III-51 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts to human remains would be less than significant, because in the unlikely event that previously unknown human remains are encountered during construction excavations, compliance with existing regulations would ensure that no human remains are disturbed.

#### **F. Energy:**

##### **1. Wasteful, Inefficient, or Unnecessary Consumption**

The Original Project's estimated net operational electricity demand is provided in Chapter VII, Appendix F – Energy Analysis, and in Appendix L, Energy Worksheets, of the Draft EIR. As shown therein, the Original Project would result in a projected consumption of electricity totaling approximately 0.68 million kWh per year. The existing facility uses approximately 0.10 million kWh per year. As such, the Original Project would result in a net new consumption of electricity within the Site of 0.57 million kWh per year. The Original Project is projected to generate an annual demand for natural gas totaling approximately 0.62 million kBtu. The Project Site currently consumes approximately 0.06 million kBtu of natural gas. As such, the Original Project would result in a net new consumption of natural gas within the Site of 0.56 million kBtu. As stated on pages III-87 through III-89 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would also implement PDF-AQ-1 through PDF-AQ-8 to reduce demand on energy supplies, and would incorporate numerous energy saving and waste reduction features to minimize energy demand. Further, as a result of Alternative 5's incrementally reduced floor area and implementation of on-site solar collectors, impacts on energy consumption would be less than

the Original Project. Alternative 5 would not result in the inefficient, wasteful, and unnecessary consumption of energy during construction or operation, and impacts would therefore be less than significant.

## **2. Renewable Energy and Energy Efficiency Plans**

Draft EIR Chapter VII, page VII-25, Chapter IV, pages IV.F-28 through IV.F-58 and pages III-53 through III-54 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR discuss the Original Project and Alternative 5's consistency with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs, including through the incorporation of PDF-AQ-1 through PDF-AQ-8. This same analysis provides substantial evidence that Alternative 5 does not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would therefore be less than significant.

### **G. Geology and Soils:**

#### **1. Substantial Adverse Effects**

As discussed on pages IV.E-1 through IV.E-32 of Chapter IV of the Draft EIR and on pages III-50 through III-52 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts with respect to fault rupture, seismic ground shaking, liquefaction, and landslides would be less than significant. No active faults with the potential for surface rupture are known to pass directly beneath the Project Site, nor would Alternative 5 involve any activities that would exacerbate ground shaking. The Project Site would not be susceptible to liquefaction, and the implementation of PDF-GS-1 and recommended measures in the EIR's Geotechnical Report would ensure that Alternative 5 would not exacerbate, cause, or accelerate geological hazards related to landslides.

#### **2. Loss of Topsoil**

The Original Project's soil erosion impacts are analyzed on page IV.E-22 through IV.E-23 of the Draft EIR, which determined that compliance with existing regulations, including implementation of BMPs and collection of surface water runoff, the Original Project would not result in substantial soil erosion and/or loss of topsoil. As stated on page III-52 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would not result in substantial soil erosion or the loss of topsoil because existing erosion conditions that occur along the edges of the Project Site would be addressed through the construction of Alternative 5, improving existing conditions with respect to soil erosion. Impacts from Alternative 5 would therefore be less than significant.

#### **3. Unstable Soils**

As stated on pages IV.E-23 through IV.E-30 of Chapter IV of the Draft EIR and page III-52 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would implement temporary and permanent slope stability measures and correction of fill soils and other measures as recommended by the Geotechnical Report. Alternative 5's soil erosion impacts would be less than significant because existing erosion conditions that occur along the edges of

the Project Site would be addressed through the construction of Alternative 5, improving existing conditions with respect to soil erosion.

#### **4. Expansive Soils**

As stated on pages IV.E-23 through IV.E-30 of Chapter IV of the Draft EIR, with the incorporation of site-specific geotechnical recommendations contained in the Geotechnical Report, the Original Project's impacts related to expansive soils would be less than significant. Alternative 5 would be constructed on the same Project Site as the Original Project, and would also incorporate all of the recommendations of the Geotechnical Report, and impacts would therefore also be less than significant for Alternative 5.

#### **5. Septic Tanks**

As explained on page B-13 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is located within the currently developed Campus, the Wellness Pavilion would connect to existing wastewater infrastructure, would not use septic tanks or alternative wastewater disposal systems, and would therefore have no impacts. Alternative 5 would be constructed on the same Project Site and would similarly connect to existing wastewater infrastructure and not use septic tanks or alternative wastewater disposal systems, and would therefore also have no impacts.

#### **6. Paleontological Resources**

As discussed on pages IV.E-1 through IV.E-32 of Chapter IV of the Draft EIR and pages III-51 and III-52 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts to paleontological resources and unique geologic features would be less than significant. Given that the Project Site's underlying fill soils and the existence of a metamorphic rock, the potential to encounter paleontological resources during ground disturbing activities is considered negligible, and Alternative 5 would therefore not directly or indirectly destroy a unique paleontological resource or site. Alternative 5 would generally maintain the same ground levels as compared to existing conditions, and no mass grading is anticipated across the Project Site. The Project Site is currently entirely developed, and no natural landforms or other geologic features occur within the site or would be affected by grading activities. Impacts with respect to unique geologic features would be less than significant under Alternative 5.

### **H. Greenhouse Gas Emissions:**

#### **1. Consistency with GHG Reduction Plans, Policies, Regulations**

As discussed on pages IV.F-1 through IV.F-58 of Chapter IV of the Draft EIR and on pages III-53 through III-54 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts with respect to consistency with GHG reduction plans, policies, and regulations would be less than significant. Alternative 5 would include sustainability features, such as solar collectors, storm water collection and treatment, high efficiency, low-e insulated glass, and other measures, and would implement PDF-AQ-1, requiring the provision of EV Ready and EV Capable parking spaces in compliance with applicable CalGreen requirements. Further, Alternative 5 is not anticipated to add new vehicle trips on a daily basis, and overall vehicle trips would be reduced through the implementation of PDF-TRAF-18, requiring that total daily vehicle trips generated by the Campus, inclusive of trips generated by the Wellness Pavilion, be maintained to one percent below the 2016 trip counts.

## **2. GHG Generation**

As discussed on pages IV.F-1 through IV.F-58 of Chapter IV of the Draft EIR and on page III-54 through III-55 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would incrementally increase GHG emissions over existing conditions, but not to an extent to significantly influence global climate change. Further, Alternative 5's consistency with various GHG reduction plans would ensure that GHG emissions would be less than significant.

### **I. Hazards and Hazardous Materials:**

#### **1. Routine Transport, Use, and Disposal**

As explained on page B-14 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, activities involving hazardous materials during construction of the Wellness Pavilion would be short-term and cease with completion of the Original Project, and would be less than significant. Operation of the Wellness Pavilion would involve the use and storage of only small quantities of potentially hazardous materials, and therefore would not result in significant impacts. Alternative 5 would be consistent with the Original Project with respect to hazardous materials used during construction and compliance with existing regulations, with a slightly reduced construction schedule, and would result in operation of the Wellness Pavilion consistent with the Original Project in terms of hazardous materials, and impacts would therefore be similar to the Original Project and less than significant.

#### **2. Accident or Upset**

As explained on page B-14 through B-19 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, impacts to the public or the environment resulting from the release of hazardous materials would be less than significant with the implementation of applicable regulatory requirements. Alternative 5 would also be subject to the same regulatory requirements as the Original Project, and take place on the same Project Site, and impacts would therefore be less than significant for Alternative 5.

#### **3. Hazards Near Schools**

As explained on page B-19 through B-20 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is located on the Campus but no other existing or proposed schools are located within one-quarter mile of the Project Site. However, compliance with existing applicable regulations during construction would reduce risks associated with hazardous or acutely hazardous materials, substances, or waste to acceptable levels and impacts would be less than significant. With respect to operation, the Wellness Pavilion would only involve limited quantities of hazardous materials and would comply with prescribed handling procedures of hazardous materials and would not pose a risk to the Campus and its students, staff, faculty, and visitors, and impacts would therefore be less than significant. Alternative 5 would be constructed on the same Project Site, would comply with the same regulations and handling procedures, and impacts would therefore be less than significant for Alternative 5.

#### **4. Hazardous Materials Sites**

As explained on page B-20 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, based upon a review of all lists of hazardous materials sites compiled pursuant to

Government Code 65962.5, the Project Site is not identified as a hazardous materials site, nor would any off-site facilities identified which would present an environmental concern related to the Project Site. Alternative 5 would be constructed on the same Project Site and impacts would therefore be less than significant.

## **5. Airports**

As explained on page B-21 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is not located within an airport land use plan or designated airport hazard area, is not within two miles of a public use airport, and there are no private airstrips in the vicinity of the Project Site. Alternative 5 would be constructed on the same Project Site and would therefore cause no impacts with respect to hazards related to airports.

## **6. Emergency Plans**

As explained on page B-21 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, as a result of the implementation of the Original Project's Construction Traffic Management Plan (PDF-TRAF-2), which includes the designation of a construction vehicle route, adequate emergency access would be maintained during construction. Alternative 5 would implement a modified and expanded PDF-TRAF-2 and would therefore also maintain emergency access during construction, and impacts would be less than significant during construction for Alternative 5. None of the roadways in the vicinity of the Project Site are designated as emergency or disaster routes, and operation of Alternative 5 would not result in modifications to any public streets or otherwise impede any designated emergency or disaster routes, and impacts during operation would therefore be less than significant.

## **7. Wildland Fires**

As explained on page B-22 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is located within the existing developed Campus. During operation, the Wellness Pavilion would be required to comply with applicable brush clearance requirements in the City's Fire Code. Alternative 5 would use the same Project Site and would also be required to comply with these requirements, and impacts would therefore be less than significant for Alternative 5. Alternative 5's wildfire impacts are further discussed in below in Subsection S.

### **J. Hydrology and Water Quality:**

#### **1. Water Quality Standards**

As explained on pages IV.G-1 through IV.G-33 of Chapter IV of the Draft EIR and pages III-55 through III-57 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5, like the Original Project, would implement a site-specific Stormwater Pollution Prevention Plan and a stormwater control system designed in compliance with the City's Low Impact Development program. Further, Alternative 5 would implement stormwater capture and reuse best management practices. Therefore, Alternative 5 would comply with applicable regulations and impacts would be less than significant.

#### **2. Groundwater Supplies**

As explained on page B-23 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is currently developed, with pervious areas limited to ornamental

landscaped areas, and therefore does not currently support a substantial opportunity for recharge of groundwater. Following construction of the Wellness Pavilion, the extent of potential groundwater recharge would be roughly similar as compared to existing conditions. Further, the relatively small size of the Project Site limits its potential to substantially contribute to recharge of groundwater. Alternative 5 would use the same Project Site as the Original Project and would result in roughly similar conditions with respect to potential groundwater recharge on the Project Site following construction. Therefore, impacts with respect to groundwater supplies would be less than significant under Alternative 5.

### **3. Existing Drainage Patterns, Runoff, and Flood Flows**

As explained on pages IV.G-1 through IV.G-33 of Chapter IV the Draft EIR and page III-56 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, neither the Original Project or Alternative 5 would significantly alter drainage patterns during construction. Both the Original Project and Alternative 5 would increase runoff by approximately 0.06 cubic feet per second (cfs) during a 50-year storm event, which would not be sufficient to produce a substantial or observable change in the existing amount and direction of water flow in the receiving storm drain system. Further, Alternative 5, like the Original Project, would implement PDF HWQ-1 to correct existing uncontrolled sheet flow onto adjacent hillsides. Therefore, impacts with respect to surface runoff during operation of Alternative 5 would be less than significant.

### **4. Inundation**

As explained on page B-25 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is not located within a 100-year or 500-year flood zone designated by either FEMA or the City. As explained on page B-26, the Project site is not located within a potential inundation area and is located approximately 4.5 miles from the Pacific Ocean. Alternative 5 would be constructed on the same Project Site, and Alternative 5 therefore would not have any impacts with respect to the release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone.

### **5. Water Quality Control Plan**

As explained on pages IV.G-1 through IV.G-33 of Chapter IV of the Draft EIR and pages III-55 through III-56 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would comply with all applicable provisions of water quality control plans and sustainable groundwater management plans, and impacts would therefore be less than significant.

## **K. Land Use and Planning:**

### **1. Divide a Community**

As explained on page B-26 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is located within a previously developed area of the Campus and would therefore not physically divide an established community and impacts would be less than

significant. Alternative 5 would be developed on the same Project Site and impacts would therefore also be less than significant for Alternative 5.

## **2. Conflict with Plans**

As explained on pages IV.H-1 through IV.H-49 of Chapter IV of the Draft EIR and pages III-57 and III-58 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would require the same discretionary actions as the Original Project and would be similarly consistent with applicable policies of the General Plan Framework, Brentwood-Pacific Palisades Community Plan, and SCAG's 2016 RPT-SCS and SCAG's 2020-2045 RTP/SCS. Alternative 5 would more strictly require the use of multimodal access and reduce VMT as compared to the Original Project, and would therefore more closely align with the GHG emissions reduction goals of the 2020-2045 RTP/SCS, reducing impacts compared to the Original Project. Alternative 5's impacts with respect to consistency with adopted plans and policies would be less than significant.

## **3. Mineral Resources**

As explained on page B-27 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is not designated by the City as an area containing significant mineral deposits, nor is the Project Site designated as an existing mineral resource extraction area by the State of California. Therefore, the Original Project was not anticipated to result in the loss of availability of a known mineral resource of value to the region and residents of the State, nor of a locally important mineral resource recovery site. Alternative 5 would use the same Project Site as the Original Project, and the conclusion of a less than significant mineral resource impact would therefore apply to Alternative 5 as well.

### **L. Noise:**

#### **1. Groundborne Vibration (Project Level)**

As explained on from page IV.I-1 through IV.I-60 of Chapter IV of the Draft EIR and on pages III-59 through III-61 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's groundborne noise and vibration impacts would be less than significant on a project level. Alternative 5 would reduce the scope and duration of on-site construction activities and would reduce off-site construction truck activity, and therefore incrementally reduce the Original Project's groundborne noise and vibration impacts. The Original Project and Alternative 5's potentially significant cumulative human annoyance vibration impacts are discussed below in Section VI A.

#### **2. Public Airports**

As explained on page B-29 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Project Site is not located within an airport land use plan or within two miles of an airport or a private airstrip, and the Project would therefore have no impacts. Alternative 5 would use the same Project Site as the Original Project, and would therefore also have no impacts.

## **M. Population and Housing:**

### **1. Population Growth**

As explained on page B-29 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would have a less than significant impact because construction workers would not be anticipated to relocate as a result of working on the construction of the Wellness Pavilion. Further the Wellness Pavilion would not extend or modify any public roads or infrastructure, would not include the development of residential units, and would not result in any changes to enrollment on the Campus. Further, the Original Project would only add one new permanent employee. Alternative 5 would be constructed at a similar, although slightly reduced scale, by the same population of construction workers, and would similarly not result in any changes to public roads or infrastructure or development of residential units. Like the Original Project, Alternative 5 would not change student enrollment on the Campus and only require one new permanent employee. Therefore, impacts with respect to population growth for Alternative 5 would be less than significant.

### **2. Displace Housing and People**

As explained on page B-30 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, one of the two existing Facilities Management buildings that would be demolished under the Original Project contains two apartment units previously used by Campus facilities management staff, but these would be relocated under the Original Project to the existing Brady Building located elsewhere on the Campus. Therefore, the Original Project would have no impact with respect to displacement of housing or people because no people would be displaced and no construction of new housing would be required as a result of the Original Project. Alternative 5 would preserve the Facilities Management building that contains the two apartment units (currently vacant), and would therefore also have no impact.

## **N. Public Services**

### **1. Fire Protection**

As explained on pages IV.J.1-1 through IV.J.1-40 of Chapter IV of the Draft EIR and pages III-61 through III-63 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would incrementally reduce the scale of the Original Project's construction activities, resulting in reduced overall construction truck traffic and a shorter duration of construction activity, and compliance with the Fire Code and other applicable regulations would ensure that LAFD maintains access for fire apparatus to the Project Site via the Mount Saint Mary's and Getty Fire Roads, and impacts during construction would therefore be less than significant. Alternative 5 would also include a completely hydraulically calculated automatic sprinkler system and would comply with all applicable Fire Code requirements, and as a result, would not place an undue burden on existing facilities. Alternative 5 would not result in the need for new or physically altered fire facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or objectives during construction or operation. Therefore, impacts during operation would be less than significant.

### **2. Police Services:**

As explained on pages IV.J.2-1 through IV.J.2-21 of the Draft EIR and pages III-63 through III-65 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would not

result in the need for new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or objectives during construction or operation. Therefore, Alternative 5's impacts related to police protection services are less than significant. Further, because Alternative 5 would reduce the Original Project's traffic during operation through the reduced size of some events and summer camps, it would have less impact than the Project relative to demand on LAPD services and the capacity of LAPD facilities.

### **3. Education**

As explained on page B-31 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would have no impact with respect to educational public services, because it does not involve the development of residential units and would not increase the student population, and would therefore not place any direct demands for classroom space within the Los Angeles Unified School District or surrounding school districts. Alternative 5 would similarly not involve the development of residential units and would similarly not result in any increases to student population, and Alternative 5 would therefore also have no impact. Further, Alternative 5, like the Original Project, would itself provide for permanent, upgraded, and expanded school wellness and recreation facilities.

### **4. Parks**

As explained on page B-31 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would not develop any residential uses or increase student enrollment, and therefore would not generate a direct demand for parks, and would therefore have no impact. Alternative 5 would similarly not develop residential uses and similarly not increase student enrollment, and therefore also result in no impact. Further, Alternative 5, like the Original Project, would itself create new recreation and exercise space, increasing the recreational opportunities available to students, faculty, and staff, and reducing existing demand for off-Campus recreational facilities, including parks.

### **5. Other Public Facilities**

As explained on pages B-31 and B-32 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, because the Original Project would not develop any residential uses or increase student enrollment, it would not increase demand on existing library resources, the existing road network, or any other public services. Alternative 5 would similarly not develop any residential uses or increase student enrollment, and would therefore similarly not increase demands on these public services and facilities, and would therefore have no impact.

#### **O. Recreation:**

##### **1. Existing Facilities**

As explained on page B-32 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would itself create new and expanded recreation facilities, and reduce existing demand for off-Campus facilities. Alternative 5 would also create new and expanded recreation facilities and reduce existing demand for off-Campus facilities, and therefore have no impact.

## **2. New Recreational Facilities**

As explained on page B-32 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, because the Original Project consists of the development of new and expanded recreational facilities, the physical impacts resulting from that development are not individually evaluated in the EIR but are instead analyzed in each of the other relevant impact categories. Alternative 5 would also consist of the development of new and expanded recreational facilities, the physical impacts of which were evaluated in the other categories analyzed throughout the EIR.

### **P. Transportation:**

#### **1. Conflicts with Plans (Operation)**

As explained on pages III-65 through III-84 and shown on Table III-5 and Table III-6 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 incorporates modified and new traffic PDFs that would reduce operational traffic impacts at both study area intersections and neighborhood street segments to a level of less than significant. Alternative 5 would incorporate a modified PDF-TRAF-1, PDF-TRAF-2, PDF-TRAF-3, and PDF-TRAF-7, and new PDF-TRAF-9 through PDF-TRAF-18, incorporating a variety of traffic control measures and limitations on vehicle trips and Wellness Pavilion activities potentially generating trips. As a result of the implementation of the modified and new traffic PDFs, Alternative 5's operational traffic impacts would be less than significant. A complete level of service analysis for Alternative 5 is included as Appendix C to the Final EIR.

#### **2. Vehicle Miles Traveled**

Changes to the CEQA Guidelines requiring local agencies to analyze traffic impacts using vehicle miles traveled (VMT) instead of level of service (LOS), the metric used in the Draft EIR's Traffic Study, took effect on July 1, 2020. To implement the use of VMT, the Los Angeles Department of Transportation (LADOT) has developed Transportation Assessment Guidelines (TAG) screening criteria that apply to any project that did not receive approval of requested entitlements prior to July 1, 2020. LADOT's TAG screening criteria provide that a project is not required to analyze VMT if it does not generate a net increase of 250 or more daily vehicle trips. As explained on pages B-5 and B-6 of Appendix B to the Final EIR, Alternative 5 would generate approximately 81 average daily weekday vehicle trips, and would therefore have no impacts with respect to VMT. Further, because Alternative 5 would incorporate PDF-TRAF-18, reducing total trips generated by the Campus, and overall trip lengths would not be increased as a result of Alternative 5, Alternative 5 would result in a reduction in total VMT generated by the Campus to below 2016 levels. Therefore, Alternative 5's VMT impacts would be less than significant.

#### **3. Design Feature Hazards**

As explained on page B-34 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would not change the roadway network off the Campus, and would improve safety conditions compared to existing conditions as a result of improved circulation and access on the Project Site, and would therefore have no impacts with respect to hazardous design features or incompatible uses. Alternative 5 would similarly not result in any changes to the off-Campus roadway network, and would also improve circulation on the Project Site relative to existing conditions, and would therefore similarly have no impacts.

#### **4. Emergency Access**

As explained on page B-35 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would be developed on the Campus, which is served by the existing roadway network, and would not result in modification to streets or street access. Emergency access to the Project Site, Campus, and surrounding area would not change as a result of the construction of the Original Project, and the Original Project would be required to provide adequate emergency access and comply with all applicable LAFD and LAPD access requirements. Alternative 5 would be developed on the same Project Site, and would similarly not result in any changes to streets or street access, and would also comply with all relevant regulations regarding emergency access, and would therefore have a less than significant impact on emergency access during construction or operation.

#### **Q. Tribal Cultural Resources:**

As explained on pages IV.L-1 through IV.L-10 of Chapter IV of the Draft EIR and on page III-85 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, no known Tribal cultural resources have been identified within the Project Site or vicinity, and in the unlikely event that buried Tribal cultural resources are encountered during construction, MSMU would be required to comply with the City's standard Condition of Approval relating to the treatment of inadvertent Tribal cultural resource discoveries. Further, because the scale of grading and construction would be incrementally reduced under Alternative 5 as compared to the Original Project, the changes of any Tribal cultural resources being affected would be reduced. Therefore, impacts from Alternative 5 to cultural resources would be less than significant.

#### **R. Utilities and Service Systems—Water, Watershed, Telecommunications, and Solid Waste:**

##### **1. Relocation or Expanded Services**

The Original Project's impacts with respect to the relocation or construction of new or expanded wastewater facilities are analyzed on pages B-37 through B-39 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR. As discussed therein, wastewater generated on non-event days at the Wellness Pavilion is anticipated to be relatively similar to existing conditions on the Campus, and the Hyperion Water Reclamation Plant (HWRP) has sufficient capacity to process projected increased wastewater flows on days when an event is held in the Wellness Pavilion, and impacts would therefore be less than significant. Because Alternative 5 would generate similar wastewater as compared to the Original Project, impacts from Alternative 5 would also be less than significant. With respect to telecommunications, Alternative 5's impacts are discussed on page B-7 of Appendix B to the Final EIR. As discussed therein, physical impacts from the installation of new or relocated telecommunications infrastructure resulting from Alternative 5 would primarily involve trenching in order to place lines below the surface, would be of a relatively short duration, and would cease to occur once installation was complete. Impacts would therefore be less than significant with respect to telecommunications infrastructure. With respect to water infrastructure, as explained on pages III-85 and III-86 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would not result in the need for new or expanded water facilities. Therefore, Alternative 5's impacts with respect to the relocation or expansion of utility services would be less than significant.

## **2. Water Supplies**

As stated on pages III-85 and III-86 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's construction activities, which would be incrementally reduced as compared to the Original Project, would result in water demand that would be largely off-set by the demolition of existing uses on the Project Site and would be less than significant. With respect to water supply impacts during operation, the total water demand of Alternative 5 during an average year, single-dry year, and multiple dry-year in each year from 2015 to 2040 would not exceed available LADWP water supplies,

## **3. Wastewater Capacity**

As explained on pages B-35 through B-37 of Attachment B to the Initial Study, included as Appendix A-2 to the Draft EIR, the Original Project would not exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board, as the HWRP has sufficient capacity to accommodate wastewater generated by the new events and activities that would be held in the Wellness Pavilion. Further, construction of the Wellness Pavilion would include all necessary on and off-site sewer pipe improvements to adequately convey flows through the City's sewer system. Alternative 5 would hold fewer new events, but with a similar maximum attendance as compared to the Original Project, and would involve the same sewer pipe improvements, and impacts from Alternative 5 would therefore be less than significant.

## **4. Solid Waste Standards**

As stated on pages III-85 and III-86 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would result in approximately 281 less tons of construction debris compared to the Original Project, and would comply with all applicable State and local statutes and regulations related to solid waste, and impacts during construction would therefore be less than significant. With respect to operation, Alternative 5 would generate approximately 10.4 tons of solid waste per year, less than the 14 tons projected to be generated by the Original Project, although this estimate does not take into consideration the amount of solid waste (65 percent) that would be diverted via source reduction and recycling programs within the City. Alternative 5's solid waste generation would not exceed State or local standards, exceed the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and impacts from Alternative 5 would therefore be less than significant

## **5. Solid Waste Statutes and Regulations**

As stated on pages III-85 and III-86 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would comply with all federal, state, and local management and reduction statutes and regulations related to solid waste, and impacts would therefore be less than significant.

### **S. Wildfire:**

As explained above the 2018 revisions to Appendix G do not apply to the Project's Draft EIR or Final EIR. However, for informational purposes only, findings for revised Appendix G Wildfire Thresholds are included below.

## **1. Emergency Response and Evacuation**

As explained on pages B-8 through B-12 of Appendix B of the Final EIR, during both construction and operation the Wellness Pavilion would not impair any adopted emergency response plan or emergency evacuation plan. Both the Original Project and Alternative 5 would comply with all applicable Los Angeles Fire Code standards, as explained in Section IV.J.1, *Fire Protection*, of the Draft EIR, and pages III-61 through III-63 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR. Alternative 5 would not disrupt access to primary or secondary designated Disaster Routes during either construction or operation. Alternative 5 would not add visitors to the Campus on a daily basis, but would instead add visitors only on those occasional days on which outside guests attend an event, and all students, faculty, staff, and outside guests would comply with MSMU's emergency plans developed in consultation with the LAFD. Alternative 5 would provide fire truck access around the perimeter of the Project Site. Alternative 5's impacts would therefore be less than significant.

## **2. Wildfire Exacerbation**

As explained on pages B-12 through B-14 of Appendix B of the Final EIR, during both construction and operation the Wellness Pavilion would not impair any adopted emergency response plan or emergency evacuation plan. Alternative 5 would involve the physical extension of the Campus or related development into existing wildlands, or change existing use patterns within the Project Site, or otherwise result in physical changes that would be anticipated to change the behavior of any wildfires in the area. Compliance with the City's Fire Code would ensure that during both construction and operation, Alternative 5 would not exacerbate wildfire risks. Alternative 5's impacts would therefore be less than significant.

## **3. Associated Infrastructure**

As explained on page B-15 of Appendix B of the Final EIR, Alternative 5 would be constructed within an existing developed portion of the Campus and would not require incursions into wildland or effect wildland by the permanent or temporary installation of new roads, fuel breaks, power lines, water sources, or other utilities to serve the Wellness Pavilion. Impacts would therefore be less than significant for Alternative 5.

## **4. Exposure to Risks**

As explained on pages B-15 through B-16 of Appendix B of the Final EIR, because of the geography of the Project Site and Campus post-wildfire flooding and landslides are not anticipated to adversely impact the Campus, including the Project Site. Existing conditions with respect to runoff onto the adjacent slopes are expected to improve during construction due to the implementation of storm water pollution prevention practices during construction. During operation, drainage changes on the Project Site would be implemented by Alternative 5 that would divert runoff away from nearby slopes and into the Campus storm drainage system. Therefore, impacts would be less than significant for Alternative 5.

## **V. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION**

The EIR determined that Alternative 5 has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially

reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, Alternative 5 would not have any significant environmental impacts in these areas, with the incorporation of mitigation measures. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

## **A. Aesthetics**

### **1. Impact Summary - Scenic Resources**

As discussed on pages III-34 through III-40 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, the Project Site is entirely developed and does not include natural open space resources, and does not contain any historic buildings or other historic resources. Alternative 5 would not directly or indirectly impact any adjacent historic resources located on the Campus. The Project Site does contain trees, including trees protected under the LAMC, and both the Original Project and Alternative 5 would therefore have potential impacts to trees as a scenic resource. Alternative 5 would result in 20 fewer removed non-protected trees as compared to the Original Project. Impacted protected trees would be replaced pursuant to LAMC Section 17.02. To ensure that impacts to trees as a scenic resource are less than significant, Alternative 5 incorporates mitigation measures to mitigate the potential impacts of construction on trees on the Project Site. With implementation of existing City regulations, PDF-BIO-1, and MM-BIO-2 through 4, impacts to trees as a scenic resource would be less than significant under Alternative 5.

### **2. Project Design Features**

The following PDF addresses scenic resource impacts to trees and is considered in the analysis of this impact.

**PDF-BIO-1** Prior to issuance of a grading permit, the Project Applicant shall coordinate with the City and replace any non-protected significant trees that are 8 inches or more in diameter at breast height (DBH), or cumulative trunk diameter if multi-trunked, that were removed during the Project construction period, at a 1:1 ratio with a minimum 24-inch box tree. Replacement trees should be planted on-site; however, if there is insufficient space, replacement trees can also be planted elsewhere on the Mount St. Mary's University Chalon Campus.

### **3. Mitigation Measures**

The following mitigation measures are identified in the EIR to reduce potentially significant scenic resource impacts to trees to a less than significant level.

**MM BIO-2:** For preserved trees (e.g., trees to be avoided or that may potentially be encroached upon), the following protection measures shall be implemented during the construction of the Project:

#### Protective Fencing:

- Protective fencing not less than four feet in height shall be placed at the limits of the protective zone of a preserved tree located within 50 feet of the grading limits.

Protective fencing shall be inspected by a qualified biologist prior to grading or ground disturbing activities, and shall be maintained in place until construction is completed.

- Fencing shall remain intact until a Tree Expert (as defined in LAMC Section 17.02) and/or the City's arborist verifies that it can be removed.

#### Grading Restrictions Near Trees:

- The grade shall not be lowered or raised within the protective zone of a preserved tree without the approval from the City's Department of Urban Forestry. A Tree Expert (as defined in LAMC Section 17.02) shall supervise all excavation or grading approved within the protective zone.

#### Trenching and Excavation:

- Trenching, excavation, or clearance of vegetation within the protective zone of a preserved tree shall be accomplished by the use of hand tools or small hand-held power tools, and shall be monitored by a Tree Expert (as defined in Section 17.02). If major roots are encountered during grading activities (including trenching, excavation, and other related ground disturbance activities), a qualified arborist (i.e., ISA certified arborist) shall be notified to provide recommendations for pruning or avoidance measures. Any major roots encountered shall be conserved and treated as recommended by the Tree Expert (as defined in LAMC Section 17.02).
- Utility trenches shall be routed outside the protective zone of a preserved tree as determined by the City's Department of Urban Forestry.

#### Equipment Storage:

- No storage of equipment, supplies, vehicles, or debris shall be allowed within the protective zone of a preserved tree to avoid soil compaction.
- No dumping of construction wastewater, paint, stucco, concrete, or any other clean-up waste shall occur within the protective zone of a preserved tree.
- No temporary structures shall be placed within the protective zone of any preserved trees.

#### Frequency of Watering Around Oak Trees:

- Irrigation water shall not reach within 15 feet of any oak trunk.
- Neither grass nor any other ground cover shall be planted under the canopy of oak trees.

#### Pruning:

- Pruning of preserved trees shall comply with the National Arborist Association guidelines; in no case shall more than 20 percent of a preserved tree canopy be removed. As determined to be necessary by a certified arborist, after pruning, installation of support cables to prevent future main crotch failures are required.

- Branches that could be injured by vehicles or that interfere with construction shall be pruned to the satisfaction of a certified arborist.

**MM BIO-3:** A Tree Expert (as defined in LAMC Section 17.02) shall be present for on-site construction and grading activities occurring within 10 feet of the protected zone of all preserved trees. If any major roots larger than 1 inch in diameter are encountered during construction activities, the qualified arborist (i.e., ISA certified arborist) shall be notified to provide recommendations to avoid damaging roots, so that the health of the tree will not be compromised.

**MM BIO-4:** Post-Construction Monitoring and Reporting - After three years following the completion of Project construction a Tree Expert (as defined in LAMC Section 17.02) shall assess the health and overall condition of all preserved trees that have been encroached upon by the Project. The condition of the trees shall be compared with the data provided in this report to determine if the Project may have had a negative effect on the health or physical structure of the tree. A monitoring report shall be prepared by a Tree Expert (as defined in LAMC Section 17.02) and submitted to the City's Urban Forester within one-month following the completion of the post-construction monitoring. If any of the preserved trees die within three years as a consequence of construction, they shall also be replaced at a 1:1 replacement ratio for non-protected trees and a 2:1 replacement ratio for protected trees.

#### **4. Finding**

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into Alternative 5 that avoid or substantially lessen the significant impacts as identified in the EIR.

#### **5. Rationale for Finding**

As set forth on pages III-34 through III-40 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, PDF-BIO-1 would require the replacement of non-protected trees at a 1:1 ratio, and would therefore eliminate any scenic resource impacts to trees that could result from the removal of non-protected trees. MM-BIO-2 through 4 would require a variety of measures designed to protect trees that are being retained on the Project Site, and would reduce any potentially significant impacts to retained trees to a level of less than significant. Through the implementation of PDF-BIO-1 and MM-BIO-2 through 4, Alternative 5's potential scenic resource impacts to both non-protected removed trees and retained trees would be reduced to a level of less than significant.

#### **6. Reference**

For a complete discussion of Alternative 5's scenic resources impacts to trees, see pages III-34 through III-40 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR.

## **B. Air Quality**

### **1. Impact Summary**

#### **Applicable Air Quality Plans (Construction) Criteria Air Pollutants (Construction) Cumulative Impacts (Construction)**

An analysis of the Original Project's impacts with respect to consistency with applicable air quality plans and criteria air pollutants is set forth in the Draft EIR in Section IV.B, *Air Quality*, of Chapter IV. Additional text providing an analysis of the Original Project's consistency with the 2016 AQMP, which was approved by USEPA subsequent to the publication of the Draft EIR, is included on pages III-108 through III-110 of the Final EIR, and incorporated into relevant portions of Section IV.B of the Draft EIR. As explained in Section IV.B, operation of the Wellness Pavilion would not result in less than significant impacts with respect to both consistency with applicable air quality plans and the cumulatively considerable net increase of criteria pollutants. However, impacts during construction would exceed the relevant thresholds of significance without mitigation.

The Draft EIR provided worst-case daily emissions calculations for each phase of construction, including combined calculations when construction phases would overlap. It should be noted that the maximum daily emissions are predicted values for the worst-case day scenario and do not represent the emissions that would occur every day during the construction period. These emissions estimates assumed the implementation of required dust control measures that would be used during each phase of development, as required by SCAQMD Rule 403 (Control of Fugitive Dust). Results of the criteria pollutant calculations are presented in Draft EIR Table IV.B-4, *Estimated Maximum Unmitigated Regional Construction Emissions*. As shown therein, construction-related daily emissions for the criteria and precursor pollutants would not exceed the SCAQMD thresholds for VOC, CO, SOX, PM10, and PM2.5. However, the NOx emissions during the overlap of the site preparation and demolition phases would exceed the SCAQMD thresholds. Therefore, the Original Project's regional construction emissions would result in a potentially significant NOx impact.

According to the SCAQMD, individual construction impacts that exceed SCAQMD's recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants which the Air Basin is in non-attainment. As discussed in the Draft EIR and above, regional NOx construction-related daily emissions would exceed the applicable threshold. It should be noted that on-site emissions of NOx, combined with existing ambient levels, would not be expected to result in a localized exceedance during construction of the Original Project.

As explained on page IV.B-44 of the Draft EIR, because the Original Project would result in NOx emissions exceeding applicable regional thresholds, the Original Project's contribution to construction cumulative impacts would be potentially significant.

As discussed on page III-43 through III-45 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts with respect to operations emissions would be less than significant. While construction emissions would be incrementally reduced as a result of the reduction of the Wellness Pavilion and certain construction phases, the days of highest activity and highest levels of emissions would be similar to those of the Original Project, and NOx emissions during construction would therefore be similar. Therefore, Alternative 5 would have potentially significant impacts with respect to consistency with an applicable air quality plan and

a cumulatively considerable net increase of a criteria pollutant. As shown below, Alternative 5's incorporation of MM-AQ-1 would reduce these impacts to a level of less than significant.

## 2. Mitigation Measures

The following mitigation measure is identified in the EIR to reduce potentially significant air quality impacts to a less than significant level.

**MM AQ-1:** Mobile off-road construction equipment (wheeled and tracked) used during construction of the Project shall meet or exceed the Interim USEPA Tier 4 standards. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. The mitigation applies to off-road equipment and does not apply to on-road vehicles.

## 3. Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into Alternative 5 that avoid or substantially lessen the significant impacts as identified in the EIR.

## 4. Rationale for Finding

Table IV.B-8 in the Draft EIR shows the level of the Original Project's NOx emissions during construction with the implementation of MM-AQ-1. As shown therein, implementation of MM-AQ-1 would reduce NOx construction-related emissions to below threshold levels. Alternative 5 would also implement MM-AQ-1, and as discussed above, would have similar impacts with respect to NOx emissions during construction as compared to the Original Project. Therefore, with implementation of MM-AQ-1, Alternative 5's impacts with respect to consistency with applicable air quality plans and cumulative increase of criteria pollutants would be less than significant for both project-level and cumulative impacts.

## 5. Reference

For a complete discussion of Alternative 5's impacts associated with Air Quality, see Section IV.B, *Air Quality*, of the Draft EIR; Appendix B – Air Quality and Greenhouse Gas Emissions Technical Report, of the Draft EIR; and Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR.

## C. Biological Resources

### 1. Impact Summary

#### **Migration and Nursery Sites Local Policies or Ordinances**

The Original Project's impacts with respect to migratory wildlife species are discussed on pages IV.C-28 through IV.C-29 of the Draft EIR. The Biological Study Area has the potential to support both raptor and songbird nests due to the presence of trees, shrubs, and ground cover. Nesting activity typically occurs from February 15 to August 31 (January 15 to August 31 for raptors). Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.). In addition, nests and eggs are protected under Fish and Game Code Section

3503. The removal of vegetation during the breeding season is considered a significant impact due to potential effects on raptor and songbird nests. Therefore, the Original Project was projected to have a potentially significant impact with respect to migration and nursery sites.

As explained on page III-47 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5, similar to the Original Project, would also remove trees, shrubs, and ground cover that have the potential to support both raptor and songbird nests. With implementation of MM-BIO-1, this potentially significant impact would be reduced to a less than significant level.

The Original Project's impacts with respect to consistency with local policies or ordinances protecting biological resources are discussed on pages IV.C-29 through IV.C-35 of the Draft EIR. For those protected or non-protected trees that may potentially be encroached upon or avoided by Alternative 5, construction activities (e.g., excavation, trenching, soil compaction, change of grade and site drainage, pruning, mechanical damage from construction equipment, landscaping, and irrigation) have the potential to significantly impact trees that are to be preserved and/or their root systems.

As explained on page III-48 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5, similar to the Original Project, would also involve the removal and replacement of native and non-native trees, but would preserve 20 additional non-protected trees as compared to the Original Project. Like the Original Project, Alternative 5 would result in potentially significant impacts related to trees and compliance with relevant provisions of the LAMC and the City's Conservation Element. However, implementation of MM-BIO-1 through MM-BIO-4 would ensure compliance with relevant local policies and ordinances and impacts would be less than significant after mitigation.

## 2. Project Design Features

The following PDF addresses biological resource impacts and is considered in the analysis of this impact.

**PDF-BIO-1** Prior to issuance of a grading permit, the Project Applicant shall coordinate with the City and replace any non-protected significant trees that are 8 inches or more in diameter at breast height (DBH), or cumulative trunk diameter if multi-trunked, that were removed during the Project construction period, at a 1:1 ratio with a minimum 24-inch box tree. Replacement trees should be planted on-site; however, if there is insufficient space, replacement trees can also be planted elsewhere on the Mount St. Mary's University Chalon Campus.

## 3. Mitigation Measures

The following mitigation measures are identified in the EIR to reduce potentially significant biological resource impacts to a less than significant level.

**MM BIO-1:** Prior to issuance of a grading permit, the Project Applicant shall demonstrate that the following requirements have been included in the Project construction plan:

1. Nesting activity typically occurs from February 15 to August 31 (January 15 to August 31 for raptors). Vegetation removal activities shall be scheduled outside

the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. This includes vegetation removal associated with on-going fuel modification activities.

2. Any construction activities or fuel modification activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist monitor (i.e., professional biologist with a minimum of two years of avian survey experience or equivalent) before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the qualified biologist monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist monitor.

**MM BIO-2:** For preserved trees (e.g., trees to be avoided or that may potentially be encroached upon), the following protection measures shall be implemented during the construction of the Project:

Protective Fencing:

- Protective fencing not less than four feet in height shall be placed at the limits of the protective zone of a preserved tree located within 50 feet of the grading limits. Protective fencing shall be inspected by a qualified biologist prior to grading or ground disturbing activities, and shall be maintained in place until construction is completed.
- Fencing shall remain intact until a Tree Expert (as defined in LAMC Section 17.02) and/or the City's arborist verifies that it can be removed.

Grading Restrictions Near Trees:

- The grade shall not be lowered or raised within the protective zone of a preserved tree without the approval from the City's Department of Urban Forestry. A Tree Expert (as defined in LAMC Section 17.02) shall supervise all excavation or grading approved within the protective zone.

Trenching and Excavation:

- Trenching, excavation, or clearance of vegetation within the protective zone of a preserved tree shall be accomplished by the use of hand tools or small hand-held power tools, and shall be monitored by a Tree Expert (as defined in Section 17.02). If major roots are encountered during grading activities (including trenching, excavation, and other related ground disturbance activities), a qualified arborist (i.e., ISA certified arborist) shall be notified to provide recommendations for pruning or avoidance measures. Any major roots encountered shall be conserved and treated as recommended by the Tree Expert (as defined in LAMC Section 17.02).
- Utility trenches shall be routed outside the protective zone of a preserved tree as determined by the City's Department of Urban Forestry.

Equipment Storage:

- No storage of equipment, supplies, vehicles, or debris shall be allowed within the protective zone of a preserved tree to avoid soil compaction.
- No dumping of construction wastewater, paint, stucco, concrete, or any other clean-up waste shall occur within the protective zone of a preserved tree.
- No temporary structures shall be placed within the protective zone of any preserved trees.

Frequency of Watering Around Oak Trees:

- Irrigation water shall not reach within 15 feet of any oak trunk.
- Neither grass nor any other ground cover shall be planted under the canopy of oak trees.

Pruning:

- Pruning of preserved trees shall comply with the National Arborist Association guidelines; in no case shall more than 20 percent of a preserved tree canopy be removed. As determined to be necessary by a certified arborist, after pruning, installation of support cables to prevent future main crotch failures are required.
- Branches that could be injured by vehicles or that interfere with construction shall be pruned to the satisfaction of a certified arborist.

**MM BIO-3:** A Tree Expert (as defined in LAMC Section 17.02) shall be present for on-site construction and grading activities occurring within 10 feet of the protected zone of all preserved trees. If any major roots larger than 1 inch in diameter are encountered during construction activities, the qualified arborist (i.e., ISA certified arborist) shall be notified to provide recommendations to avoid damaging roots, so that the health of the tree will not be compromised.

**MM BIO-4:** Post-Construction Monitoring and Reporting - After three years following the completion of Project construction a Tree Expert (as defined in LAMC Section 17.02) shall assess the health and overall condition of all preserved trees that have been encroached upon by the Project. The condition of the trees shall be compared with the data provided in this report to determine if the Project may have had a negative effect on the health or physical structure of the tree. A monitoring report shall be prepared by a Tree Expert (as defined in LAMC Section 17.02) and submitted to the City's Urban Forester within one-month following the completion of the post-construction monitoring. If any of the preserved trees die within three years as a consequence of construction, they shall also be replaced at a 1:1 replacement ratio for non-protected trees and a 2:1 replacement ratio for protected trees.

#### **4. Finding**

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into Alternative 5 that avoid or substantially lessen the significant impacts as identified in the EIR.

#### **5. Rationale for Finding**

Implementation of MM-BIO-1 would avoid vegetation removal during raptor and songbird nesting season. If construction must occur within the nesting season and nests are present, MM-BIO-1 would require a buffer area be established around nests until completion of the nesting cycle. With implementation of MM-BIO-1, impacts to migratory wildlife, including nesting birds, would be reduced to a level of less than significant.

PDF-BIO-1 requires removed non-protected significant trees to be replaced at a 1:1 ratio with a minimum 24-inch box tree, and implementation, together with existing regulations pertaining to the replacement of protected trees, would result in a net increase of trees on the Campus when compared to existing conditions. MM-BIO-2 through 4 would require a variety of measures designed to protect trees that are being retained on the Project Site, and would reduce any potentially significant impacts to retained trees to a level of less than significant. Therefore, the implementation of MM-BIO-1 through MM-BIO-4 would reduce Alternative 5's potentially significant biological resource impacts to a level of less than significant.

#### **6. Reference**

For a complete discussion of Alternative 5's impacts associated with Biological Resources, see Section IV.C, *Biological Resources*, of the Draft EIR; Appendix C – Biological Resources Data, of the Draft EIR; and Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR.

### **D. Cultural Resources**

#### **1. Impact Summary**

##### **Archaeological Resources**

The Original Project's impacts to archaeological resources are discussed on pages IV.D.1-17 and IV.D.1-18 of the Draft EIR. No known archaeological resources (historic and prehistoric) have been recorded within the Project Site or within a one-half mile radius of the Project Site. It is likely that any surface archaeological resources that may have existed at the Project Site have likely been displaced by prior construction and ground disturbing activities on the Project Site. The Project Site is located entirely within an existing developed area; construction activities would not extend into undeveloped areas. While this does not preclude the potential for an archaeological site to be identified during construction activities, this would be unlikely because disturbance of the ground surface has previously occurred. Moreover, the entire Project Site contains surface exposures of the Jurassic-aged (201 to 145 million years ago) Santa Monica Slate which is not conducive to retaining subsurface archaeological resources given its old age. The Geotechnical Report for the Original Project indicates that artificial fill was encountered throughout the Campus at depths between 1 to 30 feet below the ground surface (approximately 20 feet in thickness in the southwest portion of the Site) and that Santa Monica Slate was mapped at all of the boring locations extending from depths of 3 to 51± feet. The maximum depth of excavation would be approximately 11.5 feet below the existing ground surface. Accordingly,

excavation activities would be largely limited to the disturbance of artificial fill and would be unlikely to encounter archaeological resources. Nevertheless, because there is some potential for previously unknown archaeological resources to be discovered during construction activities, the Original Project's impacts are considered potentially significant.

As discussed on pages III-48 and III-49 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5's impacts to archaeological resources would be less from those of the Original Project as a result of the reduction of the extent of foundation development and overall earthwork, but impacts to archaeological resources would remain potentially significant without mitigation. Implementation of MM-APR-1 would reduce Alternative 5's impacts to a level of less than significant.

## 2. Mitigation Measures

The following mitigation measure is identified in the EIR to reduce potentially significant archaeological resource impacts to a less than significant level.

**MM APR-1:** In the event that historic or prehistoric archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts or features, etc.) are unearthed during ground-disturbing activities associated with construction of the Project, the Applicant shall halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated by a Qualified Archaeologist. A Qualified Archaeologist is an individual who meets the Secretary of the Interior's Professional Qualifications Standards for an Archaeologist. An appropriate buffer area shall be established by the Qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by a Qualified Archaeologist. If a resource is determined by the Qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes. The Qualified Archaeologist, in consultation with the City and Applicant, shall determine the need for archaeological construction monitoring in the vicinity of the find thereafter.

The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of treatment and/or the any follow-up archaeological construction monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the

California Register of Historical Resources and CEQA. The report and the Site Forms shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies.

### **3. Finding**

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into Alternative 5 that avoid or substantially lessen the significant impacts as identified in the EIR.

### **4. Rationale for Finding**

Implementation of MM-APR-1 would require that all construction activities stop and/or be redirected away from any potential archaeological resource(s) discovered during construction until the resource can be evaluated by a Qualified Archaeologist. Therefore, implementation of MM-APR-1 would reduce Alternative 5's potentially significant impacts to archaeological resources to a level of less than significant.

### **5. Reference**

For a complete discussion of Alternative 5's impacts associated with Archaeological Resources, see Section IV.D, *Archaeological and Paleontological Resources*, of the Draft EIR; Appendix E – Geotechnical Report, of the Draft EIR; and Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR.

## **E. Noise**

### **1. Impact Summary**

#### **Ambient Noise Levels (On-Site Construction Noise)**

The Original Project's noise impacts are discussed in Section IV.I, *Noise*, of the Draft EIR, with on-site construction noise impacts discussed on pages IV.1-27 through IV.1-29. The threshold of significance used in the Draft EIR's construction noise analysis is an increase in the ambient exterior noise levels of 5 dBA Leq at a noise sensitive use. Construction of the Original Project would require the use of heavy equipment during the demolition, grading, and excavation activities at the Project Site. During each stage of development, there would be a variety of equipment used. As such, construction activity noise levels at and near the Project Site would fluctuate depending on the particular type, number, and duration of use of the various pieces of construction equipment.

Individual pieces of construction equipment expected to be used during Project construction could produce maximum noise levels of 75 dBA Lmax to 90 dBA Lmax at a reference distance of 50 feet from the noise source, as shown in Table IV.I-7, *Construction Equipment Noise Levels* of the Draft EIR. These maximum noise levels would occur when equipment is operating at full power. The estimated usage factor for the equipment is also shown in Draft EIR Table IV.I-7. The usage factors are based on FHWA's RCNM User's Guide.

As explained on Pages III-58 through III-59 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Alternative 5 would generate similar on-site noise levels as compared to the Original Project during construction, and on-site construction noise impacts

would therefore be potentially significant for Alternative 5. Implementation of MM-NOISE-1 would reduce Alternative 5's on-site construction noise impacts to a level of less than significant.

## 2. Mitigation Measures

The following mitigation measure is identified in the EIR to reduce potentially significant on-site construction noise impacts to a less than significant level.

**MM-NOISE-1:** On-site power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices achieving a 10 dBA noise level reduction from standard equipment noise emissions. All equipment shall be properly maintained in compliance with manufacturers' standards.

## 3. Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into Alternative 5 that avoid or substantially lessen the significant impacts as identified in the EIR.

## 4. Rationale for Finding

Implementation of MM-NOISE-1 would require that construction equipment is equipped with properly maintained and operating mufflers, consistent with manufacturers' standards, reducing construction noise. Draft EIR Table IV.I-8, *Estimate of Construction Noise levels ( $L_{eq}$ ) at Off-Site Sensitive Receptor Locations*, shows the estimated construction noise levels that would occur at the nearest off-Campus sensitive uses during a peak day of construction activity at the Project Site. "Reference Noise Levels" were estimated without consideration of existing vegetation, variations in topography (approximately 300 feet), or installation of noise muffling devices per Mitigation Measure MM-NOISE-1. "Mitigated Construction Noise Level Under Existing Conditions" take credit for existing conditions and installation of noise muffling devices.

As shown in Table IV.I-8, construction noise levels would not exceed the City's significance threshold at the five studied sensitive receptors taking into consideration the existing manufacturer standards, installation of noise muffling devices per Mitigation Measure MM-NOISE-1, and existing conditions. As such, on-site construction activities associated with the Original Project would not result in exposure of persons (including the surrounding sensitive receptors) to or generation of noise levels in excess of standards established by the Threshold Guide and/or the City's Noise Regulations. On-site construction noise impacts would be less than significant with implementation of mitigation.

As explained on Pages III-58 through III-59 of Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, on-site construction noise impacts would be potentially significant for Alternative 5. Implementation of MM-NOISE-1 would reduce Alternative 5's on-site construction noise impacts to a level of less than significant.

## 5. Reference

For a complete discussion of Alternative 5's Noise impacts, see Section IV.I, *Noise*, of the Draft EIR; Appendix G – Noise and Vibration Report, of the Draft EIR; and Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR.

## VI. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

The EIR concluded that the following impacts remain significant and unavoidable even with implementation of all feasible mitigation measures described in the Draft and Final EIR. Consequently, in accordance with PRC Section 21081(b) and CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared as set forth in Section IX of these Findings. The City finds and determines that:

- A. All significant environmental impacts that can feasibly be avoided or substantially lessened have been avoided or substantially lessened through either incorporation of PDFs (see CEQA Guidelines Section 15064(f)(2)) and/or implementation of mitigation measures; and
- B. Based on the EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of Alternative 5, all remaining unavoidable significant impacts, as set forth in these Findings, are overridden by the benefits of Alternative 5, as described in the Statement of Overriding Considerations for the construction and operation of Alternative 5, and all implementing actions.

### A. Noise

#### 1. Impact Summary

##### ***Construction***

##### *Exposure of Persons to or Generation of Noise Levels in Excess of Standards Off-Site Noise*

As demonstrated by the analyses at pages III-58 through III-59 in Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Section IV.I, *Noise*, of the Draft EIR, and Appendix G – Noise and Vibration Report, of the Draft EIR, off-site construction traffic under both the Original Project and Alternative 5 would increase noise levels at noise-sensitive receptors (residential uses) in the Project Site vicinity in excess of applicable threshold standards. Alternative 5 would incrementally reduce the scale of the Original Project's construction activity. Because of the reduced concrete work associated with the elimination of the two-story, concrete parking deck; incremental reduction in the size of the Wellness Pavilion; and reduction in Site buttressing requirements under Alternative 5, the duration of Alternative 5's concrete pour phase would be reduced. Truck trips and noise levels associated with maximum pour days would be similar to those of the Original Project and, as with the Original Project, would have significant and unavoidable noise impacts. But, noise impacts would occur over fewer days under Alternative 5 than under the Original Project. Although noise impacts from concrete trucks along Chalon Road would exceed threshold standards and would be significant and unavoidable under both the Original Project and Alternative 5, impacts would be less under Alternative 5 because of the reduction in the duration of construction activity.

***Cumulative Impacts***  
***Construction Groundborne Noise and Vibration***  
***Human Annoyance***

As demonstrated by the analysis on page III-60 of the Final EIR, while project-level human annoyance impacts during construction under either the Original Project or Alternative 5 would be less than significant, in the event that hauling activities from related projects were to occur concurrently with hauling under the Original Project or Alternative 5, the number and duration of perceptible vibratory events could potentially increase along Sunset Boulevard between Bundy and I-405. These human annoyance vibration impacts from cumulative traffic are conservatively considered to be cumulatively considerable and significant for both the Original Project and Alternative 5. Alternative 5 would reduce construction truck activity compared to the Original Project as a result of Alternative 5's shorter duration of construction activity, and would therefore have less impact with respect to vibration resulting in human annoyance than the Original Project.

## **2. Project Design Features**

The following PDF addresses potential construction noise impacts and is considered in the analysis of this impact.

- PDF-TRAF-1:** Construction Traffic Management Plan. MSMU shall prepare a detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans as necessary and satisfactory to LADOT. The Construction Traffic Management Plan shall be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and shall include the following elements as appropriate:
- Appropriate temporary traffic controls (signs and temporary signals) shall be installed along the public rights-of-way during all construction activities to ensure pedestrian and vehicular safety during construction.
  - During peak haul traffic, if off-site staging is required, trucks would be radioed in from an off-site staging area to avoid queuing along adjacent street.
  - Schedule construction-related deliveries, other than concrete and earthwork-related deliveries, between the hours of 7:00 AM and 3:00 PM to avoid the PM peak hour commuter traffic period as identified in the Project's Traffic Study and to reduce the potential of trucks waiting to load or unload for protracted periods of time. This restriction shall not apply to trucks being used for the concrete pour that cannot feasibly be finished before 3:00 PM. No on-street staging or idling of haul trucks on public roadways will be allowed.
  - Maintain access for surrounding residential uses in proximity to the Project Site during Project construction.

- Identify designated transport routes for haul trucks and heavy trucks to be used over the duration of the Project. Develop a plan for staging trucks prior to arriving at the Site. Temporary haul truck staging will not be permitted on local hillside streets.
- Truck loading/unloading will occur on the MSMU Campus, not on local hillside streets.
- Construction truck travel on local streets shall be limited to Bundy Drive, Norman Place, and Chalon Drive only; trucks would not travel on any other local streets serving the neighborhoods surrounding the Project Site.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring residences at all times.
- In the event of temporary lane closures, a worksite traffic control plan, approved by LADOT, should be implemented to route vehicular traffic or pedestrians around any such closures.
- Unrestricted access for school buses shall be maintained on street rights-of-way during construction.
- MSMU shall attend bi-monthly (or at a frequency determined appropriate by City Staff) construction management meetings conducted by City Staff and the operators or contractors for the Archer School for Girls and the Brentwood School to coordinate the periods of heaviest construction activity in order to avoid overlapping hauling activities. Coordination shall ensure that construction activities associated with these concurrent related projects and hauling activities are managed in collaboration with one another.
- MSMU shall provide advance notification to LADOT, the Archer School for Girls, the Brentwood School, and St. Martin of Tour's School of its upcoming construction activities, including durations and daily hours of construction, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
- Barriers and/or fencing shall be installed around construction sites to secure construction equipment and the Site and to prevent trespassing, vandalism, and attracting nuisances.
- Safe truck driving practices, including low gear, not passing another vehicle, deployment of optional 4th axle, if available, shall be required.

- During construction, MSMU shall clearly post a hotline in several areas around the Campus, including along the construction fence and at the entrance to the Campus, to enable the public to call and report non-compliance with the Construction Traffic Management Plan.

### 3. Mitigation Measures

The following mitigation measure is identified for Alternative 5 to minimize significant off-site construction noise impacts and cumulative groundborne noise and vibration impacts.

**MM-NOISE-2:** All on-road heavy-duty construction vehicles used during the demolition, concrete pouring, and asphalt paving phases of construction shall be equipped with properly operating and maintained noise mufflers that achieve a minimum 10 dBA noise level reduction, based on the manufacturer's specifications for noise reduction performance.

### 4. Finding

Pursuant to Public Resources Code section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, Alternative 5 that mitigate or avoid the significant effects on the environment. However, these effects have not been reduced to less than significant. Pursuant to Public Resources Code, section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### 5. Rationale for Finding

***Construction***  
*Exposure of Persons to or Generation of Noise Levels in Excess of Standards*  
*Off-Site Noise*

As demonstrated by the analysis in Section IV.I, *Noise*, of the Draft EIR, Mitigation Measure MM-NOISE-2 is identified as the only feasible mitigation measures to address the Original Project's significant off-site construction noise impacts; however, even with implementation of this mitigation measure, the Original Project's construction noise impacts remain significant, and are therefore unavoidable. Alternative 5 would incrementally reduce the duration of the Original Project's construction activities, but even with the implementation of MM-NOISE-2 impacts would remain significant.

Alternative 5 would implement a modified PDF-TRAF-1 requiring that no haul truck trips occur between 3:00 P.M. and 7:00 A.M. Monday through Saturday, except for concrete pour truck trips that cannot feasibly be finished prior to 3:00 P.M. MM-NOISE-2 requires that all off-site heavy duty trucks accessing the Project Site during the demolition, concrete pouring, and asphalt paving phase shall install noise dampening mufflers that achieve a minimum 10 dBA noise level reduction, based on the manufacturer specifications for noise reduction performance. With implementation of MM-NOISE-2 under Alternative 5, off-road construction noise impacts would

be reduced to less than significant levels during the demolition and asphalt paving phases of construction. However, impacts from concrete trucks would remain significant and unavoidable along Chalon Road. With implementation of MM NOISE-2, some off-site noise impacts associated with haul trucks would be reduced to less than significant levels during Alternative 5's peak high-noise phases, which include hauling of demolition debris and concrete deliveries. No feasible mitigation would reduce the significant and unavoidable noise impacts associated with concrete trucks under Alternative 5, and, as such, noise impacts related to truck activity would be significant and unavoidable.

***Cumulative Impacts***  
***Construction Groundborne Noise and Vibration***  
***Human Annoyance***

As demonstrated by the analysis in Section IV.I, *Noise*, of the Draft EIR, if hauling activities from related projects were to occur concurrently with hauling under the Original Project or Alternative 5, the number and duration of perceptible vibratory events could potentially increase along Sunset Boulevard between Bundy and I-405, and cumulative impacts are therefore conservatively anticipated to be cumulatively considerable and significant, even after the implementation of all feasible mitigation measures (MM-NOISE-2). Project-level human annoyance vibration impacts under Alternative 5 would remain less than significant.

Neither the Applicant nor the City has any control over the timing or extent of the construction of any of the related projects. Combined human annoyance vibration impacts from Alternative 5 and related projects, if they were to occur simultaneously, would be intermittent, temporary, would cease at the end of the construction phase, and their construction days and hours will comply with time restrictions and other relevant provisions in the LAMC.

## **6. Reference**

For a complete discussion of Alternative 5's Noise impacts, see Section IV.I, *Noise*, of the Draft EIR; Appendix G – Noise and Vibration Report, of the Draft EIR; and Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR.

## **B. Transportation and Traffic**

### **1. Impact Summary**

#### ***Construction***

##### ***Intersection Capacity and Neighborhood Street Intrusion Criteria***

As demonstrated by the analyses at pages III-58 through III-59 in Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, Section IV.K, Transportation and Traffic, of Chapter IV of the Draft EIR, Draft EIR, Appendix I, Transportation and Traffic, and Appendix C: Level of Service Analysis Results for MSMU Wellness Pavilion Alternative 5, Alternative 5 would incrementally reduce the Original Project's significant and unavoidable construction traffic impacts, but these would remain significant and unavoidable even after the implementation of all feasible mitigation measures. Alternative 5 would incrementally reduce the scale of the Project's construction activity through reduced grading (20,524 cubic yards under the Original Project compared to 9,343 cubic yards under Alternative 5) and reduction in concrete pours (8,155 cubic yards under the Original Project compared to 1,864 cubic yards under Alternative 5). Alternative 5's concrete pour phase would be shorter compared to the Project as the two-story parking deck

would not be constructed, the Wellness Pavilion would be smaller, and fewer buttresses would be installed.

Truck trips associated with maximum pour days would be similar to those of the Original Project and, as with the Original Project, have significant and unavoidable construction traffic impacts. But, significant and unavoidable construction traffic impacts would occur over fewer days under Alternative 5 than under the Original Project. Traffic impacts would exceed threshold standards and would be significant and unavoidable at two neighborhood street segments and at intersections during concrete pours under both the Original Project and Alternative 5; however, these impacts would be less under Alternative 5 because of the reduction in the duration of construction activity. Alternative 5's traffic impacts at study area intersections during construction would therefore be potentially significant, but these would be reduced to a level of less than significant through the implementation of MM-TRAF-1. Both the Original Project and Alternative 5 would result in significant and unavoidable traffic impacts during periods of peak construction at three street segments: Bundy Drive north of Norman Place, with a projected increase of 11.7 percent, exceeding the applicable impact criteria of 10 percent, Chalon Road east of Bundy Drive with an increase of 18.3 percent, exceeding the applicable impact criteria of 12 percent, and Bundy Drive north of Sunset Boulevard with an increase of 8.6 percent, exceeding the applicable impact criteria of 8 percent.

## **2. Project Design Features**

The following PDF addresses potential construction traffic impacts and is considered in the analysis of this impact.

**PDF-TRAF-1:** Construction Traffic Management Plan. MSMU shall prepare a detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans as necessary and satisfactory to LADOT. The Construction Traffic Management Plan shall be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and shall include the following elements as appropriate:

- Appropriate temporary traffic controls (signs and temporary signals) shall be installed along the public rights-of-way during all construction activities to ensure pedestrian and vehicular safety during construction.
- During peak haul traffic, if off-site staging is required, trucks would be radioed in from an off-site staging area to avoid queuing along adjacent street.
- Schedule construction-related deliveries, other than concrete and earthwork-related deliveries, between the hours of 7:00 AM and 3:00 PM to avoid the PM peak hour commuter traffic period as identified in the Project's Traffic Study and to reduce the potential of trucks waiting to load or unload for protracted periods of time. This restriction shall not apply to trucks being used for the concrete pour that cannot feasibly be finished before 3:00 PM. No on-street staging or idling of haul trucks on public roadways will be allowed.

- Maintain access for surrounding residential uses in proximity to the Project Site during Project construction.
- Identify designated transport routes for haul trucks and heavy trucks to be used over the duration of the Project. Develop a plan for staging trucks prior to arriving at the Site. Temporary haul truck staging will not be permitted on local hillside streets.
- Truck loading/unloading will occur on the MSMU Campus, not on local hillside streets.
- Construction truck travel on local streets shall be limited to Bundy Drive, Norman Place, and Chalon Drive only; trucks would not travel on any other local streets serving the neighborhoods surrounding the Project Site.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring residences at all times.
- In the event of temporary lane closures, a worksite traffic control plan, approved by LADOT, should be implemented to route vehicular traffic or pedestrians around any such closures.
- Unrestricted access for school buses shall be maintained on street rights-of-way during construction.
- MSMU shall attend bi-monthly (or at a frequency determined appropriate by City Staff) construction management meetings conducted by City Staff and the operators or contractors for the Archer School for Girls and the Brentwood School to coordinate the periods of heaviest construction activity in order to avoid overlapping hauling activities. Coordination shall ensure that construction activities associated with these concurrent related projects and hauling activities are managed in collaboration with one another.
- MSMU shall provide advance notification to LADOT, the Archer School for Girls, the Brentwood School, and St. Martin of Tours School of its upcoming construction activities, including durations and daily hours of construction, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
- Barriers and/or fencing shall be installed around construction sites to secure construction equipment and the Site and to prevent trespassing, vandalism, and attracting nuisances.
- Safe truck driving practices, including low gear, not passing another vehicle, deployment of optional 4th axle, if available, shall be required.

- During construction, MSMU shall clearly post a hotline in several areas around the Campus, including along the construction fence and at the entrance to the Campus, to enable the public to call and report non-compliance with the Construction Traffic Management Plan.

### 3. Mitigation Measures

The following mitigation measure is identified for Alternative 5 to minimize construction traffic impacts.

**MM-TRAF-1:** During construction, in each individual hour within the PM peak period (4 PM to 6 PM), allow a maximum of 37 outbound Passenger Car Equivalent (PCE) vehicle trips and 6 inbound PCE vehicle trips.

### 4. Finding

Pursuant to Public Resources Code section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, Alternative 5 that mitigate or avoid the significant effects on the environment. However, these effects have not been reduced to less than significant. Pursuant to Public Resources Code, section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### 5. Rationale for Finding

As with the Original Project, Alternative 5 would incorporate design features, PDF-TRAF-1 (Construction Traffic Management Plan), to maintain access for land uses in proximity to the Project Site during construction and to prevent truck parking, unloading, or staging on the public street. PDF-TRAF-1 would require that all heavy truck hauling of construction equipment and construction materials deliveries shall be limited to hours between 7:00 AM and 3:00 PM to avoid the PM peak-hour commuter traffic period. This restriction does not apply to concrete pour activities that cannot feasibly be finished prior to 3:00 PM. No on-street staging or idling of haul trucks on public roadways will be allowed. PDF-TRAF-1 would also require construction management meetings with City Staff and the operators or contractors for the Archer School for Girls and the Brentwood School to coordinate the periods of heaviest construction activity in order to avoid overlapping hauling activities, would require MSMU to develop a plan for coordinating access for construction workers, school employees, students, and bus access when school and construction are concurrent, and would limit construction truck travel to Bundy Drive, Norman Place, and Chalon Drive only.

Alternative 5 would implement MM-TRAF-1 to reduce construction traffic impacts on study area intersections. MM-TRAF-1 establishes a limit of 37 outbound passenger car equivalent (PCE) trips and six inbound PCE trips during each individual hour of the PM peak period (4 PM to 6 PM). With the implementation of MM-TRAF-1, traffic impacts to study area intersections during construction would be reduced to a level of less than significant.

However, even with the implementation of PDF-TRAF-1 and MM-TRAF-1, because of concrete truck activity during the PM peak hours, Alternative 5 would still result in significant and unavoidable construction traffic impacts on neighborhood street segments, including on Bundy

Drive north of Norman Place (Street Segment A), Chalon Road east of Bundy Drive (Street Segment B), and Bundy Drive north of Sunset Boulevard (Street Segment H). No feasible mitigation measures are available to reduce these neighborhood street segments impacts during construction.

## **6. Reference**

For a complete discussion of Alternative 5's construction traffic impacts, see Section IV.K, *Transportation and Traffic*, of the Draft EIR; Appendix I – Transportation and Traffic, of the Draft EIR; Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR; and Appendix C: Level of Service Analysis Results for MSMU Wellness Pavilion Alternative 5.

## **VII. ALTERNATIVES TO THE PROJECT**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC § 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternatives analysis included in the Draft EIR (Alternatives 1-4) and Final EIR (Alternative 5), therefore identified a reasonable range of project alternatives focused on avoiding or substantially reducing the Original Project's significant impacts.

### **A. Summary of Findings**

Based on these Findings, the EIR, and the whole of the administrative record, the City finds that the EIR analyzes a reasonable range of alternatives that would feasibly attain most of the basic objectives of, and would substantially lessen the significant impacts of the Original Project, and that the EIR adequately evaluates the comparative merits of each alternative. Specifically, the EIR considers the following alternatives: (1) No Project/No Build; (2) Reduced Intensity Alternative – 50 Percent Floor Area Reduction; (3) Alternative Construction Route; (4) Reduced Events Alternative; and (5) Alternative 5.

Having weighed and balanced the pros and cons of each of the alternatives analyzed in the EIR, each of the analyzed alternatives, other than Alternative 5, is hereby found to fail to meet most of the basic objectives of the Project or to be infeasible. Based on the EIR's analyses, the Project Objectives, these CEQA Findings, and specific economic, social, or other considerations, including the provision of employment opportunities for highly trained workers as identified in Section IX of these Findings (Statement of Overriding Considerations), the City finds that four of the five alternatives analyzed warrant rejection. All such findings are found to be supported by the evidence contained in the whole of the administrative record and the evidence, documents and testimony presented in this matter. On pages V-2 through V-4 of Chapter V, *Alternatives*, of the Draft EIR, the EIR also identifies the alternatives that were considered but rejected as infeasible during the scoping process, including an alternative off-site location, alternative on-site uses, and an alternative on-site location, and adequately explains the reasons underlying their

rejection, including, without limitation, their failure to meet most of the Project's basic objectives and their infeasibility.

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, make Alternatives 1, 2, 3, and 4 infeasible. The City finds that Alternative 5 lessens the environmental impacts of the Original Project while substantially complying with the Project Objectives, and is feasible.

## **B. Project Objectives**

Section 15124(b) of the CEQA Guidelines states that a project description shall contain a "Statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying 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 health education. The objectives of the Project are as follows:

### Update Inadequate Facilities

1. Replace the Campus' inadequate fitness and recreation facilities with state-of-the-art physical fitness facilities.
2. Provide a practice facility that can accommodate MSMU's club sports teams (volleyball and basketball) that will eliminate current team shuttle trips to and from the Campus for practices.

### Student Health and Well Being

3. Provide MSMU's students with facilities and wellness programming, including group fitness facilities, to address the specific health challenges and goals of MSMU's diverse student body. Promote increased physical activity and improved academic performance, self-esteem, and cognitive function. Utilize new facilities to comprehensively educate students regarding nutrition and health.

### Design

4. Site the proposed Wellness Pavilion in a manner that is compatible with the existing buildings' architectural styles and designated historic structures, while providing outdoor spaces for students and visitors to socialize and take in scenic views.
5. Ensure that the structure will exceed the State's Title 24 energy requirements by at least 20 percent. This will be achieved by: high performance glazing with solar heat gain coefficient (SHGC) less than Title 24 prescriptive maximum, ultra-high efficiency LED lighting systems, over insulated roof assembly exceeding Title 24 prescriptive minimums, variable capacity mechanical systems reducing over cooling, and dual maximum variable air volume (VAV) control sequence to reduce fan energy.

### Enhance Campus Programming

6. Through improved facilities enable the potential for enhancement of Homecoming and Athenian Day events by incorporating fitness and wellness programming as part of the events, and create the opportunity for new external Summer Sports Camps, a Health and Wellness Speaker Series, and other activities or events that complement the purpose of the proposed Wellness Pavilion (i.e., MSMU community or external mental health, wellness, and sports activities).

### Improve Pedestrian Safety, Circulation and Parking

7. Consolidate parking currently provided in various scattered surface parking lots at the northern end of the Campus into one parking facility to improve safety by reducing pedestrian/vehicle conflicts that occur along an existing access road and at surface parking areas and driveways.
8. Improve circulation and wayfinding to increase the efficiency, accessibility and convenience of parking for students and visitors to the Campus.

## **C. Project Alternatives Analyzed**

### ***Alternative 1—No Project/No Build Alternative***

#### Description

Under the No Project/No Build Alternative, no new development would occur on the Project Site, and the existing uses at the Project Site would continue to operate in their current state. Thus, the physical conditions of the Project Site would remain exactly as they are today, with the Project Site occupied by the existing fitness center, swimming pool and tennis courts, Facilities Management Buildings, and scattered surface parking lots containing 226 spaces. No additional parking would be added.

#### Impact Summary

The No Project/No Build Alternative would avoid all of the Original Project's less than significant, potentially significant and significant and unavoidable impacts, because no new development would occur on the Project Site.

#### Finding

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

#### Rationale for Finding

With this Alternative, all of the environmental impacts projected to occur from the development of the Original Project would be avoided. Therefore, this Alternative would be environmentally superior to the Original Project. However, CEQA requires that if the environmentally superior

alternative is the “no project” alternative, the EIR shall identify an environmentally superior alternative from among the other alternatives. (CEQA Guidelines, Section 15126.6(e)(2).)

Further, the No Project/No Build Alternative would not realize any of the Project objectives. Although the No Project/No Build Alternative would have fewer impacts than the Original Project and Alternative 5, because this Alternative would not include a new Wellness Pavilion, it would not update inadequate fitness and recreation facilities with state-of-the-art physical fitness facilities, accommodate MSMU’s club sports teams, enhance existing Campus programming, or create the opportunity for new events or activities that complement the purpose of the Wellness Pavilion and therefore, it would not satisfy any of the Project Objectives. Therefore, for the reasons stated above, this Alternative is infeasible and less desirable than Alternative 5, and is rejected.

### References

For a complete discussion of impacts associated with Alternative 1, refer to Chapter V, *Alternatives*, of the Draft EIR.

### ***Alternative 2—Reduced Intensity – 50% Floor Area Reduction***

#### Description

Alternative 2 would reduce the floor area of the proposed Wellness Pavilion by 50 percent as compared to the Original Project. Under this Alternative, the proposed Wellness Pavilion would have a total floor area of approximately 19,000 square feet, compared to the Original Project, which would have a total floor area of 38,000 square feet, and Alternative 5, which would have a total of 35,500 square feet. The maximum height (approximately 42 feet) would be similar to the Original Project and Alternative 5, because the gymnasium requires essentially two stories of open area for recreational activities (i.e. basketball and volleyball). Thus, Alternative 2’s floor area reduction would be achieved through a reduced building footprint with potentially less second story floor area. Alternative 2’s reduced floor area would not change attendance capacity at existing or new school year events or alter summer camp activities. Alternative 2, as with the Original Project, would consolidate surface parking within a 281-space parking deck, and would provide more parking than provided under Alternative 5.

#### Impact Summary

Under Alternative 2, impacts related to Transportation and Traffic (construction, operation) and Noise (construction) would remain significant and unavoidable, although incrementally less with respect to construction traffic and construction noise as compared to the Original Project and Alternative 5.

Alternative 2 would have impacts similar to those of the Original Project and Alternative 5 in the categories of Aesthetics (views, scenic resources, visual character, light and glare), Air Quality (consistency with air quality management plan), Biological Resources (special status, sensitive, or candidate species, riparian habitat, wildlife movement, local policies and ordinances), Cultural Resources (archaeological resources, paleontological resources, historic resources), Geology and Soils (exacerbation of existing conditions, soil erosion, unstable geologic unit, destruction of

prominent geologic features), Hydrology and Water Quality (consistency with water quality standards, alteration of drainage patterns, stormwater drainage system capacity), Land Use and Planning, Transportation and Traffic (operation traffic, consistency with public transit, bicycle, or pedestrian plans), Tribal Cultural Resources, and Utilities (water supply).

Benefits of Alternative 2 would include a reduction of the Original Project's and Alternative 5's less than significant impacts associated with Air Quality (air quality standards violation, cumulatively considerable increase of criteria pollutant in nonattainment area, sensitive receptors exposure to pollutant concentrates), Greenhouse Gas Emissions, Public Services (fire, police), Noise (groundborne vibration), Utilities (solid waste), and Energy (energy consumption, energy infrastructure). However, no significant and unavoidable impact is eliminated or reduced to a level of less than significant under Alternative 2.

### Finding

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### Rationale for Finding

Alternative 2 would provide for the development of a Wellness Pavilion with approximately 50 percent of the floor area proposed for the Original Project. The Parking Deck would be the same as the Original Project's, and larger than Alternative 5's and would replace relocated parking spaces and potentially alleviate on-street parking.

Alternative 2 would meet the Project objective to update inadequate fitness and recreation facilities with state-of-the-art physical fitness facilities. Alternative 2 also provides a practice facility that would accommodate MSMU's club sports teams (volleyball and basketball). However, because of the proposed reduced floor area, some space for indoor sports such as volleyball and basketball may be reduced. In that case, Alternative 2 would not meet the objective to accommodate club sports to the same extent as under the Original Project or Alternative 5.

Alternative 2 would meet the purpose of the Project to provide students with facilities and wellness programming. However, the reduced floor area would result in a corresponding reduction in wellness programming. It is expected that Alternative 2 would result in a building that is compatible with the existing buildings' architectural styles and designated historic structures. In addition, Alternative 2 would provide outdoor spaces for students and visitors to socialize and take in scenic views. Alternative 2 would meet the objective to enhance Campus programming, such as Homecoming and Athenian Day events by incorporating fitness and wellness programming as part of the events. Alternative 2 would also meet the Project objective to create the opportunity for new external Summer Sports Camps, a Health and Wellness Speaker Series, and other activities and events that complement the purpose of the Wellness Pavilion. Alternative 2 would also improve pedestrian safety and improved circulation and parking by consolidating parking in a single structure and improved wayfinding that would

increase the efficiency and accessibility of parking for students and visitors. In addition, Alternative 2 would provide for new pathways and pedestrian access and, by removing existing scattered, unconsolidated surface parking and driveways, would meet the Project objective to reduce pedestrian/vehicle conflicts that occur along the existing roadway and surface parking areas and driveways.

Although Alternative 2 would meet most of the Project's objectives, because it would reduce the intended scale of development and reduce potential recreational activities and wellness programming compared to the Original Project and Alternative 5, it would not meet the Project's objectives to the same degree as either the Original Project or Alternative 5. Therefore, Alternative 2 is infeasible and less desirable than Alternative 5, and is rejected.

### ***Alternative 3—Alternative Construction Route***

#### ***Description***

Alternative 3 would require construction employees and all construction-related traffic to access the Project Site via Getty Center Drive. Access to the Campus from I-405 northbound off-ramps would occur via two options. First, vehicles could exit Moraga Drive, then proceed northerly along Sepulveda Boulevard to the Getty Center underpass, turning easterly to Getty Center Drive to the private section of Chalon Road, then onto Chalon Road to the Campus. Second, vehicles traveling along I-405 northbound could exit at Getty Center Drive, then proceed south along Sepulveda Boulevard, then east under the Getty Center overpass to Getty Center Drive, at which point the route would be the same as the first option above.

Access to the Campus from I-405 southbound would be from the Getty Center Drive off-ramp, then southerly along Sepulveda Boulevard, then east under the Getty Center overpass to Getty Center Drive. From here, the route would be the same as both options above.

Construction-related vehicles would exit the Campus east onto Chalon Road, continuing to the east of Norman Place onto the private section of Chalon Road. Vehicles would continue south on the private section of Chalon Road, turning east onto Getty Center Drive. On Getty Center Drive, vehicles would continue northerly to the Getty Center Drive underpass to Sepulveda Boulevard. At that point, vehicles would proceed north on Sepulveda Boulevard and continue to the I-405 Sepulveda Boulevard/Getty Center Drive northbound and southbound ramps. Draft EIR Figure V-1, *Alternative Construction Route Map*, illustrates the construction vehicle routes to and from the Campus. This route would shorten the distance between the I-405 freeway and the Project Site by approximately two miles and would eliminate construction traffic from travelling along Sunset Boulevard, Bundy Drive, and Norman Place. Other than this change in the construction route all other aspects of Alternative 3 would be the same as the Original Project (i.e., the on-site construction and operation of the proposed Wellness Pavilion).

#### ***Impact Summary***

Under Alternative 3, impacts related to Transportation and Traffic (construction, operation) and Noise (construction) would remain significant and unavoidable, although incrementally less than the Original Project with respect to construction traffic and construction noise. Alternative 3 would

have impacts similar to those of the Original Project and Alternative 5 in the categories of Aesthetics (views, scenic resources), Air Quality (consistency with air quality management plan, sensitive receptors exposure to pollutant concentrates), Biological Resources (special status, sensitive, or candidate species, riparian habitat, wildlife movement, local policies and ordinances), Cultural Resources (archaeological resources, paleontological resources, historic resources), Geology and Soils (exacerbation of existing conditions, soil erosion, unstable geologic unit, destruction of prominent geologic features), Hydrology and Water Quality (consistency with water quality standards, alteration of drainage patterns, stormwater drainage system capacity), Land Use and Planning, Transportation and Traffic (construction traffic, consistency with public transit, bicycle, or pedestrian plans), Tribal Cultural Resources, Utilities (water supply, solid waste).

Benefits of Alternative 3 would include a reduction of the Original Project's and Alternative 5's less than significant impacts associated with Air Quality (air quality standards violation, cumulatively considerable increase of criteria pollutant in nonattainment area), Greenhouse Gas Emissions, Public Services (fire, police), Noise (groundborne vibration), and Energy (energy consumption, energy infrastructure). However, no significant and unavoidable impact is eliminated or reduced to a level of less than significant under Alternative 3.

### Finding

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### Rationale for Finding

Alternative 3 would differ from the Original Project and Alternative 5 in requiring construction traffic to access and leave the Project Site via an alternative route using Getty Center Drive, and would not make any other changes to the Original Project. As the Project objectives do not apply to construction activities, Alternative 3 would meet the Project objectives to the same degree as the Original Project and a similar degree to Alternative 5.

However, following the release of the Draft EIR for public review and comment, it became clear to the City and MSMU that Getty disputed that MSMU had any access rights pursuant to the easement which formed the basis for Alternative 3, and that Getty would not allow the use of the easement for construction vehicles under any circumstances. Because Alternative 3 would require the use of Getty Center Drive and Getty will not allow that use, the City finds that Alternative 3 is infeasible and rejects it from further consideration.

### References

For a complete discussion of impacts associated with Alternative 3, refer to Chapter V, *Alternatives*, of the Draft EIR. For a discussion of Alternative 3's infeasibility, see Topical Response No. 5 in Chapter II, *Responses to Comments*, of the Final EIR.

***Alternative 4—Reduced Events Alternative***  
***Description***

Alternative 4, the Reduced Events Alternative, would place a cap on the maximum visitor attendance at the Project's Other Wellness/Sports Events and Health & Wellness Speaker Series events. MSMU's club basketball and volleyball activities (Club Sports), which are currently conducted off-Campus, would be allowed to occur in the Pavilion during the school year. A vehicle trip limitation would be placed on Summer Camps. Alternative 4 would implement reduced peak hour trips, a cap on total daily summer camp trips, and other measures designed to limit trips and reduce the Original Project's significant and unavoidable operational traffic impacts, similar to Alternative 5. Alternative 4 would restrict Health and Wellness Speaker Series and Other Wellness/Sports Activities to the school year only, unlike the Original Project and Alternative 5, which would allow them year round. Alternative 4 would also limit the total outside guests for Club Sports to a total of 30 outside visitors, and restrict Club Sports activities to after 8:00 PM during weeknights and any time during the day on weekends. Other than these event limitations, the construction and operation of the proposed Wellness Pavilion would be the same as under the Original Project.

***Impact Summary***

Under Alternative 4, impacts related to Transportation and Traffic (construction) and Noise (construction) would remain significant and unavoidable, similar to the Original Project as no there is no change proposed to the Wellness Pavilion's physical characteristics. As compared to Alternative 5, Alternative 4 impacts related to construction Transportation and Traffic and construction Noise would be slightly greater, as Alternative 5 would result in a reduced construction schedule. Similar to Alternative 5, Alternative 4 would reduce the Original Project's significant and unavoidable traffic impacts during operation to a level of less than significant.

Alternative 4 would have impacts similar to those of the Original Project and Alternative 5 in the categories of Aesthetics (views, scenic resources, visual character, light and glare), Air Quality (consistency with air quality management plan, sensitive receptors exposure to pollutant concentrates), Biological Resources (special status, sensitive, or candidate species, riparian habitat, wildlife movement, local policies and ordinances), Cultural Resources (archaeological resources, paleontological resources, historic resources), Geology and Soils (exacerbation of existing conditions, soil erosion, unstable geologic unit, destruction of prominent geologic features), Hydrology and Water Quality (consistency with water quality standards, alteration of drainage patterns, stormwater drainage system capacity), Land Use and Planning, Noise (groundborne vibration), Transportation and Traffic (construction traffic, consistency with public transit, bicycle, or pedestrian plans), Tribal Cultural Resources, Utilities (water supply).

Similar to Alternative 5, benefits of Alternative 4 would include a reduction of the Original Project's less than significant impacts associated with Air Quality (air quality standards violation, cumulatively considerable increase of criteria pollutant in nonattainment area), Greenhouse Gas Emissions, Public Services (fire, police), Transportation and Traffic (consistency with congestion management plan), Utilities (solid waste), and Energy (energy consumption, energy infrastructure).

### Finding

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### Rationale for Finding

Alternative 4 would result in the construction of the same Wellness Pavilion building, with the same frequency and type of operation activity as the Original Project, while incrementally reducing attendance at school year events and Summer Sports Camps. Alternative 4 would meet the Project objective to update inadequate fitness and recreation facilities with state-of-the-art physical fitness facilities. Alternative 4 would provide a practice facility that would accommodate MSMU's club sports activities, while eliminating current team shuttle trips to and from the Campus for both practices and games. It would meet the purpose of the Project to provide students with facilities and wellness programming, including group fitness facilities, to address the specific health challenges and goals of MSMU's diverse student body. Alternative 4 would be developed at the same scale as the Original Project, and slightly larger than Alternative 5, and, as such, would result in a building that is compatible with the existing Campus buildings' architectural styles and designated historic structures, while providing outdoor spaces for students and visitors to socialize and take in scenic views. Under Alternative 4 new facilities would be developed that would enhance Campus programming, such as Homecoming and Athenian Day events by incorporating fitness and wellness programming as part of the events. Alternative 4 would meet the Project objective to improve pedestrian safety and improve circulation and parking by consolidating parking in a single structure. Alternative 4 would also meet the Project objective to reduce off-Campus parking through added spaces and improved wayfinding that would increase the efficiency and accessibility of parking for students and visitors. In addition, Alternative 4 would provide for new pathways and pedestrian access and, by consolidating surface parking lots and scattered spaces, would meet the Project objective to reduce pedestrian/vehicle conflicts that occur along the existing on-Campus roadway and surface parking areas and driveways. Alternative 4 would also meet the Project objective to create the opportunity for new events and activities that complement the purpose of the Wellness Pavilion, but because of attendance restrictions, Alternative 4 would not meet this objective to the same extent as the Original Project and/or Alternative 5.

Alternative 4 would substantially meet all of the Project objectives while reducing the Original Project's significant and unavoidable operational traffic impacts to a level of less than significant, although the Original Project's significant and unavoidable construction traffic impacts would remain. As explained in the Final EIR, Alternative 5 would also substantially meet all of the Project objectives, would also reduce the Original Project's significant and unavoidable operational traffic impacts to a level of less than significant, while further reducing environmental impacts in a number of other categories as compared to Alternative 4. Therefore, Alternative 4 is not an environmentally superior alternative to Alternative 5. For the reasons stated above, the City finds that the Reduced Events Alternative is infeasible and less desirable than Alternative 5, and rejects this Alternative.

### Reference

For a complete discussion of impacts associated with Alternative 4, refer to Chapter V, *Alternatives*, of the Draft EIR.

### **Alternative 5**

#### Description

Alternative 5 is described above in Section III of these Findings, and is fully described in Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR. Alternative 5 would impose operational restrictions on new events in the form of daily trip caps on days when an event is being held in the Wellness Pavilion, as well as a variety of other restrictions designed to limit traffic. Like Alternative 4, Alternative 5 would allow Club Sports activities currently conducted off Campus, both practices and games, to take place in the Wellness Pavilion, but would bring such activities under the daily trip cap applicable to school year Wellness Pavilion events. Alternative 5 would also eliminate the Original Project's proposed parking deck, reduce the size of the Wellness Pavilion from 38,000 sf to 35,500 sf, and shift the location of the Wellness Pavilion on the Project Site.

#### Impact Summary

Under Alternative 5, impacts related to Transportation and Traffic (construction) and Noise (construction) would remain significant and unavoidable, although incrementally less than the Original Project.

Alternative 5 would reduce the Original Project's operation traffic impacts to a level of less than significant.

Alternative 5 would have impacts similar to those of the Project in the categories of Aesthetics (views, scenic resources, light and glare), Air Quality (consistency with air quality management plan, sensitive receptors exposure to pollutant concentrates), Biological Resources (special status, sensitive, or candidate species, riparian habitat, wildlife movement, local policies and ordinances), Cultural Resources (historic resources), Hydrology and Water Quality (consistency with water quality standards, alteration of drainage patterns, stormwater drainage system capacity), Land Use and Planning, Transportation and Traffic (construction traffic, consistency with public transit, bicycle, or pedestrian plans), and Utilities (operation).

Benefits of Alternative 5 would include a reduction of the Original Project's less than significant impacts associated with Aesthetics (visual character), Air Quality (air quality standards violation, cumulatively considerable increase of criteria pollutant in nonattainment area), Cultural Resources (archaeological resources, paleontological resources, human remains,), Greenhouse Gas Emissions, Geology and Soils (exacerbation of existing conditions, soil erosion, unstable geologic unit, destruction of prominent geologic features), Public Services (fire, police during both construction and operation), Noise (operation noise, structural damage and project-level human annoyance ground noise and groundborne vibration during construction), Transportation and Traffic (consistency with congestion management plan), Tribal Cultural Resources, Utilities (water

supply and infrastructure, construction, solid waste), and Energy (energy consumption, energy infrastructure).

### Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into Alternative 5 that substantially lessen or avoid the significant impacts as identified in the EIR.

### Rationale for Finding

Alternative 5 provides for the construction of a Wellness Pavilion of slightly reduced size as compared to the Original Project, which would otherwise be a similar building supporting the same uses and providing the same features. Therefore, Alternative 5 would meet the Project objective to update inadequate fitness and recreation facilities with state-of-the-art physical fitness facilities. Alternative 5 would provide a facility that would accommodate MSMU's Club Sports activities, while eliminating current team shuttle trips to and from the Campus. It would achieve the purpose of the Original Project to provide students with facilities and wellness programming, including group fitness facilities, to address the specific health challenges and goals of MSMU's diverse student body. Alternative 5 would be developed in a similar architectural style although in reduced scale compared to the Original Project and, as such, would result in a building that is compatible with the existing Campus buildings' architectural styles and historic structures. As with the Original Project, Alternative 5 would meet the Project objective to reduce energy demand. It would provide indoor and outdoor spaces for students and visitors to socialize and take in scenic views. Under Alternative 5 new facilities would be developed that would enhance Campus programming by incorporating fitness and wellness as part of new events. Alternative 5 would also meet the Project objective to create the opportunity for new external Summer Sports Camps, a Health and Wellness Speaker Series, and other activities or events that complement the purpose of the Wellness Pavilion. Alternative 5 would meet the Project objective to improve pedestrian safety and circulation by reorganizing existing surface parking and providing a dedicated path to the Pavilion. Therefore, Alternative 5 would substantially meet all of the Project Objectives.

Because Alternative 5 would reduce the Original Project's significant and unavoidable operation traffic impacts to a level of less than significant, incrementally reduce the Project's significant and unavoidable construction traffic and noise impacts, and incrementally reduce the Project's impacts in a variety of other categories while substantially meeting all of the Project objectives, it would be considered the Environmentally Superior Alternative, as further described in this Section VII, subsection E (Environmentally Superior Alternative) below.

### Reference

For a complete discussion of impacts associated with Alternative 5, refer to Chapter III, Section 1, Subsection d), *Evaluation of Impacts*, of the Final EIR, and Appendix B of the Final EIR. For a discussion of Alternative 5's relationship to the Project Objectives and an analysis of Alternative 5 as the environmentally superior alternative, refer to Chapter III, Section 2, Subsection e),

*Relationship of Alternative 5 to Project Objectives, and Section 3, Environmentally Superior Alternative, of the Final EIR.*

#### **D. Project Alternatives Considered and Rejected**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Original Project that were considered and rejected as infeasible, as described on pages V-2 through V-4 of Chapter V, *Alternatives*, of the Draft EIR, include the following:

##### ***Alternative Off-Site Location***

Relocation of the Project to MSMU's Doheny Campus was considered as an alternative, but rejected on the basis that this alternative location would defeat the primary purpose of the Project to develop a new on-Campus facility that provides MSMU's students with comprehensive health and wellness services including modern amenities needed for physical and health education. Nearly all of the Project objectives are specific to the Chalon Campus, most notably, the need to replace the Campus' inadequate fitness and recreational facilities. Because this alternative would not have achieved any of the Project's objectives, it was not considered a feasible alternative to the Original Project and was rejected from further consideration in the EIR. The City rejects this alternative on the grounds that it would not have achieved any of the Project's objectives.

##### ***Alternative On-Site Uses***

The development of the Project Site with a land use other than a health and wellness facility was considered, but rejected on the basis that it would not achieve the basic purpose of the Project or meet the Project's objectives, which are primarily focused on addressing the Campus need for improved health and wellness facilities. As such, it was not considered a feasible alternative to the Original Project and was rejected from further consideration in the EIR. The City rejects this alternative on the grounds that it would not have achieved the Project's primary purpose or have met the Project's objectives.

##### ***Alternative On-Site Location***

An alternative on-site location, in which the proposed Wellness Pavilion would be developed in another area of the Campus, including switching the locations of the parking deck proposed for the Original Project and the Wellness Pavilion, was also considered and rejected. The Project Site is currently the most underutilized section of the Campus and, because of the space required for the proposed building, an alternative location on the Campus would potentially encroach on or require demolition of at least one of MSMU's six historic buildings of the Campus Circle. Further, switching the location of the Wellness Pavilion with that of the parking deck under the Original Project was determined to result in blocking existing views from both Campus residences and the Wellness Pavilion, but would not have had an impact on off-site view locations. This switch was also determined to result in an inferior design from the standpoint of improving

pedestrian access and increasing pedestrian connections on the Campus. Therefore, this alternative was rejected from further consideration in the EIR. The City rejects this alternative on the following grounds, each of which provides a full and independent justification for rejection of the alternative: (1) the alternative would not reduce the Project's significant impacts (2) would likely increase environmental impacts relative to the Project as a result of the need to demolish a historic building.

### **E. Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines states that an analysis of alternatives to a Project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Original Project.

The Draft EIR analyzed a range of feasible Alternatives including (1) the No Project/No Build Alternative, (2) the Reduced Intensity Alternative – 50 percent Floor Area Reduction Alternative, (3) the Alternate Construction Route Alternative, and (4) the Reduced Events Alternative. A comparative summary of the environmental impacts anticipated under each Alternative to the environmental impacts associated with the Project is provided in Table V-12, *Comparison of Impacts Summary*, on pages V-95 through V-99 of Chapter V, *Alternatives* of the Draft EIR.

An additional alternative, Alternative 5, was analyzed in the Final EIR. A comparative summary of the environmental impacts anticipated under Alternative 5 to the environmental impacts associated with the Original Project is provided on pages III-29 through III-91 of the Final EIR, and a comparison of the environmental impacts anticipated under Alternative 5 to each of the four alternatives analyzed in the Draft EIR is provided in Table III-15 of the Final EIR.

#### *Alternative 5 – Environmentally Superior Alternative*

In accordance with the State CEQA Guidelines requirement to identify an environmentally superior alternative other than the No Project/No Build Alternative, Alternative 5 is selected from among the alternatives evaluated in the Draft EIR and Final EIR as the Environmentally Superior Alternative, since it would reduce the Original Project's significant and unavoidable operation traffic impacts to less than significant levels and reduce the duration of significant and unavoidable construction traffic and noise impacts compared to the other Alternatives. Alternative 5 would limit daily vehicle trips, and thus, reduce emissions and energy demand compared to the Original Project. In addition to Alternative 5's operational restrictions, Alternative 5 would also eliminate the Original Project's two-story concrete parking deck, incrementally reduce the Wellness Pavilion's floor area, and shift the Wellness Pavilion to a more geologically stable part of the Project Site. As a result of these physical changes, Alternative 5 would substantially reduce the concrete otherwise needed for foundations, walls and extensive buttressing, reducing the duration of the concrete pour phase of construction as compared to the Original Project. Because of this, there would be fewer days during which construction noise and traffic impacts would exceed the relevant thresholds of significance.

As shown in Table III-15 of the Final EIR, Alternative 5 would reduce the Original Project's impacts over a greater range of environmental issues than other Project Alternatives. The City further finds that Alternative 5 is substantially consistent with the Project Objectives.

## **VIII. OTHER CEQA CONSIDERATIONS**

### **A. Significant Irreversible Environmental Changes**

According to Section 15126.2(d) of the CEQA Guidelines, an EIR is required to address any significant irreversible environmental changes that would occur should the proposed project be implemented.

Development of Alternative 5 requires a commitment of resources that include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation.

Construction requires the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable. These resources include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil will also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.

Operation of Alternative 5 will continue to expend nonrenewable resources that are currently consumed within the City. These include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water. Fossil fuels represent the primary energy source associated with both construction and ongoing operation of Alternative 5, and the existing, finite supplies of these natural resources will be incrementally reduced.

Alternative 5 includes design features and is subject to building regulations that reduces the demands for energy resources needed to support its operation. Alternative 5 would involve the installation of solar panels on the Wellness Pavilion roof, a feature not included in the Wellness Pavilion under the Original Project. Alternative 5 would incorporated high efficiency, low-e insulated glass units that meet the State's Title 24 energy requirements and CALGreen requirements, and glazing would be protected from direct sunlight by overhangs, reducing glare, solar radiation and heat gain. Low Volatile Organic Compound levels would be used for paints, coatings, adhesives, caulking, carpeting, resilient flooring and engineered wood, and installation of low flow and sensor-activated plumbing fixtures would reduce water use and wastewater in restrooms and showers.

Alternative 5 would implement PDF-AQ-1 through PDF-AQ-8 to reduce demand on energy supplies, and would comply with or exceed applicable provisions of Title 24 and the CalGreen Code in effect at the time of building permit issuance, and would be designed similar to a LEED equivalent building. As discussed on pages III-53 through III-55 of Chapter III, Revisions,

Clarifications, and Corrections, of the Final EIR, Alternative 5 would have less than significant impacts with respect to the generation of GHG emissions and consistency with applicable plans, policies, or regulations to reduce GHG emissions.

Alternative 5's continued use of non-renewable resources will be on a relatively small scale and is consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Furthermore, Alternative 5 neither affects access to existing resources, nor interferes with the production or delivery of such resources. The Project Site contains no energy resources that will be precluded from future use through implementation of Alternative 5. Therefore, no significant impacts relating to irreversible environmental changes are anticipated.

### **C. Growth-Inducing Impacts**

Section 15126.2(e) of the CEQA Guidelines requires an EIR to discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, pursuant to CEQA, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

Because Alternative 5 would not include any new residential development, it would not result in direct population growth. However, Alternative 5 has the potential to result in varying types of incremental indirect growth.

With respect to permanent employment, Alternative 5 would add only one new employee, and its potential to generate indirect population growth as a result of new permanent employees is therefore limited. With respect to temporary employment, Alternative 5 would have the potential to generate indirect population growth in the Project Site vicinity as a result of new temporary employees during construction. Given the supply of construction workers in the local work force and the temporary nature of such jobs, it is likely that construction workers would come from within the Los Angeles area. Therefore, given the availability of local workers, Alternative 5 would not be considered growth inducing from a short-term employment perspective, but rather would provide a public benefit by providing new employment opportunities during the construction period.

Long-term operation of Alternative 5 would not result in an increase in the regional population. As stated in the Final EIR, Alternative 5 would add only one new permanent employee. Proposed new events at the Wellness Pavilion under Alternative 5 are not anticipated to result in any population increase as these events would be temporary in nature, outside guests attending new events during the school year are anticipated to be the same or similar groups as outside guests who currently come to the Campus for existing events (i.e. friends and family of students and faculty, faculty of other institutions in the Los Angeles area, members of the community, etc.), and outside guests attending Summer Sports Camps are anticipated to be existing residents of the area. Further, Alternative 5 would not result in an increase to student enrollment, nor would it involve the construction of any additional student housing and therefore would not result in population growth as a result of an increase in either total student enrollment or the existing student population living on Campus.

The Project Site is located in a portion of the Campus that is already developed and served by existing infrastructure (e.g., roads and utilities), and the Campus is itself located in an urbanized area that is already served by existing infrastructure and community service facilities. Alternative 5 will not involve the development of any new off-site roads or off-site infrastructure, or any other changes to off-site roads or infrastructure that would provide additional capacity for other future development. Alternative 5 does not open inaccessible sites to new development other than existing opportunities for development that are already available.

Therefore, Alternative 5 will not spur additional growth other than that already anticipated, does not eliminate impediments to growth, and will not foster growth inducing impacts.

## **IX. STATEMENT OF OVERRIDING CONSIDERATIONS**

The EIR identifies the following unavoidable significant impacts resulting from Alternative 5: project-level off-site noise during construction, project-level traffic impacts during construction, and cumulative human annoyance vibration impacts during construction. All other impacts associated with Alternative 5 would either be less than significant without the need for mitigation, or less than significant after implementation of mitigation.

Section 21081 of PRC and Section 15093(b) of the CEQA Guidelines provide that when a lead agency approves a project with significant impacts identified in a Final EIR that are not avoided or substantially lessened, the lead agency must state in writing the specific reasons supporting its decision based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq., and thereby requires, pursuant to Section 15093(b) of the CEQA Guidelines, that the decision-maker adopt a Statement of Overriding Considerations at the time a project is approved if the decision-maker finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These Findings and this Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Draft and Final EIR, the source references in the Draft and Final EIR, and other documents and material that constitute the record of proceedings.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of Alternative 5. Having: (i) adopted all feasible mitigation measures, (ii) considered but rejected as infeasible all alternatives with the exception of Alternative 5, which was put forward by the applicant for the City's consideration as the project to be approved; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of Alternative 5 against its significant and unavoidable impacts, the City hereby finds that the each of Alternative 5's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of Alternative 5.

Summarized below are the benefits of Alternative 5. These provide the rationale for its approval. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually is sufficient to outweigh the significant unavoidable impacts of Alternative 5 and justifies the approval, adoption or issuance of all of the required permits, approvals and other entitlements for Alternative 5 and the certification of the completed Final EIR. Despite the unavoidable project-level construction noise and traffic impacts and the cumulative construction human annoyance vibration impacts caused by Alternative 5, the City approves Alternative 5 based on its following contributions to the community:

- Alternative 5 would update the Campus' existing outdated, undersized and functionally inadequate recreational facilities to support the health and wellness of students, thereby supporting the needs of MSMU's student body and supporting the mission of the only women's university in Los Angeles.
- Alternative 5 would support the needs of existing and future student populations, in a way that is consistent with other institutions of higher education throughout the City of Los Angeles.
- By supporting and enhancing an existing educational institution and its students who live and work in Los Angeles, Alternative 5 will help the City fulfill General Plan Framework Element Goal 3A (i.e., contributing to the City's long-term economic viability) and Objective 3.1 (i.e., supporting the needs of the City's existing and future residents and businesses).
- Alternative 5 would implement a variety of measures designed to control traffic and limit vehicle trips associated with the new Wellness Pavilion, would limit average daily trips for the entire Campus to one percent below the 2016 trip counts taken for the Campus, and would reduce trips to and from Campus by providing health and wellness facilities and services on Campus which students currently seek elsewhere.
- Alternative 5 would be consistent with the State's SB 375 plans and greenhouse gas emission (GHG) targets, the City's Green Building Code, and the City's Green New Deal (Sustainable City pLAn 2019). Alternative 5 will be designed and constructed to incorporate sustainable and green building design, by siting the facility on a previously developed portion of the site and thereby preserving other open space areas within the Campus, and including electric-vehicle charging and water conservation measures consistent with Code requirements.

- Alternative 5 would provide construction employment opportunities that would maintain and enhance the economic vitality of the region.

## **X. GENERAL CEQA FINDINGS**

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the Project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services (fire, police), transportation and traffic, tribal cultural resources, utilities, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. Textual refinements were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
- The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - The City has thoroughly reviewed the public comments received regarding the project and the Final EIR as it relates to the project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - The mitigation measures identified for the project were included in the Draft EIR and Final EIR. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the

mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

9. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
10. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project.
13. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.
14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any refinements in the Project in response to input from the community, includes or constitutes substantial evidence that requires recirculation of the Draft or Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Draft or Final EIR prior to its certification, and that neither the Draft EIR nor the Final EIR need to be recirculated prior to certification.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

**Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: **DEC 02 2021**

**Case No. ZA-2017-928-ZAD**

Council District: 11 – Bonin

CEQA: ENV-2016-2319-EIR; SCH No. 2016081015

Plan Area: Brentwood – Pacific Palisades

Related Case: CPC-1952-4072-CU-PA1

**Project Site:** 12001 Chalon Road

**Applicant:** Debra Martin, Mount Saint Mary's University  
Representative: Victor De la Cruz, Manatt, Phelps & Phillips, LLP

At its meeting of **October 21, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

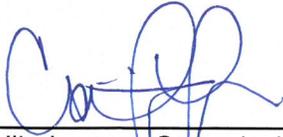
Alternative 5 (“The Project”) would require a total of 9,343 cubic yards of grading (cut and fill) and a total of 12 retaining walls ranging in height from two feet to a maximum height of up to 17 feet, in conjunction with development of the Wellness Pavilion.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified Wellness Pavilion Project EIR, No. ENV-2016-2319-EIR, SCH No. 2016081015; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved**, pursuant to Section 12.24 X.28 of the Los Angeles Municipal Code (LAMC), a Zoning Administrator Determination to permit a total of 9,343 cubic yards of grading (cut and fill), in lieu of the maximum cut and fill amount of 6,600 cubic yards permitted by LAMC Section 12.21C.10(f)(1);
3. **Approved**, pursuant to LAMC Section 12.24 X.26, a Zoning Administrator Determination to permit the following modification to the number and height of retaining walls at the development site:
  - a. An allowance of 12 retaining walls per lot in lieu of the maximum limit of one retaining wall per lot otherwise permitted by LAMC Section 12.21 C.8; and
  - b. A total of 12 retaining walls ranging in height from two feet to a maximum height of up to 17 feet, in lieu of the 12-foot height limit otherwise permitted by LAMC Section 12.21 C.8;
4. **Adopted** the attached Modified Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman  
Second: López-Ledesma  
Ayes: Campbell, Choe, Hornstock, Leung  
Absent: Mack, Millman, Dake Wilson

**Vote: 6 – 0**



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** DEC 17, 2021

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Milena Zasadzien, Senior City Planner  
Kathleen King, City Planner

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 21, 2021)

Pursuant to LAMC 12.24 X.28 and 12.24 X.26, the following conditions are hereby imposed upon the use of the Wellness Pavilion.

### Determination Conditions

1. **Site Development.** The use and development of the grading and retaining walls for the Wellness Pavilion portion of the property shall be in substantial conformance with the attached plans labeled as Exhibits D1 (dated August 17, 2021), D2 (dated May 17, 2021), and D3 (dated August 4, 2021). No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Grading and Retaining Walls.** Approved are the following grading activities and the construction of retaining walls, in association with the Wellness Pavilion, as follows:
  - a. Grading. The total permitted on-site grading (cut and fill) shall be up to 9,343 cubic yards as shown in Exhibit D1, dated August 17, 2021. All grading shall be balanced on-site. No grading permit shall be issued until the building permit is approved for the Wellness Pavilion.
  - b. Retaining Walls. A total of 12 retaining walls ranging in height from two feet to 17 feet shall be permitted as shown in Exhibit D2, dated May 17, 2021. The retaining walls are permitted as follows:
    - i. Retaining Wall No. 1 with a height ranging from 2' to 12';
    - ii. Retaining Wall No. 2 with a height ranging from 9' to 12';
    - iii. Retaining Wall No. 3 with a height ranging from 3' to 5';
    - iv. Retaining Wall No. 4 with a height ranging from 2' to 8';
    - v. Retaining Wall No. 5 with a height ranging from 2' to 10';
    - vi. Retaining Wall No. 6 with a height ranging from 2' to 8';
    - vii. Retaining Wall No. 7 with a height ranging from 2' to 9';
    - viii. Retaining Wall No. 8 with a height ranging from 7' to 17';
    - ix. Retaining Wall No. 9 with a height ranging from 5' to 17';
    - x. Retaining Wall No. 10 with a height ranging from 2' to 17';
    - xi. Retaining Wall No. 11 with a height ranging from 2' to 16'; and
    - xii. Retaining Wall No. 12 with a height ranging from 2' to 8'.
3. **Retaining Walls in Hillside Areas.** In accordance with LAMC 12.21 C.8(b), all retaining walls eight feet or greater in height must be landscaped to completely hide the retaining wall from view within a reasonable amount of time. The retaining wall landscaping shall be in substantial conformance with Exhibit D3, dated August 4, 2021.

### **Environmental Conditions**

1. **Implementation.** The Mitigation Monitoring Program (MMP), attached as Exhibit E and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
2. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

3. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the nonenvironmental conditions of approval.

4. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- a. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
  - b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - c. The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.
  - d. The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - e. If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
  - f. The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
  - g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

**Administrative Conditions of Approval**

1. **Approval, Verification and Submittals.** Copies of any approvals guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
7. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
8. **Indemnification.** The Applicant shall do all of the following:
  - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
9. The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

10. For purposes of this condition, the following definitions apply: "City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers. "Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law. Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

### **A. Findings in Accordance with LAMC Section 12.24 X.28 (Grading) (Zoning Administrator Determination), and Findings in Accordance with LAMC Section 12.24 X.26 (Retaining Walls) (Zoning Administrator Determination).**

The following is a delineation of the findings as related to the request for a Determination in accordance with LAMC Section 12.24 X.28, for a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, and a Determination in accordance with LAMC Section 12.24 X.24, for 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone. These requests require that the following findings identified in LAMC 12.24 E be made.

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

Mount Saint Mary's University (MSMU) is requesting grading and retaining walls to allow for the construction and operation of Alternative 5. Alternative 5 will improve MSMU's fitness/educational facilities on the Chalon Campus (Campus) providing a greater and enhanced educational and wellness experience for MSMU students, faculty, staff, and outside guests, thereby providing a service that enriches and benefits the students, community, City, and region as a whole.

The Wellness Pavilion will provide a practice facility to accommodate MSMU's club sport practices and games, fostering an improved educational experience and eliminating operational challenges by removing the necessity of locating club sport practices and games off-site. Accordingly, Alternative 5 will allow MSMU to continue providing the essential and beneficial service of a private educational institution in the Brentwood Community.

Because of the topography of the area, together with dense vegetation along nearby roadways, the Campus and the Project Site are minimally visible from the surrounding area. Thus, views across the Campus would not be interrupted or blocked by the proposed Wellness Pavilion and the nearest residences along Bundy Drive will not be able to see the Wellness Pavilion.

#### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-2017-928-ZAD Condition No. 2(a) MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, unlike a majority of development projects which require haul trucks to remove earthwork from a site, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Allowing for the grading amount to exceed the LAMC maximum will permit the development of a Wellness Pavilion to serve the Campus and

community. The Wellness Pavilion has been designed to position the building in an area of the Campus to minimize grading. The Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating additional grading than what would normally be allowed for a single-family development in the hillside area, for which the LAMC Hillside Development Standards were adopted. As Alternative 5 will require typical grading activities needed for the proposed development type (a gym) and eliminate earthwork hauling activities, while developing a new facility in furtherance of the use of an educational institution which serves students and the community, therefore, Alternative 5 will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is essential or beneficial to the community, city, or region.

### **b. Retaining Walls (Number and Height)**

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8. Though most of the retaining walls are not retaining walls in the sense that retaining walls are intended to support hillside earth and ensure a stable site, LAMC Section 12.21 C.8 states that, a “retaining wall” shall be defined as a freestanding continuous structure, as viewed from the top, intended to support earth, which is not attached to a building.” MSMU has requested that any wall which may technically meet the LAMC definition be considered a retaining wall. A majority of the retaining walls are largely architectural in nature, integrated into the Wellness Pavilion itself, or the surrounding parking areas, and none of the proposed retaining walls are carved into the hillside and/or supporting large amounts of earth or natural features.

As shown in Exhibit D2, the 12 proposed retaining walls are located throughout the Site and will enhance the Site’s overall design, pedestrian experience and vehicle safety. Further, it should be noted that several of the proposed retaining walls are located around trash or electrical equipment enclosures and will screen these uses from view. Others are located along new surface parking areas and will aid in pedestrian safety. Finally, several retaining walls are located along the pedestrian walkway, increasing pedestrian connectivity throughout the Campus, as well as opportunities for landscaping and contributing to the overall Site design.

Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining wall eight feet or greater in height to be landscaped and hidden from view. MSMU’s retaining wall landscape plan is included as Exhibit D3. Thus, the Project Site characteristics and existing improvements make strict adherence to the retaining wall regulations impractical due to the Project Site topography, which creates practical difficulties when siting new construction.

The number and height of retaining walls needed to allow for the construction and operation of Alternative 5 are included in ZA-2017-928-ZAD Condition No. 2(b). As discussed above, the Project Site will not be visible to the nearest residences along Bundy Drive and all retaining walls eight feet and greater in height will be required to be landscaped to completely hide the retaining wall from view. Similar to the request to exceed the permitted amount of grading, the LAMC Hillside Development Standards were adopted to regulate single-family residences which make-up most of the development in hillside areas. The retaining walls will not expand the existing

Campus' development pad nor will they result in visual impacts to the surrounding community. The Wellness Pavilion will provide a service that is beneficial to both students, faculty, staff, and the surrounding community with a modernized fitness facility and wellness programming to encourage physical activity and to educate students on nutrition and health.

**2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;**

Mount Saint Mary's University (MSMU) is requesting grading and retaining walls to allow for the construction and operation of Alternative 5. Alternative 5 will replace the Chalon Campus' (Campus) inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of its Campus. The Campus' existing fitness facilities include a pool area, two tennis courts, a Facilities Management building (a single-story 1,470 square-foot building) constructed in 1952, and a 1,030 square-foot Fitness Center building that was constructed in 1949. The Wellness Pavilion will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health and allow MSMU to continue providing the essential and beneficial service of a university.

**a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Further, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan. In addition, grading activities will comply with South Coast Air Quality Management District (SCAQMD) Rule 403 which requires the implementation of best available dust control measures during operations capable of creating fugitive dust. Compliance with the Transportation PDFs and Rule 403 in addition to the distance between the Project Site and nearest residence (300 feet) will ensure that grading activities related to the construction of Alternative 5 will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**b. Retaining Walls (Number and Height)**

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu

of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

As shown in Exhibit D2, the 12 proposed retaining walls are located throughout the Site and will enhance the Site's overall design, pedestrian experience and vehicle safety. Further, it should be noted that several of the proposed retaining walls are located around trash or electrical equipment enclosures and will screen these uses from view. Others are located along new surface parking areas and will aid in pedestrian safety. Finally, several retaining walls are located along the pedestrian walkway, increasing pedestrian connectivity throughout the Campus, as well as opportunities for landscaping and contributing to the overall Site design. .

The number and height of retaining walls needed to allow for the construction and operation of Alternative 5 are included in ZA-2017-928-ZAD Condition No. 2(b). The Project Site will not be visible to the nearest residences along Bundy Drive and all retaining walls eight feet and greater in height will be required to be landscaped to completely hide the retaining wall from view. Similar to the request to exceed the permitted amount of grading, the LAMC Hillside Development Standards were adopted to regulate single-family residences which make-up most of the development in hillside areas. The retaining walls will not expand the existing Campus' development pad nor will they result in visual impacts to the surrounding community. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining wall eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3.

The Wellness Pavilion will provide a service that is beneficial to both students, faculty, staff, and the surrounding community with a modernized fitness facility and wellness programming to encourage physical activity and to educate students on nutrition and health. The request to exceed the maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone will not adversely affect or degrade adjacent properties, including the surrounding neighborhood.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

**General Plan Framework Element**

The Framework Element of the General Plan was adopted the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project Site. It also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the current request:

*Policy 3.2.4: Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.*

*Goal 3B: Preservation of the City's stable single-family residential neighborhoods.*

Objective 3.5: *Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

Policy 3.5.2: *Require that new development in single-family neighborhoods maintains the predominant and distinguishing characteristics, such as property setbacks and building scale.*

Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots, while maintaining the overall spatial relationships with the surrounding environment.

#### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-9017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets.

Allowing for the grading amount to exceed the LAMC maximum will allow the Wellness Pavilion to be located on an area of the Campus that will not be visible from the surrounding residential community and thus not impact the character and/or scale of the single-family neighborhood. Additionally, the Wellness Pavilion has been designed to position the building in an area of the Campus to minimize grading. The Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating additional grading than what would normally be allowed for a single-family development in the hillside area. In accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which would ensure that construction activities, including grading activities, related to the construction of Alternative 5 will have minimal impacts to the surrounding residential neighborhood's character. In addition, grading activities will comply with South Coast Air Quality Management District (SCAQMD) Rule 403 which requires the implementation of best available dust control measures during operations capable of creating fugitive dust. Compliance with the Transportation PDFs and Rule 403 in addition to the distance between the Project Site and nearest residence (300 feet) will ensure that grading activities related to the construction of Alternative 5 do not impact the character of the surrounding residential neighborhood.

#### **b. Retaining Walls (Number and Height)**

In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section

12.21 C.8. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. As shown in MSMU's retaining wall landscape plan which is included as Exhibit D3, the retaining walls eight feet or greater in height will be landscaped and not visible.

As shown in Exhibit D2, the 12 proposed retaining walls are located throughout the Site and will enhance the Site's overall design, pedestrian experience and vehicle safety. Further, it should be noted that several of the proposed retaining walls are located around trash or electrical equipment enclosures and will screen these uses from view. Others are located along new surface parking areas and will aid in pedestrian safety. Finally, several retaining walls are located along the pedestrian walkway, increasing pedestrian connectivity throughout the Campus, as well as opportunities for landscaping and contributing to the overall Site design.

The nearest single-family residence is approximately 300 feet from the Campus, and the Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. Thus, the 12 retaining walls which will range in height from two to 17 feet, will not impact the character of the surrounding single-family residential neighborhood.

### **Brentwood-Pacific Palisades Community Plan**

The Brentwood-Pacific Palisades Community Plan was adopted by the Los Angeles City Council on June 17, 1998. The Community Plan's purpose is to, "to promote an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community." Alternative 5 will be in conformance with the following goals, objectives, and policies as described below.

Objective 1-3: *To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.*

Policy 1-3.2: *Preserve existing views in hillside areas.*

#### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and be contained entirely within the Project Site. Further, in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Additionally, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which will ensure that grading activities related to the construction of Alternative 5 will not impact the residential character and integrity of the surrounding residential neighborhood, including hillside views.

### **b. Retaining Walls (Number and Height)**

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

As shown in Exhibit D2, the 12 proposed retaining walls are located throughout the Site and will enhance the Site's overall design, pedestrian experience and vehicle safety. Further, it should be noted that several of the proposed retaining walls are located around trash or electrical equipment enclosures and will screen these uses from view. Others are located along new surface parking areas and will aid in pedestrian safety. Finally, several retaining walls are located along the pedestrian walkway, increasing pedestrian connectivity throughout the Campus, as well as opportunities for landscaping and contributing to the overall Site design.

Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. As discussed in detail above, the Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. As MSMU will be required to comply with ZA-2017-928-ZAD Condition No. 3 that requires any retaining wall eight feet or greater in height to be landscaped and hidden from view the additional retaining walls, the request to exceed the maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone will not interfere with existing hillside views and Alternative 5 will be compatible with and will not impact the residential character and integrity of the surrounding residential neighborhood.

*Goal 4: A Community with sufficient open space in balance with development to serve the recreational, environmental, health and safety needs of the community and to protect environmental and aesthetic resources.*

*Objective 4-1: To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.*

*Policy 4-1.1: Natural resources should be conserved on privately-owned land of open space quality and preserved on state parkland. City parks should be further developed as appropriate.*

### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and be contained entirely within the Project Site. Further, in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby

eliminating the need for any import or export of fill. As discussed above, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which will ensure that grading activities related to the construction of Alternative 5 will not impact any of the surrounding open space.

### **b. Retaining Walls (Number and Height)**

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. As discussed in detail above, the Project Site is located entirely within the Campus, thus none of the retaining walls will be located in open space. Further, as any retaining walls eight feet or greater in height are required to be landscaped, none of the retaining walls will be visible from the surrounding trails. Thus, the number and height of retaining walls will not impact any of the surrounding open space.

## **B. Additional Required Findings for LAMC Section 12.24 X.28 (Grading) (Zoning Administrator Determination)**

In connection with Alternative 5, MSMU is requesting a Determination, pursuant to LAMC Section 12.24 X.28 (a)(5), to allow up to 9,343 cubic yards of grading in lieu of the maximum 6,600 cubic yards of grading for a lot in a Hillside Area in the RE40-1 Zone. The following additional findings are required by LAMC Section 12.24 X.28(b)(5)

### **1. The project is in conformity with the public necessity, convenience, general welfare and good zoning practice.**

Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of the Campus. The Campus' existing fitness facilities include a 1,030 square-foot single-story Fitness Center building, two Facilities Management buildings (a two-story 3,500 square-foot building and a single-story 1,470 square-foot building), two tennis courts, a swimming pool, and several surface parking lots. The Fitness Center building encompasses the Campus' entire weight training and cardio facilities which includes free weights, three treadmills, one stair machine, two elliptical machines, and several strength training machines, while the Facilities Management building includes a 600 square-foot maintenance area and 870 square-foot shower/locker room area. The Wellness Pavilion is a public necessity as it will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health.

The Campus has operated in its current location since 1929. The Project Site will be entirely contained within the Campus and is currently developed. Construction of Alternative 5 will not

require the development of any of the surrounding open space; Alternative 5 will require the expansion of the Project Site's 200-foot fuel modification zone into 0.9-acres of native plant communities, however due to the proximity of the 200-foot fuel medication zone to developed areas of the Campus, the new fuel modification area is already subject to indirect effects associated with Campus activities. Operation of the Wellness Pavilion will provide students, faculty, and staff with convenient access to a modernized fitness/educational facility on the Campus. As a number of students currently drive off-Campus to access fitness facilities, the students will be better served by having access to an on-Campus facility. Additionally, the Wellness Pavilion will be used by MSMU's club sport teams for both practice and intercollegiate competitions, further reducing the need for students to travel off Campus. Currently the club teams are required to rent off-Campus facilities for practice and competitions.

The Campus is located on a ridge, with open space to the east, west, and north, and a single-family residential community to the south. Operation of Alternative 5 will permit new events to be held on Campus, which can be attended to by student, faculty, staff, and outside guests. Ingress/egress to the Campus is provided via the residential neighborhood to the south. Alternative 5 will implement maximum daily vehicle trip caps for the Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E). Thus Alternative 5's operational restrictions will ensure that the general welfare of the surrounding community is not impacted with the interim outside guest vehicle trips associated with events held at the Wellness Pavilion.

The Campus exists as a "deemed to be approved" conditional use with subsequent plan approvals, allowing for an educational use in the residential zone. Continuation of the school use and improvement of the site with upgraded athletic and wellness activities is consistent with good zoning practice. As such, the project is in conformity with the public necessity, convenience, general welfare and good zoning practice.

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1), in order to implement Alternative 5. Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural

Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Further, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU would be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which would ensure that grading activities related to the construction of Alternative 5 will be in conformity with public welfare and be consistent with good zoning practices, and will support the continued school use, which provides a operates in conformity with public necessity and convenience.

**2. The action will be in substantial conformance with the various elements and objectives of the General Plan.**

Pursuant to LAMC Section 12.36-D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 3 in the Conditional Use Permit Findings in accordance with Section 12.24 E of the LAMC and is hereby incorporated by reference.

**3. That the grading in excess of the absolute maximum Grading quantities is done in accordance with the DCP Planning Guidelines Landform Grading Manual and is used to reflect the original landform and result in minimum disturbance to natural terrain. Notching into hillside is encouraged so that projects are built into natural terrain as much as possible.**

The Chalon Campus (Campus) is located in a designated Hillside Area. In 2011, the City Council adopted the Baseline Hillside Ordinance (Ordinance No. 181,624) ("BHO"), which is codified in LAMC Section 12.21-C.10. The BHO was adopted to regulate the scale and massing of single-family homes in single-family zones in Hillside Areas. In 2017, the City Council amended the BHO (Ordinance No. 184,802) to update and fine-tune the existing rules relating to the size and bulk of new homes, as well as grading of hillside lots. The BHO regulates grading and although the BHO was intended primarily to address out-of-scale single-family homes, the Planning Department has determined that the requirements of the BHO that are not expressly limited to single-family homes or residential uses apply to private schools and other non-residential uses in the Hillside Area. Therefore, the Campus is subject to the grading and export regulations of the BHO.

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.10(f)(1). The BHO limits grading quantities to five percent of the site area plus 500 cubic yards, not to exceed the maximum "by right" grading quantity set forth for the zone. The BHO permits a maximum of 6,600 cubic yards for the RE40 Zone. As noted, construction of Alternative 5 requires approximately 9,343 cubic yards of grading. Under the authority of Section 12.24-X.28, the Zoning Administrator may issue a determination to allow grading to exceed the limitations in the BHO to allow grading quantities up to five percent of the total Lot size plus 500 cubic yards. The 45-acre Campus is one lot. For the Campus, this calculation would allow up to approximately 98,510 cubic yards of grading ( $.05 * 1,960,200 = 98,010 + 500 = 98,510$ ).

The Project Site is relatively flat with modest sloping to the south (the grade change from the northern to southern end of the Campus is approximately 600 feet) and is already improved with

existing fitness facilities and areas with level pads, as well as sloped grades. The Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating additional grading than what would normally be allowed for a single-family development in the hillside area. However, there will be minimal disturbance of the natural terrain and the original landform. Alternative 5 will require typical grading activities needed for the proposed development type (a gym) and eliminate earthwork hauling activities, while developing a new facility in furtherance of the use of an educational institution which serves students and the community. In addition, the Landform Grading Manual includes Specific Techniques for varying slope ratios, drainage devices, streets and sidewalks, and Hillside maintenance plans. The Project will comply with the guidelines contained in the Landform Grading Manual as appropriate.

- 4. That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing conditions of the Street improvements and traffic of the streets along the haul route; and that potentially significant impacts to the public health, safety and welfare of the surrounding community are being mitigated to the fullest extent feasible.**

Alternative 5 will require grading require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.10(f)(1). All grading activities will be balanced on-site, thereby eliminating the need for any import or export of fill. Thus, Alternative 5's grading activities would not result in import or export leading to significant alteration of the existing natural terrain and will not significantly affect the existing conditions of the surrounding roadways and/or impact traffic.

As stated in the Final EIR, Alternative 5 will result in significant and unavoidable construction noise and construction traffic impacts as well as a cumulative human annoyance vibration impact, although as also explained in the Final EIR, the analysis and conclusion of the Original Project's construction traffic impacts for intersection level of service and neighborhood street segments was a conservative approach as the Los Angeles Department of Transportation never adopted construction traffic thresholds. In addition, Alternative 5 will require mitigation for impacts to reduce impacts to less than significant levels for the following: air quality, specifically impacts from regional construction NOX emissions, migratory bird species, existing trees that will remain on-site, the potential discovery of archaeological resources, noise, specifically impacts from on-site construction equipment and off-site construction traffic, and traffic, specifically construction truck trip impacts to intersections and street segments.

Truck trips associated with maximum pour days would have significant and unavoidable construction traffic impacts. Alternative 5's traffic impacts at study area intersections during construction would be potentially significant, but these would be reduced to a level of less than significant through the implementation of MM-TRAF-1. However, Alternative 5 would also result in significant and unavoidable traffic impacts during periods of peak construction at three street segments: Bundy Drive north of Norman Place, with a projected increase of 11.7 percent, exceeding the applicable impact criteria of 10 percent, Chalon Road east of Bundy Drive with an increase of 18.3 percent, exceeding the applicable impact criteria of 12 percent, and Bundy Drive north of Sunset Boulevard with an increase of 8.6 percent, exceeding the applicable impact criteria of 8 percent. As these temporary impacts to neighborhood street segments are based on daily trips and not only peak hour trips, due to the surrounding roadways existing conditions (i.e., minimal number of daily trips), only a low number of daily trips are needed to exceed the

neighborhood street segment threshold. The EIR concluded that no additional feasible mitigation measures could be implemented to reduce these impacts.

Off-site construction traffic under Alternative 5 will increase noise levels at noise-sensitive receptors (residential uses) in the Project Site vicinity in excess of applicable threshold standards. Alternative 5 will implement a modified PDF-TRAF-1 requiring that no haul truck trips occur between 3:00 P.M. and 7:00 A.M. Monday through Saturday, except for concrete pour truck trips that cannot feasibly be finished prior to 3:00 P.M. MM-NOISE-2 requires that all off-site heavy duty trucks accessing the Project Site during the demolition, concrete pouring, and asphalt paving phase shall install noise dampening mufflers that achieve a minimum 10 dBA noise level reduction, based on the manufacturer specifications for noise reduction performance. With implementation of MM-NOISE-2, under Alternative 5, off-road construction noise impacts will be reduced to less than significant levels during the demolition and asphalt paving phases of construction. However, impacts from concrete trucks will remain significant and unavoidable along Chalon Road. With implementation of MM NOISE-1 and MM NOISE-2, some off-site noise impacts associated with haul trucks will be reduced to less than significant levels during Alternative 5's peak high-noise phases, which include hauling of demolition debris and concrete deliveries. No feasible mitigation will reduce the significant and unavoidable noise impacts associated with concrete trucks under Alternative 5 and, as such, noise impacts related to truck activity would be significant and unavoidable. CEQA requires that all feasible mitigation measures or alternatives be considered that can reduce significant impacts to a level of less than significant. With respect to construction traffic and noise impacts, as well as cumulative human annoyance impacts, the EIR fully analyzed all feasible mitigation measure for Alternative 5. Therefore, all of Alternative 5's significant impacts are being mitigated to the fullest extent feasible.

**C. Additional Findings in Accordance with LAMC Section 12.24 X.26 (Retaining Walls)**  
**(Zoning Administrator Determination)**

In connection with Alternative 5, MSMU is requesting a Determination, pursuant to LAMC Section 12.24 X.26 to allow up to 12 retaining walls and to exceed the allowable height otherwise permitted on a lot in a Hillside Area in the RE40-1 Zone. The following additional findings are required by LAMC Section 12.28 C.4.

- 1. That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8. LAMC Section 12.21 C.8 states that a retaining wall is, "...defined as a freestanding continuous structure, as viewed from the top, intended to support earth, which is not attached to a building." The retaining wall standards were adopted principally to regulate the development of walls for new single-family residential uses, which constitute the vast majority of development in hillside areas, so as to minimize visual impacts on adjoining and nearby residential properties that are typically located in close proximity.

The Chalon Campus (Campus) is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. The Campus has been fully improved for several decades with dormitories, classroom buildings, a chapel, and existing recreational facilities. As shown in Exhibit D2, the 12 proposed

retaining walls are located throughout the Site and will enhance the Site's overall design, pedestrian experience and vehicle safety. Further, it should be noted that several of the proposed retaining walls are located around trash or electrical equipment enclosures and will screen these uses from view. Others are located along new surface parking areas and will aid in pedestrian safety. Finally, several retaining walls are located along the pedestrian walkway, increasing pedestrian connectivity throughout the Campus, as well as opportunities for landscaping and contributing to the overall Site design.

The retaining walls will not expand the existing Campus' development pad nor will they result in visual impacts to the surrounding community. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining wall eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. The Wellness Pavilion will require more than one retaining wall per lot, as permitted by the LAMC, and several requested retaining walls will also exceed the LAMC permitted maximum height. The request is needed to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating a greater number of retaining walls with an increased height, than what would normally be allowed for a single-family development in the hillside area. However, as discussed above the retaining walls that are greater than eight feet in height will be landscaped and not visible from the surrounding residences, the Wellness Pavilion will be located in a developed area of the Campus and the retaining walls will not be needed due to the grading of an extreme slope and/or undisturbed hillside. Thus, the Project Site characteristics and existing improvements make strict adherence to the retaining wall regulations impractical due to the Project Site topography, which creates practical difficulties when siting new construction. Accordingly, the granting of the Zoning Administrator Determination will nevertheless conform to the intent of the Zoning Code and while the Project Site characteristics and existing improvements make strict adherence to the retaining wall regulations impractical, Alternative 5 nevertheless conforms with the intent of the regulations.

- 2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and**

Pursuant to LAMC Section 12.36.D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 2 in the Conditional Use Findings and in accordance with LAMC Section 12.24.E of the LAMC, is hereby incorporated by reference.

- 3. That the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

Pursuant to LAMC Section 12.36-D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 3 in the Conditional Use Permit Findings and in accordance with Section 12.24 E of the LAMC, is hereby incorporated by reference.

### **CEQA Findings**

An Environmental Impact Report (ENV-2016-2319-EIR) was prepared for Alternative 5. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the EIR, there is no substantial evidence that Alternative 5 will have a significant effect on the environment. The EIR reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Major Projects Section of the Planning Department in Suite 1350, 221 N. Figueroa Street.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of the Mount Saint Mary's Wellness Pavilion Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-2319-EIR, SCH No. 2016081015). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Mount Saint Mary's Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the Mount Saint Mary's Alternative 5 (Project), located at 12001 Chalon Road, Los Angeles, CA 90049 (Site or Project Site).

Alternative 5 as analyzed in the Final EIR, involves the demolition of two tennis courts, the outdoor pool area, one Facilities Management building and the Fitness Center building, and several surface parking lots on a 3.8-acre portion of the 45-acre Campus, and the development of a 35,500 square-foot two-story Wellness Pavilion, a new outdoor pool area, Campus roadway improvements, new landscaped areas, and several surface parking lots totaling 186 vehicle spaces. The Wellness Pavilion will provide students, faculty, and staff with a gym, multi-purpose rooms, a physical therapy lab, dance and cycling studios, lockers, showers, restrooms, and an equipment storage area. Alternative 5 does not include a request to increase student enrollment but will require the addition of one new staff person and will introduce three new types of events which can be attended by outside guests, students, faculty, and/or staff. The Alternative's new events will include: (1) Summer Sports Camps (which will operate over a 12-week period during the summer); (2) Health/Wellness Speaker Series (a maximum of eight annual events), and (3) Other Wellness/Sports Events/Activities (a maximum of 12 events per year). Additionally, two existing events, Athenian Day and Homecoming, currently held at the Campus, will be moved to the Wellness Pavilion to allow for potential attendance increases, and Club Sports, but not intercollegiate sports, will be permitted. The Alternative will include a maximum building height of 42 feet, require a total of 9,343 cubic yards of grading (cut and fill), and a total of 12 retaining walls that will range in height from two feet to 17 feet.

The Draft EIR was circulated for an initial 48-day public comment period beginning on April 12, 2018, and a 15-day extension was added, for a total public comment period of 63 days ending on June 13, 2018. A Notice of Completion and Availability (NOC/NOA) was distributed on April 12, 2018 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and could be accessed and reviewed by members of the public by appointment with the Planning Department, and digital copies were made available to the Los Angeles Central Library at 630 W. 5<sup>th</sup> Street, Los Angeles, CA 90071, the West Los Angeles Regional Library at 11360 Santa Monica Boulevard, Los Angeles, CA 90025, the Westwood Branch Library at 1246 Glendon Avenue, Los Angeles, CA 90024, and the Donald Bruce Kaufman – Brentwood Branch Library at 11820 San

Vicente Boulevard, Los Angeles CA 90049. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on April 12, 2018.

The City released a Final EIR for the Project on June 17, 2021, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Chapter II, Responses to Comments, of the Final EIR. In Chapter III, *Revisions, Clarifications and Corrections*, of the Final EIR, the City made revisions, clarifications and corrections to the Draft EIR regarding the Project and in addition, analyzed the environmental effects of Alternative 5, focusing particularly on the differences in its environmental impacts as compared to those of the Original Project analyzed in the Draft EIR. Notices regarding the availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

The City Planning Commission certified the EIR on October 21, 2021 ("Certified EIR") in conjunction with the approval of the Project's Case No. CPC-1952-4072-CU-PA1. In connection with the certification of the EIR, the City Planning Commission adopted CEQA findings and a mitigation monitoring program. The City Planning Commission adopted the mitigation monitoring program in the EIR as a condition of approval. All mitigation measures in the Mitigation Monitoring Program are also imposed on Alternative 5 through Conditions of Approval of CPC-1952-4072-CU-PA1, to mitigate or avoid significant effects of Alternative 5 on the environment and to ensure compliance during implementation of the Alternative.

#### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the approval of the Alternative. There are no substantial changes to the Alternative, and it is substantially the same as the approved Alternative. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of the Alternative. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the Alternative.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Alternative.

Therefore, as the Alternative was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR, are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number)

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

**Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

**Applicant Copy**  
 Office: Downtown  
 Application Invoice No: 77062

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



## 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: 151221A43-3B3E8BAB-25ED-4179-AC4F-256BA1A70925, Amount: \$109.47, Paid Date: 12/15/2021**

Applicant: CHATTEN-BROWN, CARSTENS & MINTEER LLP - CARSTENS, DOUGLAS ( 310-7982400 )
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
<b>Case Total</b>			<b>\$89.00</b>

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

Council District: 11  
 Plan Area: Brentwood - Pacific Palisades  
 Processed by VIDAL, ANNA on 12/15/2021

Signature: \_\_\_\_\_

**Building & Safety Copy**  
 Office: Downtown  
 Application Invoice No: 77062

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



\*6800177062\*



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