

## 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.