

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

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| CITY PLANNING CASE: | ENVIRONMENTAL DOCUMENT: | COUNCIL DISTRICT: |
| ZA-2017-928-ZAD-1A | ENV-2016-2319-EIR | 11 – Bonin |
| PROJECT ADDRESS: | | |
| 12001 Chalon Road | | |
| APPLICANT | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Debra Martin, Mount Saint Mary's University 10 Chester Place Building 10, 3 rd floor Los Angeles Ca 90007 <input type="checkbox"/> New/Changed | 213-477-2905 | dmartin@msmu.edu |
| APPLICANT'S REPRESENTATIVE | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Manatt, Phelps & Phillips, LLP Victor De la Cruz 11355 West Olympic Boulevard Los Angeles Ca 90064 | (310) 312-4305 | VDelaCruz@manatt.com |
| APPELLANTS | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| 1. Bundy Canyon Association 1278 N. Norman Place Los Angeles, CA 90403 Representative: Jamie T. Hall 8383 Wilshire Blvd., Ste. 750 Beverly Hills, CA 90211 | (310) 259-757 (310) 982-1760 | stefaniemichaels@gmail.com Jamie.hall@channellawgroup.com |
| 2. Bernadette & Tim Leiweke, Barbara & Richard Bergman, Victor Antola, and Mary & David Vena 1900 Avenue of the Stars, 7 th Floor Los Angeles, CA 91406 Representative: Neill E. Brower, Esq. Jeffer Mangels Butler & Mitchell, LLP. 1900 Avenue of the Stars, 7 th Floor Los Angeles, CA 91406 | (310) 712-6833 | nb4@jmbm.com |
| PLANNER CONTACT INFORMATION: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Kathleen King | 213-847-3624 | Kathleen.king@lacity.org |
| ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION | | |
| Please see appeal information below. | | |

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

Zoning Administrator Decision (ZAD)

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other

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NOTES / INSTRUCTION(S):

Environmental Impact Report (Case No. ENV-2016-2319-EIR) is accessible here:

<https://planning.lacity.org/development-services/eir>**FISCAL IMPACT STATEMENT:** Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission
- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

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| PLANNING COMMISSION HEARING DATE: | COMMISSION VOTE: |
| October 21, 2021 | 6 – 0 |
| LAST DAY TO APPEAL: | APPEALED: |
| December 17, 2021 | Yes |
| TRANSMITTED BY: | TRANSMITTAL DATE: |
| Cecilia Lamas Commission Executive Assistant | January 18, 2022 |



LOS ANGELES CITY PLANNING COMMISSION

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

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:

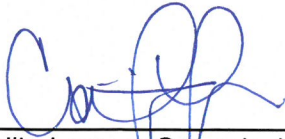
Alternative 5 (“The Project”) would require a total of 9,343 cubic yards of grading (cut and fill) and a total of 12 retaining walls ranging in height from two feet to a maximum height of up to 17 feet, in conjunction with development of the Wellness Pavilion.

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 ($.05 \times 1,960,200 = 98,010 + 500 = 98,510$).

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. 5th 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)

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