



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-1952-4072; ZA-2017-020-ZAD; ENV-2016-2319-EIR

Project Address: 12001 Chalon Road, Los Angeles

Final Date to Appeal: 12/17/2021

2. APPELLANT

- Appellant Identity: Representative, Applicant, Property Owner, Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved: Bernadette & Tim Leiweke, Barbara & Richard Bergman, Victor Antola, Mary and David Vena

- Person affected by the determination made by the Department of Building and Safety: Representative, Applicant, Owner, Operator, Aggrieved Party

3. APPELLANT INFORMATION

Appellant's Name: Bernadette&Tim Leiweke, Barbara&Richard Bergman, Victor Antola, Mary&David Vena

Company/Organization: n/a

Mailing Address: Care of Neill E. Brower, (Representative information below)

City: State: Zip:

Telephone: E-mail: Various: see attachment

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

- Self, Other:

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

**4. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Neill E. Brower, Esq.  
Company: Jeffer Mangels Butler & Mitchell LLP  
Mailing Address: 1900 Avenue of the Stars, 7th Floor  
City: Los Angeles State: CA Zip: 91406  
Telephone: (310) 712-6833 E-mail: nb4@jmbm.com

**5. JUSTIFICATION/REASON FOR APPEAL**

- a. Is the entire decision, or only parts of it being appealed?  Entire  Part
- b. Are specific conditions of approval being appealed?  Yes  No

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

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

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

**6. APPLICANT'S AFFIDAVIT**

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

Appellant Signature: Timothy Heinke Bernadette Leivake Date: December 14, 2021

*Richard Begeman Richard D. Begeman Victor Andia Juis Antola Mary Kordisman Vena David Vena*

**GENERAL APPEAL FILING REQUIREMENTS**

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

**1. Appeal Documents**

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

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

**b. Electronic Copy**

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

**c. Appeal Fee**

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

**d. Notice Requirement**

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

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

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

NOTE:

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

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

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

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

NOTE:

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

**E. TENTATIVE TRACT/VESTING**

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

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

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

**F. BUILDING AND SAFETY DETERMINATION**

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

**a. Appeal Fee**

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

**b. Notice Requirement**

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

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

**a. Appeal Fee**

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

**b. Notice Requirement**

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

**G. NUISANCE ABATEMENT**

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

NOTE:

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

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

**2. Plan Approval/Compliance Review**

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

**a. Appeal Fee**

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

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

**NOTES**

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

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

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

**Attachment A**  
**Appeal Justification**  
**Mt. St. Mary's University**  
**12001 Chalon Road**  
**CPC-1952-4072; ZA-2017-928-ZAD; ENV-2016-2319-EIR**

Appellants are neighbors of Mount St. Mary's University ("MSMU"):

- Bernadette and Tim Leiweke, email: bleiweke@gmail.com
- Richard and Barbara Bergman, email: richard@bergmangroupinc.com
- Victor and Iris Antola, email: vicantola@yahoo.com
- David and Mary Vena, email: david.vena@me.com

Each of these neighbors lives along or adjacent to the narrow, winding streets that provide the sole point of access for MSMU; each has experienced the significant traffic and public safety problems generated by MSMU's operations; and each will continue to experience the adverse effects of the proposed recreational and event facility (the "Project," comprising the case numbers listed above), which would draw large numbers of visitors to campus, exacerbating the existing access problems and consequences of wildfire. Further, each has an interest in the proper application of the California Environmental Quality Act.

**I. The Findings, and Particularly the Final EIR Attempt to Dismiss the Issue of Maximum Permitted Enrollment, and Fail to Account for the Foreseeable Cumulative Effects of Enrollment.**

The responses to comments in the Final EIR continue to draw a false and misleading characterization of the relationship of enrollment to the Project and the alternative identified in the Final EIR as Alternative 5. By simply disclaiming any relationship of the Project to enrollment, the Final EIR fails to account for foreseeable cumulative effects. Further, this failure renders the proposed Project Design Features ("PDFs") incorporated into the determinations and Mitigation Monitoring and Reporting Program ("MMRP") illusory.

Even setting aside the proper enrollment limit for the purposes of this discussion—and the Appellants do not concede existing entitlements permit any enrollment over 750 students—the record for the Final EIR contains a definitive statement by MSMU of its current ultimate enrollment. The failure of the Final EIR to account for this in the impact analysis for the Project is misleading and inaccurate, and does not inform an apprehensive public or decisionmakers of the Project's effects and of the effectiveness of the claimed mitigation or PDFs on those effects.

**A. Enrollment Increases Are Foreseeable, Even if the Project Does Not Specifically Propose an Increase, and the EIR Must Account for the Cumulative Effects of that Increase.**

Even if enrollment increases would not directly result from the Project<sup>1</sup>, MSMU believes it is entitled to reach its enrollment level without any further approval by the City.<sup>2</sup> That the

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<sup>1</sup> CEQA Guidelines §15065(a)(3); *Banning Ranch Conservancy v. City of Newport Beach*, 211 Cal.App.4th 1209, 1228 (2012).

<sup>2</sup> See Draft EIR, Project Description.

Project itself does not propose an increase in enrollment is immaterial to this analysis. Topical Responses 2, 6, and 7 attempt to justify avoiding discussion of enrollment because the Project is not a campus master plan and purportedly does not foster enrollment growth. But this is irrelevant as to whether enrollment growth would foreseeably occur during the course of construction and/or operation of the Project.

Future increases in enrollment to eventual maximum levels are foreseeable under any development scenario on the campus. ***This remains true irrespective of the enrollment level to which MSMU believes it is entitled.*** Consequently, even though MSMU now attempts to disclaim the enrollment limit it believes applies, the EIR's analysis both of indirect effects and cumulative effects must account for enrollment. The only question for the purposes of CEQA is the enrollment level MSMU would foreseeably reach, and the Draft EIR articulated a specific maximum enrollment level, based on and assuming current parking levels. To the extent Alternative 5 would nominally reduce parking on campus, the maximum enrollment articulated in the Draft EIR could be reduced accordingly for the purposes of the analysis.

Further, MSMU has remained coy about its enrollment figures throughout this process, confusing any claim or evaluation of existing or future enrollment. Despite clear limits on enrollment at its Chalon campus, MSMU has implied at various points that enrollment is essentially fungible, as students travel between the Chalon and Doheny campus for various academic needs. But MSMU's approach renders any enrollment cap imposed in the Chalon campus' entitlement history meaningless, and permits MSMU to circumvent any limitation on the Chalon campus by simply enrolling students at Doheny and allowing them to travel freely between campuses. This approach also means that MSMU (and the EIR) must attempt to quantify increased travel to the Chalon campus from the Doheny campus as enrollment at Doheny grows. This is particularly true if MSMU's academic structure provides that certain academic functions or opportunities are only available at the Chalon campus—a condition implied by the necessity for students to travel between campuses.

Among other things, the purpose of the cumulative impacts analysis is to avoid considering projects without regard for the combined effects of that and other projects.<sup>3</sup> The failure to analyze potential cumulative effects constitutes a form of piecemealing or segmentation.<sup>4</sup> An adequate analysis of cumulative impacts is particularly important when another related project might significantly worsen the Project's adverse environmental impacts and therefore constitute a mandatory component of any accurate cumulative impact analysis.<sup>5</sup> However, the multiple claims in the Final EIR regarding the inapplicability of enrollment levels led to the complete failure to calculate, evaluate, and disclose these effects.<sup>6</sup> The law is clear that any adequate environmental analysis must evaluate “past, present, and reasonably foreseeable” other projects: in this case, future actions likely include enrollment increases consistent with levels to which MSMU claims entitlement. The failure to include this represents a prejudicial abuse of discretion, and robs the purported conclusions of this analysis of substantial evidentiary support.

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<sup>3</sup> *Whitman v Board of Supervisors*, 88 Cal.App. 3d 397, 408 (1979).

<sup>4</sup> *Golden Door Properties, LLC v County of San Diego*, 50 Cal.App. 5th 467, 527 (2020).

<sup>5</sup> *Friends of the Eel River v Sonoma County Water Agency*, 108 Cal.App.4th 859 (2003).

<sup>6</sup> See Draft EIR, § IV.K (Traffic), p. IV.K-30, referencing only external cumulative projects.

## **B. The Proposed Measures to Control Traffic Contain no Enforcement Measures of Any Kind.**

Mitigation measures—or in this case, PDFs—must be enforceable, and must provide a basis for a finding regarding their effectiveness.<sup>7</sup> Here, according to the Mitigation Monitoring Program (the “MMP”), PDF-TRAF-12, 13, and 18—partially incorporated into Condition 12.h of the Plan Approval—purport to impose certain limitations on campus traffic. But these features are not enforceable: they are either qualified in a manner that does not require implementation or provide no consequences or remedy in the event of failure to meet the specified standards. This is all the more important in light of MSMU’s continued enrollment and claimed right to a future enrollment that exceeds the clear limits imposed by MSMU’s entitlements, as described in our comment letter on the Draft EIR.

First, PDF-TRAF-18, incorporated into the Plan Approval as Conditions 12.h, appears intended to limit campus traffic as a whole—including students, staff, and faculty. However, the PDF must clarify whether this is the case, and whether the vehicle trip cap will continue to apply, irrespective of enrollment increases. The language of the measure must leave no ambiguity as to its application, and if the feature will not apply to future enrollment increases, then the EIR must acknowledge the trip cap is subject to change as enrollment increases and evaluate the effectiveness of the traffic-related PDFs and mitigation on that basis.

Second, none of the PDFs (-12, -13, -18) contain any enforcement mechanism. Although PDF-TRAF-18 provides for periodic “audits,” these and the other traffic-related PDFs fail to include requirement for MSMU to bring counts into compliance if audits reveal a failure to meet the established performance standard. The lack of any actual enforcement mechanism renders these features or measures unenforceable. At a minimum, the features must include the following:

- Defined and stepwise disciplinary procedures for students, staff, faculty, and other visitors for parking in the neighborhood or failing to adhere to applicable carpooling requirements;
- Operational trip counts taken at least once per semester and once per summer, at irregular and unannounced times;
- A time certain (by the next trip count) within which non-conforming counts must be brought into conformance with the applicable trip caps;
- A penalty for the failure of MSMU to meet a trip cap after two measurements: this penalty should include reductions in the number and attendance of events, including summer camps, for a semester or summer session.
- Monetary penalties are insufficient, and do not address the actual effects on the community (and, by extension, on Sunset Boulevard). Moreover, given the recent and substantial financial gift to MSMU, monetary penalties will not suffice to deter

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<sup>7</sup> We also note that the EIR’s analysis of traffic-related effects and the post-facto use of PDFs impermissibly compresses the discussion of impacts and mitigation. It proposes measures that clearly constitute mitigation, but frames them as integral to the Project, particularly in the case of measures such as parking restrictions, which MSMU representatives claimed were infeasible at the Draft EIR stage of proceedings. See *Trisha Lee Lotus v. Calif. Dept. of Transp.*, 223 Cal. App. 4th 645 (2014).

prohibited behaviors under the various transportation and parking demand management provisions.<sup>8</sup>

Note of the subsequently adopted conditions of approval for the Zoning Administrator's Determination or the Plan Approval, and none of the mitigation measures, actually provides any enforcement of the purported traffic limitations. Absent provisions that truly permit enforcement of the measures proposed by MSMU to control traffic and access, several of these measures would remain illusory and unenforceable, and they would provide no evidence for a finding regarding a determination of a less-than-significant impact or a reduction in potential impacts to less-than-significant levels.

### **C. The Final EIR Impermissibly Defers Mitigation.**

PDF-TRAF-4, incorporated as condition which provides for future formulation of a coordination plan for construction traffic, is unenforceable and defers formulation of mitigation, the ultimate contents of which are not specified. For deferral of mitigation and analysis to properly occur, the EIR must describe the nature of the actions anticipated for incorporation into the mitigation plan and provide performance standards.<sup>9</sup> Here, the EIR and the determination letter and conditions of approval fail. No specific criteria are provided, except for a vague commitment for coordination of various activities during construction. The PDF provides no information regarding the actual nature of the options available to address potential impacts. Further, Environmental Condition 2 simply states that repeated non-compliance will be "appropriately addressed," which does not obligate the lead agency to undertake any enforcement whatsoever and provides no limitation on construction activities or any other sanction of any kind. Absent an articulation of such options, the mitigation and associated conditions are simply insufficient and does not provide enough information to allow informed consideration of the potential effects of the Project.<sup>10</sup> Furthermore, this call for future, unspecified actions renders the associated mitigation measure illusory.

However, even if deferral of mitigation was appropriate in this instance (it is not), the EIR has failed to explain why deferral is appropriate. This failure alone constitutes an abuse of discretion.<sup>11</sup> Therefore, the City must revise the analysis to provide information adequate to inform decisionmakers and the public regarding the potential effects construction-related effects of the Project. The City must also recirculate the EIR to allow public comment on the new information that concerns this key impact analysis.

## **II. Newly Proposed Limitations on External Events Will Shift Events (and Associated Traffic) to Evenings, Where Safety and Noise Impacts are More Pronounced.**

Among other measures, Alternative 5, as adopted (Table at pages F-2 and F-3 of the Plan Approval) proposes to schedule various external events, or events with substantial numbers

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<sup>8</sup> URL: <https://www.msmu.edu/newsroom/articles/msmu-receives-15-million-gift.php> (discussing \$15M gift from MacKenzie Scott to MSMU in 2020).

<sup>9</sup> See, e.g., *Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 70, 95 (2010).

<sup>10</sup> See *Endangered Habitats League, Inc. v. County of Orange*, 131 Cal. App. 4th 777, 794 (2005).

<sup>11</sup> *San Joaquin Raptor Rescue Center v. County of Merced*, 1749 Cal. App. 4th 645, 670 (2005).



of visitors to avoid travel to and from the MSMU campus during peak traffic hours.<sup>12</sup> Although the attempted avoidance of traffic impacts during peak hours is laudable, the measure has the foreseeable potential to increase the number and frequency of events and associated vehicle trips during evening hours, after 7 p.m. Further, Alternative 5 does not appear to otherwise limit the evening hours during which external events or events with a substantial number of visitors could occur, which creates a foreseeable likelihood that evening events would occur, and that increased vehicle trips to and from campus would occur during evening hours. This in turn has the potential to cause or exacerbate two types of impacts: nighttime noise, and vehicle and pedestrian safety.

The potential safety impacts are more pronounced by the narrow, winding, and sometimes unlit neighborhood roadways that provide access to the Chalon Campus. Traffic from events would include both small private vehicles and buses and large trucks delivering event supplies and temporary facilities. The Final EIR must include a vehicle and pedestrian safety analysis that evaluates, discloses, and (if necessary) mitigates these safety effects.

Further, noise that occurs at night is more disruptive and has more pronounced effects than daytime noise.<sup>13</sup> Consequently, the potential for travel by passenger vehicles and, more problematically, large trucks, creates an increased potential for nighttime noise to affect sensitive uses. The Final EIR must evaluate, disclose, and (if necessary) mitigate those effects.

### **III. The Project's Treatment of Wildfire Is Inadequate, and the EIR and Determination Letters Failed to Respond to Comments from Experts.**

Testimony throughout the administrative process, as well as expert letters submitted to the CPC, attested to MSMU's lack of control of access and evacuation during prior fires in Brentwood. During these events, students and others fled the campus into the neighborhood with no direction or plan, and residents took it upon themselves to shelter students and/or transport them south for pickup by friends or family. That condition cannot continue with the provision of new large events and with of summer camp programs, that would draw more people into the MSMU campus who may not be familiar with the surrounding area and its access limitations, but neither the EIR nor the proposed conditions of approval adequately address this issue in an enforceable manner.

At the Hearing Officer hearing for the CPC, Project proponents stated that "shelter in place" was the preferred strategy, but the EIR provided no enforceable means of ensuring that would occur. It simply assumed the policy would work. Nothing assured orderly evacuation of the campus, if it became necessary, and nothing even required that events would be cancelled even if a high safety threat existed. This is all the more important because, at the CPC hearing, Project proponents then appeared to shift strategies and state that evacuation might occur. Additionally, and among other things, Brentwood residents submitted an October 1, 2021 report by The McMullen Company (attached) that provided an analysis of the failure of the EIR to adequately address these issues, and that suggested mitigation measures the EIR must incorporate to effectively address these issues. But neither letter of determination nor the Final EIR addresses these proposed mitigation measures or explains

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<sup>12</sup> Final EIR, p. III-62, listing PDF-TRAF-7, and -9-18.

<sup>13</sup> Draft EIR, p. IV.I-4.

why they are not feasible, in defiance of established case law.<sup>14</sup> The EIR must squarely address this issue, comprehensively explain how evacuation would be effectuated and how it would not exacerbate public access and safety problems in the event of wildfire, and either incorporate or explain the rejection of feasible measures provided by experts in the field.

#### **IV. The City Cannot Override Significant Effects the Draft EIR Understated or Failed to Disclose, Avoid, or Reduce.**

As we stated in our prior correspondence regarding the Draft EIR, CEQA requires agencies to consider a project within the context of an accurate assessment of the impacts of that project.<sup>15</sup> The examples described above demonstrate substantial deficiencies in the disclosure and analysis of environmental effects of the Project, and the City must revise the EIR to provide a complete analysis of the Project components. Absent this information, the EIR cannot provide substantial evidence to support any determination that the benefits of the Project outweigh its significant environmental effects.<sup>16</sup>

As noted above and at the hearing, Neighbors believe that some version of the Project could benefit the University while minimizing impacts to the surrounding community—not simply determining exactly how much that community can bear and reverse-engineering the maximum improvements within that envelope. However, as described above, the Final EIR perpetuates the failure of the Draft EIR to acknowledge the foreseeable effects of the Project. Certain proposed uses of the Project do not—contrary to the presence of similar programs on other campuses not similarly situated to MSMU—bear a reasonable relationship to the educational mission of MSMU, particularly on a campus with severe access restrictions not present on other campuses provided as purported examples in the Final EIR.<sup>17</sup> Further, that wholly inappropriate use—even as further limited by Alternative 5—has the potential to cause significant adverse impacts on neighboring property owners and the surrounding area. Moreover, the PDFs and/or mitigation proposed to reduce or avoid these effects are not enforceable. Therefore, the City must, at a minimum, revise the EIR to accurately and fully disclose the impacts of the Project and consider specific changes to mitigation to address those significant impacts.

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<sup>14</sup> See, e.g., *Residents Against Specific Plan 380 v. County of Riverside*, 9 Cal.App.5th 941 (2017).

<sup>15</sup> *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 192–193 (1977).

<sup>16</sup> See CEQA Guidelines §15091–15092.

<sup>17</sup> Including, for example, UCLA. We also note and object to misleading comparisons to recreational facilities at campuses such as CSUN and Cal. Poly Pomona, which respectively accommodate over 53,000 students and 28,000 students.



## ***The McMullen Company, Inc.***

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October 1, 2021

Kathleen King, City Planner  
City of Los Angeles, Department of City Planning  
221 North Figueroa Street, Suite 1350  
Los Angeles, CA 90012

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

In our June 2018 fire/life-safety analysis of the Wellness Pavilion Draft EIR, The McMullen Company provided Chatten-Brown and Carstens for Bundy Canyon Association (CHATTEN-1) a fire and life safety analysis and it outlined many non-mitigatable deficiencies in the construction and operation of the proposed project. We believe that these substantial deficiencies still exist in the Final EIR CASE NO. ENV-2016-2319-EIR (SCH NO.2016081015) (here after referred as Final EIR). We advise and suggest that the Chalon Campus Wellness Pavilion Project or Alternative 5 (Project) not be developed as it is deficient in many fire and life safety areas as noted in our submittal to the Draft EIR.

If the Planning Commission, nevertheless, decides to approve the Project or Alternative 5, the Concerned Citizens of Bundy Canyon are requesting and encouraging the Los Angeles City Planning Commission to impose the following conditions as part of the anticipated approval. We are filing the following comments to the Final EIR regarding the proposed development/building Mount Saint Mary's University (MSMU) Project. These conditions are imperative, necessary, and reasonable fire and life safety for the adjacent residents, MSMU students, faculty, visitors, and campus workers.

This report and the requested conditions have been prepared by The McMullen Company, a highly qualified California fire protection consulting company. Based on our experience and expertise in the fire and life safety arena, there are several items that contribute to proper fire and life safety for all persons who are faced with wildland fires. The McMullen Company has determined that many critically necessary fire and life safety measures have not been correctly addressed, mitigated, or included in the proposed new construction of the Project or Alternative 5. The comments in the Final EIR Responses to Comments, the Revisions Clarifications and Corrections, and the Appendix G Modifications do not accurately reflect

current fire and life safety standards. The McMullen Company believes that the information provided in the three sections of the Final EIR noted above were prepared by personnel not familiar, nor fully qualified, to render fire and life safety guidelines; there are no qualifications listed in the Final EIR to suggest otherwise.

History has well shown that wildland fires in the hillsides above Los Angeles regularly threaten citizens and emergency personnel, in addition to causing millions of dollars of loss. Wildland fires in the vicinity of MSMU are a major threat to life and property throughout the region due to unique fuel, terrain, and climatic conditions. This hazard is especially great when dry "Santa Ana" winds arrive, usually in the fall and winter seasons, as evidenced by these recent fires.

- 2020 Brentwood Fire is the most recent fire in the area around MSMU; it caused the temporary closure of I-405 but did not result in any structural damage.
- 2019 Getty fire affecting approximately 745 acres in the Bundy Canyon/Brentwood neighborhood, destroying 10 structures and damaging an additional 15 structures. The students under their own initiative, fleeing for their lives, escaped on foot as the fire was bearing down on them.
- 2018 Woolsey Fire burning 96,949 acres, destroying 1,643 structures, tragically killing three persons, and evacuating over 295,000 persons.
- 2017 Skirball Fire in the Bel Air neighborhood affecting approximately 422 acres, destroying six structures and damaging 12 others. This fire caused the evacuation of the MSMU campus.
- Creek Fire in the Sylmar neighborhood.

It obvious that appropriate fire and life safety measures are necessary if residents and MSMU personnel are to be safe.

The needed conditions and measures include the following.

1. Effective emergency access: Ingress of emergency vehicles and egress of residents, MSMU students, MSMU personnel, MSMU guests, and MSMU contractors/delivery personnel/occupants.
2. Functioning and effective emergency plans and procedures for the MSMU campus.
3. Continuous fuel modification/brush clearance meeting the necessary and code requirements.

### **Emergency Access**

The residential streets are below standards especially considering where street parking is permitted, and especially when other, non-resident, vehicles are simultaneously utilizing the streets (i.e., delivery vehicles, construction trucks, refuse trucks, etc.). In order to provide emergency access during a declared emergency, the following is necessary.

1. MSMU should be mandated to implement immediate campus closure of all roads and control student pedestrian access and implement shelter -in-place when any wildland fire, storm, or earthquake occurs, until specific fire department direction can be received. Staff, workers, construction personnel, visitors, and students will be safer on campus instead of walking or driving down streets as has been done during previous emergencies. Until such time that an approved shelter-in-place structure(s) large enough to accommodate all occupants of the campus is built alternate and adequate means to evacuate all occupants must be available 24 hours per day. Evacuation drills to accommodate the above must be scheduled on a regular basis. Realizing that this access is not on MSMU property or under their control, the effort to gain access can only most appropriately be evaluated by an independent consultant hired by the City and paid for by MSMU.
2. MSMU must be mandated to work diligently on getting access approvals and improving secondary access via the private segment of St. Chalon Road to Getty Center Drive, as emergency access, controlled by the LAFD, and as acceptable to The Getty (not to be utilized for regular access). A secondary, paved access roadway meeting the Fire Code requirements is required of all new construction, commercial and residential, when the access exceeds 600 feet from the nearest roadway leading to a separate public street, and the Project must be considered new, substantial construction. Even though the streets N. Bundy Dr. and N Norman Pl. lead to MSMU, there is a single road segment serving those two roads from N. Saltair Ave. to Lockearn St. making the road serving MSMU a single road and far exceeding the Fire Code requirements.
3. The MSMU emergency plan must mandate that activities on campus would be canceled if an evacuation order is issued prior to an event, whether preemptive by MSMU or ordered by the LAFD for the Brentwood community.
4. MSMU should be mandated to provide a "construction traffic officer" who will work every day construction is conducted and shall be provided with communications to the LAFD and MSMU and will be the person in authority to control construction traffic and stop construction work and traffic in the event of a declared emergency. MSMU shall provide additional personnel at their cost as deemed necessary by the "construction traffic officer" to assist with and ensure construction traffic is controlled at streets outside the hillside/Brentwood/Bundy Canyon area.

### Background and Reasoning

In order that the Final EIR mitigation measures are implemented effectively, the four requested conditions must be required for the Project, including Alternative 5, if the Final EIR is to be accurate and correct. The only way the Planning Commission will know is after the fires that will occur and endanger the MSMU and area residents for years to follow.

The Final EIR states that a key feature of the construction management plan is ongoing coordination with the City and emergency service providers throughout the entire construction period to ensure adequate access is maintained to the Project Site and neighboring residences at all times. The implementation of the construction traffic management plan under the Project would ensure uninterrupted access on external roads to avoid emergency response and evacuation impairment. In the event of a wildfire in the vicinity of the Campus during construction, construction workers would follow the same protocols described for other Campus occupants.

The Project would bring additional outside guests to the Campus to attend events held at the Wellness Pavilion. In the event of a wildfire in the vicinity of the Campus, MSMU's Chalon Wildfire Emergency Plan, developed in coordination with LAFD, calls for the implementation of a "shelter in place" policy. Sheltering in place calls for Campus occupants, including outside guests attending events at the Wellness Pavilion, to relocate to safe locations on the Campus and remain there until LAFD deems it safe to leave and provides an "all clear." Occupants would stay inside an enclosed building with windows shut to prevent sparks from entering the building, and inflammable objects would be moved away from windows to prevent combustion. In the event that a fire emergency occurred during a large event at the Wellness Pavilion, MSMU's shelter in place protocols would ensure that individuals, including outside guests, are all gathered at a safe location on Campus under the direction and protection of LAFD. Activities at the Wellness Pavilion would be canceled if an evacuation order is issued prior to an event, whether preemptive by MSMU or ordered by the LAFD for the Brentwood community. The need to cancel or postpone Wellness Pavilion events would be evaluated on a case-by-case basis in consultation with MSMU Incident Commanders and/or on information provided by the LAFD/LAPD Unified Command Post. As such, there would be no traffic associated with the Project during announced evacuation or shelter in place periods.

A Red Flag Day is when the potential for a fast-moving brush fire is extremely high, when wind speeds are 25 mph or more and the humidity is 15 percent or less. On those days, illegally parked cars in Very High Fire Hazard Severity Zone (VHFHSZ) areas may be towed if their presence would prevent roadway access needed by LAFD. Residents must also be responsible to conformance to Red Flag Day parking restrictions.

The closest fire station houses Engine Company 19 which is farther away from MSMU than the Fire Code permits. Any additional construction and the Project increase the risk to residents and MSMU. The area served by Station 19 is a large geographic area is characterized by curved, narrow, mountain roads and a variety of fire roads, often times blocked during an emergency. It is also noted that the majority of the service area north of Sunset Boulevard is greater than 1.5 mile from the Engine Company 19 station.

There is no practical means to ensure that the LAFD/LAPD have priority use of roadways in congested conditions. Once the roadways are congested, they cannot easily be cleared.

## **Emergency Plans**

In order for the MSMU emergency plan to function correctly and effectively, the following is necessary.

1. MSMU should be mandated to implement immediate campus closure of all roads and control student pedestrian access and implement shelter in place when any wildland fire, storm, or earthquake occurs, until specific fire department direction can be received. Staff, workers, construction personnel, visitors, and students' safety can best be ensured by keeping personnel on campus in Fire Department approved shelter-in-place locations instead of walking or driving down streets like has been done in previous emergencies.
2. The MSMU emergency plan must mandate that activities on campus would be canceled if an evacuation order is issued prior to an event, whether preemptive by MSMU or ordered by the LAFD for the Brentwood community.
3. Failure of the MSMU emergency plan and/or the MSMU staff to immediately implement the emergency plan mandatory procedures during any declared emergency by the LAFD shall result in a six-month cancellation of all special non-school hour's activities, and MSMU shall review the post emergency actions and make necessary corrections during the six-month cancellation of activities and complete two full-scale, full school participation drills. Failure of MSMU to conduct regular fire, shelter in place, and evacuation drills no less often than once every four months, shall result in a six-month cancellation of all special non-school hour's activities.

## **Background and Reasoning**

In order that the Final EIR mitigation measures are implemented effectively, the three requested conditions must be required for the Project, including Alternative 5, if the Final EIR is to be accurate and correct. The only way the Planning Commission will know is after the fires that will occur and endanger the MSMU and area residents for years to follow.

The Final EIR states that MSMU's Chalon Wildfire Emergency Plan has been developed in consultation with LAFD to ensure appropriate action during wildfires. It has not been implemented effectively; in fact, students have taken independent action and taken to walking down hill on the public streets causing further congestion and preventing emergency vehicle access. There exists an on-Campus Command Center, consisting of a Watch Commander, MSMU Incident Commander, Patrol Officer, Main Gate Officer, and Community Relations Officer who provide continuous, round-the clock security to ensure personal safety of students, fire prevention, evacuation management, and other duties. Watch Commanders are responsible for conducting vehicle patrols both on Campus and in the immediate surrounding area, responding to Campus emergencies as well as regular non-emergency calls for service. And yet with all the systems in place, students have endangered each other and the residents by taking independent action.

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## **Fuel Modification/Brush Clearance**

In order to provide appropriate and necessary fire and life safety during a wildland fire, the following is necessary.

1. MSMU should be mandated to implement a brush clearance inspection program with an independent and qualified inspection firm. The annual inspection of the required brush clearance shall be accomplished by an independent inspection company paid for my MSMU, and in conjunction with the LAFD. Failure of the MSMU to pass the annual inspection, a six-month cancellation of all special non-school hour's activities shall occur, and shall continue until at such times MSMU has completed the necessary and required brush clearance.

### Background and Reasoning

In order that the Final EIR mitigation measures are implemented effectively, the requested condition must be required for the Project, including Alternative 5, if the Final EIR is to be accurate and correct. The only way the Planning Commission will know is after the fires that will occur and endanger the MSMU and area residents for years to follow.

Wildfire concerns pertain to projects that are located in, or near, California's State Responsibility Areas or lands, classified as VHFHSZ. Because of the hilly topography, population density, and the proximity to natural brush hillside areas within the Santa Monica Mountains, the Brentwood Community to the north of Sunset Boulevard is classified as a VHFHSZ. The VHFHSZ designation includes the entire MSMU campus and adjacent area. Because it is located in a VHFHSZ, the entire campus, including the Project site, must comply year-round with the requirements of Fire Code Section 57.322, which requires brush clearance within 200 feet of any structure. The Fire Code also requires the management of hazardous vegetation and fuel, as well as maintenance of defensible space in wildland-urban interface areas.

In order that the Final EIR mitigation measures are implemented effectively, the four requested conditions must be required for the Project, including Alternative 5, if the Final EIR is to be accurate and correct. The only way the Planning Commission will know is after the fires that will occur and endanger the MSMU and area residents for years to follow.

The Final EIR states that the Project would comply with these requirements. The Final EIR states that during the MSMU Project the fuel reduction area adjacent to the Project site would be extended to maintain a 200-foot distance from the broader foundation footprint of the Wellness Pavilion. Because the required fuel reduction area would expand under the Project as compared to existing conditions, wildfire risks as a result of unmodified natural vegetation conditions would marginally decrease under the Project. Because the required fuel reduction area would expand under the Project as compared to existing conditions, wildfire risks as a result would marginally decrease under the Project.



Respectfully submitted on behalf of the Concerned Citizens of Bundy Canyon.

*Peter M Bryan*

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# LOS ANGELES CITY PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

MAILING DATE: DEC 02 2021

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

Council District: 11 – Bonin

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

Plan Area: Brentwood – Pacific Palisades

Related Case: ZA-2017-928-ZAD

**Project Site:** 12001 Chalon Road

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

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

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

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

**CERTIFIED** that:

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

**ADOPTED** the following:

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

The vote proceeded as follows:

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

**Vote: 6 – 0**

\_\_\_\_\_  
 Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

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

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

**FINAL APPEAL DATE:** DEC 17 2021

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

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

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

## CONDITIONS OF APPROVAL

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

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

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

### Plan Approval Conditions

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

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

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

### 13. Neighborhood Outreach and Notice

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

#### 14. Noise

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

#### 15. Construction

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

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

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

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

### **Environmental Conditions**

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

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

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

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



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

**Administrative Conditions of Approval**

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

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

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

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

## FINDINGS

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

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

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

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

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

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

The Wellness Pavilion will host existing on-Campus events and new events. A total of seven existing events currently held elsewhere on the Campus will be moved to the Wellness Pavilion. Besides the change in location, there will be no other change to five of the seven existing events; Athenian Day and Homecoming, will be permitted to increase the maximum number of outside guests, students, faculty, and staff upon relocating these events to the Wellness Pavilion. In addition, a number of new events will be held at the Wellness Pavilion including Summer Sports Camps, Health and Wellness Speaker Series, Other Wellness / Sports Activities, and MSMU's existing volleyball and basketball club sports practices and games (which currently practice and play games off-site). Alternative 5 will not increase student enrollment but will permit an increase in the number of outside guests, students, faculty, and staff that can attend Athenian Day and Homecoming, as well as introduce the three new event types described above, which can be attended by outside guests, students, faculty, and staff. The table below provides the existing and new events which will be relocated to the Wellness Pavilion, the permitted increase in the number of students, faculty, staff, and outside guests for Athenian Day and Homecoming, and the

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **b. Height Modification**

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

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

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

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

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



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

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

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

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

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

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

Regarding operation of the Wellness Pavilion, while Alternative 5 will not increase student enrollment, the Wellness Pavilion will host existing on-Campus events and new events. A total of seven existing events currently held elsewhere on the Campus will be moved to the Wellness Pavilion. Besides the change in location, there would be no other change to five of the seven existing events; Athenian Day and Homecoming, would be permitted to increase the maximum number of outside guests, students, faculty, and staff upon relocating these events to the Wellness Pavilion. In addition, a number of new events will be held at the Wellness Pavilion including Summer Sports Camps, Health and Wellness Speaker Series, Other Wellness / Sports Activities, and MSMU's existing volleyball and basketball club sports practices and games (which currently practice and play games off-site). Alternative 5 will permit an increase in the number of outside guests, students, faculty, and staff that could attend Athenian Day and Homecoming, as well as introduce the three new event types described above, which can be attended by outside guests, students, faculty, and staff. The table below provides the existing and new events which will be relocated to the Wellness Pavilion, the permitted increase in the number of students, faculty, staff, and outside guests for Athenian Day and Homecoming, and the estimated number of students, faculty, staff, and outside guests which will be permitted at the three new event types.

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

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

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

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

## **b. Height Modification**

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

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

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

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

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

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

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

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

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

**a. Plan Approval**

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

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

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

**General Plan Framework Element**

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

*Chapter 3 – Land Use*

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

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

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

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

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

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

The existing fitness and recreation facilities located on the Campus must be updated to ensure MSMU can provide their students with similar fitness facilities offered at other universities, located in the City. Operation of the Wellness Pavilion will not increase student enrollment however the Wellness Pavilion will be used to host existing on-Campus events and new events. A total of seven existing events currently held elsewhere on the Campus would be moved to the Wellness Pavilion. Besides the change in location, there would be no other change to five of the seven existing events; Athenian Day and Homecoming, would be permitted to increase the maximum number of outside guests, students, faculty, and staff upon relocating these events to the Wellness Pavilion. In addition, a number of new events will be held at the Wellness Pavilion including Summer Sports Camps, Health and Wellness Speaker Series, Other Wellness / Sports Activities, and MSMU's existing volleyball and basketball club sports practices and games (which currently practice and play games off-site). Alternative 5 will permit an increase in the number of outside guests, students, faculty, and staff that could attend Athenian Day and Homecoming, as well as introduce the three new event types described above, which could be attended by outside

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### **a. Plan Approval**

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

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

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

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

### **b. Height Modification**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **b. Height Modification**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **b. Height Modification**

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

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

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

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

### **a. Plan Approval**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **CEQA Findings**

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

#### **I. INTRODUCTION**

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

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

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

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

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

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

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically

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

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

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

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

The findings provided below include the following:

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

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

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

## II. ENVIRONMENTAL REVIEW PROCESS AND RECORD OF PROCEEDINGS

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

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

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

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

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

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

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

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

## RECORD OF PROCEEDINGS

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

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

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

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

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



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

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

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

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

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

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

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

## **A. Aesthetics:**

### **1. Scenic Vista**

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

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

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

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

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

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

### **1. Farmland**

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

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

## **2. Agricultural Zoning**

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

## **3. Forestland Zoning**

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

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

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

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

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

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

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

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

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

## **2. Sensitive Receptors**

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

## **3. Other Emissions**

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

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

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

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

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

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

### **3. Wetlands**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. GHG Generation**

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

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

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

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

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

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

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

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

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

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



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

## **5. Airports**

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

## **6. Emergency Plans**

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

## **7. Wildland Fires**

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

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

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

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

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

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

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

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

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

### **4. Inundation**

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

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

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

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

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

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

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

## **2. Conflict with Plans**

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

## **3. Mineral Resources**

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

### **L. Noise:**

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

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

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

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

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

### **1. Population Growth**

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

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

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

## **N. Public Services**

### **1. Fire Protection**

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

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

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

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

### **3. Education**

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

### **4. Parks**

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

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

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

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

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

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

## **2. New Recreational Facilities**

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

### **P. Transportation:**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. Water Supplies**

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

## **3. Wastewater Capacity**

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

## **4. Solid Waste Standards**

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

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

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

### **S. Wildfire:**

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



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

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

## **2. Wildfire Exacerbation**

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

## **3. Associated Infrastructure**

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

## **4. Exposure to Risks**

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

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

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

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

## **A. Aesthetics**

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

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

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

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

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

### **3. Mitigation Measures**

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

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

#### Protective Fencing:

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

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

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

Grading Restrictions Near Trees:

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

Trenching and Excavation:

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

Equipment Storage:

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

Frequency of Watering Around Oak Trees:

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

Pruning:

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

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

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

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

#### **4. Finding**

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

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

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

#### **6. Reference**

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

## **B. Air Quality**

### **1. Impact Summary**

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

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

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

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

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

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

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

## 2. Mitigation Measures

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

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

## 3. Finding

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

## 4. Rationale for Finding

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

## 5. Reference

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

## C. Biological Resources

### 1. Impact Summary

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

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

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

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

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

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

## 2. Project Design Features

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

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

## 3. Mitigation Measures

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

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

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

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

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

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

Protective Fencing:

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

Grading Restrictions Near Trees:

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

Trenching and Excavation:

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



Equipment Storage:

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

Frequency of Watering Around Oak Trees:

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

Pruning:

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

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

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

#### **4. Finding**

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

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

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

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

#### **6. Reference**

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

### **D. Cultural Resources**

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

##### **Archaeological Resources**

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

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

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

## 2. Mitigation Measures

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

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

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

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

### **3. Finding**

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

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

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

### **5. Reference**

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

## **E. Noise**

### **1. Impact Summary**

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

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

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

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

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

## 2. Mitigation Measures

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

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

## 3. Finding

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

## 4. Rationale for Finding

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

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

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

## 5. Reference

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

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

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

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

### A. Noise

#### 1. Impact Summary

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

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

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

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

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

## **2. Project Design Features**

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

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

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



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

### 3. Mitigation Measures

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

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

### 4. Finding

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

### 5. Rationale for Finding

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

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

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

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

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

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

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

## **6. Reference**

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

## **B. Transportation and Traffic**

### **1. Impact Summary**

#### ***Construction***

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

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

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

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

## **2. Project Design Features**

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

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

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

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

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

### 3. Mitigation Measures

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

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

### 4. Finding

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

### 5. Rationale for Finding

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

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

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

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

## **6. Reference**

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

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

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

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

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

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

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

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

## **B. Project Objectives**

Section 15124(b) of the CEQA Guidelines states that a project description shall contain a "Statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project."

The purpose of the Project is to develop a new on-Campus facility that provides MSMU students with comprehensive health and wellness services including modern amenities needed for physical health education. The objectives of the Project are as follows:

### Update Inadequate Facilities

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

### Student Health and Well Being

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

### Design

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

### Enhance Campus Programming

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

### Improve Pedestrian Safety, Circulation and Parking

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

## **C. Project Alternatives Analyzed**

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

#### Description

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

#### Impact Summary

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

#### Finding

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

#### Rationale for Finding

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



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

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

### References

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

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

#### Description

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

#### Impact Summary

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

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

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

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

### Finding

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

### Rationale for Finding

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

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

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

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

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

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

#### ***Description***

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

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

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

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

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

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

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

#### Finding

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

#### Rationale for Finding

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

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

#### References

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

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

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

***Impact Summary***

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

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

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

### Finding

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

### Rationale for Finding

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

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

### Reference

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

### **Alternative 5**

#### Description

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

#### Impact Summary

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

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

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

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

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

### Finding

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

### Rationale for Finding

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

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

### Reference

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **VIII. OTHER CEQA CONSIDERATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **X. GENERAL CEQA FINDINGS**

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

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



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

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

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



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

### OPTION 1: Online Appeal Portal

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

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

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

### OPTION 2: Drop off at DSC

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

#### **Metro DSC**

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

#### **Van Nuys DSC**

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

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

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

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

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

**Applicant Copy**  
 Office: Downtown  
 Application Invoice No: 77064

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



## City Planning Request

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

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

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

**Receipt Number:151221AC0-9DE447D8-5D2B-477E-B4CD-686577E16C5C, Amount:\$109.47, Paid Date:12/15/2021**

Applicant: JEFFER MANGELS BUTLER & MITCHELL LLP - AND TIM LEIWEKE, BERNADETTE ( 310-7126833 )
Representative:
Project Address: 12001 W CHALON ROAD, 90049

**NOTES:**

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

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

Council District: 11  
 Plan Area: Brentwood - Pacific Palisades  
 Processed by VIDAL, ANNA on 12/15/2021

Signature: \_\_\_\_\_

**Building & Safety Copy**  
 Office: Downtown  
 Application Invoice No: 77064

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



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Signature: \_\_\_\_\_