

**Public Comments Not Uploaded FW: CF 22-0062 ENV-2016-2319-EIR SCH No. 2016081015 Mount Saint Mary's University Wellness Pavilion Project**

1 message

**Frank Angel** <fangel@angellaw.com>

Mon, Apr 4, 2022 at 11:52 PM

Reply-To: clerk.plumcommittee@lacity.org

To: "clerk.plumcommittee@lacity.org" &lt;clerk.plumcommittee@lacity.org&gt;

Dear Clerk,

Please include this email and attached email correspondence into the record of the proceedings regarding the above-referenced project proposed by Mount Saint Mary's University (Project), which is subject to the PLUM Committee's review at a hearing scheduled for tomorrow, April 5, 2022. (Item No. 7; 22-0062 CD 11.)

For the reasons set forth in our attached email of today, to Ms. Hannah Lee, chief of staff to PLUM Committee member John S. Lee, and the attached emails dated Friday, April 1, 2022, to PLUM Committee Chair Marqueece Harris-Dawson and members Bob Blumenfield and Gilbert A. Cedillo, all emails following up on requests we made under the California Public Records Act (CPRA) on March 21 (with Councilmembers Bob Blumenfield, Mike Bonin, Gilbert A. Cedillo, Marqueece Harris-Dawson, and Monica Rodriguez) and on March 22 (with Councilmember John S. Lee), we request a continuance of the above-referenced hearing before the PLUM Committee until we have received all public records we are seeking, i.e., the records evidencing or related to the off-the-record ex parte communications, discussions and meetings with Project Representatives (identified in our attached CPRA requests) that involved the PLUM Committee members and members of their respective staff, pertaining to the Project or Item No. 7 on tomorrow's PLUM Committee agenda.

At this time, lacking most of the information we requested under the CPRA, including but not limited to reports, briefing memos and the like, conveying information or arguments received through, or based on, ex parte communications, prepared by PLUM Committee members' staff for their respective bosses (the PLUM Committee members), we are not in a position to assess and determine whether the current PLUM Committee members should recuse themselves from hearing this matter, or whether other remedies are more appropriate to enable the Brentwood residential community stakeholders to review, dispute and rebut the information provided and the arguments made ex parte. Such other remedies include:

- Equal access for our client, appellant Brentwood Homeowners Association and the other appellants of the City Planning Commission's decisions of October 21, 2021, who were never invited to participate in, and thus excluded from, the ex parte communications, calls and meetings involving the PLUM Committee members or their staff; and
- Full disclosure and release of all information shared and arguments made off-the-record prior to any PLUM Committee hearing in this case.

Significantly, the administrative proceedings in this case are of a *quasi-judicial* nature. (*Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 482-483 [while the City's quasi-legislative acts are not subject to procedural due process, its adjudicatory or "quasi-judicial acts regardless of the guise they may take" are; "the broad applicability of administrative hearings to the various rights and responsibilities of citizens and businesses, and the undeniable public interest in fair hearings in the administrative adjudication arena, militate in favor of assuring that such hearings are fair" ].) They call for the investigation of facts and adjudicatory hearings that demand due process and equal protection as guaranteed by the federal and California Constitutions (U.S. Const., 5th & 14th Amendments; Cal. Const., art. I, § 7, subd. (a)), including a fair and meaningful trial at the administrative level. (See Code. Civ. Proc., § 1094, subd. (b); see *Nightlife Partners, Ltd. v. City of Beverly Hills* (2003) 108 Cal.App.4th 81, 90 ["Due process, however, always requires a relatively level playing field, the so-called 'constitutional floor' of a 'fair trial in a fair tribunal,' in other words, a fair hearing before a neutral or unbiased decision maker"; violation of due process found where lawyer adverse to the position of a party to a quasi-judicial proceeding conferred with or advised decision maker].) In other words, administrative decision makers exercising quasi-judicial powers may not meet directly (or indirectly through their staff) with one party, without notice to the other party, nor may they consider information provided by one party without sharing it with the other party. (See *La Prade v. Department of Water & Power* (1945) 27 Cal.2d 47, *passim*.) Simply put, one side may not have unilateral access to quasi-judicial administrative decision makers and present information or argument to the exclusion of the other side. Without full public transparency and accountability, including an opportunity to hear what's being discussed with PLUM Committee decision makers in informal, unregulated settings prior to the official PLUM Committee hearing, the Brentwood area property owners and residents impacted by the Project cannot have a fair, meaningful hearing.

Thank you.

**Frank P. Angel** | O (310) 314-6433 | C (310) 924-1416

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

Angel Law

angellaw.com

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---

**From:** Frank Angel <[fangel@angellaw.com](mailto:fangel@angellaw.com)>

**Sent:** None

**To:** [plumcommittee@lacity.org](mailto:plumcommittee@lacity.org)

**Subject:** CF 22-0062 ENV-2016-2319-EIR SCH No. 2016081015 Mount Saint Mary's University Wellness Pavilion Project

Please include this email and attached email correspondence into the record of the proceedings regarding the above-referenced project proposed by Mount Saint Mary's University (Project), which is subject to the PLUM Committee's review at a hearing scheduled for tomorrow, April 5, 2022. (Item No. 7; 22-0062 CD 11.)

For the reasons set forth in our attached email of today, to Ms. Hannah Lee, chief of staff to PLUM Committee member John S. Lee, and the attached emails dated Friday, April 1, 2022, to PLUM Committee Chair Marqueece Harris-Dawson and members Bob Blumenfield and Gilbert A. Cedillo -- all emails that follow up on requests we made under the California Public Records Act (CPRA) on March 21 (with Councilmembers Bob Blumenfield, Mike Bonin, Gilbert A. Cedillo, Marqueece Harris-Dawson, and Monica Rodriguez) and on March 22 (with Councilmember John S. Lee) -- we request a continuance of the above-referenced hearing before the PLUM Committee until we have received all public records we are seeking, i.e., the records evidencing or related to the ex parte communications and meetings with Project Representatives (specifically identified in our attached CPRA requests) that involved the PLUM Committee members and members of their respective staff, pertaining to the Project or Item No. 7 on tomorrow's PLUM Committee agenda.

Lacking most of the information we requested under the CPRA, including reports or briefing memos relating or based on ex parte communications, from staff of the council members sitting on the PLUM Committee to their bosses (the PLUM Committee members), we are not at this time in a position to weigh and determine whether the PLUM Committee members should recuse themselves from hearing this matter, or whether other remedies are more appropriate, such as equal time for our client, the Brentwood Homeowners Association and the other appellants of the City Planning Commission's decisions of October 21, 2021, not invited to participate in and indeed excluded from the ex parte calls and meetings involving the PLUM Committee members or their staff; and full disclosure of the information provided and the arguments made ex parte prior to any PLUM Committee hearing in this case, all to enable the Brentwood residential community stakeholders to review, dispute and rebut the information provided and arguments made ex parte.

Significantly, the administrative proceedings in this case are of a quasi-judicial nature, that is, they call for the investigation of facts and hearings that demand due process and a fair, meaningful trial at the administrative level. (See Code. Civ. Proc., § 1094, subd. (b).) This means administrative decision makers exercising quasi-judicial powers may not meet with one party, without notice to the other party, nor may they consider information provided by one party without sharing it with the other party. (See, e.g., *La Prade v. Department of Water & Power* (1945) 27 Cal.2d 47, *passim*.) Simply put, one side may not have unilateral access to quasi-judicial administrative decision makers and present information or argument to the exclusion of the other side. Without full public transparency and accountability, including an opportunity to hear what's being discussed with PLUM Committee decision makers in informal, unregulated settings prior to the official PLUM Committee hearing, the Brentwood area property owners and residents impacted by the Project cannot have a fair, meaningful hearing.

Thank you.

---

**Frank P. Angel** | O (310) 314-6433 | C (310) 924-1416

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Angel Law

[angellaw.com](http://angellaw.com)  

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----- Forwarded message -----

From: Frank Angel <fangel@angellaw.com>

To: Hannah Lee <hannah.lee@lacity.org>

Cc: "councilmember.lee@lacity.org" <councilmember.lee@lacity.org>, "brenton.tesler@lacity.org" <brenton.tesler@lacity.org>, Lake McManus <lmcmamus@angellaw.com>

Bcc:

Date: Mon, 4 Apr 2022 23:12:30 +0000

Subject: RE: CPRA Request re Mount Saint Mary's University Chalon Campus Project & Request for Continuance of 04-05-2022 PLUM Committee Hearing

Dear Ms. Lee,

On March 22, 2022, my office submitted the attached request under the California Public Records Act (CPRA), seeking public records, essentially, evidencing or relating to ex parte communications between Los Angeles City Councilmember and member of the city's PLUM Committee, John Lee, or any member of the council member's staff, and any Project Representative (defined and named in our CPRA request), regarding the "Wellness Pavilion" Project, a project proposed by Mount Saint Mary's University (MSMU) on its Chalon Campus in the city's Brentwood planning area. As you know, Project-related development applications and CEQA review are scheduled to be heard at the PLUM Committee meeting tomorrow.

On March 30, 2022, you made available two responsive emails, both from Mr. Ira Handelman, President of Handelman Consulting Inc. One email, dated February 16, 2022, refers to the upcoming April 5 PLUM Committee hearing and includes a request "to talk to you in more detail by phone." The second email, dated March 2, 2022, simply states: "Looking forward to hearing back from you." Both emails were sent to your official email address at [lacity.org](mailto:lacity.org). To that point, please note that the public records we request about this item of public business are not excluded from the CPRA because they have been sent, received, or stored in any personal email account. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 629.)

The February 16 and March 2, 2022 emails represent the totality of your office's response. Thus, we have received:

- No communications to or from City Councilmember Lee himself and Mr. Handelman or, for that matter, any other Project Representative;
- No communications from you or any other member of your staff to Mr. Handelman (e.g., in response to his March 2 email);
- No notes from any discussion with Mr. Handelman (by phone or otherwise);
- No communications to or from you or any other member of your staff, involving any other Project Representative; and
- No intra-office communications, including, for example, memo, briefing paper, or talking points to councilmember Lee, containing information or arguments you or any other member of your staff received ex parte, from Mr. Handelman or any other Project Representative, for the PLUM Committee hearing on MSMU's Project.

Compliance with our CPRA request should not be burdensome. It is narrow in its substantive scope and time window. It is limited to writings, such as emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, constituting, regarding or otherwise evidencing any type of ex parte communication involving MSMU's Project. We are not asking for any documents entered in the official record of the City's proceedings on the Project, distributed to all members of the PLUM Committee, such as the Project EIR, staff reports, prior city decisions and determinations concerning the Project, or our appeal submittal.

As is apparent from our request, it primarily serves to help even the playing field and protect the constitutional rights to due process and the statutory rights to a fair administrative hearing, throughout the Project review process, of thousands of Brentwood area property owners and residents impacted by MSMU's Project -- a project located in a Very High Fire Hazard Severity Zone, at the end of a branched cul-de-sac street system with egress to one of the most traffic-choked sections of Sunset Boulevard. The Final Environmental Impact Report released in June 2021 and

the City Planning Commission's October 21, 2021 decision involve a project that implicates more than on-campus construction of a new Wellness Center and related structures. Specifically, the applicant's Chalon Wildfire Emergency Response Plan now before the PLUM Committee implicates the Chalon campus as a whole, including but not limited to the *entire* student population. As confirmed by former LAFD Battalion Chief, Michael A Bowman, retained by MSMU as its fire safety consultant, the Wildfire Emergency Response Plan "relates to the Campus as a whole—not the Wellness Pavilion. . . ." (Letter dated March 2, 2022 to Kathleen King, City Planner.)

We demand nothing less than equal protection under the law of the rights of the Brentwood area property owners, residents and workers, including equal time and access to the City's decision makers. By the California Constitution (art. I, § 3, subd. (b)(1)), "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Without knowing what information was shared with the members of the PLUM Committee and their staff, we are at a significant disadvantage as we're unable to address and correct any inaccuracies or material omissions in statements made by any Project Representative, or any misrepresentations made by any Project Representative. The strict time limits the PLUM Committee imposes on speakers exacerbate this predicament, all with the result that MSMU will have been afforded substantially enhanced opportunities to present its case in informal, unregulated settings.

We look forward to receiving all requested public records, as required by law, including records created or prepared *up to today, April 4, 2022*. Because we have yet to receive all public records we have been requesting from City Councilmember Lee and his office and other PLUM Committee members and their offices, we demand that the April 5, 2022 hearing on MSMU's Project be continued. We know there have been ex parte communications with PLUM Committee members or their staff concerning the Project, including verbal communications and presentations, from which the Brentwood Homeowners Association was excluded. When in a quasi-judicial administrative proceeding (as in this matter), one side has exclusive access to the public decision makers to lay out its case outside the presence of the other side, that translates into improper preferential treatment and intolerable favoritism. It violates the other side's rights to procedural due process and a fair hearing.

Thank you for your anticipated cooperation.

Sincerely,

---

**Frank P. Angel** | O (310) 314-6433 | C (310) 924-1416

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

Angel Law

angellaw.com  

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---

**From:** Hannah Lee <[hannah.lee@lacity.org](mailto:hannah.lee@lacity.org)>  
**Sent:** Wednesday, March 30, 2022 12:38 PM  
**To:** Lake McManus <[lmcmamus@angellaw.com](mailto:lmcmamus@angellaw.com)>  
**Cc:** Frank Angel <[fangel@angellaw.com](mailto:fangel@angellaw.com)>  
**Subject:** Re: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

Please find attached the documents responsive to your request.

Thank you,

Hannah

**Hannah Lee**  
Chief of Staff  
Office of Councilmember John S. Lee  
Council District 12  
City Hall: 213-473-7012 | Community Service Center: 818-882-1212  
e: [Councilmember.Lee@lacity.org](mailto:Councilmember.Lee@lacity.org) | w: [CD12.org](http://CD12.org)

**JOHN LEE**  
LOS ANGELES CITY COUNCILMEMBER • DISTRICT 12



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On Thu, Mar 24, 2022 at 11:37 AM Frank Angel <[fangel@angellaw.com](mailto:fangel@angellaw.com)> wrote:

Thank you very much!

-Frank

(c) 310-924-1416

(o) 310-314-6433

@FrankPAngel1

[www.angellaw.com](http://www.angellaw.com)

Sent from my 

On Mar 24, 2022, at 8:58 AM, Hannah Lee <[hannah.lee@lacity.org](mailto:hannah.lee@lacity.org)> wrote:

Thank you for your email. This response is to acknowledge receipt of your CPRA request letter dated March 22, 2022.

We will begin conducting the search and aim to send you any responsive documents by Thursday, March 31.

**Hannah Lee**  
Chief of Staff  
Office of Councilmember John S. Lee  
Council District 12  
City Hall: 213-473-7012 | Community Service Center: 818-882-1212  
e: [Councilmember.Lee@lacity.org](mailto:Councilmember.Lee@lacity.org) | w: [CD12.org](http://CD12.org)

**JOHN LEE**  
LOS ANGELES CITY COUNCILMEMBER • DISTRICT 12



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On Tue, Mar 22, 2022 at 2:51 PM Lake McManus <[lmcmamus@angellaw.com](mailto:lmcmamus@angellaw.com)> wrote:

Please see the attached California Public Records Act request from Frank P. Angel.

---

**Lake McManus** | Practice Manager | (310) 314-6433  
2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405  
**Angel Law**

----- Forwarded message -----

From: Lake McManus <[lmcmamus@angellaw.com](mailto:lmcmamus@angellaw.com)>

To: "John.lee@lacity.org" <[john.lee@lacity.org](mailto:john.lee@lacity.org)>

Cc: "hannah.lee@lacity.org" <hannah.lee@lacity.org>, "brenton.tesler@lacity.org" <brenton.tesler@lacity.org>, Frank Angel <fangel@angellaw.com>

Bcc:

Date: Tue, 22 Mar 2022 21:51:05 +0000

Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

Please see the attached California Public Records Act request from Frank P. Angel.

---

**Lake McManus** | Practice Manager | (310) 314-6433

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

Angel Law

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From: Frank Angel <fangel@angellaw.com>

To: "Councilmember.Harris-Dawson@lacity.org" <Councilmember.Harris-Dawson@lacity.org>

Cc: "solomon.rivera@lacity.org" <solomon.rivera@lacity.org>, "joanne.kim@lacity.org" <joanne.kim@lacity.org>, "kristen.gordon@lacity.org" <kristen.gordon@lacity.org>, "antwone.roberts@lacity.org" <antwone.roberts@lacity.org>

Bcc:

Date: Fri, 1 Apr 2022 23:16:53 +0000

Subject: CPRA Request-Mount Saint Mary's University Chalon Campus Project; PLUM Committee Hearing re appeals in Cases No. CPC-1952-4072-CU-PA-1A & ZA-2017-928-ZAD-1A; ENV-2016-2319-EIR (SCH No. 2016081015)

Dear Councilmember Harris-Dawson:

On March 21, 2022, my office submitted by email a request under the California Public Records Act (CPRA), seeking public records concerning ex parte communications between you or any member of your staff and any Project Representative (defined in the request) regarding the "Wellness Pavilion" Project, a project proposed by Mount Saint Mary's University (MSMU) on its Chalon Campus in the city's Brentwood planning area. (See attached email.) The Project-related development applications and CEQA review will be heard at the upcoming April 5, 2022 PLUM Committee meeting.

As of this time, we have received no response. The deadline for your response to our CPRA request was yesterday, March 31, 2022. (See Gov. Code, § 6253, subd. (c) [requiring response to CPRA requester "within 10 days from receipt of the request"].) Please note that the scope of our request is limited to writings, including emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, constituting, regarding or otherwise evidencing any type of *ex parte communication* with any Project Representative. We are not asking for any documents entered in the official record of the City's proceedings on the Project, distributed to all members of the PLUM Committee, such as the EIR, staff reports, our appeal submittal. Please further note, however, that writings about this item of public business are not excluded from the CPRA because they have been sent, received, or stored in any personal email account. (See *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 629.)

Our CPRA request primarily serves to help even the playing field and protect the constitutional rights to due process and the statutory rights to a fair administrative hearing, throughout the Project review process, of thousands of Brentwood area property owners and residents impacted by MSMU's Project -- a project located in a Very High Fire Hazard Severity Zone, at the end of a branched cul-de-sac street system with egress to one of the most traffic-choked sections of Sunset Boulevard. We demand nothing less than equal protection under the law of their rights, including equal time and access to the city's decision makers.

While we look forward to receiving a response and the requested public records without further delay, as required by law, *including records created or prepared up to today*, because we have yet to receive a response from your office and the public records we are requesting, we demand that the April 5, 2022 hearing on MSMU's Project be continued. We know there have been ex parte communications with PLUM Committee members or their staff concerning the Project, including verbal communications and presentations, from which the Brentwood Homeowners Association was excluded. When in a quasi-judicial administrative proceeding (as here), one side has exclusive access to the public decision makers to lay out its case outside the presence of the other side, that translates into preferential treatment and favoritism. It violates the other side's rights to procedural due process and a fair hearing.

Under the California Constitution (art. I, § 3, subd. (b)(1)), we have a "right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Without knowing what information was shared with you and your staff, as well as other PLUM Committee members, we are at a significant disadvantage as we're unable to address and correct any inaccuracies or material omissions in statements made by any Project Representative, or any misrepresentations made by any Project Representative. The strict time limits the PLUM Committee imposes on speakers exacerbate this problem, all with the result that MSMU will have been afforded substantially enhanced opportunities to present its case in intimate, unregulated settings.

Sincerely,

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From: Lake McManus <lmcmamus@angellaw.com>

To: "Councilmember.Harris-Dawson@lacity.org" <Councilmember.Harris-Dawson@lacity.org>

Cc: "solomon.rivera@lacity.org" <solomon.rivera@lacity.org>, "joanne.kim@lacity.org" <joanne.kim@lacity.org>, "kristen.gordon@lacity.org" <kristen.gordon@lacity.org>, "antwone.roberts@lacity.org" <antwone.roberts@lacity.org>, Frank Angel <fangel@angellaw.com>

Bcc:

Date: Mon, 21 Mar 2022 17:53:12 +0000

Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

Please see the attached California Public Records Act request from Frank P. Angel.

---

**Lake McManus** | Practice Manager | (310) 314-6433

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

Angel Law

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From: Frank Angel <fangel@angellaw.com>

To: "Councilmember.Blumenfield@lacity.org" <Councilmember.Blumenfield@lacity.org>

Cc: "lisa.hansen@lacity.org" <lisa.hansen@lacity.org>, "john.popoch@lacity.org" <john.popoch@lacity.org>, "elizabeth.ene@lacity.org" <elizabeth.ene@lacity.org>

Bcc:

Date: Fri, 1 Apr 2022 23:33:34 +0000

Subject: CPRA Request-Mount Saint Mary's University Chalon Campus Project; PLUM Committee Hearing re appeals in Cases No. CPC-1952-4072-CU-PA-1A & ZA-2017-928-ZAD-1A; ENV-2016-2319-EIR (SCH No. 2016081015)

Dear Councilmember Blumenfield:

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By the California Constitution (art. I, § 3, subd. (b)(1)), "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Without knowing what information was shared with you and your staff, as well as other PLUM Committee members, we are at a significant disadvantage as we're unable to address and correct any inaccuracies or material omissions in statements made by any Project Representative, or any misrepresentations made by any Project Representative. The strict time limits the PLUM Committee imposes on speakers exacerbate this predicament, all with the result that MSMU will have been afforded substantially enhanced opportunities to present its case in intimate, unregulated settings.

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From: Lake McManus <lmcmamus@angellaw.com>

To: "Councilmember.Blumenfeld@lacity.org" <Councilmember.Blumenfeld@lacity.org>

Cc: "lisa.hansen@lacity.org" <lisa.hansen@lacity.org>, "john.popoch@lacity.org" <john.popoch@lacity.org>, "elizabeth.ene@lacity.org" <elizabeth.ene@lacity.org>, Frank Angel <fangel@angellaw.com>

Bcc:

Date: Mon, 21 Mar 2022 18:58:59 +0000

Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

Please see the attached California Public Records Act request from Frank P. Angel.

**Lake McManus** | Practice Manager | (310) 314-6433

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

## Angel Law

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From: Frank Angel <fangel@angellaw.com>

To: "Gilbert.Cedillo@lacity.org" <Gilbert.Cedillo@lacity.org>

Cc: "debby.kim@lacity.org" <debby.kim@lacity.org>, "tony.ricasa@lacity.org" <tony.ricasa@lacity.org>, "gerald.gubatan@lacity.org" <gerald.gubatan@lacity.org>

Bcc:

Date: Fri, 1 Apr 2022 23:41:09 +0000

Subject: CPRA Request-Mount Saint Mary's University Chalon Campus Project; PLUM Committee Hearing re appeals in Cases No. CPC-1952-4072-CU-PA-1A & ZA-2017-928-ZAD-1A; ENV-2016-2319-EIR (SCH No. 2016081015)

Dear Councilmember Cedillo:

On March 21, 2022, my office submitted by email a request under the California Public Records Act (CPRA), seeking public records concerning ex parte communications between you or any member of your staff and any Project Representative (defined in the request) regarding the "Wellness Pavilion" Project, a project proposed by Mount Saint Mary's University (MSMU) on its Chalon Campus in the city's Brentwood planning area. (See attached email.) The Project-related development applications and CEQA review are scheduled to be heard at the upcoming April 5, 2022 PLUM Committee meeting.

As of this time, we have received no response. The deadline for your response to our CPRA request was yesterday, March 31, 2022. (See Gov. Code, § 6253, subd. (c) [requiring response to CPRA requester "within 10 days from receipt of the request"].) Please note that the scope of our request is narrow and straightforward. It is limited to writings, including emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, constituting, regarding or otherwise evidencing any type of *ex parte communication* with any Project Representative. We are not asking for any documents entered in the official record of the City's proceedings on the Project, distributed to all members of the PLUM Committee, such as the Project EIR, staff reports, prior official city decisions, or our appeal submittal. Please further note, however, that writings about this item of public business are not excluded from the CPRA because they have been sent, received, or stored in any personal email account. (See *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 629.)

Our CPRA request primarily serves to help even the playing field and protect the constitutional rights to due process and the statutory rights to a fair administrative hearing, throughout the Project review process, of thousands of Brentwood area property owners and residents impacted by MSMU's Project -- a project located in a Very High Fire Hazard Severity Zone, at the end of a branched cul-de-sac street system with egress to one of the most traffic-choked sections of Sunset Boulevard. We demand nothing less than equal protection under the law of their rights, including equal time and access to the city's decision makers.

While we look forward to receiving your response and the requested public records without further delay, as required by law, *including records created or prepared up to today*, because we have yet to receive a response and the public records we are requesting, we demand that the April 5, 2022 hearing on MSMU's Project be continued. We know there have been ex parte communications with PLUM Committee members or their staff concerning the Project, including verbal communications and presentations, from which the Brentwood Homeowners Association was excluded. When in a quasi-judicial administrative proceeding (as here), one side has exclusive access to the public decision makers to lay out its case outside the presence of the other side, that translates into unlawful preferential treatment and intolerable favoritism. It violates the other side's rights to procedural due process and a fair hearing.

By the California Constitution (art. I, § 3, subd. (b)(1)), "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Without knowing what information was shared with you and your staff, as well as other PLUM Committee members, we are at a significant disadvantage as we're unable to address and correct any inaccuracies or material omissions in statements made by any Project Representative, or any misrepresentations made by any Project Representative. The strict time limits the PLUM Committee imposes on speakers exacerbate this predicament, all with the result that MSMU will have been afforded substantially enhanced opportunities to present its case in intimate, unregulated settings.

Sincerely,

---

**Frank P. Angel** | O (310) 314-6433 | C (310) 924-1416

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

Angel Law

[angellaw.com](http://angellaw.com)  

**WORKING REMOTELY: A SMALL CONTRIBUTION TO HELP FRONTLINE HEALTHCARE PROFESSIONALS SAVE LIVES.**

**CONFIDENTIALITY NOTICE:** This communication with its contents may contain confidential or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

----- Forwarded message -----

From: Lake McManus <lmcmnus@angellaw.com>

To: "Gilbert.Cedillo@lacity.org" <Gilbert.Cedillo@lacity.org>

Cc: "debby.kim@lacity.org" <debby.kim@lacity.org>, "tony.ricasa@lacity.org" <tony.ricasa@lacity.org>, "gerald.gubatan@lacity.org" <gerald.gubatan@lacity.org>, Frank Angel <fangel@angellaw.com>

Bcc:

Date: Mon, 21 Mar 2022 18:55:58 +0000

Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

Please see the attached California Public Records Act request from Frank P. Angel.

---

**Lake McManus** | Practice Manager | (310) 314-6433

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

Angel Law

----- Forwarded message -----

From: Michael Owens <michael.owens@lacity.org>

To: Frank Angel <fangel@angellaw.com>

Cc:

Bcc:

Date: Sat, 2 Apr 2022 00:23:36 +0000

Subject: CPRA request

Hi

I just received this request. I will look into it whether we have responsive documents.

----- Forwarded message -----

From: Mel Ilomin <mel.ilomin@lacity.org>

To: Frank Angel <fangel@angellaw.com>

Cc:

Bcc:

Date: Mon, 4 Apr 2022 16:18:17 +0000

Subject: Fwd: MSMU CPRA

Mr. Angel,

First, I would like to apologize for the late disclosure. You may not find it inconsequential but we had a Cesar holiday last Monday which accounts for this late disclosure. Attached are the 4 emails I have that are responsive. I have another one coming after this one from one of our staff, Gerald Gubatan, who is our planning deputy that handles Plum Committee for the member. These are all the docs that are responsive from our staff. No redactions or omissions, therefore we are not claiming any exceptions.

Thank you so much for your patience.

**Mel Ilomin**

**Senior Policy Deputy**

**Office of Councilman Gil Cedillo**



**Los Angeles Council District 1  
(213) 473-7001 City Hall**



----- Forwarded message -----

From: **Debby Kim** <[debby.kim@lacity.org](mailto:debby.kim@lacity.org)>  
Date: Mon, Mar 21, 2022 at 1:52 PM  
Subject: MSMU CPRA  
To: Mel Iloin <[mel.iloin@lacity.org](mailto:mel.iloin@lacity.org)>

--

**Debby Kim**  
**Chief of Staff**  
**Office of Councilmember Gil Cedillo**  
200 N. Spring St. Rm. 460  
Los Angeles, CA 90012  
213-473-7001

----- Forwarded message -----

From: Gerald Gubatan <[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)>  
To: Ira Handelman <[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)>  
Cc: Debby Kim <[debby.kim@lacity.org](mailto:debby.kim@lacity.org)>  
Bcc:

Date: Thu, 3 Mar 2022 10:00:44 -0800

Subject: Re: FW: Mount Saint Mary's University (MSMU) Wellness Center Project  
Hello Ira - here are a few available times slots for a virtual meeting (since City Hall is still closed to the public):

Fri 3/4/22@ 10AM  
Mon 3/7/22 3PM-5PM  
Tues 3/8/22 3PM-5PM

Let me know what works!

Gerald

Gerald G. Gubatan  
Senior Planning Deputy  
Office of Council Member Gilbert Cedillo  
Council District 1  
City Hall, Room 460  
Los Angeles, CA 90012  
Tel: 213.473.7001  
[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)  
<http://cd1.lacity.org/>

On Wed, Mar 2, 2022 at 8:26 PM Ira Handelman <[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)> wrote:

Debby: Thanks.

Hope all is well.

Take care,

Ira

**Ira D. Handelman | President | Handelman Consulting Inc.**

**\*Please note our new mailing address effective January 1, 2022**

5820 Canoga Avenue • Suite 300 • Woodland Hills, CA 91367

T 818-990-0559 • C 213-422-8545

[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)

---

**From:** Debby Kim <[debby.kim@lacity.org](mailto:debby.kim@lacity.org)>  
**Sent:** Wednesday, March 2, 2022 5:03 PM  
**To:** Ira Handelman <[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)>  
**Cc:** Gerald Gubatan - City of Los Angeles, 1st District ([Gerald.Gubatan@lacity.org](mailto:Gerald.Gubatan@lacity.org)) <[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)>  
**Subject:** Re: FW: Mount Saint Mary's University (MSMU) Wellness Center Project

Hi Ira—

So sorry for the delay! Must've slipped through my inbox.

Gerald can you please be sure to have time set up to get briefed?

Thanks !!!

On Wed, Mar 2, 2022 at 3:49 PM Ira Handelman <[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)> wrote:

Debby and Gerald: Looking forward to hearing back from you.

Take care,

Ira

**Ira D. Handelman | President | Handelman Consulting Inc.**

**\*Please note our new mailing address effective January 1, 2022**

5820 Canoga Avenue • Suite 300 • Woodland Hills, CA 91367

T 818-990-0559 • C 213-422-8545

[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)

---

**From:** Ira Handelman  
**Sent:** Wednesday, February 16, 2022 10:09 AM  
**To:** Debby Kim <[debby.kim@lacity.org](mailto:debby.kim@lacity.org)>; Gerald Gubatan - City of Los Angeles, 1st District ([Gerald.Gubatan@lacity.org](mailto:Gerald.Gubatan@lacity.org)) <[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)>  
**Subject:** Mount Saint Mary's University (MSMU) Wellness Center Project

Debby and Gerald: Hope all is well. It has been a while. I wanted to bring you up to date on the MSMU Wellness Center Project. Attached you will see the Letter of Determination showing unanimous support by the Planning Commission for the Wellness Center. We have been told we will be coming before PLUM at your April 5<sup>th</sup> meeting. I would like to talk to you in more detail by phone. Please let me know when you would be available for a brief call.

Take care,

Ira

**Ira D. Handelman | President | Handelman Consulting Inc.**

**\*Please note our new mailing address effective January 1, 2022**

**5820 Canoga Avenue • Suite 300 • Woodland Hills, CA 91367**

**T 818-990-0559 • C 213-422-8545**

**ihandelman@handelmanconsulting.com**

--  
**Debby Kim**

**Chief of Staff  
Office of Councilmember Gil Cedillo**

200 N. Spring St. Rm. 460  
Los Angeles, CA 90012

213-473-7001

----- Forwarded message -----

From: Ira Handelman <ihandelman@handelmanconsulting.com>

To: "gilbert.cedillo@lacity.org" <gilbert.cedillo@lacity.org>, "Paul.Krekorian@lacity.org" <Paul.Krekorian@lacity.org>, "bob.blumenfield@lacity.org" <bob.blumenfield@lacity.org>, "councilmember.raman@lacity.org" <councilmember.raman@lacity.org>, "paul.koretz@lacity.org" <paul.koretz@lacity.org>, "nury.martinez@lacity.org" <nury.martinez@lacity.org>, "mrodriguez@lacity.org" <mrodriguez@lacity.org>, "mhd8@lacity.org" <mhd8@lacity.org>, "councilmember.price@lacity.org" <councilmember.price@lacity.org>, "mike.bonin@lacity.org" <mike.bonin@lacity.org>, "councilmember.lee@lacity.org" <councilmember.lee@lacity.org>, "councilmember.ofarrell@lacity.org" <councilmember.ofarrell@lacity.org>, "kevin.deleon@lacity.org" <kevin.deleon@lacity.org>, "joe.buscaino@lacity.org" <joe.buscaino@lacity.org>, "Debby.Kim@lacity.org" <Debby.Kim@lacity.org>, "Karo.tarossian@lacity.org" <Karo.tarossian@lacity.org>, "Lisa.hansen@lacity.org" <Lisa.hansen@lacity.org>, "Najeeba.syeed@lacity.org" <Najeeba.syeed@lacity.org>, "Joan.Pelico@lacity.org" <Joan.Pelico@lacity.org>, "Ackley.padilla@lacity.org" <Ackley.padilla@lacity.org>, "Christine.jerian@lacity.org" <Christine.jerian@lacity.org>, "Solomon.rivera@lacity.org" <Solomon.rivera@lacity.org>, "Curtis.earnest@lacity.org" <Curtis.earnest@lacity.org>, "Karly.katona@lacity.org" <Karly.katona@lacity.org>, "Chad.molnar@lacity.org" <Chad.molnar@lacity.org>, "Hannah.lee@lacity.org" <Hannah.lee@lacity.org>, "Jeanne.min@lacity.org" <Jeanne.min@lacity.org>, "Jennifer.barraza@lacity.org" <Jennifer.barraza@lacity.org>, "Jenny.chavez@lacity.org" <Jenny.chavez@lacity.org>

Cc:

Bcc:

Date: Tue, 19 Oct 2021 01:35:34 +0000

Subject: Support for Councilmember Mark Ridley-Thomas

Dear Members of the City Council:

For over 30 years, Councilmember Mark Ridley-Thomas has been a dedicated and tireless leader representing our communities. He has a track record of fighting to uplift the most disenfranchised and empower communities in an effort to promote equity and justice. His leadership is deeply felt to address the most critical crisis of our time – namely, advocating for additional resources and policy solutions to prevent and end homelessness for the tens of thousands of vulnerable men, women and children who are suffering across our City and region.

The Councilmember has publicly stated that he has not committed a crime and has pledged to continue to serve his constituents until this matter is resolved. I have known Mark for 31 years and I will not hastily participate in a rush to judgment.

Councilmember Ridley-Thomas is deserving of his day in court, and at this point in the process, I implore you to treat him as presumed innocent as our democratic process affords every citizen.

Thank you for your consideration.

Ira Handelman
















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[Message clipped] [View entire message](#)

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### 31 attachments

-  **2022-03-22-CPRA Req-John S. Lee-MSMU Project.pdf**  
133K
-  **CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area.eml**  
190K
-  **RE: CPRA Request re Mount Saint Mary's University Chalon Campus Project & Request for Continuance of 04-05-2022 PLUM Committee Hearing.eml**  
247K
-  **03-21-2022-cpra req-marqueece harris-dawson-msmu project.pdf**  
132K
-  **CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area.eml**  
189K
-  **CPRA Request-Mount Saint Mary's University Chalon Campus Project; PLUM Committee Hearing re appeals in Cases No. CPC-1952-4072-CU-PA-1A & ZA-2017-928-ZAD-1A; ENV-2016-2319-EIR (SCH No. 2016081015) .eml**  
208K
-  **03-21-2022-cpra req-bob blumenfield-msmu project.pdf**  
133K
-  **CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area.eml**  
190K
-  **CPRA Request-Mount Saint Mary's University Chalon Campus Project; PLUM Committee Hearing re appeals in Cases No. CPC-1952-4072-CU-PA-1A & ZA-2017-928-ZAD-1A; ENV-2016-2319-EIR (SCH No. 2016081015) .eml**  
210K
-  **03-21-2022-cpra req-gil cedillo-msmu project.pdf**  
133K
-  **CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area.eml**  
190K
-  **CPRA Request-Mount Saint Mary's University Chalon Campus Project; PLUM Committee Hearing re appeals in Cases No. CPC-1952-4072-CU-PA-1A & ZA-2017-928-ZAD-1A; ENV-2016-2319-EIR (SCH No. 2016081015).eml**  
210K
-  **CPRA request.eml**  
10K
-  **Re: FW: Mount Saint Mary's University (MSMU)Wellness Center Project.eml**  
29K
-  **Support for Councilmember Mark Ridley-Thomas.eml**  
19K
-  **MSMU Determination2021.pdf**  
1712K

-  **MSMU Wellness Center Council Information November 2021.pdf**  
411K
-  **Mt. St. Mary's University Wellness Center.eml**  
2921K
-  **Re: FW: FW: Dinner with Gil.eml**  
44K
-  **Fwd: MSMU CPRA.eml**  
3029K
-  **MSMU Determination2021.pdf**  
1712K
-  **MSMU Wellness Center Council Information November 2021.pdf**  
411K
-  **Fwd: Mt. St. Mary's University Wellness Center.eml**  
2927K
-  **Fwd: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area.eml**  
16K
-  **FW: CPRA 3/21/22 - 10 Day Response Letter.eml**  
34K
-  **2022-03-22-CPRA Req-John S. Lee-MSMU Project.pdf**  
133K
-  **2022-03-21-CPRA Req-Monica Rodriguez-MSMU Project.pdf**  
133K
-  **2022-03-21-CPRA Req-Marqueece Harris-Dawson-MSMU Project.pdf**  
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-  **2022-03-21-CPRA Req-Gil Cedillo-MSMU Project.pdf**  
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-  **2022-03-21-CPRA Req-Bob Blumenfield-MSMU Project.pdf**  
133K
-  **2022-03-21-CPRA Req-Mike Bonin-MSMU Project.pdf**  
164K

## Subject: RE: CPRA Request re Mount Saint Mary's University Chalon Campus Project & Request for Continuance of 04-05-2022 PLUM Committee Hearing



**Frank Angel** <fangel@angellaw.com>

Mon, Apr 4, 4:12 PM (16 hours ago)

to Hannah Lee, councilmember.lee@lacity.org, brenton.tesler@lacity.org, Lake McManus

You are viewing an attached message. City of Los Angeles Mail can't verify the authenticity of attached messages.

Dear Ms. Lee,

On March 22, 2022, my office submitted the attached request under the California Public Records Act (CPRA), seeking public records, essentially, evidencing or relating to ex parte communications between Los Angeles City Councilmember and member of the city's PLUM Committee, John Lee, or any member of the council member's staff, and any Project Representative (defined and named in our CPRA request), regarding the "Wellness Pavilion" Project, a project proposed by Mount Saint Mary's University (MSMU) on its Chalon Campus in the city's Brentwood planning area. As you know, Project-related development applications and CEQA review are scheduled to be heard at the PLUM Committee meeting tomorrow.

On March 30, 2022, you made available two responsive emails, both from Mr. Ira Handelman, President of Handelman Consulting Inc. One email, dated February 16, 2022, refers to the upcoming April 5 PLUM Committee hearing and includes a request "to talk to you in more detail by phone." The second email, dated March 2, 2022, simply states: "Looking forward to hearing back from you." Both emails were sent to your official email address at [lacity.org](mailto:lacity.org). To that point, please note that the public records we request about this item of public business are not excluded from the CPRA because they have been sent, received, or stored in any personal email account. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 629.)

The February 16 and March 2, 2022 emails represent the totality of your office's response. Thus, we have received:

- No communications to or from City Councilmember Lee himself and Mr. Handelman or, for that matter, any other Project Representative;
- No communications from you or any other member of your staff to Mr. Handelman (e.g., in response to his March 2 email);
- No notes from any discussion with Mr. Handelman (by phone or otherwise);
- No communications to or from you or any other member of your staff, involving any other Project Representative; and
- No intra-office communications, including, for example, memo, briefing paper, or talking points to councilmember Lee, containing information or arguments you or any other member of your staff received ex parte, from Mr. Handelman or any other Project Representative, for the PLUM Committee hearing on MSMU's Project.

Compliance with our CPRA request should not be burdensome. It is narrow in its substantive scope and time window. It is limited to writings, such as emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, constituting, regarding or otherwise evidencing any type of ex parte communication involving MSMU's Project. We are not asking for any documents entered in the official record of the City's proceedings on the Project, distributed to all members of the PLUM Committee, such as the Project EIR, staff reports, prior city decisions and determinations concerning the Project, or our appeal submittal.

As is apparent from our request, it primarily serves to help even the playing field and protect the constitutional rights to due process and the statutory rights to a fair administrative hearing, throughout the Project review process, of thousands of Brentwood area property owners and residents impacted by MSMU's Project -- a project located in a Very High Fire Hazard Severity Zone, at the end of a branched cul-de-sac street system with egress to one of the most traffic-choked sections of Sunset Boulevard. The Final Environmental Impact Report released in June 2021 and the City Planning Commission's October 21, 2021 decision involve a project that implicates more than on-campus construction of a new Wellness Center and related structures. Specifically, the applicant's Chalon Wildfire Emergency Response Plan now before the PLUM Committee implicates the Chalon campus as a whole, including but not limited to the *entire* student population. As confirmed by former LAFD Battalion Chief, Michael A Bowman, retained by



## Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

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**Lake McManus** <lmcmamus@angellaw.com>

Tue, Mar 22, 2:51 PM

to john.lee@lacity.org, hannah.lee@lacity.org, brenton.tesler@lacity.org, Frank Angel

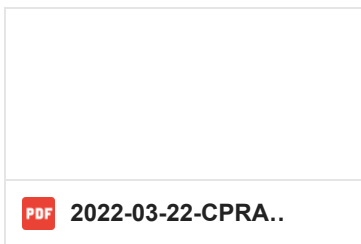
You are viewing an attached message. City of Los Angeles Mail can't verify the authenticity of attached messages.

Please see the attached California Public Records Act request from Frank P. Angel.

---

**Lake McManus** | Practice Manager | (310) 314-6433  
2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405  
Angel Law

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## **ANGEL LAW**

**2601 Ocean Park Blvd., Suite 205  
Santa Monica, CA 90405-5269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com**

March 22, 2022

Honorable Councilmember John S. Lee  
Los Angeles City Council District 12  
Los Angeles City Hall  
200 North Spring St. #405  
Los Angeles, CA 90012

Via Mail and E-mail to [John.Lee@lacity.org](mailto:John.Lee@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Councilmember Lee:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

To allow us to adequately prepare for the Planning and Land Use Management (**PLUM**) Committee hearing noticed for Tuesday, April 5, 2022 and, among other things, have a fair and meaningful opportunity to rebut evidence and arguments made by the representatives of Mount Saint Mary's University (**MSMU**) in ex parte meetings and communications with you and your staff, involving the development project labeled the "Wellness Pavilion" project (**Project**), proposed by MSMU on its Chalon Campus in Brentwood, we request that you make available for BHA's inspection the writings itemized below. This request is made pursuant to the California Public Records Act

(**CPRA**; Gov. Code, § 6250 et seq.) and article I, section 3, subdivision (b) of the California Constitution.

Specifically, the writings subject to this CPRA request include:

1. All writings prepared, sent or forwarded by you or any member of your staff to any Project Representative during the time period of September 1, 2021 to present.
2. All writings received by you or any member of your staff (directly, as a cc, a bcc, or forwarded to you or any member of your staff) from any Project Representative during the time period of September 1, 2021 to the present.

For purposes of this CPRA request, the term “**Project Representative**” includes the following persons:

- a. Ann McElaney-Johnson, President, MSMU;
- b. Debra Martin, Vice President, Administration and Finance, MSMU;
- c. Ana Penagos Gutierrez, Executive Assistant to the Vice President for Administration and Finance, MSMU;
- d. Lucille Villegas, Executive Assistant to the President, MSMU;
- e. Susan Dileo, Vice President, Enrollment Management, MSMU;
- f. Linda McMurdock, Vice President, Student Affairs, MSMU;
- g. Debbie Ream, Director, Communications & Marketing, Institutional Advancement, MSMU;
- h. Victor De la Cruz, Ileana Hernandez, and any other attorney with the law firm of Manatt;
- i. David A. Herbst, any other partner, and any employee with Vectis Strategies, LLC; and
- j. Ira Handelman, any other partner, and any employee with Handelman Consulting, Inc.

If any requested writings are exempt from disclosure, Government Code section 6253 requires you to notify us of the reasons for the determination within ten days of your receipt of this request. This 10-day period may not be used to delay access to public records. (Gov. Code, § 6253, subd. (d).) The CPRA requires that public records be made available “promptly.” (Gov. Code, § 6253.)

While we request that the requested writings be made available as electronic files in lieu of hard copies, this CPRA request encompasses documents created in hard copy format, as well as electronically stored information (**ESI**), such as emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, regardless of whether the computational device used for viewing or preparing any writing subject to this CPRA request is privately owned or owned by the City.

Pursuant to Government Code section 6253.9, we request that all responsive ESI be made available in the electronic format in which you have held it prior to your receipt of this CPRA

request. Writings that you hold in the native format they were created in must include all embedded descriptive metadata, with "from," "to," "cc," "bcc," "subject," "date sent" and "time sent" email metadata fields.

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ANGEL LAW

A handwritten signature in blue ink, appearing to read "Frank P. Angel", is written over a horizontal line.

Frank P. Angel

cc: Hannah Lee, Chief of Staff (via email to [hannah.lee@lacity.org](mailto:hannah.lee@lacity.org))  
Brenton Tesler, Deputy Chief of Staff (via email to [brenton.tesler@lacity.org](mailto:brenton.tesler@lacity.org))

Subject: CPRA Request-Mount Saint Mary's University Chalon Campus Project;  
PLUM Committee Hearing re appeals in Cases No. CPC-1952-4072-CU-PA-1A  
& ZA-2017-928-ZAD-1A; ENV-2016-2319-EIR (SCH No. 2016081015)



**Frank Angel** <fangel@angellaw.com>

Fri, Apr 1, 4:16 PM (4 days ago)

to Councilmember.Harris-Dawson@lacity.org, solomon.rivera@lacity.org, joanne.kim@lacity.org, kristen.gordon@lacity.org

You are viewing an attached message. City of Los Angeles Mail  
can't verify the authenticity of attached messages.

Dear Councilmember Harris-Dawson:

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Sincerely,

## Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

---



**Lake McManus** <lmcmamus@angellaw.com>

Mon, Mar 21, 10:53 AM

to Councilmember.Harris-Dawson@lacity.org, solomon.rivera@lacity.org, joanne.kim@lacity.org, kristen.gordon@lac

You are viewing an attached message. City of Los Angeles Mail  
can't verify the authenticity of attached messages.

Please see the attached California Public Records Act request from Frank P. Angel.

---

**Lake McManus** | Practice Manager | (310) 314-6433  
2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405  
**Angel Law**

---

**ANGEL LAW**  
2601 Ocean Park Blvd., Suite 205  
Santa Monica, CA 90405-8269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com

March 21, 2022



**03-21-2022-cpra r..**



## **ANGEL LAW**

**2601 Ocean Park Blvd., Suite 205  
Santa Monica, CA 90405-5269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com**

March 21, 2022

Chair Marqueece Harris-Dawson  
Planning and Land Use Management (PLUM) Committee  
Los Angeles City Council, District 8  
200 N. Spring St., Room 450  
Los Angeles, CA 90012

Via Mail and E-mail to Councilmember.Harris-Dawson@lacity.org

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Chair Harris-Dawson:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

To allow us to adequately prepare for the Planning and Land Use Management (**PLUM**) Committee hearing noticed for Tuesday, April 5, 2022 and, among other things, have a fair and meaningful opportunity to rebut evidence and arguments made by the representatives of Mount Saint Mary's University (**MSMU**) in ex parte meetings and communications with you and your staff, involving the development project labeled the "Wellness Pavilion" project (**Project**), proposed by MSMU on its Chalon Campus in Brentwood, we request that you make available for BHA's inspection the writings itemized below. This request is made pursuant to the California Public Records Act

(**CPRA**; Gov. Code, § 6250 et seq.) and article I, section 3, subdivision (b) of the California Constitution.

Specifically, the writings subject to this CPRA request include:

1. All writings prepared, sent or forwarded by you or any member of your staff to any Project Representative during the time period of September 1, 2021 to present.
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For purposes of this CPRA request, the term “**Project Representative**” includes the following persons:

- a. Ann McElaney-Johnson, President, MSMU;
- b. Debra Martin, Vice President, Administration and Finance, MSMU;
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- d. Lucille Villegas, Executive Assistant to the President, MSMU;
- e. Susan Dileo, Vice President, Enrollment Management, MSMU;
- f. Linda McMurdock, Vice President, Student Affairs, MSMU;
- g. Debbie Ream, Director, Communications & Marketing, Institutional Advancement, MSMU;
- h. Victor De la Cruz, Ileana Hernandez, and any other attorney with the law firm of Manatt;
- i. David A. Herbst, any other partner, and any employee with Vectis Strategies, LLC; and
- j. Ira Handelman, any other partner, and any employee with Handelman Consulting, Inc.

If any requested writings are exempt from disclosure, Government Code section 6253 requires you to notify us of the reasons for the determination within ten days of your receipt of this request. This 10-day period may not be used to delay access to public records. (Gov. Code, § 6253, subd. (d).) The CPRA requires that public records be made available “promptly.” (Gov. Code, § 6253.)

While we request that the requested writings be made available as electronic files in lieu of hard copies, this CPRA request encompasses documents created in hard copy format, as well as electronically stored information (**ESI**), such as emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, regardless of whether stored on or transmitted through City or private servers, or City or other networks, and regardless of whether the computational device used for preparing or viewing any writing subject to this CPRA request is privately owned or owned by the City.

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ANGEL LAW



Frank P. Angel

cc: Solomon Rivera, Chief of Staff (via email to [solomon.rivera@lacity.org](mailto:solomon.rivera@lacity.org))  
Joanne Kim, Senior Advisor (via email to [joanne.kim@lacity.org](mailto:joanne.kim@lacity.org))  
Kristen Gordon, Planning and Economic Development Deputy (via email to [kristen.gordon@lacity.org](mailto:kristen.gordon@lacity.org))  
Antwone Roberts (via email to [antwone.roberts@lacity.org](mailto:antwone.roberts@lacity.org))

Subject: CPRA Request-Mount Saint Mary's University Chalon Campus Project;  
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**Frank Angel** <fangel@angellaw.com>

Fri, Apr 1, 4:33 PM (4 days ago)

to Councilmember.Blumenfield@lacity.org, lisa.hansen@lacity.org, john.popoch@lacity.org, elizabeth.ene@lacity.org

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Dear Councilmember Blumenfield:

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## Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

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**Lake McManus** <lmcmamus@angellaw.com>

Mon, Mar 21, 11:58 AM

to Councilmember.Blumenfield@lacity.org, lisa.hansen@lacity.org, john.popoch@lacity.org, elizabeth.ene@lacity.org

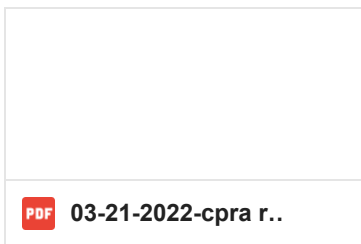
You are viewing an attached message. City of Los Angeles Mail  
can't verify the authenticity of attached messages.

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**Lake McManus** | Practice Manager | (310) 314-6433  
2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405  
Angel Law

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## ANGEL LAW

**2601 Ocean Park Blvd., Suite 205  
Santa Monica, CA 90405-5269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com**

March 21, 2022

Honorable Councilmember Bob Blumenfield  
Los Angeles City Council District 3  
Los Angeles City Hall  
200 North Spring St. #465  
Los Angeles, CA 90012

Via Mail and E-mail to [Councilmember.Blumenfield@lacity.org](mailto:Councilmember.Blumenfield@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

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- i. David A. Herbst, any other partner, and any employee with Vectis Strategies, LLC; and
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ANGEL LAW

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Frank P. Angel

cc: Lisa Hansen, Chief of Staff (via email to [lisa.hansen@lacity.org](mailto:lisa.hansen@lacity.org))  
John Popoch, Deputy Chief of Staff (via email to [john.popoch@lacity.org](mailto:john.popoch@lacity.org))  
Elizabeth Ene, Director of Planning and Land Use (via email to [elizabeth.ene@lacity.org](mailto:elizabeth.ene@lacity.org))

Subject: CPRA Request-Mount Saint Mary's University Chalon Campus Project;  
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**Frank Angel** <fangel@angellaw.com>

Fri, Apr 1, 4:41 PM (4 days ago)

to Gilbert.Cedillo@lacity.org, debby.kim@lacity.org, tony.ricasa@lacity.org, gerald.gubatan@lacity.org

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## Subject: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

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**Lake McManus** <lmcmamus@angellaw.com>

Mon, Mar 21, 11:55 AM

to Gilbert.Cedillo@lacity.org, debby.kim@lacity.org, tony.ricasa@lacity.org, gerald.gubatan@lacity.org, Frank Angel

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March 21, 2022



**03-21-2022-cpra r..**

## **ANGEL LAW**

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March 21, 2022

Honorable Councilmember Gilbert A. Cedillo  
Los Angeles City Council District 1  
Los Angeles City Hall  
200 North Spring St. #460  
Los Angeles, CA 90012

Via Mail and E-mail to [Gilbert.Cedillo@lacity.org](mailto:Gilbert.Cedillo@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Councilmember Cedillo:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

To allow us to adequately prepare for the Planning and Land Use Management (**PLUM**) Committee hearing noticed for Tuesday, April 5, 2022 and, among other things, have a fair and meaningful opportunity to rebut evidence and arguments made by the representatives of Mount Saint Mary's University (**MSMU**) in ex parte meetings and communications with you and your staff, involving the development project labeled the "Wellness Pavilion" project (**Project**), proposed by MSMU on its Chalon Campus in Brentwood, we request that you make available for BHA's inspection the writings itemized below. This request is made pursuant to the California Public Records Act

(**CPRA**; Gov. Code, § 6250 et seq.) and article I, section 3, subdivision (b) of the California Constitution.

Specifically, the writings subject to this CPRA request include:

1. All writings prepared, sent or forwarded by you or any member of your staff to any Project Representative during the time period of September 1, 2021 to present.
2. All writings received by you or any member of your staff (directly, as a cc, a bcc, or forwarded to you or any member of your staff) from any Project Representative during the time period of September 1, 2021 to the present.

For purposes of this CPRA request, the term “**Project Representative**” includes the following persons:

- a. Ann McElaney-Johnson, President, MSMU;
- b. Debra Martin, Vice President, Administration and Finance, MSMU;
- c. Ana Penagos Gutierrez, Executive Assistant to the Vice President for Administration and Finance, MSMU;
- d. Lucille Villegas, Executive Assistant to the President, MSMU;
- e. Susan Dileo, Vice President, Enrollment Management, MSMU;
- f. Linda McMurdock, Vice President, Student Affairs, MSMU;
- g. Debbie Ream, Director, Communications & Marketing, Institutional Advancement, MSMU;
- h. Victor De la Cruz, Ileana Hernandez, and any other attorney with the law firm of Manatt;
- i. David A. Herbst, any other partner, and any employee with Vectis Strategies, LLC; and
- j. Ira Handelman, any other partner, and any employee with Handelman Consulting, Inc.

If any requested writings are exempt from disclosure, Government Code section 6253 requires you to notify us of the reasons for the determination within ten days of your receipt of this request. This 10-day period may not be used to delay access to public records. (Gov. Code, § 6253, subd. (d).) The CPRA requires that public records be made available “promptly.” (Gov. Code, § 6253.)

While we request that the requested writings be made available as electronic files in lieu of hard copies, this CPRA request encompasses documents created in hard copy format, as well as electronically stored information (**ESI**), such as emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, regardless of whether the computational device used for preparing or viewing any writing subject to this CPRA request is privately owned or owned by the City.

Pursuant to Government Code section 6253.9, we request that all responsive ESI be made available in the electronic format in which you have held it prior to your receipt of this CPRA request. Writings that you hold in the native format they were created in must include all embedded descriptive metadata, with "from," "to," "cc," "bcc," "subject," "date sent" and "time sent" email metadata fields.

Access to information about the conduct of the public's business is a fundamental and necessary right of every person in California. (Cal. Const., art I., § 3, subd. (b).) As such, ESI subject to this CPRA request may not be deleted or in any way be wiped or purged from the computer drives and mobile devices on which it is stored. To avoid prejudice to proper judicial resolution of any possible legal action arising out of this request, and without waiver of our rights under Government Code section 34090, we request that you preserve and protect the integrity of all responsive writings, including calendar entries, regardless of whether you believe or may have been advised that any responsive writing is exempt from disclosure. (See *Cedars-Sinai Medical Center v. Superior Court* (1998) 18 Cal.4th 1, 8; *Zubulake v. UBS Warburg LLC* (S.D.N.Y. 2004) 229 F.R.D. 422, 432; *Ellis v. Toshiba America Information Systems, Inc.* (2013) 218 Cal.App.4th 853, 858-862, fns. 4, 5, 6.)

We look forward to receiving the requested writings promptly. We were not advised of the April 5, 2022 public hearing date before the PLUM Committee until Friday, March 11. We understand MSMU was given the heads-up earlier and was consulted about this hearing date.

Our CPRA request serves to help even the playing field and protect the constitutional rights to due process and the statutory rights to a fair administrative hearing, throughout the Project review process, of thousands of Brentwood area property owners and residents impacted by MSMU's Project -- a project located in a Very High Fire Hazard Severity Zone, at the end of a branched cul-de-sac street system with egress to one of the most traffic-choked sections of Sunset Boulevard. We demand nothing less than equal protection under the law of their rights, including equal time and access.

Should the requested writings not be made available to us within a reasonable time before April 5, we respectfully request that the PLUM Committee hearing be continued.

ANGEL LAW

A handwritten signature in blue ink, appearing to read "Frank P. Angel", with a stylized flourish at the end.

Frank P. Angel

cc: Debby Kim, Chief of Staff (via email to [debby.kim@lacity.org](mailto:debby.kim@lacity.org))  
Tony Ricasa, Deputy Chief of Staff (via email to [tony.ricasa@lacity.org](mailto:tony.ricasa@lacity.org))  
Gerald Gubatan, Planning Director (via email to [gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org))

## Subject: CPRA request

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**Michael Owens** <michael.owens@lacity.org>

Fri, Apr 1, 5:23 PM (4 days ago)

to Frank Angel

**You are viewing an attached message.** City of Los Angeles Mail  
can't verify the authenticity of attached messages.

Hi

I just received this request. I will look into it whether we have responsive documents.



---

Subject: Fwd: MSMU CPRA

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**Mel Ilomin** <mel.ilomin@lacity.org>  
to Frank Angel

Mon, Apr 4, 9:18 AM (23 hours ago)

You are viewing an attached message. City of Los Angeles Mail  
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Mr. Angel,

First, I would like to apologize for the late disclosure. You may not find it inconsequential but we had a Cesar holiday last Monday which accounts for this late disclosure. Attached are the 4 emails I have that are responsive. I have another one coming after this one from one of our staff, Gerald Gubatan, who is our planning deputy that handles Plum Committee for the member. These are all the docs that are responsive from our staff. No redactions or omissions, therefore we are not claiming any exceptions.

Thank you so much for your patience.

**Mel Ilomin**  
**Senior Policy Deputy**  
**Office of Councilman Gil Cedillo**  
**Los Angeles Council District 1**  
**(213) 473-7001 City Hall**



----- Forwarded message -----

From: **Debby Kim** <debby.kim@lacity.org>  
Date: Mon, Mar 21, 2022 at 1:52 PM  
Subject: MSMU CPRA  
To: Mel Ilomin <mel.ilomin@lacity.org>

--  
**Debby Kim**  
**Chief of Staff**  
**Office of Councilmember Gil Cedillo**  
200 N. Spring St. Rm. 460  
Los Angeles, CA 90012  
213-473-7001

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**4 Attachments**

**Subject: Re: FW: Mount Saint Mary's University (MSMU)Wellness Center Project****Gerald Gubatan** <gerald.gubatan@lacity.org>

Thu, Mar 3, 10:00 AM

to Ira Handelman, Debby Kim

You are viewing an attached message. City of Los Angeles Mail  
can't verify the authenticity of attached messages.

Hello Ira - here are a few available times slots for a virtual meeting (since City Hall is still closed to the public):

Fri 3/4/22@ 10AM

Mon 3/7/22 3PM-5PM

Tues 3/8/22 3PM-5PM

Let me know what works!

Gerald

Gerald G. Gubatan  
Senior Planning Deputy  
Office of Council Member Gilbert Cedillo  
Council District 1  
City Hall, Room 460  
Los Angeles, CA 90012  
Tel: 213.473.7001  
[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)  
<http://cd1.lacity.org/>

On Wed, Mar 2, 2022 at 8:26 PM Ira Handelman <[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)> wrote:

Debby: Thanks.

Hope all is well.

Take care,

Ira

**Ira D. Handelman | President | Handelman Consulting Inc.**

**\*Please note our new mailing address effective January 1, 2022**

5820 Canoga Avenue • Suite 300 • Woodland Hills, CA 91367

T 818-990-0559 • C 213-422-8545

[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)

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**From:** Debby Kim <[debby.kim@lacity.org](mailto:debby.kim@lacity.org)>

**Sent:** Wednesday, March 2, 2022 5:03 PM

**To:** Ira Handelman <[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)>

**Cc:** Gerald Gubatan - City of Los Angeles, 1st District ([Gerald.Gubatan@lacity.org](mailto:Gerald.Gubatan@lacity.org)) <[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)>

**Subject:** Re: FW: Mount Saint Mary's University (MSMU)Wellness Center Project

## Subject: Support for Councilmember Mark Ridley-Thomas

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**Ira Handelman** <ihandelman@handelmanconsulting.com>

Mon, Oct 18, 2021, 6:35 PM

to gilbert.cedillo@lacity.org, Paul.Krekorian@lacity.org, bob.blumenfield@lacity.org, councilmember.raman@lacity.org

You are viewing an attached message. City of Los Angeles Mail  
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Dear Members of the City Council:

For over 30 years, Councilmember Mark Ridley-Thomas has been a dedicated and tireless leader representing our communities. He has a track record of fighting to uplift the most disenfranchised and empower communities in an effort to promote equity and justice. His leadership is deeply felt to address the most critical crisis of our time – namely, advocating for additional resources and policy solutions to prevent and end homelessness for the tens of thousands of vulnerable men, women and children who are suffering across our City and region.

The Councilmember has publicly stated that he has not committed a crime and has pledged to continue to serve his constituents until this matter is resolved. I have known Mark for 31 years and I will not hastily participate in a rush to judgment. Councilmember Ridley-Thomas is deserving of his day in court, and at this point in the process, I implore you to treat him as presumed innocent as our democratic process affords every citizen.

Thank you for your consideration.

Ira Handelman

**Subject: Mt. St. Mary's University Wellness Center****Ira Handelman** <ihandelman@handelmanconsulting.com>

Mon, Mar 7, 4:38 PM

to Gerald Gubatan - City of Los Angeles, 1st District (Gerald.Gubatan@lacity.org), Debby Kim

You are viewing an attached message. City of Los Angeles Mail  
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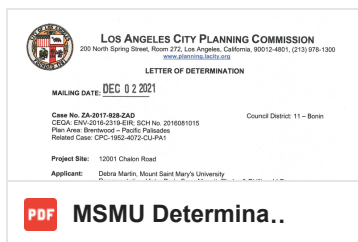
Gerald Good talking to you today. Please follow-up on what we discussed.  
Have attached the Determination letter and an information flier for you,  
Debby, and the Council Member. Look forward to connecting the first week  
in April. MSMU is proud to have their Doheny campus in District 1. The  
PLUM Hearing is scheduled for April 5<sup>th</sup>.

Take care,  
Ira

**Ira D. Handelman | President | Handelman Consulting Inc.****\*Please note our new mailing address effective January 1, 2022**

5820 Canoga Avenue • Suite 300 • Woodland Hills, CA 91367

T 818-990-0559 • C 213-422-8545

[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)**2 Attachments**



# LOS ANGELES CITY PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

MAILING DATE: **DEC 02 2021**

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

Council District: 11 – Bonin

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

Plan Area: Brentwood – Pacific Palisades

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

**Project Site:** 12001 Chalon Road

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

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

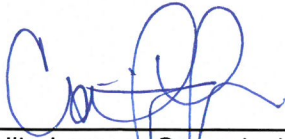
Alternative 5 ("The Project") would require a total of 9,343 cubic yards of grading (cut and fill) and a total of 12 retaining walls ranging in height from two feet to a maximum height of up to 17 feet, in conjunction with development of the Wellness Pavilion.

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

The vote proceeded as follows:

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

**Vote:** 6 – 0



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

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

**FINAL APPEAL DATE:** DEC 17 2021

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

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

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



## CONDITIONS OF APPROVAL

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

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

### **Determination Conditions**

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

**Environmental Conditions**

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

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

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

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



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

**Administrative Conditions of Approval**

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

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

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

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

## FINDINGS

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

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

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

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

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

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

#### **a. Grading**

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

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

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

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

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

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

The number and height of retaining walls needed to allow for the construction and operation of Alternative 5 are included in ZA-2017-928-ZAD Condition No. 2(b). As discussed above, the Project Site will not be visible to the nearest residences along Bundy Drive and all retaining walls eight feet and greater in height will be required to be landscaped to completely hide the retaining wall from view. Similar to the request to exceed the permitted amount of grading, the LAMC Hillside Development Standards were adopted to regulate single-family residences which make-up most of the development in hillside areas. The retaining walls will not expand the existing

Campus' development pad nor will they result in visual impacts to the surrounding community. The Wellness Pavilion will provide a service that is beneficial to both students, faculty, staff, and the surrounding community with a modernized fitness facility and wellness programming to encourage physical activity and to educate students on nutrition and health.

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

Mount Saint Mary's University (MSMU) is requesting grading and retaining walls to allow for the construction and operation of Alternative 5. Alternative 5 will replace the Chalon Campus' (Campus) inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of its Campus. The Campus' existing fitness facilities include a pool area, two tennis courts, a Facilities Management building (a single-story 1,470 square-foot building) constructed in 1952, and a 1,030 square-foot Fitness Center building that was constructed in 1949. The Wellness Pavilion will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health and allow MSMU to continue providing the essential and beneficial service of a university.

**a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Further, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan. In addition, grading activities will comply with South Coast Air Quality Management District (SCAQMD) Rule 403 which requires the implementation of best available dust control measures during operations capable of creating fugitive dust. Compliance with the Transportation PDFs and Rule 403 in addition to the distance between the Project Site and nearest residence (300 feet) will ensure that grading activities related to the construction of Alternative 5 will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu

of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

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

The number and height of retaining walls needed to allow for the construction and operation of Alternative 5 are included in ZA-2017-928-ZAD Condition No. 2(b). The Project Site will not be visible to the nearest residences along Bundy Drive and all retaining walls eight feet and greater in height will be required to be landscaped to completely hide the retaining wall from view. Similar to the request to exceed the permitted amount of grading, the LAMC Hillside Development Standards were adopted to regulate single-family residences which make-up most of the development in hillside areas. The retaining walls will not expand the existing Campus' development pad nor will they result in visual impacts to the surrounding community. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining wall eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3.

The Wellness Pavilion will provide a service that is beneficial to both students, faculty, staff, and the surrounding community with a modernized fitness facility and wellness programming to encourage physical activity and to educate students on nutrition and health. The request to exceed the maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone will not adversely affect or degrade adjacent properties, including the surrounding neighborhood.

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

**General Plan Framework Element**

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

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

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

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

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

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

#### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-9017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets.

Allowing for the grading amount to exceed the LAMC maximum will allow the Wellness Pavilion to be located on an area of the Campus that will not be visible from the surrounding residential community and thus not impact the character and/or scale of the single-family neighborhood. Additionally, the Wellness Pavilion has been designed to position the building in an area of the Campus to minimize grading. The Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating additional grading than what would normally be allowed for a single-family development in the hillside area. In accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which would ensure that construction activities, including grading activities, related to the construction of Alternative 5 will have minimal impacts to the surrounding residential neighborhood's character. In addition, grading activities will comply with South Coast Air Quality Management District (SCAQMD) Rule 403 which requires the implementation of best available dust control measures during operations capable of creating fugitive dust. Compliance with the Transportation PDFs and Rule 403 in addition to the distance between the Project Site and nearest residence (300 feet) will ensure that grading activities related to the construction of Alternative 5 do not impact the character of the surrounding residential neighborhood.

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

In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section



12.21 C.8. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. As shown in MSMU's retaining wall landscape plan which is included as Exhibit D3, the retaining walls eight feet or greater in height will be landscaped and not visible.

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

The nearest single-family residence is approximately 300 feet from the Campus, and the Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. Thus, the 12 retaining walls which will range in height from two to 17 feet, will not impact the character of the surrounding single-family residential neighborhood.

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

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

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

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

#### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and be contained entirely within the Project Site. Further, in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Additionally, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which will ensure that grading activities related to the construction of Alternative 5 will not impact the residential character and integrity of the surrounding residential neighborhood, including hillside views.

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

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

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

Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. As discussed in detail above, the Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. As MSMU will be required to comply with ZA-2017-928-ZAD Condition No. 3 that requires any retaining wall eight feet or greater in height to be landscaped and hidden from view the additional retaining walls, the request to exceed the maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone will not interfere with existing hillside views and Alternative 5 will be compatible with and will not impact the residential character and integrity of the surrounding residential neighborhood.

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

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

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

### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and be contained entirely within the Project Site. Further, in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby

eliminating the need for any import or export of fill. As discussed above, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which will ensure that grading activities related to the construction of Alternative 5 will not impact any of the surrounding open space.

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

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. As discussed in detail above, the Project Site is located entirely within the Campus, thus none of the retaining walls will be located in open space. Further, as any retaining walls eight feet or greater in height are required to be landscaped, none of the retaining walls will be visible from the surrounding trails. Thus, the number and height of retaining walls will not impact any of the surrounding open space.

#### **B. Additional Required Findings for LAMC Section 12.24 X.28 (Grading) (Zoning Administrator Determination)**

In connection with Alternative 5, MSMU is requesting a Determination, pursuant to LAMC Section 12.24 X.28 (a)(5), to allow up to 9,343 cubic yards of grading in lieu of the maximum 6,600 cubic yards of grading for a lot in a Hillside Area in the RE40-1 Zone. The following additional findings are required by LAMC Section 12.24 X.28(b)(5)

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

Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of the Campus. The Campus' existing fitness facilities include a 1,030 square-foot single-story Fitness Center building, two Facilities Management buildings (a two-story 3,500 square-foot building and a single-story 1,470 square-foot building), two tennis courts, a swimming pool, and several surface parking lots. The Fitness Center building encompasses the Campus' entire weight training and cardio facilities which includes free weights, three treadmills, one stair machine, two elliptical machines, and several strength training machines, while the Facilities Management building includes a 600 square-foot maintenance area and 870 square-foot shower/locker room area. The Wellness Pavilion is a public necessity as it will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health.

The Campus has operated in its current location since 1929. The Project Site will be entirely contained within the Campus and is currently developed. Construction of Alternative 5 will not

require the development of any of the surrounding open space; Alternative 5 will require the expansion of the Project Site's 200-foot fuel modification zone into 0.9-acres of native plant communities, however due to the proximity of the 200-foot fuel medication zone to developed areas of the Campus, the new fuel modification area is already subject to indirect effects associated with Campus activities. Operation of the Wellness Pavilion will provide students, faculty, and staff with convenient access to a modernized fitness/educational facility on the Campus. As a number of students currently drive off-Campus to access fitness facilities, the students will be better served by having access to an on-Campus facility. Additionally, the Wellness Pavilion will be used by MSMU's club sport teams for both practice and intercollegiate competitions, further reducing the need for students to travel off Campus. Currently the club teams are required to rent off-Campus facilities for practice and competitions.

The Campus is located on a ridge, with open space to the east, west, and north, and a single-family residential community to the south. Operation of Alternative 5 will permit new events to be held on Campus, which can be attended to by student, faculty, staff, and outside guests. Ingress/egress to the Campus is provided via the residential neighborhood to the south. Alternative 5 will implement maximum daily vehicle trip caps for the Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E). Thus Alternative 5's operational restrictions will ensure that the general welfare of the surrounding community is not impacted with the interim outside guest vehicle trips associated with events held at the Wellness Pavilion.

The Campus exists as a "deemed to be approved" conditional use with subsequent plan approvals, allowing for an educational use in the residential zone. Continuation of the school use and improvement of the site with upgraded athletic and wellness activities is consistent with good zoning practice. As such, the project is in conformity with the public necessity, convenience, general welfare and good zoning practice.

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1), in order to implement Alternative 5. Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural

Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Further, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU would be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which would ensure that grading activities related to the construction of Alternative 5 will be in conformity with public welfare and be consistent with good zoning practices, and will support the continued school use, which provides a operates in conformity with public necessity and convenience.

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

Pursuant to LAMC Section 12.36-D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 3 in the Conditional Use Permit Findings in accordance with Section 12.24 E of the LAMC and is hereby incorporated by reference.

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

The Chalon Campus (Campus) is located in a designated Hillside Area. In 2011, the City Council adopted the Baseline Hillside Ordinance (Ordinance No. 181,624) ("BHO"), which is codified in LAMC Section 12.21-C.10. The BHO was adopted to regulate the scale and massing of single-family homes in single-family zones in Hillside Areas. In 2017, the City Council amended the BHO (Ordinance No. 184,802) to update and fine-tune the existing rules relating to the size and bulk of new homes, as well as grading of hillside lots. The BHO regulates grading and although the BHO was intended primarily to address out-of-scale single-family homes, the Planning Department has determined that the requirements of the BHO that are not expressly limited to single-family homes or residential uses apply to private schools and other non-residential uses in the Hillside Area. Therefore, the Campus is subject to the grading and export regulations of the BHO.

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.10(f)(1). The BHO limits grading quantities to five percent of the site area plus 500 cubic yards, not to exceed the maximum "by right" grading quantity set forth for the zone. The BHO permits a maximum of 6,600 cubic yards for the RE40 Zone. As noted, construction of Alternative 5 requires approximately 9,343 cubic yards of grading. Under the authority of Section 12.24-X.28, the Zoning Administrator may issue a determination to allow grading to exceed the limitations in the BHO to allow grading quantities up to five percent of the total Lot size plus 500 cubic yards. The 45-acre Campus is one lot. For the Campus, this calculation would allow up to approximately 98,510 cubic yards of grading ( $.05 \times 1,960,200 = 98,010 + 500 = 98,510$ ).

The Project Site is relatively flat with modest sloping to the south (the grade change from the northern to southern end of the Campus is approximately 600 feet) and is already improved with

existing fitness facilities and areas with level pads, as well as sloped grades. The Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating additional grading than what would normally be allowed for a single-family development in the hillside area. However, there will be minimal disturbance of the natural terrain and the original landform. Alternative 5 will require typical grading activities needed for the proposed development type (a gym) and eliminate earthwork hauling activities, while developing a new facility in furtherance of the use of an educational institution which serves students and the community. In addition, the Landform Grading Manual includes Specific Techniques for varying slope ratios, drainage devices, streets and sidewalks, and Hillside maintenance plans. The Project will comply with the guidelines contained in the Landform Grading Manual as appropriate.

- 4. That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing conditions of the Street improvements and traffic of the streets along the haul route; and that potentially significant impacts to the public health, safety and welfare of the surrounding community are being mitigated to the fullest extent feasible.**

Alternative 5 will require grading require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.10(f)(1). All grading activities will be balanced on-site, thereby eliminating the need for any import or export of fill. Thus, Alternative 5's grading activities would not result in import or export leading to significant alteration of the existing natural terrain and will not significantly affect the existing conditions of the surrounding roadways and/or impact traffic.

As stated in the Final EIR, Alternative 5 will result in significant and unavoidable construction noise and construction traffic impacts as well as a cumulative human annoyance vibration impact, although as also explained in the Final EIR, the analysis and conclusion of the Original Project's construction traffic impacts for intersection level of service and neighborhood street segments was a conservative approach as the Los Angeles Department of Transportation never adopted construction traffic thresholds. In addition, Alternative 5 will require mitigation for impacts to reduce impacts to less than significant levels for the following: air quality, specifically impacts from regional construction NOX emissions, migratory bird species, existing trees that will remain on-site, the potential discovery of archaeological resources, noise, specifically impacts from on-site construction equipment and off-site construction traffic, and traffic, specifically construction truck trip impacts to intersections and street segments.

Truck trips associated with maximum pour days would have significant and unavoidable construction traffic impacts. Alternative 5's traffic impacts at study area intersections during construction would be potentially significant, but these would be reduced to a level of less than significant through the implementation of MM-TRAF-1. However, Alternative 5 would also result in significant and unavoidable traffic impacts during periods of peak construction at three street segments: Bundy Drive north of Norman Place, with a projected increase of 11.7 percent, exceeding the applicable impact criteria of 10 percent, Chalon Road east of Bundy Drive with an increase of 18.3 percent, exceeding the applicable impact criteria of 12 percent, and Bundy Drive north of Sunset Boulevard with an increase of 8.6 percent, exceeding the applicable impact criteria of 8 percent. As these temporary impacts to neighborhood street segments are based on daily trips and not only peak hour trips, due to the surrounding roadways existing conditions (i.e., minimal number of daily trips), only a low number of daily trips are needed to exceed the

neighborhood street segment threshold. The EIR concluded that no additional feasible mitigation measures could be implemented to reduce these impacts.

Off-site construction traffic under Alternative 5 will increase noise levels at noise-sensitive receptors (residential uses) in the Project Site vicinity in excess of applicable threshold standards. Alternative 5 will implement a modified PDF-TRAF-1 requiring that no haul truck trips occur between 3:00 P.M. and 7:00 A.M. Monday through Saturday, except for concrete pour truck trips that cannot feasibly be finished prior to 3:00 P.M. MM-NOISE-2 requires that all off-site heavy duty trucks accessing the Project Site during the demolition, concrete pouring, and asphalt paving phase shall install noise dampening mufflers that achieve a minimum 10 dBA noise level reduction, based on the manufacturer specifications for noise reduction performance. With implementation of MM-NOISE-2, under Alternative 5, off-road construction noise impacts will be reduced to less than significant levels during the demolition and asphalt paving phases of construction. However, impacts from concrete trucks will remain significant and unavoidable along Chalon Road. With implementation of MM NOISE-1 and MM NOISE-2, some off-site noise impacts associated with haul trucks will be reduced to less than significant levels during Alternative 5's peak high-noise phases, which include hauling of demolition debris and concrete deliveries. No feasible mitigation will reduce the significant and unavoidable noise impacts associated with concrete trucks under Alternative 5 and, as such, noise impacts related to truck activity would be significant and unavoidable. CEQA requires that all feasible mitigation measures or alternatives be considered that can reduce significant impacts to a level of less than significant. With respect to construction traffic and noise impacts, as well as cumulative human annoyance impacts, the EIR fully analyzed all feasible mitigation measure for Alternative 5. Therefore, all of Alternative 5's significant impacts are being mitigated to the fullest extent feasible.

**C. Additional Findings in Accordance with LAMC Section 12.24 X.26 (Retaining Walls)**  
**(Zoning Administrator Determination)**

In connection with Alternative 5, MSMU is requesting a Determination, pursuant to LAMC Section 12.24 X.26 to allow up to 12 retaining walls and to exceed the allowable height otherwise permitted on a lot in a Hillside Area in the RE40-1 Zone. The following additional findings are required by LAMC Section 12.28 C.4.

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

Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8. LAMC Section 12.21 C.8 states that a retaining wall is, "...defined as a freestanding continuous structure, as viewed from the top, intended to support earth, which is not attached to a building." The retaining wall standards were adopted principally to regulate the development of walls for new single-family residential uses, which constitute the vast majority of development in hillside areas, so as to minimize visual impacts on adjoining and nearby residential properties that are typically located in close proximity.

The Chalon Campus (Campus) is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. The Campus has been fully improved for several decades with dormitories, classroom buildings, a chapel, and existing recreational facilities. As shown in Exhibit D2, the 12 proposed

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

The retaining walls will not expand the existing Campus' development pad nor will they result in visual impacts to the surrounding community. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining wall eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. The Wellness Pavilion will require more than one retaining wall per lot, as permitted by the LAMC, and several requested retaining walls will also exceed the LAMC permitted maximum height. The request is needed to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating a greater number of retaining walls with an increased height, than what would normally be allowed for a single-family development in the hillside area. However, as discussed above the retaining walls that are greater than eight feet in height will be landscaped and not visible from the surrounding residences, the Wellness Pavilion will be located in a developed area of the Campus and the retaining walls will not be needed due to the grading of an extreme slope and/or undisturbed hillside. Thus, the Project Site characteristics and existing improvements make strict adherence to the retaining wall regulations impractical due to the Project Site topography, which creates practical difficulties when siting new construction. Accordingly, the granting of the Zoning Administrator Determination will nevertheless conform to the intent of the Zoning Code and while the Project Site characteristics and existing improvements make strict adherence to the retaining wall regulations impractical, Alternative 5 nevertheless conforms with the intent of the regulations.

- 2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and**

Pursuant to LAMC Section 12.36.D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 2 in the Conditional Use Findings and in accordance with LAMC Section 12.24.E of the LAMC, is hereby incorporated by reference.

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

Pursuant to LAMC Section 12.36-D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 3 in the Conditional Use Permit Findings and in accordance with Section 12.24 E of the LAMC, is hereby incorporated by reference.



### **CEQA Findings**

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

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of the Mount Saint Mary's Wellness Pavilion Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-2319-EIR, SCH No. 2016081015). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Mount Saint Mary's Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the Mount Saint Mary's Alternative 5 (Project), located at 12001 Chalon Road, Los Angeles, CA 90049 (Site or Project Site).

Alternative 5 as analyzed in the Final EIR, involves the demolition of two tennis courts, the outdoor pool area, one Facilities Management building and the Fitness Center building, and several surface parking lots on a 3.8-acre portion of the 45-acre Campus, and the development of a 35,500 square-foot two-story Wellness Pavilion, a new outdoor pool area, Campus roadway improvements, new landscaped areas, and several surface parking lots totaling 186 vehicle spaces. The Wellness Pavilion will provide students, faculty, and staff with a gym, multi-purpose rooms, a physical therapy lab, dance and cycling studios, lockers, showers, restrooms, and an equipment storage area. Alternative 5 does not include a request to increase student enrollment but will require the addition of one new staff person and will introduce three new types of events which can be attended by outside guests, students, faculty, and/or staff. The Alternative's new events will include: (1) Summer Sports Camps (which will operate over a 12-week period during the summer); (2) Health/Wellness Speaker Series (a maximum of eight annual events), and (3) Other Wellness/Sports Events/Activities (a maximum of 12 events per year). Additionally, two existing events, Athenian Day and Homecoming, currently held at the Campus, will be moved to the Wellness Pavilion to allow for potential attendance increases, and Club Sports, but not intercollegiate sports, will be permitted. The Alternative will include a maximum building height of 42 feet, require a total of 9,343 cubic yards of grading (cut and fill), and a total of 12 retaining walls that will range in height from two feet to 17 feet.

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

Vicente Boulevard, Los Angeles CA 90049. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on April 12, 2018.

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

The City Planning Commission certified the EIR on October 21, 2021 ("Certified EIR") in conjunction with the approval of the Project's Case No. CPC-1952-4072-CU-PA1. In connection with the certification of the EIR, the City Planning Commission adopted CEQA findings and a mitigation monitoring program. The City Planning Commission adopted the mitigation monitoring program in the EIR as a condition of approval. All mitigation measures in the Mitigation Monitoring Program are also imposed on Alternative 5 through Conditions of Approval of CPC-1952-4072-CU-PA1, to mitigate or avoid significant effects of Alternative 5 on the environment and to ensure compliance during implementation of the Alternative.

#### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the approval of the Alternative. There are no substantial changes to the Alternative, and it is substantially the same as the approved Alternative. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of the Alternative. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the Alternative.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Alternative.

Therefore, as the Alternative was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR, are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number)

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



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

### OPTION 1: Online Appeal Portal

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

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

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

### OPTION 2: Drop off at DSC

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

#### **Metro DSC**

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

#### **Van Nuys DSC**

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

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

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

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

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

On October 21, 2021, the Los Angeles City Planning Commission **VOTED UNANIMOUSLY** to approve MSMU's Wellness Center Project. Thank you to our neighbors, community members and the Los Angeles City Planning Commission for supporting this important project.



CURRENT GYM FACILITY



PROPOSED WELLNESS CENTER

## Facts about the Wellness Center

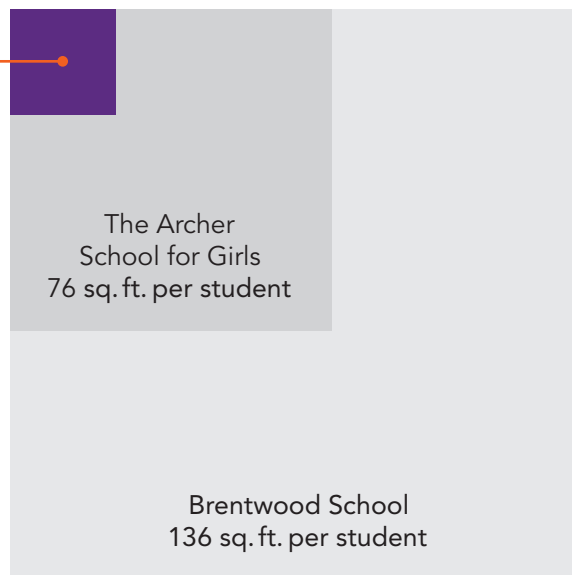
**TRAFFIC:** The new facility will not generate increased traffic. We have reduced traffic in accordance with Councilmember Mike Bonin's Sunset Standard.

**ENROLLMENT:** MSMU's proposed new project will provide wellness facilities for our existing students. It will not increase enrollment.

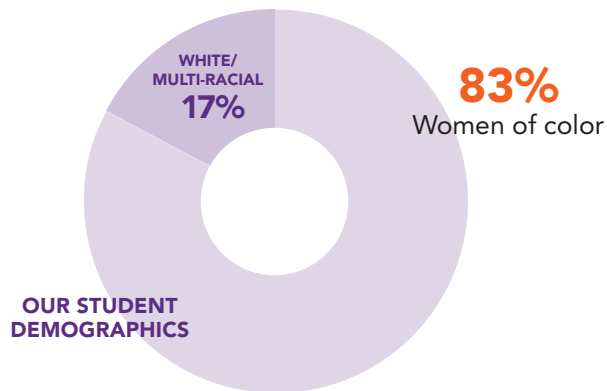
**SIZE:** It will be built on the existing footprint of the campus and is smaller than gyms at neighboring colleges and high schools.

### COMPARING RECREATIONAL SQUARE FOOTAGE PER STUDENT

Mount Saint  
Mary's (new)  
25 sq. ft.  
per student



## Who are our students?



**60%** of our students go into health care fields

**50%** of our students stay in Los Angeles

**58%** of our students receive Pell grants

**100%** receive some form of financial aid

**67%** are the first in their families to attend college

## Planning Commission feedback on project

"This project is about giving women who are seeking higher education, many of which are first in their family to go to school...the space they need to thrive on a school campus."

– COMMISSIONER YVETTE LOPEZ-LEDESMA

"[Mount Saint Mary's is] voluntarily putting restrictions on the facility that are not there today...trip caps, looking at traffic levels, mitigating [trips] to below 2016 [levels]. They were a good neighbor and worked within the community, where they've been one of the longest stakeholders."

– COMMISSIONER JENNA HORNSTOCK

**FOR MORE INFORMATION** visit [msmuwellnesscenter.com](http://msmuwellnesscenter.com), or email Debbie Ream, director of communications, marketing and external relations at [dream@msmu.edu](mailto:dream@msmu.edu).

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**Chief of Staff**  
**Office of Councilmember Gil Cedillo**  
200 N. Spring St. Rm. 460  
Los Angeles, CA 90012  
213-473-7001

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## Subject: Fwd: Mt. St. Mary's University Wellness Center



**Mel Ilomin** <mel.ilomin@lacity.org>

Mon, Apr 4, 9:20 AM (23 hours ago)

to Frank Angel

You are viewing an attached message. City of Los Angeles Mail can't verify the authenticity of attached messages.

This is the second part of the emails that are responsive to your request. As in the previous email, this is the remaining document that is responsive to your request. No redactions and no omissions therefore we are not claiming any exemptions. Thank you for your patience.

**Mel Ilomin**  
**Senior Policy Deputy**  
**Office of Councilman Gil Cedillo**  
**Los Angeles Council District 1**  
**(213) 473-7001 City Hall**



----- Forwarded message -----

From: **Gerald Gubatan** <[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)>  
Date: Mon, Apr 4, 2022 at 9:06 AM  
Subject: Fwd: Mt. St. Mary's University Wellness Center  
To: Mel Ilomin <[mel.ilomin@lacity.org](mailto:mel.ilomin@lacity.org)>

Gerald G. Gubatan  
Senior Planning Deputy  
Office of Council Member Gilbert Cedillo  
Council District 1  
City Hall, Room 460  
Los Angeles, CA 90012  
Tel: 213.473.7001  
[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)  
<http://cd1.lacity.org/>

----- Forwarded message -----

From: **Ira Handelman** <[ihandelman@handelmanconsulting.com](mailto:ihandelman@handelmanconsulting.com)>  
Date: Mon, Mar 7, 2022 at 4:39 PM  
Subject: Mt. St. Mary's University Wellness Center  
To: Gerald Gubatan - City of Los Angeles, 1st District ([Gerald.Gubatan@lacity.org](mailto:Gerald.Gubatan@lacity.org)) <[gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)>  
Cc: Debby Kim <[debby.kim@lacity.org](mailto:debby.kim@lacity.org)>





# LOS ANGELES CITY PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

MAILING DATE: **DEC 02 2021**

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

Council District: 11 – Bonin

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

Plan Area: Brentwood – Pacific Palisades

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

**Project Site:** 12001 Chalon Road

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

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

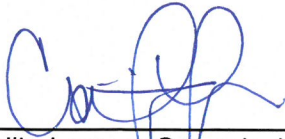
Alternative 5 ("The Project") would require a total of 9,343 cubic yards of grading (cut and fill) and a total of 12 retaining walls ranging in height from two feet to a maximum height of up to 17 feet, in conjunction with development of the Wellness Pavilion.

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

The vote proceeded as follows:

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

**Vote:** 6 – 0



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

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

**FINAL APPEAL DATE:** DEC 17 2021

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

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

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

## CONDITIONS OF APPROVAL

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

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

### **Determination Conditions**

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

**Environmental Conditions**

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

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

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

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

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

**Administrative Conditions of Approval**

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

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

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

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



## FINDINGS

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

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

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

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

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

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

#### **a. Grading**

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



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

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

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

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

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

The number and height of retaining walls needed to allow for the construction and operation of Alternative 5 are included in ZA-2017-928-ZAD Condition No. 2(b). As discussed above, the Project Site will not be visible to the nearest residences along Bundy Drive and all retaining walls eight feet and greater in height will be required to be landscaped to completely hide the retaining wall from view. Similar to the request to exceed the permitted amount of grading, the LAMC Hillside Development Standards were adopted to regulate single-family residences which make-up most of the development in hillside areas. The retaining walls will not expand the existing

Campus' development pad nor will they result in visual impacts to the surrounding community. The Wellness Pavilion will provide a service that is beneficial to both students, faculty, staff, and the surrounding community with a modernized fitness facility and wellness programming to encourage physical activity and to educate students on nutrition and health.

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

Mount Saint Mary's University (MSMU) is requesting grading and retaining walls to allow for the construction and operation of Alternative 5. Alternative 5 will replace the Chalon Campus' (Campus) inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of its Campus. The Campus' existing fitness facilities include a pool area, two tennis courts, a Facilities Management building (a single-story 1,470 square-foot building) constructed in 1952, and a 1,030 square-foot Fitness Center building that was constructed in 1949. The Wellness Pavilion will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health and allow MSMU to continue providing the essential and beneficial service of a university.

**a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Further, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan. In addition, grading activities will comply with South Coast Air Quality Management District (SCAQMD) Rule 403 which requires the implementation of best available dust control measures during operations capable of creating fugitive dust. Compliance with the Transportation PDFs and Rule 403 in addition to the distance between the Project Site and nearest residence (300 feet) will ensure that grading activities related to the construction of Alternative 5 will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu

of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

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

The number and height of retaining walls needed to allow for the construction and operation of Alternative 5 are included in ZA-2017-928-ZAD Condition No. 2(b). The Project Site will not be visible to the nearest residences along Bundy Drive and all retaining walls eight feet and greater in height will be required to be landscaped to completely hide the retaining wall from view. Similar to the request to exceed the permitted amount of grading, the LAMC Hillside Development Standards were adopted to regulate single-family residences which make-up most of the development in hillside areas. The retaining walls will not expand the existing Campus' development pad nor will they result in visual impacts to the surrounding community. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining wall eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3.

The Wellness Pavilion will provide a service that is beneficial to both students, faculty, staff, and the surrounding community with a modernized fitness facility and wellness programming to encourage physical activity and to educate students on nutrition and health. The request to exceed the maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone will not adversely affect or degrade adjacent properties, including the surrounding neighborhood.

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

**General Plan Framework Element**

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

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

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

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

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

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

#### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-9017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets.

Allowing for the grading amount to exceed the LAMC maximum will allow the Wellness Pavilion to be located on an area of the Campus that will not be visible from the surrounding residential community and thus not impact the character and/or scale of the single-family neighborhood. Additionally, the Wellness Pavilion has been designed to position the building in an area of the Campus to minimize grading. The Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating additional grading than what would normally be allowed for a single-family development in the hillside area. In accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which would ensure that construction activities, including grading activities, related to the construction of Alternative 5 will have minimal impacts to the surrounding residential neighborhood's character. In addition, grading activities will comply with South Coast Air Quality Management District (SCAQMD) Rule 403 which requires the implementation of best available dust control measures during operations capable of creating fugitive dust. Compliance with the Transportation PDFs and Rule 403 in addition to the distance between the Project Site and nearest residence (300 feet) will ensure that grading activities related to the construction of Alternative 5 do not impact the character of the surrounding residential neighborhood.

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

In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section

12.21 C.8. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. As shown in MSMU's retaining wall landscape plan which is included as Exhibit D3, the retaining walls eight feet or greater in height will be landscaped and not visible.

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

The nearest single-family residence is approximately 300 feet from the Campus, and the Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. Thus, the 12 retaining walls which will range in height from two to 17 feet, will not impact the character of the surrounding single-family residential neighborhood.

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

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

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

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

#### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and be contained entirely within the Project Site. Further, in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Additionally, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which will ensure that grading activities related to the construction of Alternative 5 will not impact the residential character and integrity of the surrounding residential neighborhood, including hillside views.

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

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

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

Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. As discussed in detail above, the Campus and Project Site are minimally visible from the surrounding properties due to the varying topography and dense vegetation along nearby roadways. As MSMU will be required to comply with ZA-2017-928-ZAD Condition No. 3 that requires any retaining wall eight feet or greater in height to be landscaped and hidden from view the additional retaining walls, the request to exceed the maximum limit of one retaining wall and the maximum 12-foot height limit for a property located in the RE40-1-H Zone will not interfere with existing hillside views and Alternative 5 will be compatible with and will not impact the residential character and integrity of the surrounding residential neighborhood.

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

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

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

### **a. Grading**

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1). Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and be contained entirely within the Project Site. Further, in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby

eliminating the need for any import or export of fill. As discussed above, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU will be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which will ensure that grading activities related to the construction of Alternative 5 will not impact any of the surrounding open space.

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

The Campus is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. In addition to the request to exceed the permitted maximum by-right cut and fill amount, Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8.

Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining walls eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. As discussed in detail above, the Project Site is located entirely within the Campus, thus none of the retaining walls will be located in open space. Further, as any retaining walls eight feet or greater in height are required to be landscaped, none of the retaining walls will be visible from the surrounding trails. Thus, the number and height of retaining walls will not impact any of the surrounding open space.

#### **B. Additional Required Findings for LAMC Section 12.24 X.28 (Grading) (Zoning Administrator Determination)**

In connection with Alternative 5, MSMU is requesting a Determination, pursuant to LAMC Section 12.24 X.28 (a)(5), to allow up to 9,343 cubic yards of grading in lieu of the maximum 6,600 cubic yards of grading for a lot in a Hillside Area in the RE40-1 Zone. The following additional findings are required by LAMC Section 12.24 X.28(b)(5)

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

Alternative 5 will replace the Campus' inadequate and outdated existing fitness and recreation facilities and include the construction and operation of a two-story 35,500 square-foot Wellness Pavilion, a new outdoor pool area, improvements to an internal roadway, new landscaping, and three new surface parking lots. MSMU's current fitness and recreation facilities are not properly sized or proportioned to accommodate the physical education needs of the Campus. The Campus' existing fitness facilities include a 1,030 square-foot single-story Fitness Center building, two Facilities Management buildings (a two-story 3,500 square-foot building and a single-story 1,470 square-foot building), two tennis courts, a swimming pool, and several surface parking lots. The Fitness Center building encompasses the Campus' entire weight training and cardio facilities which includes free weights, three treadmills, one stair machine, two elliptical machines, and several strength training machines, while the Facilities Management building includes a 600 square-foot maintenance area and 870 square-foot shower/locker room area. The Wellness Pavilion is a public necessity as it will provide students, faculty, staff, with a modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health.

The Campus has operated in its current location since 1929. The Project Site will be entirely contained within the Campus and is currently developed. Construction of Alternative 5 will not

require the development of any of the surrounding open space; Alternative 5 will require the expansion of the Project Site's 200-foot fuel modification zone into 0.9-acres of native plant communities, however due to the proximity of the 200-foot fuel medication zone to developed areas of the Campus, the new fuel modification area is already subject to indirect effects associated with Campus activities. Operation of the Wellness Pavilion will provide students, faculty, and staff with convenient access to a modernized fitness/educational facility on the Campus. As a number of students currently drive off-Campus to access fitness facilities, the students will be better served by having access to an on-Campus facility. Additionally, the Wellness Pavilion will be used by MSMU's club sport teams for both practice and intercollegiate competitions, further reducing the need for students to travel off Campus. Currently the club teams are required to rent off-Campus facilities for practice and competitions.

The Campus is located on a ridge, with open space to the east, west, and north, and a single-family residential community to the south. Operation of Alternative 5 will permit new events to be held on Campus, which can be attended to by student, faculty, staff, and outside guests. Ingress/egress to the Campus is provided via the residential neighborhood to the south. Alternative 5 will implement maximum daily vehicle trip caps for the Health and Wellness Speaker Series, Other Wellness/Sports Activities, Summer Sports Camps, and Club Sports activities. Under Alternative 5, the maximum daily outside guest vehicle trips for Health and Wellness Speakers Series, Other Wellness/Sports Activities, and Club Sports activities will be restricted to a total of 310 (155 inbound and 155 outbound) (PDF-TRAF-12). The daily total will be applicable to all types of vehicles, including shuttles, as further specified in PDF-TRAF-12. PDF-TRAF-11 will restrict the start and end times of these events such that no trips will be generated during peak periods. Summer Sports Camps will be limited to 236 daily trips (118 inbound and 118 outbound), with the requirement of shuttles or carpools when attendance would exceed 50 campers per day during peak periods (PDF-TRAF-14). Other vehicle trip limitations will apply to certain peak hours as included in PDF-TRAF-13. Finally, concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average daily total Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to one percent below the 2016 baseline trip counts taken for the Campus (a reduction of 22 average daily trips). Overall trip reductions shall be confirmed through trip counts conducted for at least two weeks each year (two in the spring semester and two in the fall semester) to the satisfaction of LADOT. Biannual monitoring reports documenting the trip counts shall be provided to LADOT until such reports demonstrate compliance for five consecutive years and thereafter every five years. Thus, as part of the operation of the Wellness Pavilion, MSMU will implement the operational components summarized above and included in Alternative 5's Mitigation Monitoring Program (Exhibit E). Thus Alternative 5's operational restrictions will ensure that the general welfare of the surrounding community is not impacted with the interim outside guest vehicle trips associated with events held at the Wellness Pavilion.

The Campus exists as a "deemed to be approved" conditional use with subsequent plan approvals, allowing for an educational use in the residential zone. Continuation of the school use and improvement of the site with upgraded athletic and wellness activities is consistent with good zoning practice. As such, the project is in conformity with the public necessity, convenience, general welfare and good zoning practice.

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC 12.21 C.10(f)(1), in order to implement Alternative 5. Alternative 5's construction period will be a total of 20 months and be comprised of seven phases: (1) Site Preparation; (2) Demolition; (3) Grading; (4) Concrete Pour; (5) Building Construction-Structural



Steel; (6) Building Construction-Framing/Walls/Finishes; and (7) Paving. Grading activities will occur over a one and half month period and in accordance with ZA-2017-928-ZAD Condition No. 2(a), MSMU has proposed to balance all grading activities on-site, thereby eliminating the need for any import or export of fill. Therefore, haul trucks will not be needed for import/export grading activities and thus will not impact the surrounding neighborhood streets. Further, in accordance with PDF-TRAF-1 and PDF-TRAF-2, MSMU would be required to prepare and submit a Construction Traffic Management Plan and Construction Parking Plan which would ensure that grading activities related to the construction of Alternative 5 will be in conformity with public welfare and be consistent with good zoning practices, and will support the continued school use, which provides a operates in conformity with public necessity and convenience.

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

Pursuant to LAMC Section 12.36-D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 3 in the Conditional Use Permit Findings in accordance with Section 12.24 E of the LAMC and is hereby incorporated by reference.

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

The Chalon Campus (Campus) is located in a designated Hillside Area. In 2011, the City Council adopted the Baseline Hillside Ordinance (Ordinance No. 181,624) ("BHO"), which is codified in LAMC Section 12.21-C.10. The BHO was adopted to regulate the scale and massing of single-family homes in single-family zones in Hillside Areas. In 2017, the City Council amended the BHO (Ordinance No. 184,802) to update and fine-tune the existing rules relating to the size and bulk of new homes, as well as grading of hillside lots. The BHO regulates grading and although the BHO was intended primarily to address out-of-scale single-family homes, the Planning Department has determined that the requirements of the BHO that are not expressly limited to single-family homes or residential uses apply to private schools and other non-residential uses in the Hillside Area. Therefore, the Campus is subject to the grading and export regulations of the BHO.

Alternative 5 will require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.10(f)(1). The BHO limits grading quantities to five percent of the site area plus 500 cubic yards, not to exceed the maximum "by right" grading quantity set forth for the zone. The BHO permits a maximum of 6,600 cubic yards for the RE40 Zone. As noted, construction of Alternative 5 requires approximately 9,343 cubic yards of grading. Under the authority of Section 12.24-X.28, the Zoning Administrator may issue a determination to allow grading to exceed the limitations in the BHO to allow grading quantities up to five percent of the total Lot size plus 500 cubic yards. The 45-acre Campus is one lot. For the Campus, this calculation would allow up to approximately 98,510 cubic yards of grading ( $.05 \times 1,960,200 = 98,010 + 500 = 98,510$ ).

The Project Site is relatively flat with modest sloping to the south (the grade change from the northern to southern end of the Campus is approximately 600 feet) and is already improved with

existing fitness facilities and areas with level pads, as well as sloped grades. The Wellness Pavilion design necessitates a flat and level building pad to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating additional grading than what would normally be allowed for a single-family development in the hillside area. However, there will be minimal disturbance of the natural terrain and the original landform. Alternative 5 will require typical grading activities needed for the proposed development type (a gym) and eliminate earthwork hauling activities, while developing a new facility in furtherance of the use of an educational institution which serves students and the community. In addition, the Landform Grading Manual includes Specific Techniques for varying slope ratios, drainage devices, streets and sidewalks, and Hillside maintenance plans. The Project will comply with the guidelines contained in the Landform Grading Manual as appropriate.

- 4. That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing conditions of the Street improvements and traffic of the streets along the haul route; and that potentially significant impacts to the public health, safety and welfare of the surrounding community are being mitigated to the fullest extent feasible.**

Alternative 5 will require grading require a total of 9,343 cubic yards of grading in lieu of the otherwise permitted maximum by-right cut and fill amount of 6,600 cubic yards for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.10(f)(1). All grading activities will be balanced on-site, thereby eliminating the need for any import or export of fill. Thus, Alternative 5's grading activities would not result in import or export leading to significant alteration of the existing natural terrain and will not significantly affect the existing conditions of the surrounding roadways and/or impact traffic.

As stated in the Final EIR, Alternative 5 will result in significant and unavoidable construction noise and construction traffic impacts as well as a cumulative human annoyance vibration impact, although as also explained in the Final EIR, the analysis and conclusion of the Original Project's construction traffic impacts for intersection level of service and neighborhood street segments was a conservative approach as the Los Angeles Department of Transportation never adopted construction traffic thresholds. In addition, Alternative 5 will require mitigation for impacts to reduce impacts to less than significant levels for the following: air quality, specifically impacts from regional construction NOX emissions, migratory bird species, existing trees that will remain on-site, the potential discovery of archaeological resources, noise, specifically impacts from on-site construction equipment and off-site construction traffic, and traffic, specifically construction truck trip impacts to intersections and street segments.

Truck trips associated with maximum pour days would have significant and unavoidable construction traffic impacts. Alternative 5's traffic impacts at study area intersections during construction would be potentially significant, but these would be reduced to a level of less than significant through the implementation of MM-TRAF-1. However, Alternative 5 would also result in significant and unavoidable traffic impacts during periods of peak construction at three street segments: Bundy Drive north of Norman Place, with a projected increase of 11.7 percent, exceeding the applicable impact criteria of 10 percent, Chalon Road east of Bundy Drive with an increase of 18.3 percent, exceeding the applicable impact criteria of 12 percent, and Bundy Drive north of Sunset Boulevard with an increase of 8.6 percent, exceeding the applicable impact criteria of 8 percent. As these temporary impacts to neighborhood street segments are based on daily trips and not only peak hour trips, due to the surrounding roadways existing conditions (i.e., minimal number of daily trips), only a low number of daily trips are needed to exceed the

neighborhood street segment threshold. The EIR concluded that no additional feasible mitigation measures could be implemented to reduce these impacts.

Off-site construction traffic under Alternative 5 will increase noise levels at noise-sensitive receptors (residential uses) in the Project Site vicinity in excess of applicable threshold standards. Alternative 5 will implement a modified PDF-TRAF-1 requiring that no haul truck trips occur between 3:00 P.M. and 7:00 A.M. Monday through Saturday, except for concrete pour truck trips that cannot feasibly be finished prior to 3:00 P.M. MM-NOISE-2 requires that all off-site heavy duty trucks accessing the Project Site during the demolition, concrete pouring, and asphalt paving phase shall install noise dampening mufflers that achieve a minimum 10 dBA noise level reduction, based on the manufacturer specifications for noise reduction performance. With implementation of MM-NOISE-2, under Alternative 5, off-road construction noise impacts will be reduced to less than significant levels during the demolition and asphalt paving phases of construction. However, impacts from concrete trucks will remain significant and unavoidable along Chalon Road. With implementation of MM NOISE-1 and MM NOISE-2, some off-site noise impacts associated with haul trucks will be reduced to less than significant levels during Alternative 5's peak high-noise phases, which include hauling of demolition debris and concrete deliveries. No feasible mitigation will reduce the significant and unavoidable noise impacts associated with concrete trucks under Alternative 5 and, as such, noise impacts related to truck activity would be significant and unavoidable. CEQA requires that all feasible mitigation measures or alternatives be considered that can reduce significant impacts to a level of less than significant. With respect to construction traffic and noise impacts, as well as cumulative human annoyance impacts, the EIR fully analyzed all feasible mitigation measure for Alternative 5. Therefore, all of Alternative 5's significant impacts are being mitigated to the fullest extent feasible.

**C. Additional Findings in Accordance with LAMC Section 12.24 X.26 (Retaining Walls)**  
**(Zoning Administrator Determination)**

In connection with Alternative 5, MSMU is requesting a Determination, pursuant to LAMC Section 12.24 X.26 to allow up to 12 retaining walls and to exceed the allowable height otherwise permitted on a lot in a Hillside Area in the RE40-1 Zone. The following additional findings are required by LAMC Section 12.28 C.4.

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

Alternative 5 will require a total of 12 retaining walls ranging in height from two feet to a maximum height of 17 feet, in lieu of the otherwise maximum limit of one retaining wall per lot and the maximum 12-foot height limit for a property located in the RE40-1-H Zone, as permitted by LAMC Section 12.21 C.8. LAMC Section 12.21 C.8 states that a retaining wall is, "...defined as a freestanding continuous structure, as viewed from the top, intended to support earth, which is not attached to a building." The retaining wall standards were adopted principally to regulate the development of walls for new single-family residential uses, which constitute the vast majority of development in hillside areas, so as to minimize visual impacts on adjoining and nearby residential properties that are typically located in close proximity.

The Chalon Campus (Campus) is located on the south flank of the Santa Monica Mountains and slopes to the south, with an approximately 600-foot grade change from the northern to southern edge. The Campus has been fully improved for several decades with dormitories, classroom buildings, a chapel, and existing recreational facilities. As shown in Exhibit D2, the 12 proposed

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

The retaining walls will not expand the existing Campus' development pad nor will they result in visual impacts to the surrounding community. Pursuant to LAMC Section 12.21 C.8(b), ZA-2017-928-ZAD Condition No. 3 requires any Alternative 5 retaining wall eight feet or greater in height to be landscaped and hidden from view. MSMU's retaining wall landscape plan is included as Exhibit D3. The Wellness Pavilion will require more than one retaining wall per lot, as permitted by the LAMC, and several requested retaining walls will also exceed the LAMC permitted maximum height. The request is needed to be able to properly accommodate indoor and outdoor contiguous athletic facilities, thereby necessitating a greater number of retaining walls with an increased height, than what would normally be allowed for a single-family development in the hillside area. However, as discussed above the retaining walls that are greater than eight feet in height will be landscaped and not visible from the surrounding residences, the Wellness Pavilion will be located in a developed area of the Campus and the retaining walls will not be needed due to the grading of an extreme slope and/or undisturbed hillside. Thus, the Project Site characteristics and existing improvements make strict adherence to the retaining wall regulations impractical due to the Project Site topography, which creates practical difficulties when siting new construction. Accordingly, the granting of the Zoning Administrator Determination will nevertheless conform to the intent of the Zoning Code and while the Project Site characteristics and existing improvements make strict adherence to the retaining wall regulations impractical, Alternative 5 nevertheless conforms with the intent of the regulations.

- 2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and**

Pursuant to LAMC Section 12.36.D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 2 in the Conditional Use Findings and in accordance with LAMC Section 12.24.E of the LAMC, is hereby incorporated by reference.

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

Pursuant to LAMC Section 12.36-D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same project. This finding is substantially identical to the finding found earlier in this document as Finding No. 3 in the Conditional Use Permit Findings and in accordance with Section 12.24 E of the LAMC, is hereby incorporated by reference.

### **CEQA Findings**

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

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of the Mount Saint Mary's Wellness Pavilion Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-2319-EIR, SCH No. 2016081015). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Mount Saint Mary's Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the Mount Saint Mary's Alternative 5 (Project), located at 12001 Chalon Road, Los Angeles, CA 90049 (Site or Project Site).

Alternative 5 as analyzed in the Final EIR, involves the demolition of two tennis courts, the outdoor pool area, one Facilities Management building and the Fitness Center building, and several surface parking lots on a 3.8-acre portion of the 45-acre Campus, and the development of a 35,500 square-foot two-story Wellness Pavilion, a new outdoor pool area, Campus roadway improvements, new landscaped areas, and several surface parking lots totaling 186 vehicle spaces. The Wellness Pavilion will provide students, faculty, and staff with a gym, multi-purpose rooms, a physical therapy lab, dance and cycling studios, lockers, showers, restrooms, and an equipment storage area. Alternative 5 does not include a request to increase student enrollment but will require the addition of one new staff person and will introduce three new types of events which can be attended by outside guests, students, faculty, and/or staff. The Alternative's new events will include: (1) Summer Sports Camps (which will operate over a 12-week period during the summer); (2) Health/Wellness Speaker Series (a maximum of eight annual events), and (3) Other Wellness/Sports Events/Activities (a maximum of 12 events per year). Additionally, two existing events, Athenian Day and Homecoming, currently held at the Campus, will be moved to the Wellness Pavilion to allow for potential attendance increases, and Club Sports, but not intercollegiate sports, will be permitted. The Alternative will include a maximum building height of 42 feet, require a total of 9,343 cubic yards of grading (cut and fill), and a total of 12 retaining walls that will range in height from two feet to 17 feet.

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

Vicente Boulevard, Los Angeles CA 90049. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on April 12, 2018.

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

The City Planning Commission certified the EIR on October 21, 2021 ("Certified EIR") in conjunction with the approval of the Project's Case No. CPC-1952-4072-CU-PA1. In connection with the certification of the EIR, the City Planning Commission adopted CEQA findings and a mitigation monitoring program. The City Planning Commission adopted the mitigation monitoring program in the EIR as a condition of approval. All mitigation measures in the Mitigation Monitoring Program are also imposed on Alternative 5 through Conditions of Approval of CPC-1952-4072-CU-PA1, to mitigate or avoid significant effects of Alternative 5 on the environment and to ensure compliance during implementation of the Alternative.

#### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the approval of the Alternative. There are no substantial changes to the Alternative, and it is substantially the same as the approved Alternative. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of the Alternative. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the Alternative.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Alternative.

Therefore, as the Alternative was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR, are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number)

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



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

### OPTION 1: Online Appeal Portal

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

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

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

### OPTION 2: Drop off at DSC

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

#### **Metro DSC**

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

#### **Van Nuys DSC**

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

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

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

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

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



On October 21, 2021, the Los Angeles City Planning Commission **VOTED UNANIMOUSLY** to approve MSMU's Wellness Center Project. Thank you to our neighbors, community members and the Los Angeles City Planning Commission for supporting this important project.



CURRENT GYM FACILITY



PROPOSED WELLNESS CENTER

## Facts about the Wellness Center

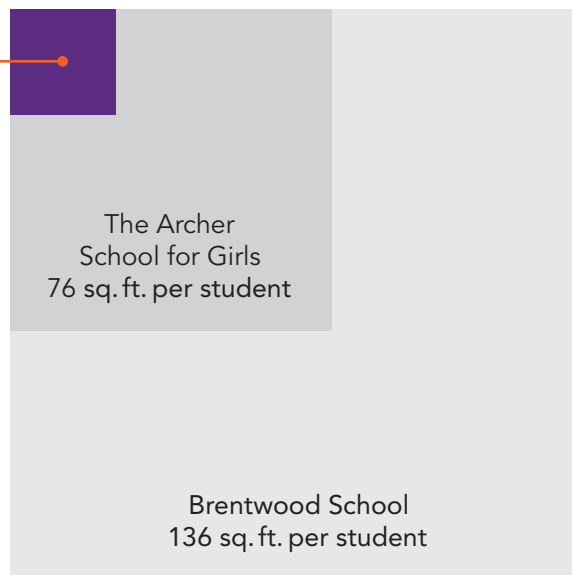
**TRAFFIC:** The new facility will not generate increased traffic. We have reduced traffic in accordance with Councilmember Mike Bonin's Sunset Standard.

**ENROLLMENT:** MSMU's proposed new project will provide wellness facilities for our existing students. It will not increase enrollment.

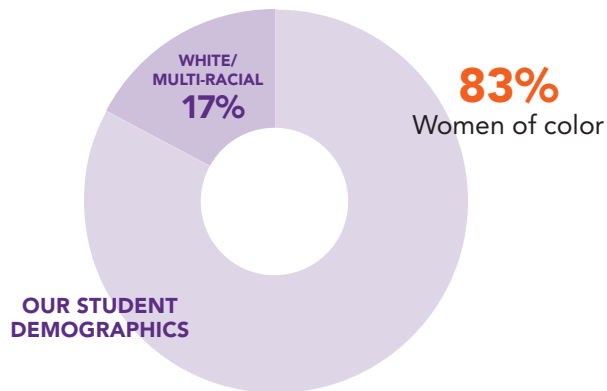
**SIZE:** It will be built on the existing footprint of the campus and is smaller than gyms at neighboring colleges and high schools.

### COMPARING RECREATIONAL SQUARE FOOTAGE PER STUDENT

Mount Saint  
Mary's (new)  
25 sq. ft.  
per student



## Who are our students?



**60%** of our students go into health care fields

**50%** of our students stay in Los Angeles

**58%** of our students receive Pell grants

**100%** receive some form of financial aid

**67%** are the first in their families to attend college

## Planning Commission feedback on project

"This project is about giving women who are seeking higher education, many of which are first in their family to go to school...the space they need to thrive on a school campus."

– COMMISSIONER YVETTE LOPEZ-LEDESMA

"[Mount Saint Mary's is] voluntarily putting restrictions on the facility that are not there today...trip caps, looking at traffic levels, mitigating [trips] to below 2016 [levels]. They were a good neighbor and worked within the community, where they've been one of the longest stakeholders."

– COMMISSIONER JENNA HORNSTOCK

**FOR MORE INFORMATION** visit [msmuwellnesscenter.com](http://msmuwellnesscenter.com), or email Debbie Ream, director of communications, marketing and external relations at [dream@msmu.edu](mailto:dream@msmu.edu).

## Subject: Fwd: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area



**Lake McManus** <[lmcmamus@angellaw.com](mailto:lmcmamus@angellaw.com)>

to Frank Angel

Thu, Mar 31, 5:40 PM (5 days ago)

You are viewing an attached message. City of Los Angeles Mail can't verify the authenticity of attached messages.

---

**From:** Laura McKinney <[laura.mckinney@lacity.org](mailto:laura.mckinney@lacity.org)>

**Sent:** Thursday, March 31, 2022 5:34:08 PM

**To:** Lake McManus <[lmcmamus@angellaw.com](mailto:lmcmamus@angellaw.com)>

**Subject:** Re: CPRA Request re Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

Due

to the volume of records requested, we continue to work on your CPRA request. At this point I anticipate having any responsive documents ready by April 8, 2022 if not sooner.

Thank you,

Laura McKinney

On Mon, Mar 21, 2022 at 12:15 PM Lake McManus <[lmcmamus@angellaw.com](mailto:lmcmamus@angellaw.com)> wrote:

Please see the attached California Public Records Act request from Frank P. Angel.

---

**Lake McManus** | Practice Manager | (310) 314-6433

2601 Ocean Park Blvd., Suite 205, Santa Monica, CA 90405

Angel Law

--



## Subject: FW: CPRA 3/21/22 - 10 Day Response Letter



**Lake McManus** <lmcmamus@angellaw.com>  
to Frank Angel

Thu, Mar 31, 4:29 PM (5 days ago)

You are viewing an attached message. City of Los Angeles Mail  
can't verify the authenticity of attached messages.

---

**From:** Yaquelin Perez <[yaquelin.perez@lacity.org](mailto:yaquelin.perez@lacity.org)>  
**Sent:** Thursday, March 31, 2022 4:28 PM  
**To:** Lake McManus <[lmcmamus@angellaw.com](mailto:lmcmamus@angellaw.com)>  
**Subject:** CPRA 3/21/22 - 10 Day Response Letter

Dear Mr. Angel,

This office is in receipt of your email request for records under the California Public Records Act ("CPRA"), dated 3/21/22, and received by our office's dedicated CPRA staff person on 3/21/22. The email included the request as stated below:

"Specifically, the writings subject to this CPRA request include:

1. All writings prepared, sent or forwarded by you or any member of your staff to any Project Representative during the time period of September 1, 2021 to present.
2. All writings received by you or any member of your staff (directly, as a cc, a bcc, or forwarded to you or any member of your staff) from any Project Representative during the time period of September 1, 2021 to the present.

For purposes of this CPRA request, the term "**Project Representative**" includes the following persons:

- a. Ann McElaney-Johnson, President, MSMU;
- b. Debra Martin, Vice President, Administration and Finance, MSMU;
- c. Ana Penagos Gutierrez, Executive Assistant to the Vice President for Administration and Finance, MSMU;
- d. Lucille Villegas, Executive Assistant to the President, MSMU;
- e. Susan Dileo, Vice President, Enrollment Management, MSMU;

## **ANGEL LAW**

**2601 Ocean Park Blvd., Suite 205  
Santa Monica, CA 90405-5269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com**

March 21, 2022

Honorable Councilmember Mike Bonin  
Los Angeles City Council District 11  
Los Angeles City Hall  
200 North Spring St. #475  
Los Angeles, CA 90012

Via Mail and E-mail to [councilmember.bonin@lacity.org](mailto:councilmember.bonin@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Councilmember Bonin:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

To allow us to adequately prepare for the Planning and Land Use Management (**PLUM**) Committee hearing noticed for Tuesday, April 5, 2022 and, among other things, have a fair and meaningful opportunity to rebut evidence and arguments made by the representatives of Mount Saint Mary's University (**MSMU**) in ex parte meetings and communications with you and your staff, involving the development project labeled the "Wellness Pavilion" project (**Project**), proposed by MSMU on its Chalon Campus in Brentwood, we request that you make available for BHA's inspection the writings itemized below. This request is made pursuant to the California Public Records Act

(**CPRA**; Gov. Code, § 6250 et seq.) and article I, section 3, subdivision (b) of the California Constitution.

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- c. Ana Penagos Gutierrez, Executive Assistant to the Vice President for Administration and Finance, MSMU;
- d. Lucille Villegas, Executive Assistant to the President, MSMU;
- e. Susan Dileo, Vice President, Enrollment Management, MSMU;
- f. Linda McMurdock, Vice President, Student Affairs, MSMU;
- g. Debbie Ream, Director, Communications & Marketing, Institutional Advancement, MSMU;
- h. Victor De la Cruz, Ileana Hernandez, and any other attorney with the law firm of Manatt;
- i. David A. Herbst, any other partner, and any employee with Vectis Strategies, LLC; and
- j. Ira Handelman, any other partner, and any employee with Handelman Consulting, Inc.

If any requested writings are exempt from disclosure, Government Code section 6253 requires you to notify us of the reasons for the determination within ten days of your receipt of this request. This 10-day period may not be used to delay access to public records. (Gov. Code, § 6253, subd. (d).) The CPRA requires that public records be made available “promptly.” (Gov. Code, § 6253.)

While we request that the requested writings be made available as electronic files in lieu of hard copies, this CPRA request encompasses documents created in hard copy format, as well as electronically stored information (**ESI**), such as emails, text messages, instant and direct messages via cellular phone-based messaging systems or the Web (e.g., social media platforms), audio and video files, and calendar entries, regardless of whether the computational device used for preparing or viewing any writing subject to this CPRA request is privately owned or owned by the City.

Pursuant to Government Code section 6253.9, we request that all responsive ESI be made available in the electronic format in which you have held it prior to your receipt of this CPRA request. Writings that you hold in the native format they were created in must include all embedded descriptive metadata, with "from," "to," "cc," "bcc," "subject," "date sent" and "time sent" email metadata fields.

Access to information about the conduct of the public's business is a fundamental and necessary right of every person in California. (Cal. Const., art I., § 3, subd. (b).) As such, ESI subject to this CPRA request may not be deleted or in any way be wiped or purged from the computer drives and mobile devices on which it is stored. To avoid prejudice to proper judicial resolution of any possible legal action arising out of this request, and without waiver of our rights under Government Code section 34090, we request that you preserve and protect the integrity of all responsive writings, including calendar entries, regardless of whether you believe or may have been advised that any responsive writing is exempt from disclosure. (See *Cedars-Sinai Medical Center v. Superior Court* (1998) 18 Cal.4th 1, 8; *Zubulake v. UBS Warburg LLC* (S.D.N.Y. 2004) 229 F.R.D. 422, 432; *Ellis v. Toshiba America Information Systems, Inc.* (2013) 218 Cal.App.4th 853, 858-862, fns. 4, 5, 6.)

We look forward to receiving the requested writings promptly. We were not advised of the April 5, 2022 public hearing date before the PLUM Committee until Friday, March 11. We understand MSMU was given the heads-up earlier and was consulted about this hearing date.

Our CPRA request serves to help even the playing field and protect the constitutional rights to due process and the statutory rights to a fair administrative hearing throughout the Project review process, of thousands of Brentwood area property owners and residents impacted by MSMU's Project -- a project located in a Very High Fire Hazard Severity Zone. We demand nothing less than equal protection under the law of their rights, including equal time and access.

Should the requested writings not be made available to us within a reasonable time before April 5, we respectfully request that the PLUM Committee hearing be continued.

ANGEL LAW

A handwritten signature in blue ink, appearing to read "Frank P. Angel", is written over a horizontal line.

Frank P. Angel

cc: Chad Molnar, Chief of Staff (via email to [chad.molnar@lacity.org](mailto:chad.molnar@lacity.org))  
Krista Kline, Deputy Chief of Staff and Policy Director (via email to [krista.kline@lacity.org](mailto:krista.kline@lacity.org))  
David Graham-Caso, Communications Director (via email to [david.grahamcaso@lacity.org](mailto:david.grahamcaso@lacity.org))

## **ANGEL LAW**

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Santa Monica, CA 90405-5269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com**

March 21, 2022

Chair Marqueece Harris-Dawson  
Planning and Land Use Management (PLUM) Committee  
Los Angeles City Council, District 8  
200 N. Spring St., Room 450  
Los Angeles, CA 90012

Via Mail and E-mail to Councilmember.Harris-Dawson@lacity.org

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Chair Harris-Dawson:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

To allow us to adequately prepare for the Planning and Land Use Management (**PLUM**) Committee hearing noticed for Tuesday, April 5, 2022 and, among other things, have a fair and meaningful opportunity to rebut evidence and arguments made by the representatives of Mount Saint Mary's University (**MSMU**) in ex parte meetings and communications with you and your staff, involving the development project labeled the "Wellness Pavilion" project (**Project**), proposed by MSMU on its Chalon Campus in Brentwood, we request that you make available for BHA's inspection the writings itemized below. This request is made pursuant to the California Public Records Act



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- f. Linda McMurdock, Vice President, Student Affairs, MSMU;
- g. Debbie Ream, Director, Communications & Marketing, Institutional Advancement, MSMU;
- h. Victor De la Cruz, Ileana Hernandez, and any other attorney with the law firm of Manatt;
- i. David A. Herbst, any other partner, and any employee with Vectis Strategies, LLC; and
- j. Ira Handelman, any other partner, and any employee with Handelman Consulting, Inc.

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ANGEL LAW



Frank P. Angel

cc: Solomon Rivera, Chief of Staff (via email to [solomon.rivera@lacity.org](mailto:solomon.rivera@lacity.org))  
Joanne Kim, Senior Advisor (via email to [joanne.kim@lacity.org](mailto:joanne.kim@lacity.org))  
Kristen Gordon, Planning and Economic Development Deputy (via email to [kristen.gordon@lacity.org](mailto:kristen.gordon@lacity.org))  
Antwone Roberts (via email to [antwone.roberts@lacity.org](mailto:antwone.roberts@lacity.org))

## ANGEL LAW

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Santa Monica, CA 90405-5269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com**

March 21, 2022

Honorable Councilmember Bob Blumenfield  
Los Angeles City Council District 3  
Los Angeles City Hall  
200 North Spring St. #465  
Los Angeles, CA 90012

Via Mail and E-mail to [Councilmember.Blumenfield@lacity.org](mailto:Councilmember.Blumenfield@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Councilmember Blumenfield:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

To allow us to adequately prepare for the Planning and Land Use Management (**PLUM**) Committee hearing noticed for Tuesday, April 5, 2022 and, among other things, have a fair and meaningful opportunity to rebut evidence and arguments made by the representatives of Mount Saint Mary's University (**MSMU**) in ex parte meetings and communications with you and your staff, involving the development project labeled the "Wellness Pavilion" project (**Project**), proposed by MSMU on its Chalon Campus in Brentwood, we request that you make available for BHA's inspection the writings itemized below. This request is made pursuant to the California Public Records Act

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Should the requested writings not be made available to us within a reasonable time before April 5, we respectfully request that the PLUM Committee hearing be continued.

ANGEL LAW

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Frank P. Angel

cc: Lisa Hansen, Chief of Staff (via email to [lisa.hansen@lacity.org](mailto:lisa.hansen@lacity.org))  
John Popoch, Deputy Chief of Staff (via email to [john.popoch@lacity.org](mailto:john.popoch@lacity.org))  
Elizabeth Ene, Director of Planning and Land Use (via email to [elizabeth.ene@lacity.org](mailto:elizabeth.ene@lacity.org))

## ANGEL LAW

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Tel: (310) 314-6433  
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March 21, 2022

Honorable Councilmember Monica Rodriguez  
Los Angeles City Council District 7  
Los Angeles City Hall  
200 North Spring St. #455  
Los Angeles, CA 90012

Via Mail and E-mail to [councilmember.rodriguez@lacity.org](mailto:councilmember.rodriguez@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Councilmember Rodriguez:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

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request. Writings that you hold in the native format they were created in must include all embedded descriptive metadata, with "from," "to," "cc," "bcc," "subject," "date sent" and "time sent" email metadata fields.

Access to information about the conduct of the public's business is a fundamental and necessary right of every person in California. (Cal. Const., art I., § 3, subd. (b).) As such, ESI subject to this CPRA request may not be deleted or in any way be wiped or purged from the computer drives and mobile devices on which it is stored. To avoid prejudice to proper judicial resolution of any possible legal action arising out of this request, and without waiver of our rights under Government Code section 34090, we request that you preserve and protect the integrity of all responsive writings, including calendar entries, regardless of whether you believe or may have been advised that any responsive writing is exempt from disclosure. (See *Cedars-Sinai Medical Center v. Superior Court* (1998) 18 Cal.4th 1, 8; *Zubulake v. UBS Warburg LLC* (S.D.N.Y. 2004) 229 F.R.D. 422, 432; *Ellis v. Toshiba America Information Systems, Inc.* (2013) 218 Cal.App.4th 853, 858-862, fns. 4, 5, 6.)

We look forward to receiving the requested writings promptly. We were not advised of the April 5, 2022 public hearing date before the PLUM Committee until Friday, March 11. We understand MSMU was given the heads-up earlier and was consulted about this hearing date.

Our CPRA request serves to help even the playing field and protect the constitutional rights to due process and the statutory rights to a fair administrative hearing, throughout the Project review process, of thousands of Brentwood area property owners and residents impacted by MSMU's Project -- a project located in a Very High Fire Hazard Severity Zone, at the end of a branched cul-de-sac street system with egress to one of the most traffic-choked sections of Sunset Boulevard. We demand nothing less than equal protection under the law of their rights, including equal time and access.

Should the requested writings not be made available to us within a reasonable time before April 5, we respectfully request that the PLUM Committee hearing be continued.

ANGEL LAW

A handwritten signature in blue ink, appearing to read "Frank P. Angel".

Frank P. Angel

cc: Christine Jerian, Chief of Staff (via email to [christine.jerian@lacity.org](mailto:christine.jerian@lacity.org))  
Paola Bassignana, Director of Planning and Economic Development (via email to [paola.bassignana@lacity.org](mailto:paola.bassignana@lacity.org))  
Laura McKinney, Communications Director (via email to [laura.mckinney@lacity.org](mailto:laura.mckinney@lacity.org))



## **ANGEL LAW**

**2601 Ocean Park Blvd., Suite 205  
Santa Monica, CA 90405-5269  
Tel: (310) 314-6433  
Fax: (310) 314-6434  
angellaw.com**

March 21, 2022

Honorable Councilmember Gilbert A. Cedillo  
Los Angeles City Council District 1  
Los Angeles City Hall  
200 North Spring St. #460  
Los Angeles, CA 90012

Via Mail and E-mail to [Gilbert.Cedillo@lacity.org](mailto:Gilbert.Cedillo@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

Dear Councilmember Cedillo:

This law firm represents the Brentwood Homeowners Association (**BHA**). BHA represents 3,200 homes within an area located generally west of the I-405 Freeway, north of San Vicente Boulevard and east of Canyon View Drive, in the Brentwood planning area of the City of Los Angeles (**City**).

To allow us to adequately prepare for the Planning and Land Use Management (**PLUM**) Committee hearing noticed for Tuesday, April 5, 2022 and, among other things, have a fair and meaningful opportunity to rebut evidence and arguments made by the representatives of Mount Saint Mary's University (**MSMU**) in ex parte meetings and communications with you and your staff, involving the development project labeled the "Wellness Pavilion" project (**Project**), proposed by MSMU on its Chalon Campus in Brentwood, we request that you make available for BHA's inspection the writings itemized below. This request is made pursuant to the California Public Records Act

(**CPRA**; Gov. Code, § 6250 et seq.) and article I, section 3, subdivision (b) of the California Constitution.

Specifically, the writings subject to this CPRA request include:

1. All writings prepared, sent or forwarded by you or any member of your staff to any Project Representative during the time period of September 1, 2021 to present.
2. All writings received by you or any member of your staff (directly, as a cc, a bcc, or forwarded to you or any member of your staff) from any Project Representative during the time period of September 1, 2021 to the present.

For purposes of this CPRA request, the term “**Project Representative**” includes the following persons:

- a. Ann McElaney-Johnson, President, MSMU;
- b. Debra Martin, Vice President, Administration and Finance, MSMU;
- c. Ana Penagos Gutierrez, Executive Assistant to the Vice President for Administration and Finance, MSMU;
- d. Lucille Villegas, Executive Assistant to the President, MSMU;
- e. Susan Dileo, Vice President, Enrollment Management, MSMU;
- f. Linda McMurdock, Vice President, Student Affairs, MSMU;
- g. Debbie Ream, Director, Communications & Marketing, Institutional Advancement, MSMU;
- h. Victor De la Cruz, Ileana Hernandez, and any other attorney with the law firm of Manatt;
- i. David A. Herbst, any other partner, and any employee with Vectis Strategies, LLC; and
- j. Ira Handelman, any other partner, and any employee with Handelman Consulting, Inc.

If any requested writings are exempt from disclosure, Government Code section 6253 requires you to notify us of the reasons for the determination within ten days of your receipt of this request. This 10-day period may not be used to delay access to public records. (Gov. Code, § 6253, subd. (d).) The CPRA requires that public records be made available “promptly.” (Gov. Code, § 6253.)

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ANGEL LAW

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Frank P. Angel

cc: Debby Kim, Chief of Staff (via email to [debby.kim@lacity.org](mailto:debby.kim@lacity.org))  
Tony Ricasa, Deputy Chief of Staff (via email to [tony.ricasa@lacity.org](mailto:tony.ricasa@lacity.org))  
Gerald Gubatan, Planning Director (via email to [gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org))

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angellaw.com**

March 22, 2022

Honorable Councilmember John S. Lee  
Los Angeles City Council District 12  
Los Angeles City Hall  
200 North Spring St. #405  
Los Angeles, CA 90012

Via Mail and E-mail to [councilmember.lee@lacity.org](mailto:councilmember.lee@lacity.org)

Re: Mount Saint Mary's University Chalon Campus Project, Brentwood Planning Area

### **REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT – TIME SENSITIVE**

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ANGEL LAW

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Frank P. Angel

cc: Hannah Lee, Chief of Staff (via email to [hannah.lee@lacity.org](mailto:hannah.lee@lacity.org))  
Brenton Tesler, Deputy Chief of Staff (via email to [brenton.tesler@lacity.org](mailto:brenton.tesler@lacity.org))