

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement of covenants, conditions, and restrictions and Mutual Release (this “Agreement”) is entered into on June 22, 2023 (the “Date of Execution”), by and between MOUNT SAINT MARY’S UNIVERSITY, a California non-profit corporation (“MSMU”) and BRENTWOOD HOMEOWNERS ASSOCIATION, a California non-profit corporation (“BHA”). BHA and MSMU are sometimes collectively referred to as the “Parties” or individually as a “Party.”

RECITALS

A. WHEREAS, MSMU is a private university with a campus, owned by MSMU, located at 12001 W. Chalon Road, Los Angeles, CA 90049, the boundaries of which are shown in Exhibit A (the “Chalon Campus”).

B. WHEREAS, MSMU received approval from the Los Angeles City Planning Commission (“Planning Commission”) on December 2, 2021 for a project on the Chalon Campus substantively described in the Planning Commission determination for Case Nos. CPC-1952-4072-CU-PA1 and ZA-2017-928-ZAD (the “Planning Commission Approval”), which is attached hereto as Exhibit B.

C. WHEREAS, the Planning Commission Approval was subsequently appealed to the Los Angeles City Council and was amended by the Planning and Land Use Management Committee of the Los Angeles City Council on April 5, 2022, and further approved on April 8, 2022 by the full Los Angeles City Council. A complete copy of the City Council’s amendment to the Planning Commission Approval is attached hereto as Exhibit C.

D. WHEREAS, the Chalon Campus is largely surrounded by a residential neighborhood, the neighbors of which have expressed concerns about impacts arising from approval of the Project (as defined below) and operations of the Chalon Campus (“Chalon Campus Operations”) generally.

E. WHEREAS, BHA is a California nonprofit corporation with a membership consisting of single-family and condominium residents and homeowners owning properties located within the geographic boundaries shown on Exhibit D (the “BHA Geographic Boundaries”) attached hereto, formed for the purpose of furthering the interests of Brentwood, its residents, and property owners.

F. WHEREAS, BHA is concerned that the impacts of the Project are not properly, fully and adequately addressed by the conditions contained in the Planning Commission Approval, as amended by the City Council, and by the mitigation measures contained in the Project’s Environmental Impact Report (ENV-2016-2319-EIR) and accompanying Mitigation Monitoring Program.

G. WHEREAS, on May 16, 2022, BHA filed the following lawsuit in the Los Angeles Superior Court to address its concerns about the Project: *Brentwood Homeowner’s Association v. City of Los Angeles, et al.* (LASC Case No. 22STCP01886), which is presently before Hon. Maurice A. Leiter (the “Lawsuit”).

H. WHEREAS, BHA wants to ensure that the Project, inclusive of all construction and operation activities, will not have an adverse and deleterious impact on the quality of life of the surrounding community by creating impacts, including, but not limited to, those impacts related to traffic, fire hazard/evacuation, noise, and other environmental elements.

I. WHEREAS, BHA believes a settlement of the Lawsuit would also allow the Parties to address general Chalon Campus Operations of importance to the community.

J. WHEREAS, BHA and MSMU endeavor, through this Agreement, to impose additional covenants, conditions, restrictions, and standards on the Project and the Chalon Campus that address many of the concerns raised by BHA and residents of Brentwood.

K. WHEREAS, the Parties wish to avoid the risk and expense of further litigation, and desire to fully and finally resolve any and all claims by and between them on the terms and conditions set forth below.

AGREEMENT AND RELEASE

NOW, THEREFORE, in consideration of the mutual promises, covenants, and undertakings contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Incorporation.** The foregoing recitals are true and correct and are expressly incorporated as terms of this Agreement herein by reference as though fully set forth herein.

2. **Project.** For purposes of this Agreement, the Project is the one approved by the City Planning Commission as modified by the Planning and Land Use Management Committee of the City Council on April 5, 2022, and approved by the full City Council on April 8, 2022. The April 8, 2022 Final Approvals for the Project (the “Final Approvals”) include all specific conditions of approval and California Environmental Quality Act (“CEQA”) mitigation measures of the Project’s Mitigation Monitoring Program, which are incorporated herein as Exhibit E, as well as the “list of requirements provided by the LAFD” on pages II-53 and II-54 of the Final EIR (“FEIR”), which are incorporated herein as Exhibit J. The terms of the Final Approvals shall serve as the basis for this Agreement. Therefore, the terms, conditions, and mitigation measures of the Final Approvals are incorporated herein as terms, conditions, and mitigation measures in this Agreement and, unless otherwise modified by the terms and provisions of this Agreement, shall control and limit the Project and Chalon Campus Operations.

2.1 Where there is a conflict between any term or condition of this Agreement and the Final Approvals, this Agreement shall take precedence and shall govern so long as this is not objected to by the City of Los Angeles (the “City”) and/or does not result in noncompliance with a condition or mitigation measure in the Final Approvals that is more restrictive upon the Project or MSMU.

2.1.1 **Uses.** For the Term of this Agreement, MSMU shall not apply to the City to modify or intensify the use of the Project above the parameters set forth in the Final Approvals, as modified by this Agreement.

2.2 The Parties acknowledge that, during construction of the Project, unforeseen conditions may arise which necessitate City approval of alternative compliance measures differing from those in the Final Approvals, which shall not be unreasonably opposed by BHA. Should MSMU request alternative construction compliance measures from the City, MSMU shall notify BHA thereof at the same time it makes the request to the City, and MSMU and BHA shall work in good faith to arrive at a solution that will allow continued construction of the Project in an expeditious manner without constituting a breach under this Agreement. For purposes of this Agreement, ordinary construction escalation costs that could have been reasonably anticipated by MSMU shall not constitute grounds for alternative compliance measures.

3. **Campus Operations.**

3.1 **Maximum Student Enrollment.** Maximum student enrollment for the academic year at the Chalon Campus allowed during the term of this Agreement shall be 2,084. During the term of this Agreement, MSMU shall maintain a student enrollment count for the Chalon Campus that is separate from the enrollment count of any other campus of MSMU. Currently, MSMU offers the traditional undergraduate women's college program only at the Chalon Campus, and only students enrolled in that program take courses at the Chalon Campus. In the future, if that practice changes and the traditional undergraduate women's college program is offered on both the Chalon and Doheny campuses, or a different program is offered at any campus that involves credits for courses taken at the Chalon Campus, then for purposes of calculating student enrollment at the Chalon Campus under this Agreement, a student shall be included in the 2,084 student enrollment cap for that Academic Year only if such student takes 50% or more of their total credits in any Academic Year through courses held in person at the Chalon Campus.

3.1.1 The student enrollment cap in Section 3.1 above shall not increase during the term of this Agreement, regardless of any campus expansion, or acquisition, lease or other type of possession, by MSMU or any entity controlling, controlled by, or under common control with, MSMU, of real property located outside the perimeter of the Chalon Campus.

3.2 **Special Events.** Special Events are listed in the first column of the Table titled "Alternative 5 Existing and New Events to be Held at the Wellness Pavilion" on pages A-15 and A-16 of the Department of City Planning's Recommendation Report, dated October 21, 2021, which is attached hereto as Exhibit F (the "Special Events Table"). As "Club Sports" is listed in the Special Events Table, Club Sports Activities are Special Events, except that Club Sports Activities without outside guests are not Special Events. MSMU shall not sponsor, organize, conduct, or permit any other Special Events to be held in the Project. The "Frequency" (column 3) corresponding to each Event in the Special Events Table shall not increase. The "Total" number of people entered in the "Estimated Attendance" box (column 6) corresponding to each Event in the Special Events Table shall be the maximum allowable attendance for each Event, and MSMU shall not permit the attendance at any Special Event to exceed the maximum allowable attendance. If a range of "Estimated Attendance" is listed in the Special Events Table instead of a "Total," then the maximum allowable attendance for that Special Event shall be the maximum number within the range (e.g., if "Estimated Attendance" is 20-40, then the maximum allowable attendance shall be 40).

3.2.1 MSMU shall cause all Special Events held at the Project to conclude at or before 11:00 pm, except that MSMU may hold two weekend Special Events per calendar year which may conclude at midnight.

3.2.2 The term “Special Event” in this Agreement shall not include any event without Outside Guests, any event with fewer than 50 people that is organized informally by students, faculty, or staff, such as for extracurricular, cocurricular, or social activities, or any MSMU administrative, alumni, fundraising or admissions/recruitment-related gatherings with less than 50 people.

3.3 Definition of “Outside Guests.” “Outside Guests,” for all purposes in this Agreement, are defined as people visiting the Chalon Campus who are not MSMU enrolled students, faculty, or staff.

3.4 Outside Use. Pursuant to Plan Approval Condition 12 on pages C-2 and C-3 of the Department of City Planning’s Recommendation Report, dated October 21, 2021, MSMU shall not rent or lease all or any part of the Project, with the exception of a total of 12 “Other Wellness/Sports Activities Events” permitted each calendar year.

3.4.1 Further pursuant to Condition 12, MSMU shall not rent or permit the use of the Project by homeowner or civic groups or any group for which a fee is not charged more than two times per calendar year.

3.5 Summer Programming. MSMU shall disallow access to the Chalon Campus by any participants in “Summer Sports Camps” (which are available to “students, faculty, and the public”) except access via shuttles. “Shuttles” are defined as “passenger vehicles” in Section 5.1.6. This restriction shall not apply to Summer Sports Camps employees.

3.5.1 “Summer Semester,” for all purposes in this Agreement, including trip caps, is defined as the period each year beginning May 15 and ending August 15. The “Academic Year” for all purposes in this Agreement, including trip caps, shall be defined as August 16 to May 14. The Academic Year includes two “Academic Year Semesters”—a “Fall Semester” and a “Spring Semester” (each an “Academic Year Semester”).

4. Site Plan.

4.1 Parking. Effective upon the issuance of any Certificate of Occupancy for the Project, there shall be no increase in the number of approved 521 parking spaces at the Chalon Campus during the term of this Agreement.

4.1.1 A parking space is defined as a marked space designated for parking a single vehicle either in a parking garage or in a surface parking lot. Nothing in this Agreement shall preclude temporary stacked valet parking from time to time.

4.2 New Building Construction or Additions. During the term of this Agreement, if MSMU or any entity controlling, controlled by, or under common control with MSMU proposes to construct a new building of more than 5,000 square feet or to expand any existing buildings by more than 5,000 square feet, both in the 90049 zip code only, MSMU shall

meet with BHA and the Councilmember for Council District 11 (or staff of Council District 11 if the Councilmember does not take the meeting) to disclose, review, and discuss such proposed construction or expansion of existing buildings, and any resulting changes of use, ramifications for Chalon Campus Operations, and any attendant impacts on the Bundy Canyon neighborhood. Such meeting shall occur prior to submittal of any permit application to the Department of City Planning to construct a new building of more than 5,000 square feet or to add more than 5,000 square feet to an existing building. MSMU will not construct a new building of more than 5,000 square feet, expand any existing building by more than 5,000 square feet, or submit any permit application therefor, without the prior consent of BHA. Renovations, or replacement of buildings in substantially the same footprint, that do not add more than 5,000 square feet, are explicitly excluded from this provision, provided, however, that sequential construction of new buildings less than 5,000 square feet and additions to a building each less than 5,000 square feet shall be subject to the requirements of this Section 4.2, including the consent of BHA, when the cumulative total of new construction or additions exceeds 5,000 square feet.

5. Transportation and Event Management Program.

5.1 Vehicle Trip Caps.

5.1.1 After issuance of any certificate of occupancy for the Project, average daily Academic Year weekday vehicle trips, Monday through Friday, including but not limited to trips generated by the Project, shall not exceed 1,813 trips per Academic Year during the term of this Agreement.

5.1.2 After issuance of any certificate of occupancy for the Project, average daily Academic Year weekend trips, Saturday and Sunday, including but not limited to trips generated by the Project, shall not exceed 900 trips per Academic Year during the term of this Agreement.

5.1.3 After issuance of any certificate of occupancy for the Project, average daily Summer Semester trips Monday through Sunday, including but not limited to trips generated by the Project, shall not exceed 750 trips per Summer Semester during the term of this Agreement. The vehicle trip caps in Section 5.1.1, 5.1.2, and this Section 5.1.3 are sometimes collectively referred to as the “Vehicle Trip Caps.”

5.1.4 Each entry or exit at the Chalon Gate, defined as the existing security booth delineated in Exhibit G, shall constitute one trip, and all vehicles, including shuttles, taxis or other drop-off vehicles, shall be counted and applied toward the Vehicle Trip Caps. Should MSMU lease, purchase, or otherwise control additional parking spaces currently owned by the Carondelet Center at any point during the term of this Agreement, then the trips shall be measured from a different or additional entry point to ensure that all vehicle trips properly attributable to MSMU are counted for purposes of determining the Monitored Trip Counts and applying the Vehicle Trip Caps.

5.1.5 All Vehicle Trip Caps shall be calculated using 24-hour periods.

5.1.6 Passenger vehicles (including shuttles) shall be limited in size to 33 persons, except for the buses currently used for high school days at MSMU.

5.1.7 The Vehicle Trip Cap requirements shall be in addition to those outlined in the MMP (Exhibit E) and to those required by the Final Approvals, recited here (“Other Vehicle Trip Caps”):

5.1.7.1 PDF-TRAF-12. Total daily Outside Guest vehicle trips to/from Other Wellness/Sports Activities, Health and Wellness Speaker Series Events, and Club Sports activities will be limited to 310 Outside Guest vehicle trips (155 inbound/155 outbound).

5.1.7.2 PDF-TRAF-13 Summer. The number of allowable trips for each peak period for Summer Sports Camps in the Project would be restricted to 71 inbound and 31 outbound trips during any single hour within the weekday 7am to 9am peak period, 8 inbound and 34 outbound trips during the weekday 3-4pm peak hour, and 3 inbound and 8 outbound trips during any single hour within the weekday 4pm-6pm peak period. If MSMU permits Summer Sports Camps to begin or end during the AM-PM peak hours, it shall provide a Campus entry reservation system, to the satisfaction of LADOT, that shall log and ensure AM-PM peak period trips are not exceeded and that can be audited by LADOT at any time.

5.1.7.3 PDF-TRAF-14. Total daily vehicle trips to/from Summer Sports Camps will be limited to 236 trips (118 inbound and 118 outbound), which will be applicable to all vehicles, including shuttles.

5.1.7.4 PDF-TRAF-16. Club Sports activities scheduled during the week shall not begin prior to 7:30pm. Prior to the beginning of each academic year, MSMU shall inform other schools participating in Club Sports activities of this limitation.

5.1.7.5 April 7, 2022, Supplemental Information (Exhibit I). Concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average weekday daily am-pm peak hour trips to 3 percent below the 2018 trip counts taken for the Campus, a 27 percent reduction below the 2016 baseline trip counts (672 am-pm peak hour trips reduced to 490 am-pm peak hour trips) for five years. 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.

5.2 Vehicle Counting System. On or before issuance of any Certificate of Occupancy for the Project, MSMU shall install and thereafter operate, maintain in operating condition, repair, and replace (if necessary, to have an operating system) an electronic vehicle counting system, capable of providing daily monitoring data of vehicle trips by the hour, at the Chalon Gate to measure compliance with all Vehicle Trip Caps and Other Vehicle Trip Caps. Before permitting use of any different or additional point of entry or exit, MSMU shall install and thereafter operate, maintain in operating condition, repair, and replace (if necessary, to have an operating system), an electronic vehicle counting system, capable of providing daily monitoring data of vehicle trips by the hour, at such different or additional point of entry or exit, to measure compliance with all Vehicle Trip Caps and Other Vehicle Trip Caps.

5.3 Parking Reservation System and Special Event Management. On or before issuance of any Certificate of Occupancy for the Project, MSMU shall implement a parking reservation system that electronically verifies utilization of a parking reservation upon

entry for vehicles arriving to a Special Event at the Project. MSMU shall further implement a Special Event registration system that electronically counts arrivals of Outside Guests (whether arriving in a car or a shuttle), as well as attendance of MSMU Students, Faculty, and Staff (“SFS”) to all Special Events at the Project. (Collectively, these two systems are the “Parking Reservation and Special Event Management System.”)

5.3.1 All Outside Guests arriving for new and existing Special Events taking place at the Project must use the Parking Reservation and Special Event Management System, which shall clearly and conspicuously inform all Outside Guests that entrance to the Chalon Campus will only be permitted under the circumstances provided for by that Outside Guest’s registration (i.e., a parking reservation and registration), in order to implement the attendance limits and Vehicle Trip Caps outlined in the Final Approvals and this Agreement.

5.3.2 MSMU shall require all attendees (students, faculty, staff, and Outside Guests) of New and Existing Special Events at the Project to register through the Parking Reservation and Special Event Management System. In order to show compliance with attendance limits for Special Events, the electronic Special Events entry registration system shall include a reporting capability so that logs can be generated regarding the issued and utilized registrations.

5.3.3 All Parking Reservation and Special Event Management System-related records (e.g., logs) for each Special Event shall be preserved and included in the annual reports outlined in 6.2.2.3 and 6.2.3.1. The City shall have the authority to audit the electronic registration system. Any audits of the electronic registration system by the City shall be provided to Council District 11 and shall be posted on MSMU’s website with notice to BHA promptly upon completion of the audit.

5.4 Additional Parking and Transportation Provisions. MSMU shall provide to all students, faculty, and staff who utilize MSMU’s on-campus parking identifying MSMU parking stickers that must be placed on a vehicle’s front or rear windshield, or bumper, and MSMU shall keep and maintain a log of corresponding license plate numbers so that MSMU can identify any vehicles that park in the neighborhood in violation of PDF-TRAF-17. MSMU shall adopt and enforce penalties for violations. MSMU shall be receptive and responsive to neighbor complaints of potential violations.

6. Compliance, Monitoring and Reporting of Transportation Management Program.

6.1 Vehicle Trip Counts and Surveys.

6.1.1 MSMU shall conduct an annual employee and student survey to measure the effectiveness of its public transit and carpool incentives.

6.1.2 If required by the Los Angeles Department of Transportation (“LADOT”) and/or Department of City Planning, MSMU shall take semi-annual trip counts during the Academic Year, as well as one week during the Summer Semester, to measure average daily, weekend, and summer trips. MSMU shall notify BHA one week prior to the counts to permit observation of those counts. However, given that this Agreement calls for electronic daily

counts, and given the greater accuracy inherent in daily monitoring, if LADOT and/or the Department of City Planning accepts the electronic counts to satisfy the terms and conditions of the Final Approvals, then no semi-annual trip counts shall be required. Moreover, trip counts taken pursuant to this Section 6.1.2 shall not be used to establish compliance with the Vehicle Trip Caps in this Agreement.

6.1.3 At the end of each Academic Year Semester and Summer Semester, MSMU shall calculate that semester's Monitored Trip Counts. The Vehicle Counting System will produce a raw number of trips to and from the Chalon Campus each day (i.e. 24-hour period). The Monitored Trip Count shall be equal to the sum of these raw numbers (distinguishing, of course, between weekdays and weekend days, depending on which Vehicle Trip Cap is at issue) divided by the number of weekdays in the semester (or weekend days in the semester, depending on which Vehicle Trip Cap is at issue). For purposes of establishing compliance with the Final Approvals and this Agreement's Vehicle Trip Caps for the Academic Year, however, the total number of trips from each Academic Year Semester (as applicable—weekday or weekend) shall be divided by the total number of days in the Academic Year, not each individual semester. MSMU shall report the Monitored Trip Counts for each Academic Semester to LADOT and BHA, and for the Summer Semester to BHA. LADOT shall have, at its discretion, the ability to conduct an onsite inspection and to view the daily monitoring system and data. MSMU shall make all reasonable accommodations to accommodate these inspections.

6.1.4 MSMU shall also provide BHA the daily monitoring raw data for all trips from the start of each semester until the meeting date at the quarterly and then twice-yearly neighborhood meetings. Summer Semester data shall be provided at the end of the Summer Semester.

6.2 Transportation Management Reports to Be Provided to BHA.

6.2.1 MSMU shall submit all "Actions Indicating Compliance" with the Project Design Features for Transportation and Traffic (PDF-TRAFs) outlined in the Mitigation Monitoring Program to BHA at the same times as it submits them to the City agency.

6.2.2 On or before 90 days after the completion of the first Academic Year and Summer Semester following the Effective Date, each year MSMU shall prepare and submit an annual Transportation Management Compliance report to Council District 11 and BHA that includes the following:

6.2.2.1 Monitored Trip Counts reported in Section 6.1.3 for each semester and the Academic Year.

6.2.2.2 Reports demonstrating compliance with the Other Vehicle Trip Caps outlined in Section 5.1.7.

6.2.2.3 Annual reports generated regarding issued parking reservations to demonstrate compliance with Vehicle Trip Caps as well as how many vehicles were turned away without a reservation for Special Events, which include Club Sports Activities and Summer Sports Camps.

6.2.2.4 Log of violations captured by cameras installed at the entrance of the Chalon Campus of vehicles, including but not limited to vendors and visitors, who do not follow the mandatory route (traveling from Norman Place west on Chalon to access the Chalon Campus and traveling west on Chalon to Bundy to exit the Chalon Campus) for traveling to and from the Chalon Campus.

6.2.2.5 Report of violations of MSMU-stickered vehicles that park on residential streets. In addition, report of violations of known MSMU non-stickered vehicles that park on residential streets.

6.2.2.6 Report demonstrating compliance with pedestrian access limitations, as identified by PDF-TRAF-17.

6.2.2.7 Results of Section 6.1.1 survey.

6.2.3 Audits. Pursuant to PDF-TRAF-10, “The reservation system shall include a reporting capability such that logs detailing issued reservations can be generated and reviewed. LADOT may audit the parking reservation system at any time.” As part of the annual Transportation Management Compliance report, MSMU shall report any audits of the parking reservation system and the results of any independent traffic survey.

6.2.3.1 BHA may audit the Parking Reservation and Special Event Management System, electronic vehicle counting system, and semi-annual vehicle trip counts required by LADOT, if any, once for each Academic Year Semester and Summer Semester.

7. Information to Be Provided to BHA

7.1.1 Enrollment. On or before fifteen (15) days after the end of each Academic Year Semester, MSMU shall provide BHA with a report of enrolled students for such semester to show compliance with the enrollment cap in Section 3.1 of this Agreement.

7.1.2 Special Events Attendance. Each year, MSMU shall provide BHA with an annual report of the Special Event Management System for the preceding Academic Year to demonstrate compliance with the attendance limits for Special Events, outlined in Section 3.2.

7.1.3 Submittals to City. Pursuant to the Final Approvals, MSMU may be required to submit to the City, from time to time, certain information pertaining to compliance with the Final Approvals for the Project. To the extent any such submittals are provided to the City, MSMU shall also provide copies of them to BHA within fifteen days of submittal to the City.

8. Fire and Emergency Preparedness

8.1 Red Flag Warnings. For all days for which the National Weather Service issues a Red Flag Warning, Special Events and Summer Sports Camp will be subject to possible cancellation at MSMU’s sole discretion pending confirmation and guidance from the Los Angeles Fire Department (“LAFD”) regarding potential risks in the area. The risk of a fire event

impacting the Brentwood area, degree of severity of the Red Flag Warning conditions (wind speeds, gusts, high temperature, vegetation moisture level, minimum relative humidity), and availability of LAFD resources, shall be considered by MSMU when determining the appropriate action in consultation with LAFD.

8.1.1 For all days for which the National Weather Service issues a Red Flag Warning, MSMU shall send all Chalon Campus students, staff, faculty, and registered Outside Guests an advance text message, e-mail, or other notification apprising them that the National Weather Service has issued a Red Flag Warning, and that in the event of a wildfire, MSMU protocol is that everyone shelters on campus, consistent with the “Wildfire Emergency Plan” described in Section 8.2. Additionally, MSMU shall place its emergency team on alert on all Red Flag Warning days.

8.2 Wildfire Emergency Plan. MSMU shall prepare and have in effect at all times during the term of this Agreement a Chalon Wildfire Emergency Plan (“Wildfire Emergency Plan”), which it shall update from time to time. MSMU shall deliver a copy of the Wildfire Emergency Plan and all updates of it to BHA. The Wildfire Emergency Plan shall include details of which areas and buildings will be used for SOC (“Shelter-on-Campus”) before and after the Project obtains any certificate of occupancy. MSMU shall also deliver to BHA copies of any plans that LAFD has approved for MSMU, including any fallback or subsequent-to-SOC relocation plan. BHA shall agree to keep the Wildfire Emergency Plan and any supplements or updates thereto confidential; provided, however, that nothing herein shall preclude BHA from discussing MSMU’s Wildfire Emergency Plan, or any supplement or update thereto, with LAFD. All amendments to the Wildfire Emergency Plan (including supplements or updates thereto) shall be delivered by MSMU to BHA and shall also be deemed confidential pursuant to this Agreement.

8.2.1 MSMU shall share the Wildfire Emergency Plan with BHA on the Effective Date of this Agreement.

8.2.2 On or before ninety (90) days after the Effective Date of this Agreement, MSMU shall make available a separate, public-facing wildfire emergency plan (to best prevent confusion, ensure the most salient and relevant points of the Wildfire Emergency Plan are provided, and to maintain the confidentiality of any non-public components) to students and parents at the beginning of each Academic Year Semester, to the parents of all Summer Sports Camp participants upon registration, to all Outside Guests at the time of confirming a reservation for vehicle entry, and to the general public, through the MSMU website via a prominent and easily accessible link on the homepage titled “Emergency Preparedness.” (For avoidance of doubt, the interface available at this Pepperdine University link: <https://emergency.pepperdine.edu/brush-fires/>, as set forth in Exhibit H, will serve as a template for MSMU’s separate, public-facing wildfire emergency plan.) In addition, MSMU shall email all visitors to the Chalon Campus that utilize the parking reservation system, at the time of making their reservation, along with the permit to park on the Chalon Campus, warning them that they are visiting a campus in a Very High Fire Hazard Severity Zone (“VHFHSZ”) and that they must comply with the details of the Wildfire Emergency Plan, which shall be generally outlined for their benefit, including any call for SOC at the direction of LAFD. MSMU shall post and

maintain in prominent locations in all parking garages and parking areas signs with simple language about what to do in the event of a fire.

8.2.3 MSMU shall include in the current Wildfire Emergency Plan, as well as in the public-facing wildfire emergency plan, a provision that states: “If a future emergency arises, school officials will first communicate with the team or agency that LAFD has directed MSMU to communicate with through its emergency planning, and which may include the City’s Emergency Operation Center (“EOC”) Team, LAFD, LADOT, and/or other City agencies, as appropriate. After reviewing the situation, MSMU will confirm if individuals on the Chalon Campus have time to leave the Chalon Campus (i.e., the emergency does not require the evacuation of the surrounding residential community). However, if LAFD issues evacuation orders for the surrounding residential community, the Chalon Campus (including but not limited to all students, faculty, staff, and Outside Guests) will shelter on campus and public safety professionals will direct campus occupants to a safe location on the Chalon Campus to shelter on campus. This will ensure there are no conflicts on the surrounding roadway between Chalon Campus occupants and surrounding residents as the residents evacuate.”

8.2.4 MSMU shall include in the Wildfire Emergency Plan a description of the resources (including, but not limited to transportation and staffing) that will be used for advance relocation of Chalon Campus occupants if no SOC is implemented. MSMU shall also include in the Wildfire Emergency Plan a description of the resources (including, but not limited to transportation and staffing) for relocation of occupants after an emergency period of SOC has been implemented.

8.2.5 MSMU shall update its educational program for parents and students regarding policies and procedures in the event of fire or other emergency each year to reflect current conditions, which shall include information that advises students and visitors that MSMU has an SOC protocol with details of the Wildfire Emergency Plan, and deliver to parents and students the updated program. In addition, MSMU shall post this program and its contents on MSMU’s website so any visitors (including other sports teams) understand what to do in case of wildfire, especially during fire weather. MSMU shall also provide a written copy of this program and its updates to BHA and Council District 11 promptly upon completion, with details on how it was distributed and disseminated to the MSMU community and Outside Guests.

8.2.6 MSMU shall consult with BHA, in addition to LAFD, regarding annual updates to the Wildfire Emergency Plan. Notwithstanding anything in this Agreement, MSMU shall amend the Wildfire Emergency Plan in its sole and absolute discretion based on the input of LAFD, and any such amendments shall not be deemed to effectuate a breach of this Agreement.

8.3 No Smoking Policy. The Chalon Campus shall be a non-smoking campus commencing at the start of the next Semester following the Effective Date, and MSMU shall designate it as such through adequate signage on the Chalon Campus and notifications to parents, students, staff, and visitors.

8.4 Annual Monitoring of Wildfire/Emergency Preparedness Program. The success of MSMU’s Wildfire Emergency Plan, including SOC, relies on how aware its

community is of the details of the plan. Therefore, to monitor the effectiveness of this plan, MSMU shall conduct a drill annually that simulates execution of the plan and within 30 days after completion of each annual drill, MSMU shall prepare a report on the results of the drill and deliver copies of each annual report to LAFD, BHA, and Council District 11. A report on the drill shall be used to improve features of this plan and MSMU shall deliver copies of the revised or amended plan to LAFD, BHA, and Council District 11.

8.5 After Action Reports. MSMU shall promptly prepare and submit to BHA, as well as LAFD and Council District 11 an “After Action Report” following any wildfire event impacting the Chalon Campus.

9. Project Construction.

9.1 Project Construction Period. Subject to a Force Majeure Event as defined below, the Project’s construction time period shall be limited to 24 consecutive months from January 18, 2023. Such 24-month construction period shall not include Post-Construction Activities, examples of which include interior finishing work, exterior painting, and exterior hardscape and landscape improvements following issuance of the certificate of substantial completion by the Project architect. The construction time period shall be extended by the length of any delay in construction of the Project due to war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the “public enemy”; epidemics; pandemics; quarantine restrictions; freight embargoes; lack of transportation; undisclosed subsurface and soils conditions on the Chalon Campus that would materially extend the timing of construction of the Project; governmental restrictions or priority; unusually severe weather; inability to secure necessary labor, materials or tools; acts of BHA or any other party who filed a CEQA claim against the Project inconsistent with their respective settlement agreements; acts or the failure to act of a public or governmental agency or entity beyond normal periods of time for such acts; or any other causes beyond the reasonable control and without the fault of MSMU. In the event of such a delay (herein a “Force Majeure Event”), MSMU shall continue to exercise reasonable diligence to minimize the period of the delay. An extension of time for any such cause shall be limited to the period of the Force Majeure Event and shall commence to run from the time of the commencement of the cause so long as notice by the Party claiming such extension is sent to the other Party within fifteen (15) days of the commencement of the Force Majeure Event. Such notice shall also include a reasonable estimate of the extension of time. If the period of the Force Majeure Event extends past the reasonably estimated termination date of the Force Majeure Event, the Party claiming extension shall, within fifteen (15) days of such estimated termination date, notify the other Party with an updated reasonable estimate. Failure to provide such notices shall constitute a waiver of the claim for extension of the construction time period based upon the Force Majeure Event. MSMU’s failure to secure all necessary funding for the Project shall not be considered a Force Majeure Event and shall not entitle MSMU to an extension of the construction time period. Times of performance under this Agreement may also be extended by mutual written agreement by BHA and MSMU.

9.2 Construction Worker Parking. MSMU shall not allow Project construction worker parking in the surrounding residential community. All construction worker parking shall be on the Chalon Campus only, unless the Carondelet Center allows construction parking at the Carondelet Center.

9.3 Staging. Staging for Project construction shall only be on the Chalon Campus, unless the Carondelet Center allows staging at the Carondelet Center.

9.4 No Hauling on Trash Days. MSMU shall make good faith efforts to prevent hauling or delivery of oversized equipment on the days when the Department of Sanitation picks up trash from residences in the Bundy Canyon area.

9.5 Notification of Oversized Equipment. MSMU shall provide minimum 24-hour notice to BHA for delivery of oversized equipment in connection with Project construction, or in any circumstances that may cause closure of roads or significant disruption of vehicle circulation.

9.6 No Smoking. MSMU shall prohibit smoking or vaping by Project construction workers on the Chalon Campus, or in the immediate residential community.

9.7 Hours. MSMU shall adhere to “Operating Hours and Construction Activity” in Hillside Construction Regulations in Ordinance No. 184827, except that any construction may begin at 7:00 am.

9.8 Construction Monitor. MSMU shall retain a private Construction Monitor to oversee compliance with enhanced construction mitigation measures in this Agreement, conditions of approval, and applicable regulatory compliance measures. The monitor shall have enforcement authority. For avoidance of doubt, MSMU has retained Environmental Science Associates (“ESA”) as the City-approved construction monitor for the Project, and ESA’s scope may be increased to monitor compliance with the enhanced construction mitigation measures in this Agreement. Every ninety (90) days during the construction of the Project, MSMU shall provide BHA with a copy of the construction monitor’s report to the City on the results of its construction monitoring, including compliance with the conditions of approval, and regulatory and mitigation measures for the preceding calendar month.

10. Noise Measures.

10.1 Signage Regarding Neighborhood Consideration. MSMU shall post signs in three conspicuous places on or adjacent to buildings and/or fences that are closest to the residential neighbors on Norman Place stating the following: “Please be considerate of our residential neighbors. Sound travels in our hillside canyons.”

11. Neighborhood/Community Relations.

11.1 Community Meetings. MSMU shall convene quarterly community meetings during the construction period, and then twice-a-year meetings. After construction, the twice yearly meetings shall take place once in the Fall Semester in either September or October and once in the Spring Semester in either February or March, or other such times mutually agreed upon by the Parties. Any Party may call one special meeting of MSMU and BHA per year. The Party seeking to schedule the special meeting shall deliver written notice of such special meeting not less than seven (7) days in advance of the requested special meeting date, which shall be finalized by mutual consent of the Parties. The Parties may, by unanimous consent, waive notice of any special meeting.

11.2 Community Page. For community information purposes, MSMU shall provide a designated page or link on the School's website which shall include the following:

11.2.1 Club Sports Calendar that includes the time and place of all Club Sports events in the Project.

11.2.2 Special Events Calendar with the expected hours, type, and location of the specific Special Events.

11.2.3 Rules and guidelines of MSMU's Transportation and Event Management Program (Section 5) to inform Outside Guests and other schools participating in Club Sports (who may be traveling to the Campus on the mandatory route) of the limits on pedestrian access and the required use of the Parking Reservation and Special Event Management System.

11.2.4 Public Facing Wildfire Emergency Plan.

11.3 Maintenance of Undeveloped Parcel. MSMU will maintain the undeveloped piece of land at the northeast corner of Bundy and Chalon in a condition designed to prevent excessive run off and eliminate dried vegetation that may be a fire hazard.

11.4 Chalon Road Clean-Up. MSMU shall have Chalon Road between Norman Place and Bundy cleaned at least once a week to prevent the accumulation of litter and garbage.

11.5 Trail Access. MSMU shall allow access to the Chalon Campus in order for community members to access the public trails. If community members arrive by vehicle to access the public trails, they must register via the Parking Reservation and Special Event Management System. Then, any vehicle trips solely to access the trails, as confirmed by the Parking Reservation and Special Event Management System, shall be excluded from any measurement of trip caps in this Agreement.

12. Term and Applicability.

12.1 Incorporation of Documents Submitted to City. All conditions and mitigation measures approved by the City Council on April 8, 2022, as reflected in the Final Approvals, except as modified herein, including but not limited to the Mitigation Monitoring Plan in the Project's Environmental Impact Report (ENV-2016-2319-EIR), are hereby incorporated into this Agreement as terms, obligations, conditions, and restrictions.

12.2 Term. The term of this Agreement shall be twenty (20) years from the Effective Date.

12.3 MSMU Obligation. During the term of this Agreement, if MSMU or any entity controlling, controlled by, or under common control with MSMU, buys or leases or uses any property, for any purpose whatsoever, in zip code 90049 outside the current boundaries of the Chalon Campus (see Exhibit A), including, without limitation, the properties commonly referred to as Carondelet, Getty, and Berggruen, these properties and uses shall be subject to the

terms of this Agreement, except Section 4.1, and MSMU shall comply with such terms in connection with those properties and their use.

13. Dismissal of the Lawsuits. Within five (5) business days of the execution of this Agreement, BHA shall file a dismissal of its Lawsuit with prejudice in Los Angeles Superior Court. Additionally, BHA shall not pursue any current or future claims or actions against MSMU in any local, state or federal venue, seeking to challenge or invalidate any permit for the Project unless such permit would grant a discretionary entitlement beyond the approvals set forth in Exhibit C hereto.

14. No Project Opposition or Encouragement and Enabling of Third-Party Claims, Lawsuits, Causes of Action, or Other Proceedings. From and after the Effective Date, BHA shall not contest, challenge (legally, administratively, legislatively or otherwise), oppose, appeal, or otherwise criticize any aspect of the Project that is consistent with this Agreement, including existing Project entitlements, permits, approvals, or land use procedures (whether discretionary, ministerial, legislative, quasi-legislative, or adjudicative) (collectively "Objection") before any court, the City, or any other local, regional, state, or federal authority, agency, or body with jurisdiction over the Project, before any community group, or in the news media. Additionally, BHA agrees not to lobby or advocate, directly or indirectly, to any agency, appointed or elected official or their staff any opposition to the Project. Further, BHA agrees not to bring or support, directly or indirectly, any litigation, claim, cause of action or other proceeding challenging the Project and its approvals, or otherwise be adverse to the Project. Moreover, BHA representatives and consultants shall not encourage, assist, provide information, or in any way support the efforts of any neighbor, community resident, third party, and/or any agent, representative, consultant or other person acting or purporting to act on behalf of the City to pursue any litigation, claim, cause of action, or proceeding against MSMU with respect to any act pertaining to the planning, development, construction, completion, or operation of the Project or any component thereof that is consistent with this Agreement, including without limitation, encouraging or providing, directly or indirectly, information, financial contributions, or in kind benefits, legal advice, or publicity to any third party, which may propose to pursue an Objection. This Section 14 shall not apply to a permit that would grant a discretionary entitlement beyond the approvals set forth in Exhibit C hereto.

15. Non-Disparagement. From and after the execution of this Agreement, the Parties shall not speak disparagingly of the other Party or their respective businesses to third parties with respect to the Project or the Lawsuit. If there is an inquiry concerning the Project or the Lawsuit, the Parties shall respond that they had disputes that resulted in litigation, and those disagreements have been resolved to the satisfaction of the Parties. Nothing in this paragraph or Agreement is intended to limit a Party's ability to enforce its rights or remedies under this Agreement or the Parties' obligations to participate and respond truthfully to discovery or other legal process.

16. Resolution of Dispute Without Admission of Fault or Liability. The Parties agree and understand that this Agreement resolves any and all disputes between them arising out of the Project or the Lawsuit and that the terms of this Agreement shall in no way be construed to be an admission of fault or liability whatsoever.

17. Waiver and Release. Except for the obligations under this Agreement, the Parties hereby irrevocably release and forever discharge each other and each of their officers, directors, employees, trustees, faculty, staff, students, administrators, legal representatives, assignees, and assignors, as applicable, of and from any and all manner of action or actions, cause or causes of losses, costs or expenses of any nature whatsoever, whether known or unknown, whether suspected or unsuspected, whether or not heretofore asserted, fixed or contingent (collectively, “Claims”) prior to the Effective Date arising out of the Project or items addressed in the Lawsuit. Notwithstanding the foregoing, each Party shall retain the right to enforce this Agreement.

18. **Violations; Events of Default; Remedies; Penalties.**

18.1 Events of Default. The failure of any Party to comply with any of the terms, obligations, conditions and restrictions contained in this Agreement shall constitute a default hereunder, except that a Party shall not be in default without having first been provided a cure period as set forth herein for any alleged default after receipt of Notice in accordance with Section 22 of this Agreement. If one Party provides another Party with written notice of default, and the Party alleged to be in default has (i) failed to cure such breach within thirty (30) days of receipt of such written notice, or (ii) if such breach cannot reasonably be cured within such thirty day period, it has failed to commence to cure such breach within such thirty day period and thereafter has failed to diligently and continuously pursue such cure to completion within an additional 60 days (in other words, the total cure period shall not under any circumstances exceed 90 days), the Party not in default may pursue the remedies set forth in this Section 18, except that nothing in this Section 18.1 affects the liquidated damages provisions set forth in this Section 18.

18.2 Remedies. Except for liquidated damages, and in connection with Section 33 of this Agreement, either Party’s sole remedy for breach of the Agreement is to seek specific performance or injunctive relief, as may be necessary or appropriate, from a court of competent jurisdiction. The Parties acknowledge and agree that, except where liquidated damages have been agreed upon, liquidated damages will be an inadequate remedy for breach of any term, obligation, condition, or restriction in the Agreement, such that specific performance or injunctive relief is the necessary and appropriate remedy. BHA and MSMU expressly waive any claim for consequential, punitive, exemplary, actual, special, incidental or other damages against each other, except for the liquidated damages provided for in this Agreement, and in connection with Section 33 of this Agreement, and this limitation shall not preclude the recovery of prevailing party attorney’s fees and litigation expenses pursuant to Section 23. In no event shall this Agreement be terminated as the result of any Default by a Party under this Agreement.

18.3 Liquidated Damages. The Parties shall establish reasonable damages to be paid by MSMU into the Community Mitigation Fund in the event of a default as follows except that to the extent any portion of the liquidated damages below are paid pursuant to any other agreement with another CEQA petitioner (i.e., Bundy Canyon Association, Tim Reuben, Residential Neighbors of Mount Saint Mary’s University), then such liquidated damages will no longer be due under this Agreement. For avoidance of doubt, this means that MSMU shall never be responsible for paying the liquidated damages below more than once per violation.

18.3.1 Maximum Enrollment. Should the Maximum Enrollment be exceeded at any time during an Academic Year, MSMU will pay into the Community Mitigation Fund within 30 days after the excess enrollment occurs, an amount equal to 50% of the full regular tuition that year for each student enrolled in excess of 2,084. In addition, MSMU shall reduce enrollment the next Academic Year by the number of enrolled students above the Maximum Enrollment at the time of the violation. MSMU shall provide to BHA an annual affidavit confirming the number of enrolled students each Academic Year.

18.3.2 Vehicle Trip Caps. If MSMU violates any of the Vehicle Trip Caps in this Agreement as demonstrated in the Monitored Trip Counts, MSMU shall pay \$500.00 for each vehicle in excess of the Vehicle Trip Caps recited in Section 5.1.1 through 5.1.6. The \$500.00 payment will increase by the lesser of 3% or the Consumer Price Index of The Bureau of Labor Statistics of the U.S. Department of Labor for All Urban Consumers (Los Angeles-Long Beach-Anaheim, CA), All Items, 1982-84=100 ("CPI") each year on the anniversary of the Effective Date. The CPI adjustment shall be determined by comparing the CPI for the calendar month preceding the calendar month in which the anniversary of the Effective Date occurs to the CPI for the same calendar month of the preceding calendar year. These damages, if any, shall be paid by MSMU into the Community Mitigation Fund. MSMU shall make the payment of the liquidated damages, if any, within thirty (30) days after expiration of the period for which the liquidated damages have been incurred. So long as MSMU works in good faith to reduce traffic, in the first year of operations after issuance of any certificate of occupancy for the Project, MSMU may elect not to use the first semester counts in the final calculation of average daily trips for purposes of first Academic Year penalties in order to allow MSMU to improve upon any deficiencies in its traffic reduction methodologies.

18.3.3 Attendance Limits. If MSMU violates this Agreement's attendance limits for three (3) Special Events in a single Academic Year, the number of Special Events permitted to be held at the Project shall be reduced by one (1) for the subsequent Academic Year until MSMU complies with the attendance limits for two (2) consecutive semesters. If, in the subsequent Academic Year, MSMU does not completely comply with the attendance limits, then the number of Special Events permitted to be held at the Project shall again be reduced by one (1) for the next Academic Year. These single-event reductions will continue annually until MSMU complies with the attendance limits for two (2) consecutive semesters. Once MSMU complies with the attendance limits for two (2) consecutive semesters, the Special Event(s) shall be restored in the following Academic Year.

18.3.4 Construction Period. If MSMU exceeds the permitted 24 month construction period, subject to Force Majeure as set forth in this Agreement, the following liquidated damages shall apply: Starting with week one after the permitted construction period, the liquidated damages paid into the Community Mitigation Fund shall be \$5,000 per week for the first month past the time period, the second month shall be \$7,500 per week, and beyond that \$12,500 per week. These liquidated damages shall be due for each week within five (5) business days after the end of such week.

18.4 Community Fund. BHA shall establish a separate bank account to hold any liquidated damages paid by MSMU pursuant to Section 18.3. BHA shall use any funds deposited into the Community Mitigation Fund for reasonable traffic and fire mitigation or

improvement measures to benefit the Brentwood community in the vicinity of MSMU, which shall also include the BHA Geographic Boundaries. BHA shall not use any funds in the Community Fund to pay for (or to reimburse MSMU for) any obligation imposed upon MSMU by this Agreement, the City's Final Approvals (see Section 2) or to pay for any legal fees or other BHA expenses in connection with this Agreement. BHA shall not use any funds in the Community Fund to pay for mitigation measures required by other institutions in the BHA Geographic Boundaries.

18.5 Liquidated Damages Are Reasonable. The Parties agree and acknowledge that it would be impractical and extremely difficult to fix the damages that BHA might suffer if an event of default results in any of the liquidated damages described in Section 18.3 of this Agreement, and that the liquidated damages amounts are intended as a reasonable estimate of the detriment to BHA in the respective cases of such event of default, and are not intended as a forfeiture or penalty, including without limitation, a forfeiture or penalty under California Civil Code Sections 3275 or 3369. MSMU's initials below indicate MSMU's understanding and agreement that such liquidated damages are reasonable.

MSMU's Initials DM

19. Acknowledgment of Rights Vested Under Conditional Use Permit. The Parties hereby agree that any vested rights conferred by the Los Angeles Municipal Code upon MSMU's submittal of the applications for the Project do not include additional rules and regulations agreed upon between private parties, which shall apply to the Project in addition to any such vested rights.

20. Waivers and Releases

20.1 No Waiver of Rights to Enforce City Approvals. Notwithstanding anything to the contrary in this Agreement, nothing in this Agreement shall limit or restrict the right of BHA to apply to the City of Los Angeles to: (a) cause the City of Los Angeles to enforce the terms and conditions of the City's approvals for the Project or (b) seek a revocation or limitation of the City's approvals for the Project as a result of a material breach by MSMU of the requirements of the City's approvals.

20.2 Limitation on Waiver by any Party. No waiver by any Party of any event of default, circumstance or condition shall constitute a waiver of any other default of the other Party or of any other such event, circumstance or condition. No failure or delay by any Party to exercise any right by reason of any other default shall prevent the exercise by the other Party of such right while the defaulting Party continues to be in default, and no waiver of a default shall operate as a waiver of any other default or as a modification of this Agreement.

21. Benefited Parties. There are no third party beneficiaries of this Agreement or any portion thereof, and only the Parties shall have the power to enforce this Agreement.

22. Notices. To be effective, any notices, requests, demands, consents, approvals, and other communications required or permitted by the terms of this Agreement shall be provided in writing via e-mail and by certified mail, return receipt requested, at the address of the

respective Parties as specified below or at any other such address as may be later specified by the Parties hereto in writing:

To MSMU:

Lucille Villegas
Chief of Staff to the President
12001 Chalon Road
Los Angeles, CA 90049
lvillegas@msmu.edu
310-954-4010

With a copy to:

Victor De la Cruz
Manatt, Phelps & Phillips, LLP
2049 Century Park East, Suite 1700
Los Angeles, CA 90067
vdelacruz@manatt.com
310-312-4305

To BHA:

Thelma Waxman
President
c/o Brentwood Homeowners Association
P.O. Box 49427
Los Angeles, CA 90049
info@brentwoodhomeowners.org

23. **Attorneys' Fees and Costs.** In the event any action is instituted to interpret or enforce this Agreement or any part of it by any Party, the prevailing Party shall be entitled to recover all of its attorneys' fees, paralegal and other support staff fees, all costs of suit therein incurred, including all costs and all attorneys' fees and support staff fees for any appeal in such amounts and from the other Party in such proportions as shall be determined by the court. The "prevailing party" shall mean the Party who, in light of the issues litigated and the court's decision on such issues, receives a more favorable outcome.

24. **Recordation.** Within ten (10) business days of dismissal of the Lawsuit, MSMU shall record this Agreement against the Chalon Campus in the Official Records of the County Recorder of the County of Los Angeles, and this Agreement shall run with the land. The Parties agree to take any necessary action to effectuate a release of this Agreement's recordation upon completion of the Term as defined herein.

25. **Construction, Choice of Law, and Venue.** The terms of this Agreement are the product of arms-length negotiations between the Parties, with assistance from their respective counsel of choice, and no provision shall be construed against the drafter thereof. This Agreement shall be governed by and construed in accordance with the laws of the State of California. The venue for any disputes concerning this Agreement shall be in Los Angeles County.

26. **Representation by Counsel.** Each of the Parties hereto represents, warrants, acknowledges and agrees that they have been given the opportunity to be represented by independent counsel of their own choice in connection with negotiation, execution, and review of this Agreement, and that they have carefully read and fully understand all of the provisions of this Agreement, and the terms and conditions set forth herein, and that they are voluntarily entering into this Agreement.

27. **Partial Invalidity.** In the event that any provision of this Agreement, or part thereof, is found to be prohibited by law or is otherwise held invalid or unenforceable, such provision, or part thereof, shall be ineffective only to the extent of such prohibition or invalidity and shall not invalidate or otherwise render ineffective any or all of the remaining provisions, or parts thereof, of this Agreement.

28. **Authority.** Each of the persons signing this Agreement and any document executed in connection with this Agreement, whether signed individually or on behalf of any other person or entity, represents and warrants that this Agreement constitutes a valid and binding obligation of each of the Parties and that he or she: (a) has full power and authority to sign this Agreement for and on behalf of the Party for which such person is signing, and that such Party has full power and authority to enter into and execute this Agreement; and (b) has full authority to bind the Party or Parties for whom such person is signing. Each of the Parties represents and warrants that they have not assigned nor subrogated any of their rights, claims or causes of action released pursuant to this Agreement, or authorized any other person or entity to assert such claims on their behalf, and they agree to indemnify and hold harmless each other against any assignment of said rights, claims and/or causes of action.

29. **Prior Representations/Integration.** The Parties agree that no representations or inducements of any kind have been made by any Party to another and no matter extraneous to this Agreement has been relied upon by any Party as an inducement or otherwise, either verbal or written, and all previous communications between the Parties, and their principals and agents, are deemed to be of no effect and are superseded by the terms of this Agreement. This Agreement constitutes the entire agreement between the Parties respecting the subject hereof, and all other prior agreements, arrangements or understandings, oral or written, respecting the subject matter hereof are merged into and superseded by the terms of this Agreement.

30. **Entire Agreement.** This Agreement: (a) constitutes the entire agreement between the Parties concerning the subject matter hereof, and (b) shall not be modified except by an amendment executed by the Parties.

31. **Exhibits.** The following Exhibits attached hereto are incorporated herein by this reference and made a part hereof:

Exhibit "A" Chalon Campus Boundaries

Exhibit "B" Planning Commission Approval

Exhibit "C" City Council Amendment

Exhibit "D" BHA Boundaries

Exhibit “E” Mitigation Monitoring Program

Exhibit “F” Special Events Table

Exhibit “G” Security Booth Location

Exhibit “H” Pepperdine University “Brush Fire” Page

Exhibit “I” April 7, 2022, Supplemental Information

Exhibit “J” Pages II-53 and II-54 of the FEIR

32. **Counterparts and Execution.** This Agreement may be executed in counterparts which, taken together, shall constitute one and the same agreement. This Agreement may also be executed and/or delivered by facsimile and/or email transmission and in such event all facsimile and/or email signatures shall be deemed originals for all purposes hereof.

33. **Confidentiality.**

33.1 **Confidential Information.** “Confidential Information” means information that one can reasonably expect to be confidential in nature, including without limitation all of the following: (a) any information that the Parties mark “Confidential”, (b) proprietary reports and correspondence regarding MSMU, including ownership and operation of MSMU property and information about students, faculty, or staff, (c) any information that is designated as “Confidential Information” in any other Section of this Agreement, and (d) information regarding the financial condition of the Parties.

33.2 **Non-Disclosure.** The Parties anticipate that MSMU may from time to time disclose and provide Confidential Information to BHA in line with the greater cooperation and improved relationship that is anticipated and desired after the Effective Date. BHA shall not disclose to any person or entity, including another Petitioner, any Confidential Information; provided that Confidential Information shared with BHA may be disclosed to BHA’s respective officers, directors, employees, consultants, and attorneys. If BHA receives a request or demand to disclose any Confidential Information other than the disclosures permitted in the preceding sentence, BHA shall deliver written notice to MSMU of such request and shall not disclose such Confidential Information unless MSMU provides written consent for such disclosure or such disclosure is required by a court of competent jurisdiction.

33.3 **Survival.** The provisions of this Section 33 and the obligations of BHA shall survive the expiration or termination of this Agreement.

34. **Time of the Essence.** Time is of the essence for each and every provision of this Agreement where time is a factor.

35. **Effective Date and BHA Support.** This Agreement shall become effective on the date (“Effective Date”) when (a) Related Cases No. 22STCP01886 and No. 22STCP01884, filed in the Superior Court of the State of California for the County of Los Angeles, have both been dismissed with prejudice. If Case No. 22STCP01883 (also related to Cases No.

22STCP01886 and No. 22STCP01884) is resolved by order of the court requiring the City of Los Angeles to set aside and reconsider the Final Approvals, BHA shall support the reapproval of the entitlements to MSMU in a form no different than the entitlements contained in the Final Approvals, or, alternatively, in a form acceptable to MSMU. BHA's advocacy efforts in support of reapproval of the entitlements shall include, but not be limited to: (1) written correspondence and oral advocacy at every public hearing for the Project; (2) a meeting with CD 11 and MSMU to express support for reapproval of the entitlements in a form no different than the entitlements contained in the Final Approvals, or, alternatively, in a form acceptable to MSMU; and (3) e-mail support to BHA's membership in advance of every public hearing if requested by MSMU. Compliance with the support and advocacy conditions of this Section shall not include BHA having to express opposition to any matter explicitly required by a court; or opposition to any change to the Final Approvals recommended by Los Angeles City Planning to the Planning Commission, or by the Planning Commission to the Planning and Land Use Management ("PLUM") Committee of the Los Angeles City Council, or by the PLUM Committee to the full City Council, that is in good faith acceptable to MSMU.

36. **Tolling.** This Agreement shall be tolled during any time period in which MSMU cannot obtain the full benefit of the Final Approvals because of a court order setting aside the Final Approvals. Such time period shall begin on the day the court enters such an order and shall end on the day the full Los Angeles City Council approves the entitlements to MSMU in a form no different than the entitlements contained in the Final Approvals; or, alternatively, in a form that is in good faith acceptable to MSMU. MSMU and BHA shall meet and confer in advance of any hearing on any proposed changes to the Final Approvals and whether or not they are acceptable to MSMU.

{Signatures on next page}

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date and year hereinabove written.

“BHA”

BRENTWOOD HOMEOWNERS ASSOCIATION

By: Thelma Waxman
Name: Thelma Waxman
Title: President

“MSMU”

MOUNT SAINT MARY’S UNIVERSITY

By: Ann McElaney-Johnson
Name: Ann McElaney-Johnson
Title: President
on behalf of The Board of Trustees

By: Debra J. Martin
Name: Debra Martin
Title: Special Advisor to the President
on behalf of The Board of Trustees



Address: 12001 W CHALON ROAD

APN: 4429003033

PIN #: 141B141 5

Tract: P M 4304

Block: None

Lot: A

Arb: None

Zoning: RE40-1-H

General Plan: Minimum Residential





LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **DEC 02 2021**

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

Council District: 11 – Bonin

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

Plan Area: Brentwood – Pacific Palisades

Related Case: ZA-2017-928-ZAD

Project Site: 12001 Chalon Road

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

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

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

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

CERTIFIED that:

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


ADOPTED the following:

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

The vote proceeded as follows:

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

Vote: 6 – 0



Cecilia Lamas, Commission Executive Assistant
 Los Angeles City Planning Commission

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

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

FINAL APPEAL DATE: **DEC 17 2021**

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

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

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

CONDITIONS OF APPROVAL

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

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

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

Plan Approval Conditions

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

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

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

13. Neighborhood Outreach and Notice

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

14. Noise

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

15. Construction

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

Conditional Use Determination Conditions

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

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

Environmental Conditions

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

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

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

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

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

Administrative Conditions of Approval

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

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

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

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

FINDINGS

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

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

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

a. Plan Approval

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Height Modification

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

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

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

a. Plan Approval

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

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

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

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

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

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

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

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

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

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

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

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

b. Height Modification

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

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

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

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

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

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

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

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

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

a. Plan Approval

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

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

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

General Plan Framework Element

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

Chapter 3 – Land Use

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

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

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

a. Plan Approval

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

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

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

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

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

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

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

a. Plan Approval

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

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

a. Plan Approval

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

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

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

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

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

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

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

a. Plan Approval

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

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

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

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

b. Height Modification

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

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

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

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

Chapter 6 – Open Space and Conservation

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

a. Plan Approval

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

Brentwood-Pacific Palisades Community Plan

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

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

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

a. Plan Approval

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

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

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

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

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

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

b. Height Modification

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

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

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

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

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

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

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

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

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

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

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

a. Plan Approval

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

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

b. Height Modification

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

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

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

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

a. Plan Approval

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

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

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

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

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

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

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

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

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

a. Plan Approval

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

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

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

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

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

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

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

a. Plan Approval

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

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

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

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

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

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

a. Plan Approval

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

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

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

CEQA Findings

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

I. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

The findings provided below include the following:

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

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

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

II. ENVIRONMENTAL REVIEW PROCESS AND RECORD OF PROCEEDINGS

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

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

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

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

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

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

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

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

RECORD OF PROCEEDINGS

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

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

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

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

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

III. DESCRIPTION OF ALTERNATIVE 5

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

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

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

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

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

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

A. Aesthetics:

1. Scenic Vista

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

2. Visual Character and Quality

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

3. Light and Glare

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

B. Agriculture and Forestry Resources:

1. Farmland

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

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

2. Agricultural Zoning

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

3. Forestland Zoning

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

4. Loss of Forest Land

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

5. Conversion of Farmland or Forest Land

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

C. Air Quality:

1. Criteria Air Pollutants

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

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

2. Sensitive Receptors

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

3. Other Emissions

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

D. Biological Resources:

1. Special Status, Sensitive or Candidate Species

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

2. Riparian and Sensitive Natural Communities Habitat

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

3. Wetlands

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

6. Adopted Habitat Conservation Plans

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

E. Cultural Resources:

1. Historic Resources

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

2. Human Remains

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

F. Energy:

1. Wasteful, Inefficient, or Unnecessary Consumption

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

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

2. Renewable Energy and Energy Efficiency Plans

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

G. Geology and Soils:

1. Substantial Adverse Effects

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

2. Loss of Topsoil

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

3. Unstable Soils

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

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

4. Expansive Soils

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

5. Septic Tanks

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

6. Paleontological Resources

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

H. Greenhouse Gas Emissions:

1. Consistency with GHG Reduction Plans, Policies, Regulations

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

2. GHG Generation

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

I. Hazards and Hazardous Materials:

1. Routine Transport, Use, and Disposal

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

2. Accident or Upset

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

3. Hazards Near Schools

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

4. Hazardous Materials Sites

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

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

5. Airports

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

6. Emergency Plans

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

7. Wildland Fires

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

J. Hydrology and Water Quality:

1. Water Quality Standards

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

2. Groundwater Supplies

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

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

3. Existing Drainage Patterns, Runoff, and Flood Flows

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

4. Inundation

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

5. Water Quality Control Plan

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

K. Land Use and Planning:

1. Divide a Community

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

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

2. Conflict with Plans

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

3. Mineral Resources

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

L. Noise:

1. Groundborne Vibration (Project Level)

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

2. Public Airports

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

M. Population and Housing:**1. Population Growth**

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

2. Displace Housing and People

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

N. Public Services**1. Fire Protection**

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

2. Police Services:

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

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

3. Education

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

4. Parks

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

5. Other Public Facilities

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

O. Recreation:

1. Existing Facilities

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

2. New Recreational Facilities

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

P. Transportation:

1. Conflicts with Plans (Operation)

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

2. Vehicle Miles Traveled

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

3. Design Feature Hazards

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

4. Emergency Access

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

Q. Tribal Cultural Resources:

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

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

1. Relocation or Expanded Services

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

2. Water Supplies

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

3. Wastewater Capacity

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

4. Solid Waste Standards

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

5. Solid Waste Statutes and Regulations

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

S. Wildfire:

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

1. Emergency Response and Evacuation

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

2. Wildfire Exacerbation

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

3. Associated Infrastructure

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

4. Exposure to Risks

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

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

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

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

A. Aesthetics

1. Impact Summary - Scenic Resources

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

2. Project Design Features

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

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

3. Mitigation Measures

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

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

Protective Fencing:

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

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

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

Grading Restrictions Near Trees:

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

Trenching and Excavation:

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

Equipment Storage:

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

Frequency of Watering Around Oak Trees:

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

Pruning:

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

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

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

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

4. Finding

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

5. Rationale for Finding

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

6. Reference

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

B. Air Quality**1. Impact Summary****Applicable Air Quality Plans (Construction)****Criteria Air Pollutants (Construction)****Cumulative Impacts (Construction)**

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

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

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

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

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

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

2. Mitigation Measures

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

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

3. Finding

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

4. Rationale for Finding

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

5. Reference

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

C. Biological Resources

1. Impact Summary

Migration and Nursery Sites Local Policies or Ordinances

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

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

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

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

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

2. Project Design Features

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

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

3. Mitigation Measures

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

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

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

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

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

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

Protective Fencing:

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

Grading Restrictions Near Trees:

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

Trenching and Excavation:

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

Equipment Storage:

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

Frequency of Watering Around Oak Trees:

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

Pruning:

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

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

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

4. Finding

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

5. Rationale for Finding

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

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

6. Reference

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

D. Cultural Resources

1. Impact Summary

Archaeological Resources

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

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

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

2. Mitigation Measures

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

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

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

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

3. Finding

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

4. Rationale for Finding

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

5. Reference

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

E. Noise

1. Impact Summary

Ambient Noise Levels (On-Site Construction Noise)

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

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

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

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

2. Mitigation Measures

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

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

3. Finding

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

4. Rationale for Finding

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

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

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

5. Reference

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

VI. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

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

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

A. Noise

1. Impact Summary

Construction

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

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

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

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

2. Project Design Features

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

PDF-TRAF-1:

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

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

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

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

3. Mitigation Measures

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

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

4. Finding

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

5. Rationale for Finding

Construction

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

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

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

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

Cumulative Impacts

Construction Groundborne Noise and Vibration

Human Annoyance

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

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

6. Reference

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

B. Transportation and Traffic

1. Impact Summary

Construction

Intersection Capacity and Neighborhood Street Intrusion Criteria

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

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

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

2. Project Design Features

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

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

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

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

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

3. Mitigation Measures

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

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

4. Finding

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

5. Rationale for Finding

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

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

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

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

6. Reference

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

VII. ALTERNATIVES TO THE PROJECT

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

A. Summary of Findings

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

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

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

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

B. Project Objectives

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

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

Update Inadequate Facilities

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

Student Health and Well Being

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

Design

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

Enhance Campus Programming

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

Improve Pedestrian Safety, Circulation and Parking

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

C. Project Alternatives Analyzed***Alternative 1—No Project/No Build Alternative***Description

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

Impact Summary

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

Finding

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

Rationale for Finding

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

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

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

References

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

Alternative 2—Reduced Intensity – 50% Floor Area Reduction

Description

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

Impact Summary

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

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

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

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

Finding

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

Rationale for Finding

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

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

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

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

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

Alternative 3—Alternative Construction Route

Description

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

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

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

Impact Summary

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

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

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

Finding

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

Rationale for Finding

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

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

References

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

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

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

Impact Summary

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

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

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

Finding

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

Rationale for Finding

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

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

Reference

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

Alternative 5

Description

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

Impact Summary

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

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

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

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

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

Finding

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

Rationale for Finding

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

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

Reference

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

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

D. Project Alternatives Considered and Rejected

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

Alternative Off-Site Location

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

Alternative On-Site Uses

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

Alternative On-Site Location

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

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

E. Environmentally Superior Alternative

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

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

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

Alternative 5 – Environmentally Superior Alternative

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

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

VIII. OTHER CEQA CONSIDERATIONS

A. Significant Irreversible Environmental Changes

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

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

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

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

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

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

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

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

C. Growth-Inducing Impacts

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

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

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

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

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

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

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

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

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

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

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

X. GENERAL CEQA FINDINGS

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

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

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

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



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **DEC 02 2021**

Case No. ZA-2017-928-ZAD

Council District: 11 – Bonin

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

Plan Area: Brentwood – Pacific Palisades

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

Project Site: 12001 Chalon Road

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

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


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

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

The vote proceeded as follows:

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

Vote: 6 – 0



Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

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

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

FINAL APPEAL DATE: DEC 17 2021

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

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

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

CONDITIONS OF APPROVAL

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

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

Determination Conditions

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

Environmental Conditions

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

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

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

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

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

Administrative Conditions of Approval

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

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

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

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

FINDINGS

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

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

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

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

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

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

a. Grading

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

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

b. Retaining Walls (Number and Height)

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

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

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

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

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

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

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

a. Grading

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

b. Retaining Walls (Number and Height)

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

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

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

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

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

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

General Plan Framework Element

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

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

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

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

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

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

a. Grading

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

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

b. Retaining Walls (Number and Height)

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

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

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

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

Brentwood-Pacific Palisades Community Plan

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

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

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

a. Grading

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

b. Retaining Walls (Number and Height)

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

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

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

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

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

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

a. Grading

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

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

b. Retaining Walls (Number and Height)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CEQA Findings

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

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

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

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

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

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

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

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

NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED

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

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

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

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

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

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

RECORD OF PROCEEDINGS

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

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

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OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 22-0062

Council Meeting Date: April 8, 2022

Agenda Item No.: 6

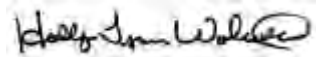
Agenda Description: CONSIDERATION OF and ACTIONS RELATED TO THE MOUNT SAINT MARY'S UNIVERSITY CHALON CAMPUS (CAMPUS) WELLNESS PAVILION PROJECT (PROJECT) ENVIRONMENTAL IMPACT REPORT (EIR), RELATED AND PREPARED ENVIRONMENTAL FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING PROGRAM PREPARED FOR THE PROJECT EIR, and RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS; COMMUNICATION FROM THE LOS ANGELES CITY PLANNING COMMISSION (LACPC), and APPEALS filed by 1) Brentwood Homeowners Association (Representative: Kathleen Flanagan, Board President of Brentwood Homeowners Association); 2) Douglas P. Carstens, on behalf of Brentwood Residents Coalition, Brentwood Alliance of Canyons and Hillside, and Residential Neighbors of Mount Saint Mary's University; 3) Bundy Canyon Association (Representative: Jamie T. Hall, Channel Law Group, LLP; 4) Bernadette and Tim Leiweke, Barbara and Richard Bergman, Victor Antola, and Mary and David Vena (Representative: Neill E. Brower, Esq., Jeffer Mangels Butler and Mitchell, LLP); and 5) Timothy D. Reuben and Stephanie I. Blum, Reuben Raucher and Blum; from the determination of the LACPC in finding that the LACPC has reviewed and considered the information contained in the EIR, No. ENV-2016-2319-EIR (SCH No. 2016081015), dated April 2018, and the Final EIR, dated June 2021 (collectively, Project EIR), as well as the whole of the administrative record; certifying that the Project EIR has been completed in compliance with the CEQA, the Project EIR was presented to the LACPC as a decision-making body of the lead agency, and the Project EIR reflects the independent judgment and analysis of the lead agency; adopting the related and prepared Project Environmental Findings, Statement of Overriding Considerations, and the MMP prepared for the Project EIR; approving a Plan Approval to allow for the development of Alternative 5 in conjunction with the continued use of a private school in the RE40-1-H Zone, pursuant to Section 12.24 M of the Los Angeles Municipal Code (LAMC); and, approving, pursuant to LAMC Section 12.24 F, a determination to permit a building height of 42 feet for the Wellness Pavilion, in lieu of the maximum height of 30 feet otherwise permitted by LAMC Section 12.21 C.10(d); for the Project (Alternative 5) involving the demolition of two tennis courts, an outdoor pool area, one Facilities Management building, 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, physical therapy lab, dance and cycling studios, lockers, showers, restrooms, and an equipment storage area; the Project does not include a request to increase student enrollment but will require the addition of one new staff person, and will introduce three new types of events which can be attended by outside guests, students, faculty, and/or staff; the Project's new events will include: (1) Summer Sports Camps (which will operate over a 12-week period during the summer); (2) Health and Wellness Speaker Series (a maximum of eight annual events); and, (3) other Wellness/Sports Events/Activities (a maximum of 12 events per year); two existing events, Athenian Day and Homecoming, currently held at the Campus, will be moved to the Wellness Pavilion to allow for potential attendance increases, and Club Sports, but not intercollegiate sports, will be permitted; the Project will include a maximum building height of 42 feet; for the property located at 12001 Chalon Road, subject to Conditions of Approval.

Council Action: PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT - ADOPTED

Council Vote:

YES	Blumenfield	ABSENT	Bonin	ABSENT	Buscaino
ABSENT	Cedillo	YES	de León	YES	Harris-Dawson
YES	Koretz	YES	Krekorian	ABSENT	Lee
YES	Martinez	YES	O'Farrell	YES	Price
ABSENT	Raman	YES	Rodriguez	YES	Wesson, Jr.



HOLLY L. WOLCOTT
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 12.24

FILE SENT TO MAYOR
LAST DAY FOR MAYOR TO ACT

04/12/2022
04/22/2022

APPROVED



4/12/2022

DATE SIGNED

Adopted Report(s)Title
Report from Planning and Land Use Management Committee_04-05-22

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213)978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER

CLERK.LACITY.ORG

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 22-0062-S1

Council Meeting Date: April 8, 2022

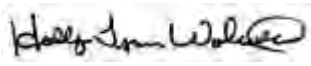
Agenda Item No.: 7

Agenda Description: CONSIDERATION OF and ACTIONS RELATED TO THE MOUNT SAINT MARY'S UNIVERSITY CHALON CAMPUS (CAMPUS) WELLNESS PAVILION PROJECT (PROJECT) ENVIRONMENTAL IMPACT REPORT (EIR), RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS PURSUANT TO CEQA GUIDELINES, SECTIONS 15162 AND 15164; COMMUNICATION FROM THE LOS ANGELES CITY PLANNING COMMISSION (LACPC), and APPEALS filed by 1) Bundy Canyon Association (Representative: Jamie T. Hall, Channel Law Group, LLP; and 2) Bernadette and Tim Leiweke, Barbara and Richard Bergman, Victor Antola, and Mary and David Vena (Representative: Neill E. Brower, Esq., Jeffer Mangels Butler and Mitchell, LLP); from the determination of the LACPC in finding that 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, and approving a Zoning Administrator Determination, pursuant to Los Angeles Municipal (LAMC) Section 12.24 X.28, 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 12.21 C.10(f)(1); and, approving a Zoning Administrator Determination, pursuant to LAMC Section 12.24 X.26, 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; for the Project (Alternative 5) that 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; for the property located at 12001 Chalon Road, subject to Conditions of Approval.

Council Action: PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT - ADOPTED

Council Vote:

YES	Blumenfield	ABSENT	Bonin	ABSENT	Buscaino
ABSENT	Cedillo	YES	de León	YES	Harris-Dawson
YES	Koretz	YES	Krekorian	ABSENT	Lee
YES	Martinez	YES	O'Farrell	YES	Price
ABSENT	Raman	YES	Rodriguez	YES	Wesson, Jr.


HOLLY L. WOLCOTT
CITY CLERK

Adopted Report(s)Title
Report from Planning and Land Use Management Committee_04-05-22

ENVIRONMENTAL IMPACT REPORT (EIR), RELATED AND PREPARED ENVIRONMENTAL FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING PROGRAM (MMP), and RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS; and PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to appeals filed for a Plan Approval and Conditional Use for the property located at 12001 Chalon Road.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND, that the Los Angeles City Planning Commission (LACPC) has reviewed and considered the information contained in the EIR No. ENV-2016-2319-EIR (SCH No. 2016081015) dated April 2018, and the Final EIR, dated June 2021 [collectively, Mount Saint Mary's University (MSMU) Chalon Campus Wellness Pavilion Project EIR], as well as the whole of the administrative record.
2. CERTIFY the following:
 - a. The MSMU Chalon Campus Wellness Pavilion Project EIR has been completed in compliance with CEQA.
 - b. The MSMU Chalon Campus Wellness Pavilion Project EIR was presented to the LACPC as a decision-making body of the lead agency and the City Council on an appeal of the EIR.
 - c. The MSMU Chalon Campus Wellness Pavilion Project EIR reflects the independent judgment and analysis of the lead agency.
3. ADOPT the following:
 - a. The related and prepared MSMU Chalon Campus Wellness Pavilion Project Environmental Findings.
 - b. The Statement of Overriding Considerations.
 - c. The MMP prepared for the MSMU Chalon Campus Wellness Pavilion Project EIR.
4. ADOPT the FINDINGS of the LACPC as the Findings of Council.
5. RESOLVE TO DENY THE APPEALS filed by 1) Brentwood Homeowners Association (Representative: Kathleen Flanagan, Board President of Brentwood Homeowners Association); 2) Douglas P. Carstens, on behalf of Brentwood Residents Coalition, Brentwood Alliance of Canyons and Hillsides, and Residential Neighbors of MSMU; 3) Bundy Canyon Association (Representative: Jamie T. Hall, Channel Law Group, LLP; 4) Bernadette and Tim Leiweke, Barbara and Richard Bergman, Victor Antola, and Mary and David Vena (Representative: Neill E. Brower, Esq., Jeffer Mangels Butler and Mitchell, LLP); and 5) Timothy D. Reuben and Stephanie I. Blum, Reuben Raucher and Blum; and THEREBY SUSTAIN the LACPC's determination in approving a Plan Approval to allow for the development of Alternative 5 in conjunction with the continued use of a private school in the RE40-1-H Zone, pursuant to Section 12.24 M of the Los Angeles Municipal Code (LAMC); and, approving, pursuant to LAMC Section 12.24 F, a determination for a Conditional Use to permit a building height of 42 feet for the Wellness Pavilion, in lieu of the maximum height of 30 feet otherwise permitted by LAMC Section 12.21 C.10(d); for the Project (Alternative 5) involving the demolition of two tennis courts, an outdoor pool area, one Facilities Management building, 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, multipurpose rooms, physical therapy lab, dance and cycling studios, lockers, showers, restrooms, and an equipment storage area;

the Project does not include a request to increase student enrollment but will require the addition of one new staff person, and will introduce three new types of events which can be attended by outside guests, students, faculty, and/or staff; the Project's new events will include: (1) Summer Sports Camps (which will operate over a 12-week period during the summer); (2) Health and Wellness Speaker Series (a maximum of eight annual events); and, (3) other Wellness/Sports Events/Activities (a maximum of 12 events per year); two existing events, Athenian Day and Homecoming, currently held at the Campus, will be moved to the Wellness Pavilion to allow for potential attendance increases, and Club Sports, but not intercollegiate sports, will be permitted; the Project will include a maximum building height of 42 feet; for the property located at 12001 Chalon Road, subject to Conditions of Approval as modified by the PLUM Committee on April 5, 2022, to include the following:

- a. Concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average weekday daily Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to the 2018 trip counts taken for the Campus, a 21 percent reduction below the 2016 baseline trip counts (2,291 trips reduced to 1,813 trips) and shall limit average weekday am-pm peak hour trips to three percent below the 2018 trip counts taken for the Campus, a 27 percent reduction below the 2016 baseline trip counts (672 a.m. – p.m. peak hour trips reduced to 490 a.m. – p.m. peak hour trips) for five years. 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 the Los Angeles Department of Transportation.
- b. MSMU shall annually review its Wildfire Emergency Response Plan with the Los Angeles Fire Department (LAFD) for concurrence, and incorporate any new input from LAFD as appropriate. MSMU shall also provide an After Action Report to LAFD and Council District 11 following any wildfire event impacting the campus.

Applicant: Debra Martin, MSMU

Representative: Victor De la Cruz, Manatt, Phelps and Phillips, LLP

Case No. CPC-1952-4072-CU-PA-1A

Environmental Nos. ENV-2016-2319-EIR; SCH No. 2016081015

Related Case No. ZA-2017-928-ZAD-1A

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: None submitted

Summary:

At a regular meeting held on April 5, 2022, the PLUM Committee considered a report from the LACPC and appeals filed for a Conditional Use and Plan Approval for the property located at 12001 Chalon Road. Department of City Planning staff provided an overview of the matter. Councilmember Bonin provided comments in support of denying the appeals, and requested to include additional Conditions of Approval, as detailed above. After an opportunity for public comment, and presentations from the Appellants, Appellants' Representatives, and the Applicant's Representative; the Committee recommended to deny the appeals and thereby sustain the LACPC's determination in certifying the EIR; adopting the related and prepared MSMU Chalon Campus Wellness Pavilion Project Environmental Findings, the Statement of Overriding Considerations, and the MMP prepared for the MSMU Chalon Campus Wellness Pavilion Project EIR; and, approving the Plan Approval and Conditional Use for the Project, subject to Conditions of Approval as amended to include the additional Conditions of Approval. This matter is now submitted to Council for consideration.

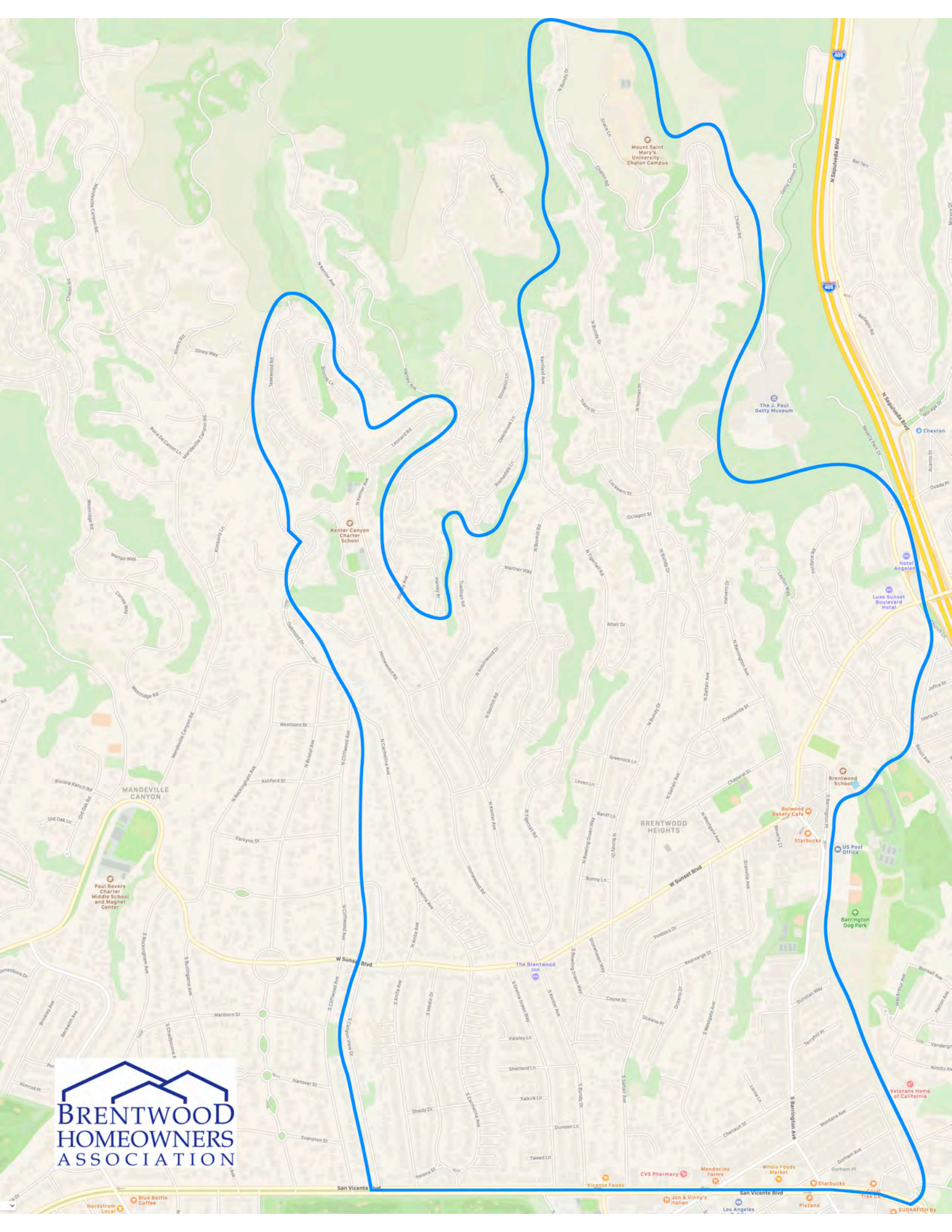
Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
HARRIS-DAWSON:	YES
CEDILLO:	YES
BLUMENFIELD:	YES
LEE:	ABSENT
RODRIGUEZ:	YES

CR
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CD 11

-NOT OFFICIAL UNTIL COUNCIL ACTS-



Chapter IV

Mitigation Monitoring Program

Chapter IV

Mitigation Monitoring Program

1. Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program. An EIR has been prepared to address the Project’s potential environmental impacts. The evaluation of the Project’s impacts takes into consideration project design features (PDFs), which are measures that are a component of the Project’s design and are detailed in the EIR. Where appropriate and feasible, the EIR also identifies mitigation measures to avoid or substantially lessen significant and unavoidable impacts. This MMP is designed to monitor implementation of the PDFs and mitigation measures.

Section 5, below, provides a complete MMP for the Project as studied in the Draft EIR and corrected and modified in Chapter III, *Revisions, Clarifications, and Corrections*, of this Final EIR. As stated previously in the Final EIR, in a letter dated February 5, 2021, MSMU has requested that the Department of City Planning consider the recommendation of Alternative 5.

Alternative 5 would reduce the Project’s significant and unavoidable operational traffic impacts identified in the Draft EIR to a level of less than significant and would incrementally reduce the Project’s significant and unavoidable off-site construction noise impacts. As explained in Chapter III, *Revisions, Clarifications, and Corrections*, and shown in Table III-15, *Comparison of Impacts Summary*, Alternative 5 would reduce the Project’s environmental impacts over a broad range of environmental issues in the categories of Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse

Gas Emissions, Hydrology and Water Quality, Noise and Vibration, Public Services, Transportation and Traffic, Tribal Cultural Resources, and Utilities.

With respect to its PDFs and Mitigation Measures, Alternative 5 is consistent with the Project in every category apart from Transportation and Traffic, and would, if approved by the Lead Agency, incorporate the Project's MMP as provided in Section 6, below, other than with respect to Transportation and Traffic. Section 6, below, provides mitigation and monitoring program elements specific to Alternative 5's Transportation and Traffic PDFs and MMs.

Therefore, any reference to the "Project" (or project) below shall apply to both the Project and Alternative 5, unless otherwise noted.

2. Purpose

It is the intent of the MMP to:

1. Verify compliance with the PDFs and mitigation measures identified in the EIR;
2. Provide a framework to document implementation of the identified PDFs and mitigation measures;
3. Provide a record of mitigation requirements;
4. Identify monitoring and enforcement agencies;
5. Establish and clarify administrative procedures for the clearance of PDFs and mitigation measures;
6. Establish the frequency and duration of monitoring; and
7. Utilize the existing agency review process whenever feasible.

3. Organization

As shown on the following pages, each required project design feature and mitigation measure for the Project is listed and categorized by impact area, with an accompanying identification of the following:

- ≠ **Enforcement Agency:** The agency with the power to enforce the project design feature or mitigation measure;
- ≠ **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made;
- ≠ **Monitoring Phase:** The phase of the Project during which the project design feature or mitigation measure shall be monitored;
- ≠ **Monitoring Frequency:** The frequency at which the project design feature or mitigation measure shall be monitored; and
- ≠ **Action Indicating Compliance:** The action(s) of which the Enforcement or Monitoring Agency indicates that compliance with the required project design feature or mitigation measure has been implemented.

4. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. MSMU shall be responsible for implementing each PDF and mitigation measure 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. MSMU shall maintain records demonstrating compliance with each PDF and mitigation measure. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, MSMU 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 mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

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

5. Program 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 mitigation measures contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or mitigation measure 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 mitigation measures. Any addendum or

subsequent CEQA clearance shall explain why the PDF or mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or mitigation measure, 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 mitigation measure 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 mitigation measure results in a substantial change to the Project or the non-environmental conditions of approval.

6. Draft EIR Project – Mitigation Monitoring Program

a) Aesthetics

(1) Project Design Features

PDF-AES-1: Outdoor lighting, including walkway security lighting, plaza lighting, and lighting for the parking areas, shall be designed and installed with shielding, such that the light source cannot be seen from residential properties in the area, or the off-site public right-of-way.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Pre-operation

Monitoring Frequency: Periodic field inspections during construction; once at Project plan check; once during field inspection

Action Indicating Compliance: Plan check approval and issuance of applicable building permit; compliance certification report by Project contractor; field inspection sign-off; issuance of Certificate of Occupancy

PDF-AES-2: Glass used in building facades shall minimize glare (e.g., minimize the use of glass with mirror coatings). Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements shall be permitted. Prior to issuance of a building permit, the City of Los Angeles Department of Building and Safety (LADBS) shall review the exterior building materials to confirm that they do not exceed the reflectivity of standard building materials, and would not cause significant glare impacts on motorists or nearby residential uses.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Pre-operation
Monitoring Frequency:	Once at Project plan check; Once during field inspection
Action Indicating Compliance:	Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

b) Air Quality

(1) Project Design Features

PDF AQ-1: The Project shall comply with applicable CalGreen requirements regarding the number of EV Ready and EV Capable parking spaces. Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. When the application of the CalGreen requirement results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Pre-operation
Monitoring Frequency:	Once at Project plan check; once during field inspection
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

PDF AQ-2: Natural light would be incorporated in the design of the main building spaces using large expanses of glass and skylights.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Pre-operation

Monitoring Frequency: Once at Project plan check; once during field inspection

Action Indicating Compliance: Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

PDF AQ-3: Installation of an interior light system that would be able to sense the amount of natural light available and automatically adjust the amount of artificial light needed.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Pre-operation

Monitoring Frequency: Once at Project plan check; once during field inspection

Action Indicating Compliance. Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

PDF AQ-4: High efficiency, low-e insulated glass units would be used for the Project.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Pre-operation

Monitoring Frequency: Once at Project plan check; once during field inspection

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

PDF AQ-5: The Project roof would be single-ply to reflect solar heat and reduce heat absorption into the building.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once at Project plan check; once during field inspection

Action Indicating Compliance: Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

PDF AQ-6: Water bottle filling stations would be provided in the proposed Wellness Pavilion, reducing waste from disposal of water bottles.

Enforcement Agency: City of Los Angeles Department of Building and Safety
Monitoring Agency: City of Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction; Pre-operation
Monitoring Frequency: Once at Plan Check, periodic inspections during occupancy
Action Indicating Compliance: Issuance of Certificate of Occupancy

PDF AQ-7: A minimum of 15 percent of the roof area would be solar ready.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction; Pre-operation
Monitoring Frequency: Once at Project plan check; Once during field inspection
Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

PDF AQ-8: Where electricity from power poles is readily available, such electricity from power poles shall be used to power construction equipment during Project construction and/or solar power generators rather than temporary diesel- or gasoline-powered generators. In the event that electricity from power poles is not readily available during construction, solar-powered generators shall be used to power construction equipment during Project construction rather than temporary diesel or gasoline-powered generators. If electricity is not available from power poles or cannot be feasibly provided by solar-powered generators, then temporary diesel or gasoline-powered generators may be used to power construction equipment during Project construction.

Enforcement Agency: City of Los Angeles Department of Building and Safety
Monitoring Agency: City of Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off; Compliance report by Project contractor

(2) Mitigation Measures

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

Enforcement Agency: South Coast Air Quality Management District
Monitoring Agency: City of Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction; Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off; compliance report by Project contractor

c) Biological Resources

(1) Project Design Features

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

Enforcement Agency: City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety
Monitoring Agency: City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction; Construction
Monitoring Frequency: Once prior to Certificate of Occupancy
Action Indicating Compliance: Field inspection sign-off; compliance report by Project contractor

(2) Mitigation Measures

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

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

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

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

Enforcement Agency:	City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction
Monitoring Frequency:	Once, prior to issuing a Building Permit, periodic field inspections during construction
Action Indicating Compliance:	Field inspection sign-off; compliance report by qualified consultant

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

Protective Fencing:

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

Grading Restrictions Near Trees:

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

Trenching and Excavation:

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

Equipment Storage:

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

Frequency of Watering Around Oak Trees:

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

Pruning:

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

Enforcement Agency:

City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety

Monitoring Agency:

City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety

Monitoring Phase:

Construction

Monitoring Frequency: Once, prior to issuing a Building Permit, periodic field inspections during construction

Action Indicating Compliance: Field inspection sign-off; compliance report by qualified consultant/certified arborist

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

Enforcement Agency: City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic during construction per recommendations of consultant

Action Indicating Compliance: Field inspection sign-off; compliance report by qualified consultant

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

Enforcement Agency: City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Urban Forestry; City of Los Angeles Department of Building and Safety

Monitoring Phase: Post-construction

Monitoring Frequency: Once, three years subsequent to completion of construction

Action Indicating Compliance: Field inspection sign-off; compliance report by qualified consultant

d) Cultural Resources

(1) Mitigation Measures

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

The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of treatment and/or the any follow-up archaeological construction monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. The report and the Site Forms shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies.

Enforcement Agency: City of Los Angeles Department of City Planning

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic per recommendations of archeologist

Action Indicating Compliance: Compliance report by qualified archaeologist

e) Geology and Soils

(1) Project Design Features

PDF-GS-1: A qualified geotechnical engineer (e.g., a Certified Engineering Geologist or a Geotechnical Engineer as licensed by the State of California Board for Professional Engineers, Land Surveyors, and Geologists) shall be retained by the Applicant and be present on the Project Site during excavation, grading, and general site preparation activities to monitor the implementation of the recommendations specified in the Final Geotechnical Report, map geologic conditions during grading, and test all grading and earthwork.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Compliance certificate report by qualified consultant

f) Hydrology and Water Quality

(1) Project Design Features

PDF-H/WQ-1: An underground stormwater drain system shall be installed along the edges of the Project Site to collect and divert any uncontrolled sheet flow that would enter the Campus's east- and west-facing natural slopes.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Post-construction

Monitoring Frequency: Periodic field inspections during construction; once at Project plan check; once during field inspection

Action Indicating Compliance: Plan check approval and issuance of applicable building permit; compliance certification report by Project contractor; field inspection sign-off; issuance of Certificate of Occupancy

g) Noise

(1) Mitigation Measures

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

Enforcement Agency: City of Los Angeles Department of Building and Safety;
City of Los Angeles Department of City Planning

Monitoring Agency: City of Los Angeles Department of Building and Safety;
City of Los Angeles Department of City Planning

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Compliance certificate report by qualified consultant

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

Enforcement Agency: City of Los Angeles Department of Building and Safety;
City of Los Angeles Department of City Planning

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance: Compliance certificate report by qualified consultant

h) Transportation and Traffic

(1) Project Design Features

PDF-TRAF-1: Construction Traffic Management Plan. MSMU shall prepare a detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans as necessary and satisfactory to LADOT. The Construction Traffic Management Plan shall be based on the nature and timing of the specific

construction activities and other projects in the vicinity of the Project Site, and shall include the following elements as appropriate:

- ≠ Appropriate temporary traffic controls (signs and temporary signals) shall be installed along the public rights-of-way during all construction activities to ensure pedestrian and vehicular safety during construction.
- ≠ Scheduling construction activities to reduce the effect on traffic flow on arterial streets. During peak haul traffic, if off-site staging is required, trucks would be radioed in from an off-site staging area to avoiding queuing along adjacent street.
- ≠ Schedule construction-related deliveries, other than concrete and earthwork-related deliveries, between the hours of 7:00 AM and 3:00 PM to avoid the PM Peak hour as identified in the Project's Traffic Study and to reduce the potential of trucks waiting to load or unload for protracted periods of time. This restriction shall not apply to trucks being used for the concrete pour that cannot feasibly be finished before 3:00 PM.
- ≠ Maintain access for surrounding residential uses in proximity to the Project Site during Project construction.
- ≠ Identify designated transport routes for haul trucks and heavy trucks to be used over the duration of the Project. Develop a plan for staging trucks prior to arriving at the Site.
- ≠ Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring residences at all times.
- ≠ In the event of temporary lane closures, a worksite traffic control plan, approved by LADOT, should be implemented to route vehicular traffic or pedestrians around any such closures.
- ≠ Unrestricted access for school buses shall be maintained on street rights-of-way during construction.
- ≠ Project contractors shall maintain ongoing communication with school administrators at affected schools along the haul route including Archer School for Girls, Brentwood School, and St Martin of Tours School, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
- ≠ Barriers and/or fencing shall be installed around construction sites to secure construction equipment and the Site and to prevent trespassing, vandalism, and attracting nuisances.
- ≠ Temporary haul truck staging will not be permitted on local hillside streets.
- ≠ Truck loading/unloading will occur on the MSMU Campus, not on local hillside streets.
- ≠ Safe truck driving practices, including low gear, not passing another vehicle, deployment of optional 4th axle, if available, shall be required.

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

Enforcement Agency:	City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
Monitoring Agency:	City of Los Angeles Department of Transportation
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once prior to issuance of Building Permit; Periodic field inspections during construction
Action Indicating Compliance:	Approval of Construction Management Plan from the City of Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF-2: Construction Parking Plan. MSMU shall prepare a Construction Parking Plan prior to the issuance of a building permit that identifies temporary parking locations for construction workers and for MSMU students, faculty/staff, and visitors and shall include the following elements as appropriate:

- ≠ Parking for MSMU students, faculty/staff, and visitors shall be accommodated via a valet service on the Campus. Valet operations would enable vehicles to be stacked in on-site parking lot aisles to maximize available vehicle parking spaces on the Campus.
- ≠ No construction worker parking will be allowed on local residential streets. Construction workers shall all park on the Campus.
- ≠ Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations. All contracts with construction contractors shall expressly prohibit construction worker parking on residential streets. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, for monitoring compliance of the subcontractors, and if necessary, for hiring a security guard to enforce these parking provisions.

Enforcement Agency:	City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
Monitoring Agency:	City of Los Angeles Department of Transportation
Monitoring Phase:	Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of Building Permit; Periodic field inspections during construction

Action Indicating Compliance: Approval of Construction Parking Plan from the City of Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF-3: The Project Applicant shall attend bi-monthly (or at a frequency determined appropriate by City Staff) construction management meetings conducted by City Staff and the operators or contractors for the Archer School for Girls and the Brentwood School to coordinate the periods of heaviest construction activity in order to avoid overlapping hauling activities. Coordination shall ensure that construction activities associated with these concurrent related projects and hauling activities are managed in collaboration with one another. The Project Applicant shall provide advance notification to LADOT, the Archer School for Girls, and the Brentwood School of its upcoming construction activities, including durations and daily hours of construction.

Enforcement Agency: City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of Building Permit; Periodic during construction

Action Indicating Compliance: Approval of Construction Management Plan from the City of Los Angeles Department of Transportation prior to issuance of Building Permit and City of Los Angeles Department of City Planning (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF 4: The Project Applicant shall develop a plan for coordinating access for construction workers, school employees, students, and bus access when school and construction are concurrent.

Enforcement Agency: City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of Building Permit; Periodic field inspections during construction

Action Indicating Compliance: Approval of Construction Management Plan from the City of Los Angeles Department of Transportation and City of Los Angeles Department of City Planning prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF-5: Construction truck travel on local streets shall be limited to Bundy Drive, Norman Place, and Chalon Drive only; trucks would not travel on any other local streets serving the neighborhoods surrounding the Project Site.

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of Building Permit; Periodic field inspections during construction

Action Indicating Compliance: Approval of Construction Management Plan from the City of Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF-6: All heavy truck hauling of construction equipment and construction materials deliveries shall be limited to hours between 7:00 AM and 3:00 PM to avoid the PM peak-hour commuter traffic period. This restriction shall not apply to concrete pour that cannot feasibly be finished prior to 3:00 PM. No on-street staging or idling of haul trucks on public roadways will be allowed.

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of Building Permit; Periodic field inspections during construction

Action Indicating Compliance: Approval of Construction Management Plan from the City of Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF-7: Campus Event Coordination Plan. MSMU shall develop a Campus Event Coordination Plan that would define the parameters of the valet parking program, monitor off-Campus parking during events, and provide staff/signage to direct traffic during

events. This Plan shall be submitted to LADOT for review and approval prior to issuance of a certificate of occupancy for the proposed Wellness Pavilion.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Phase:	Operation
Monitoring Frequency:	Once prior to issuance of Certificate of Occupancy; Periodic field inspections during operation
Action Indicating Compliance:	Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-8 – MSMU will limit the total number of outside guests to 400 on a daily basis for new events such as the Other Wellness/Sports Events and Health and Wellness Speaker Series, and 200 campers and 40 staff on a daily basis for Summer Sports Camps. No new Wellness Pavilion event may occur concurrently with any existing event.

Enforcement Agency:	City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of Transportation
Monitoring Phase:	Operation
Monitoring Frequency:	Once prior to issuance of Certificate of Occupancy; Periodic field inspections during operation
Action Indicating Compliance:	Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

(2) Mitigation Measures

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

Enforcement Agency:	City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of Transportation
Monitoring Phase:	Construction
Monitoring Frequency:	Periodic field inspections during construction

Action Indicating Compliance: Compliance certification report submitted by Project contractor

7. Alternative 5 – Mitigation Monitoring Program

As mentioned above, Alternative 5's Mitigation Monitoring Program will be consistent with the Project's apart from the Transportation and Traffic section. Alternative 5's Transportation and Traffic mitigation and monitoring program follows below. As discussed in Chapter III, *Revisions, Clarifications, and Corrections*, Alternative 5 incorporates modified versions of the Project's PDF-TRAF-1, PDF-TRAF-2, and PDF-TRAF-7 that incorporate all of the substantive provisions of the Project's PDF-TRAF-3, PDF-TRAF-4, PDF-TRAF-5, and PDF-TRAF-6.

Additionally, as PDF-TRAF-8 provided for a daily outside guest limit applicable to Other Wellness/Sports Activities, Health and Wellness Speaker Series, and Summer Camps, implementation of Alternative 5 would restrict vehicle trips in place of establishing a maximum number of daily outside guests. PDF-TRAF-8 would no longer establish a meaningful threshold given Alternative 5's use of a different metric (restriction of vehicle trips in place of a maximum outside guest attendance) to ensure that operational traffic impacts would be less than significant, and is therefore not included under Alternative 5.

Alternative 5 also incorporates new traffic PDFs PDF-TRAF-9 through PDF-TRAF-18. Therefore, the complete list of Alternative 5's traffic PDFs is as follows:

- ≠ PDF-TRAF-1
- ≠ PDF-TRAF-2
- ≠ PDF-TRAF-7
- ≠ PDF-TRAF-9
- ≠ PDF-TRAF-10
- ≠ PDF-TRAF-11
- ≠ PDF-TRAF-12
- ≠ PDF-TRAF-13
- ≠ PDF-TRAF-14
- ≠ PDF-TRAF-15
- ≠ PDF-TRAF-16
- ≠ PDF-TRAF-17
- ≠ PDF-TRAF-18

a) Transportation and Traffic

(1) Project Design Features

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

- ≠ Appropriate temporary traffic controls (signs and temporary signals) shall be installed along the public rights-of-way during all construction activities to ensure pedestrian and vehicular safety during construction.
- ≠ During peak haul traffic, if off-site staging is required, trucks would be radioed in from an off-site staging area to avoid queuing along adjacent street.
- ≠ Schedule construction-related deliveries, other than concrete and earthwork-related deliveries, between the hours of 7:00 AM and 3:00 PM to avoid the PM peak hour commuter traffic period as identified in the Project's Traffic Study and to reduce the potential of trucks waiting to load or unload for protracted periods of time. This restriction shall not apply to trucks being used for the concrete pour that cannot feasibly be finished before 3:00 PM. No on-street staging or idling of haul trucks on public roadways will be allowed.
- ≠ Maintain access for surrounding residential uses in proximity to the Project Site during Project construction.
- ≠ Identify designated transport routes for haul trucks and heavy trucks to be used over the duration of the Project. Develop a plan for staging trucks prior to arriving at the Site. Temporary haul truck staging will not be permitted on local hillside streets.
- ≠ Truck loading/unloading will occur on the MSMU Campus, not on local hillside streets.
- ≠ Construction truck travel on local streets shall be limited to Bundy Drive, Norman Place, and Chalon Drive only; trucks would not travel on any other local streets serving the neighborhoods surrounding the Project Site.
- ≠ Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring residences at all times.
- ≠ In the event of temporary lane closures, a worksite traffic control plan, approved by LADOT, should be implemented to route vehicular traffic or pedestrians around any such closures.
- ≠ Unrestricted access for school buses shall be maintained on street rights-of-way during construction.

- ≠ MSMU shall attend bi-monthly (or at a frequency determined appropriate by City Staff) construction management meetings conducted by City Staff and the operators or contractors for the Archer School for Girls and the Brentwood School to coordinate the periods of heaviest construction activity in order to avoid overlapping hauling activities. Coordination shall ensure that construction activities associated with these concurrent related projects and hauling activities are managed in collaboration with one another.
- ≠ MSMU shall provide advance notification to LADOT, the Archer School for Girls, the Brentwood School, and St. Martin of Tours School of its upcoming construction activities, including durations and daily hours of construction, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
- ≠ Barriers and/or fencing shall be installed around construction sites to secure construction equipment and the Site and to prevent trespassing, vandalism, and attracting nuisances.
- ≠ Safe truck driving practices, including low gear, not passing another vehicle, deployment of optional 4th axle, if available, shall be required.
- ≠ During construction, MSMU shall clearly post a hotline in several areas around the Campus, including along the construction fence and at the entrance to the Campus, to enable the public to call and report non-compliance with the Construction Traffic Management Plan.

Enforcement Agency:	City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of Transportation
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once prior to issuance of Building Permit; Periodic field inspections during construction
Action Indicating Compliance:	Approval of Construction Management Plan from the City of Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF-2: Construction Parking Plan. MSMU shall prepare a Construction Parking Plan prior to the issuance of a building permit that identifies temporary parking locations for MSMU students, faculty/staff, and visitors and shall include the following elements as appropriate:

- ≠ Parking for MSMU students, faculty/staff, and visitors shall be accommodated via a valet service on the Campus. Valet operations would enable vehicles to be stacked in on-site parking lot aisles to maximize available vehicle parking spaces on the Campus.

- ≠ No construction worker parking will be allowed on local residential streets. Construction workers shall all park on the Campus.
- ≠ Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations. All contracts with construction contractors shall expressly prohibit construction worker parking on residential streets. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, for monitoring compliance of the subcontractors, and if necessary, for hiring a security guard to enforce these parking provisions.
- ≠ MSMU shall develop a plan for coordinating access for construction workers, school employees, students, and bus access when school and construction are concurrent.

Enforcement Agency:	City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of Transportation
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once prior to issuance of Building Permit; Periodic field inspections during construction
Action Indicating Compliance:	Approval of Construction Parking Plan from the City of Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

PDF-TRAF-7: MSMU shall develop a Campus Event Coordination Plan that would define the parameters of the parking reservation system, shuttling, valet parking program, monitoring of on-Campus parking and parking at designated off-Campus parking locations during Other Wellness/Sports Activities events, Health and Wellness Speaker Series events, Summer Sports Camps with up to 50 campers, and Club Sports activities, and-provision of staff/signage to direct vehicles during such events. This Plan shall be submitted to LADOT for review and approval prior to issuance of a certificate of occupancy for the proposed Wellness Pavilion. The Campus Event Coordination Plan shall implement the minimum performance standards set forth in PDF-TRAF-9 to PDF-TRAF-18.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Phase:	Prior to Operation; Operation

Monitoring Frequency: Once prior to issuance of Certificate of Occupancy; Periodic field inspections during operation

Action Indicating Compliance: Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-9: MSMU shall maintain on its website a publicly accessible calendar, updated at least once per month, identifying all Campus events with over fifty outside guests.

Enforcement Agency: City of Los Angeles Department of City Planning

Monitoring Agency: City of Los Angeles Department of City Planning

Monitoring Phase: Operation

Monitoring Frequency: Periodic inspections during operation

Action Indicating Compliance: Compliance certification report submitted by MSMU

PDF-TRAF-10: MSMU shall institute a parking reservation/ticketing system for outside guests arriving to Campus in non-shuttle vehicles for any Other Wellness/Sports Activities or Health and Wellness Speaker Series event, Summer Sports Camps with up to 50 campers, and for Club Sports activities.

- ≠ All outside guests shall be required to use the parking reservation/ticketing system, which shall clearly and conspicuously inform all outside guests that entrance to the Campus will only be permitted under the circumstances provided for by that outside guest's ticket (i.e. a parking reservation or shuttle).
- ≠ The reservation system shall include a reporting capability such that logs detailing issued reservations can be generated and reviewed. LADOT may audit the parking reservation system at any time.
- ≠ For regularly occurring events, such as Summer Sports Camps, entry to the Campus by outside guests will require permits issued through the parking reservation system.
- ≠ Outside guests and Summer Camp attendees will be required to identify at the time they register in the parking reservation/ticketing system whether they will be traveling in a private vehicle or via transportation network companies (TNCs) (such as Uber or Lyft) and their permit will specify their selected mode. Outside guests or Summer Camp attendees arriving by either private or TNC vehicles that do not have either a private vehicle or TNC permit, respectively, will not be allowed to enter the Campus.
- ≠ A reservation for a private vehicle or a Summer Sports Camp staff vehicle will count as two trips. A reservation for a TNC vehicle or private vehicle for outside guests or dropping off/picking up Summer Camp attendees will count as two trips for each arrival to or departure from Campus.

No additional parking reservations/tickets shall be issued once the maximum permitted attendance or trip cap limits are reached.

Accordingly, for outside guests to be granted access to the Campus for Other Wellness/Sports Activities, Health and Wellness Speaker Series events, Summer Sports Camps, or Club Sports activities they must either:

- (1) Arrive by shuttle;
- (2) Be Summer Sports Camp campers with parking permits; or
- (3) Be event outside guests with reservations issued through the parking reservation system.

Outside guests for Other Wellness/Sports Activities, Health and Wellness Speaker Series events, Summer Sports Camps, or Club Sports activities seeking entrance to the Campus in non-shuttle vehicles without a reservation or a permit will be denied access to the Campus. Pedestrian access shall be restricted in accordance with PDF-TRAF-17.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Phase:	Operation
Monitoring Frequency:	Once prior to issuance of Certificate of Occupancy; Periodic field inspections during operation
Action Indicating Compliance:	Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-11: No Other Wellness/Sports Activities or Health and Wellness Speaker Series events shall be scheduled with start times between 7:00 to 9:30 AM and 4:00 to 7:30 PM or end times between 6:30 to 9:00 AM and 3:30 to 7:00 PM.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Phase:	Operation
Monitoring Frequency:	Once prior to issuance of Certificate of Occupancy; Periodic field inspections during operation

Action Indicating Compliance: Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by Project Applicant

PDF-TRAF-12: Total daily outside guest vehicle trips to/from Other Wellness/Sports Activities, Health and Wellness Speaker Series events, and Club Sports activities will be limited to 310 outside guest vehicle trips (155 inbound and 155 outbound), which will be applicable to all vehicles, including shuttles. Pedestrian access shall be restricted in accordance with PDF-TRAF-17.

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Operation

Monitoring Frequency: Periodic field inspections during operation

Action Indicating Compliance: Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by Project Applicant

PDF-TRAF-13: MSMU shall require that campers attending Summer Sports Camps with more than 50 campers travel via shuttles and/or carpools. The number of allowable trips for each peak period would be restricted to 71 inbound and 31 outbound trips during any single hour within the weekday 7:00-9:00 AM peak period, 8 inbound and 34 outbound trips during the weekday 3:00-4:00 PM peak hour, and 3 inbound and 8 outbound trips during any single hour within the weekday 4:00-6:00 PM peak period. If MSMU permits Summer Sports Camps to begin or end during the AM-PM peak hours, it shall provide a Campus entry reservation system, to the satisfaction of LADOT, that shall log and ensure AM-PM peak period trips are not exceeded, and that can be audited by LADOT at any time.

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Operation

Monitoring Frequency: Periodic field inspections during operation

Action Indicating Compliance: Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-14: Total daily vehicle trips to/from Summer Sports Camps will be limited to 236 trips (118 inbound and 118 outbound), which will be applicable to all vehicles, including shuttles. Pedestrian access shall be restricted in accordance with PDF-TRAF-17.

Enforcement Agency: City of Los Angeles Department of Transportation
Monitoring Agency: City of Los Angeles Department of Transportation
Monitoring Phase: Operation
Monitoring Frequency: Periodic field inspections during operation
Action Indicating Compliance: Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-15: Homecoming and Athenian Day events shall be held on weekends only.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Phase: Operation
Monitoring Frequency: Periodic field inspections during operation
Action Indicating Compliance: Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-16: Club Sports activities scheduled during the week shall not begin prior to 7:30 PM. Prior to the beginning of each academic year, MSMU shall inform other schools participating in Club Sports activities of this limitation and of the requirements in PDF-TRAF-10, PDF-TRAF-12, and PDF-TRAF-17.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Phase: Operation
Monitoring Frequency: Periodic field inspections during operation
Action Indicating Compliance: Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-17: Concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall institute and thereafter maintain a policy prohibiting entry on to the Campus by all pedestrians except persons meeting one of the following conditions:

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

The objective of this PDF-TRAF-17 is to prevent parking by any MSMU users in the surrounding neighborhood. MSMU shall establish that the policy instituted in accordance with PDF-TRAF-17 meets this objective, to the satisfaction of LADOT.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation
Monitoring Phase:	Operation
Monitoring Frequency:	Concurrent with the issuance of Certificate of Occupancy; Periodic field inspections during operation
Action Indicating Compliance:	Approval of Campus Event Coordination Plan from the City of Los Angeles Department of Transportation prior to issuance of Certificate of Occupancy; compliance certification report submitted by MSMU

PDF-TRAF-18: 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 1 percent below the 2016 baseline trip counts taken for the Campus (2,160 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. Bi-annual 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.

Enforcement Agency:	City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of Transportation

Monitoring Phase:	Concurrent with the issuance of the Certificate of Occupancy and during Operation
Monitoring Frequency:	Two times per year for five consecutive years and thereafter every five years, Periodic field inspections during operation
Action Indicating Compliance:	Biannual approval of two-week trip counts from the City of Los Angeles Department of Transportation; compliance certification report submitted by MSMU

(2) Mitigation Measures

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

Enforcement Agency:	City of Los Angeles Department of Transportation
Monitoring Agency:	City of Los Angeles Department of Transportation
Monitoring Phase:	Construction
Monitoring Frequency:	Periodic field inspections during construction
Action Indicating Compliance:	Compliance certification report submitted by Project contractor (Construction)

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events; however, Athenian Day and Homecoming, will be permitted to increase the maximum number of students, faculty, and staff, and outside guests upon relocating these events to the Wellness Pavilion. In addition to the existing events noted above, several new events will be held at the Wellness Pavilion including Summer Sports Camps, Health and Wellness Speaker Series, Other Wellness/Sports Activities, and MSMU's existing volleyball and basketball club sports practices and games (which currently practice and play games off-site).

The Summer Sports Camps will be daily camps operating Monday through Friday from 8 AM to 5 PM during the summer months and will be made available to the students, faculty, staff, and outside guests. The Health and Wellness Speaker Series Events will occur throughout the year with a total of eight annual events. The topic of each lecture will vary by speaker, will be about three hours per event, and take place during midmorning, throughout the day, or evening hours on a weekday or weekend day. The lectures will be designed to support MSMU's Wellness curriculum with periodic lectures from experts in health and wellness. Other Wellness/Sports Activities will occur throughout the year with a maximum of 12 annual events permitted. The events can be hosted by MSMU or be external rental activities. These events will be consistent with the Wellness Pavilion goals to support health, wellness, and physical activity. The events will be permitted to take place during midmorning morning, throughout the day, or evening hours on a weekday or a weekend day. Practice and games for MSMU's existing club sports, basketball and volleyball, will be permitted throughout the school year on weekdays after 7:30 PM and anytime on weekends.

The table below provides a complete list of the existing events that will be relocated to the Wellness Pavilion (and otherwise will not change), the estimated increase in students and outside guests for Athenian Day and Homecoming (both are existing events that will be moved to the Wellness Pavilion), the type and number of new events that would be held at the Wellness Pavilion, and the estimated attendance for each of the new events.

Alternative 5 Existing and New Events to be Held at the Wellness Pavilion					
<i>Event</i>	<i>Description</i>	<i>Frequency</i>	<i>Time of Day</i>	<i>Current Location</i>	<i>Estimated Attendance</i>
Existing Events to be Relocated to the Wellness Pavilion / No Additional Changes					
Spring Convocation	Staff and faculty meeting prior to start of spring semester	Annual one-day event / January	8 am to 2 pm / Weekday	Circle / Campus Center	275 SFS 25 OG Total: 300 people
Nursing Panel	Career Services event with outside vendors and panelists	Annual one-day event / January	3 pm to 10 pm / Weekday	Campus Center	125 SFS 25 OG Total: 150 people
Women's Leadership Conference	Conference focused on women leadership	Annual one-day event / September	8 am to 5 pm / Weekend day	Circle / Campus Center/ Classrooms	175 SFS 175 OG Total: 350 people
Live at the Mount	High school students visit the Chalon Campus to learn more about MSMU ¹	Four days fall / four days spring	Morning Weekdays	Campus Center / Circle/ Theater	30 SFS 250 OG Total: 280 people
Student Orientation	Orientation for new students and family members	Annual / two days	8 am to 5 pm / Weekend days	Circle / Center Campus/ Theater / Classrooms	400 SFS 600 OG Total: 1,000 people

Existing Events to be Relocated to the Wellness Pavilion and Increase Attendance / No Additional Changes					
Athenian Day	Athletic event for students and alum	Annual one-day event / spring	8 am to 5 pm / Weekend day	Circle / Center Campus / Pool/ Fitness Facilities	200 SFS 100 OG Total: 300 people (Increase of 50 SFS and 50 OG)
Homecoming	Students, faculty, staff, and alum MSMU celebration	Annual one-day event / October	2 pm to 4 pm / Weekend day	Circle / Campus Center / Classrooms	200 SFS 150 OG Total: 350 people (Increase of 50 SFS and 50 OG)
New Events to be Located at the Wellness Pavilion					
Summer Sports Camps	Sports campus available to students, faculty, and the public	12 weeks during summer	8 am to 5 pm / Monday-Sunday /	New event, not currently held on Campus	400 OG
Health and Wellness Speaker Series	Lecture series to support MSMU's health and wellness curriculum	Maximum 8 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours / weekday or weekend day	New event not currently held on Campus	200 SFS 250 OG Total: 450 people
Other Wellness / Sports Activities	External rental activities that are support health, wellness and sports	Maximum 12 events per year / throughout the year	If event includes OG, cannot start / end during AM or PM peak hours / weekday or weekend day	New event not currently held on Campus	50-400 OG ²
Club Sports	MSMU club volleyball and basketball games and practices	During the school year / no other restrictions	After 7:30 PM on weekdays / no restrictions on weekend days	Existing event not currently held on Campus	20-40 OG
Notes: SFS -Students, Faculty, Staff OG – Outside Guests ¹ - Students are transported to the Campus via five buses. ² - Attendance at Other Wellness/Sports Activities Events assumes all OG to be conservative. However, attendees could be a combination of SFS and OG.					

Alternative 5 Transportation Project Design Features

Alternative 5 includes the implementation of Transportation Project Design Features (PDFs) that establish restrictions and requirements for the Wellness Pavilion construction and operation activities. The two construction PDFs require the implementation of a Construction Traffic Management Plan and Construction Parking Plan. The Construction Traffic Management Plan will require temporary traffic controls, coordination with Brentwood and Archer Schools to avoid the overlapping of hauling activities during the busiest construction periods, and minimization of impacts to the surrounding residential areas. The Construction Parking Plan will prohibit construction workers from parking on the surrounding residential streets, provide construction



Address: 12001 W CHALON ROAD

APN: 4429003033

PIN #: 141B141 5

Tract: P M 4304

Block: None

Lot: A

Arb: None

Zoning: RE40-1-H

General Plan: Minimum Residential



Brush Fires



What is a wildfire/brush fire?

When dry brush ignites, flames can spread quickly to surrounding dry vegetation, buildings, and infrastructure creating a wildfire. If left unchecked, these fires can burn for days, weeks, or even months. When a wildfire threatens property, California firefighters respond prioritizing the life safety of citizens before focusing on property protection.

Why do some wildfires grow so large?

The weather has a significant impact on how quickly a wildfire can spread. In California's hot dry summer months, vegetation loses moisture, allowing it to catch fire more easily. When paired with Santa Ana winds, which blow from the northeast at more than 25 MPH, a fire can grow rapidly. Historically, fires that have impacted Pepperdine's campuses have occurred on hot, windy days, typically marked by Red Flag Warnings, which is why the University takes special precautions on these days..

What are Red Flag Warnings and how do they impact wildfire risk?

Red Flag Warnings issued by the National Weather Service identify time periods when conditions are ideal for wildfires, typically with higher winds and lower humidities. During Red Flag warnings it is especially important to:

- Report any signs of smoke immediately to emergency responders. If on the Malibu campus, call Public Safety at 310 506 4441. At all other locations report smoke by calling 911.
- Use caution when disposing of cigarettes and ensure that they are completely extinguished.
- Minimize any use of open flame in outdoor settings.
- Consider taking down umbrellas and moving patio furniture inside.

During Red Flag conditions, Southern California Edison (SCE) may issue a **Public Safety Power Shutoff (PSPS)**, a preemptive deenergization of electrical circuits in an attempt to prevent power lines from starting a potential wildfire. This may result in the loss of power for a Pepperdine campus. While SCE has promised to advise the community in advance, and University officials are in regular communication with SCE representatives, the community should nevertheless be prepared for the possibility of a PSPS.

Can wildfires impact Pepperdine's campuses even if their flames are not visible from campus?

Yes, there are times wildfires burning in the region may impact traffic flow to Pepperdine campuses due to road closures. Pepperdine community members can call the University's Road Conditions Hotline at 310.506.ROAD (7623) for Malibu campus road conditions 24 hours a day, seven days a week.

Additionally, smoke and debris from the fire may impact air quality in the area close to the fire and, depending on weather conditions, could impact air quality throughout Los Angeles County. The University's EOC closely monitors the air quality at University campuses and takes proactive steps to advise the community, accordingly. These steps could include encouraging the campus community to refrain from strenuous exercise, remain indoors, or even issuing N95 masks to the community to filter particulate matter from the air.

Pepperdine's Own Wildfire Fighting Resources

University Public Safety officers are cross trained to handle brush fires and utilize the University's two fire trucks. Trucks are equipped with water tanks, pumps, and hoses to disperse water onto a fire or foam as a preventative measure onto campus buildings. Additionally, crews use hand tools to clear vegetation and create fire breaks.



Pepperdine's Partnership with Local First Responders

Pepperdine officials prioritize developing good working relationships with local first responders, government officials, and other agencies who could assist during an emergency.

As part of that ongoing relationship with local first responders, Pepperdine offers to host the Los Angeles County Fire Department's Incident Command Post (ICP) on the Malibu campus for wildfires in the area. The fire department command staff use designated spaces on the Drescher campus for planning, logistics, and other organizational functions. In addition to firefighters, first responders from other agencies also access the command post to coordinate their response.

Additionally, fire fighting helicopters utilize Alumni Park as a landing pad to draw water from the University's lakes to fight nearby fires.

When has Pepperdine been impacted by wildfires?

Historically the University has lost trees and landscaping to wildfires and has had otherwise minor damage to campus. No campus buildings have been lost to a wildfire. Additionally, the fire department routinely praises the University for its brush clearance efforts, as the space cleared and maintained every year by Facilities Services provides defensible space away from structures for firefighters and can be seen as a clear demarcation line after fires of where the fire burned and where it stopped.

Pepperdine's Malibu campus has been impacted by several fires throughout its history including the:

- November 8, 2018 – Woolsey Fire
- November 24, 2007 – Corral Fire
- October 21, 2007 – Canyon Fire
- January 8, 2007 – Malibu Road Fire
- October 28, 1996 – Calabasas Fire
- November 2, 1993 – Old Topanga Fire

How does Pepperdine respond to a wildfire?

Because Pepperdine experiences wildfires with some frequency, the University has developed a detailed **shelter-in-place** plan, which is reviewed annually by the L.A. County Fire Department. Due to the University's success in mitigating the impact of wildfires to the University community and its campuses, Pepperdine is recognized nationally as a leader in wildfire and emergency response.

When a wildfire may impact a University campus, most likely either in Malibu or Calabasas, Pepperdine's **EOC** is activated to lead the University's response and may activate the shelter-in-place plan.

What is it like on the Malibu campus during a shelter in place order?

Those in the University community sheltering in place on the Malibu campus may smell smoke in the air, imagine a campfire smell, and see flames on the campus's hillsides. Historically, the flames have burned around the campus, stopping at the brush clearance lines around campus buildings, which provides defensible space for L.A. County firefighters to battle the flames and prevent them from spreading to campus buildings.

Those inside a Pepperdine shelter-in-place location will find caring staff, food, and other supplies to provide for their basic needs. Many who have experienced a fire on the Malibu campus have said they look back on it as a bonding experience which brought them closer to those around them.

Additional Information

- **To report a brush fire, at the Malibu campus and at all other domestic University campuses, call 911. Then call the Department of Public Safety at (310) 506- 4441.**
- Give your name and the location of the fire. Do not hang up until the dispatcher tells you to do so.
- If you are outdoors, seek shelter in a safe nearby building.
- If you are indoors, close all windows and doors; open all curtains and blinds. Relocate all combustibles away from windows. If time permits, back up important files from your computer hard drive to a disk that you can take with you. Turn off and unplug all electrical equipment.
- If the fire is large, you may be instructed at the Malibu campus to proceed to a designated relocation area (typically Tyler Campus Center). At the relocation area, report to your RA or your Residential Emergency Response Team (RERT) member.
- Because of road closures, traffic congestion, and the possibility that the fire may outrun you, it is normally not advisable to leave the Malibu campus during a brush fire. This is referred to as "sheltering-in-place." For more information on "sheltering-in-place" please see the **Shelter-in-Place** page which includes a video explaining the practice and how we do so at Pepperdine's Malibu campus.
- If instructed to relocate, do not return to the vacated location until instructed to do so by Public Safety or public agency personnel.

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Disaster Awareness

- Overview
- Active Shooter
- Bomb Threat
- Brush Fires
- Crime In Progress / Civil Disturbance
- Debris Flow / Landslides
- Earthquake Information
- Emergency Communication
- Emergency Operations Committee (EOC)
- Emergency Preparedness Resources
- Flooding & Water Damage
- Hazardous Materials
- International Travel
- LiveSafe
- Medical Emergencies
- Personal Preparedness
- Power Outages
- Public Safety Power Shutoff (PSPS)
- Relocation of Persons with Disabilities
- Reporting a Threat
- Severe Winds
- Shelter-In-Place
- Step Up
- Structure Fires
- Terrorist Incident
- Traffic Accidents
- Winter Storm Preparedness



President's Message



Emergency Preparedness Resources Brochure



Emergency Preparedness Guide

Campus Locations

International Campuses

- Buenos Aires, Argentina
- Florence, Italy
- Heidelberg, Germany
- Lausanne, Switzerland
- London, England
- Shanghai, China

US Campuses

- Calabasas
- Encino
- Irvine
- Malibu
- Santa Clara/San Jose
- Washington D.C.
- West Los Angeles

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CITY PLANNING**

COMMISSION OFFICE
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April 7, 2022

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, California 90012

Dear Honorable Members:

**SUPPLEMENTAL INFORMATION FOR THE MOUNT SAINT MARY'S UNIVERSITY CHALON
CAMPUS WELLNESS PAVILION PROJECT APPEALS AND CONDITIONS OF APPROVAL;
CF 22-0062 AND CF-22-0062-S1**

At its meeting of April 5, 2022, the Planning Land Use and Management (PLUM) Committee recommended denial of the five appeals for Case No. CPC-1952-4072-CU-PA1 (CF-22-0062) and two appeals for Case No. ZA-2017-928-ZAD (CF-22-0062-S1). Prior to the PLUM meeting, in a letter to the PLUM Committee dated March 30, 2022, the Department of City Planning Staff provided detailed responses to the appeal points included in each appellants' letter.

Prior to the meeting Councilmember Bonin submitted a letter to each aforementioned Council File requesting that the PLUM Committee approve the Mount Saint Mary's University (MSMU) Chalon Campus Wellness Pavilion Project (Project) and that the Project's conditions of approval (included in the Determination Letter dated December 2, 2021) be amended to include the following two conditions:

1. Concurrent with the issuance of a Certificate of Occupancy for the Wellness Pavilion, MSMU shall limit average weekday daily Campus vehicle trips, inclusive of trips generated by the Wellness Pavilion, to the 2018 trip counts taken for the Campus, a 21 percent reduction below the 2016 baseline trip counts (2,291 trips reduced to 1,813 trips) and shall limit average weekday am-pm peak hour trips to 3 percent below the 2018 trip counts taken for the Campus, a 27 percent reduction below the 2016 baseline trip counts (672 am-pm peak hour trips reduced to 490 am-pm peak hour trips) for five years. 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.
2. MSMU shall annually review its Wildfire Emergency Response Plan with the Los Angeles Fire Department (LAFD) for concurrence and incorporate any new input from LAFD as appropriate. MSMU shall also provide an After Action Report to LAFD and Council District 11 following any wildfire event impacting the campus.

Councilmember Bonin attended the PLUM Meeting, read the conditions into the record, and requested that both conditions be included as part of the Project approval. In response to Councilmember Bonin's request, during the meeting an appellant alleged that the requested conditions constitute new mitigation, the introduction of the two conditions are a violation of the Brown Act, and that the Project violates California Code of Regulation (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry and Fire Protection, Chapter 7 Fire Protection, Subchapter 2 SRA/VHFHSZ Regulations. Staff responses to the appellants claims are provided below. As discussed herein, the appellant's remarks are inaccurate and not supported by substantial evidence.

Neither condition requested by Councilmember Bonin are necessary for mitigation purposes. Condition No. 1 relates to the vehicle trips associated with operation of the Project and would require MSMU to further reduce average daily weekday vehicle trips to the Campus to not exceed the 2018 trip counts taken for the Campus and shall limit average weekday am and pm peak hour trips to 3 percent below the 2018 trip counts. It should be noted that the Project EIR concluded that transportation impacts would be less than significant (for Alternative 5 which is the approved Project) and no mitigation measures were required. Further, PDF TRAF-18 which was included as part of the Project design and thus would be implemented as part of the Project, would require MSMU to limit average daily total Campus vehicle trips to one percent below the 2016 baseline trip counts taken for the Campus. Thus, as the Project EIR properly concluded that operational traffic impacts would be less than significant the appellants claim that Condition No. 1 is needed to mitigate impacts is unfounded.

Condition No. 2 requires MSMU to annually submit its Wildfire Emergency Response Plan to the Los Angeles Fire Department (LAFD) and to incorporate any new input from LAFD as appropriate. Similar to operational transportation impacts, the Project EIR concluded that construction and operation impacts to Fire and Emergency Services would be less than significant. Potential impacts related to wildfire were first analyzed in the Initial Study, which analyzed the Original Project's potential impacts under the only threshold related to wildland fires in the CEQA Guidelines which were in effect at that time, Hazards and Hazardous Materials Threshold (h). Specifically, Threshold (h) asked whether "A project would expose people or structures to significant risk of loss, injury or death involving wildland fire, including where wildland fires are adjacent to an urbanized area or where residences are intermixed with wildlands?" The Initial Study concluded that the Original Project would have less than significant impacts in this category on the basis that the Original Project would be constructed within an entirely developed area and would replace older buildings with the significantly more fire-safe Wellness Pavilion. Based on this substantial evidence, the Initial Study concluded that the Original Project would not result in significant impacts related to wildland fires and that further analysis of the issues was not required in the EIR. Following the release of the Draft EIR in April 2018, the CEQA Guidelines Appendix G Thresholds were revised in December 2018, with Wildfire added as a new impact category. While the revised CEQA Guidelines only apply to steps in the CEQA process not yet completed by December 28, 2018, Appendix B in the Final EIR includes analyses for the Wildfire Thresholds for both the Original Project and Alternative 5, which is now the Project. The analysis in Appendix B of the Final EIR found that Wildfire impacts would be less than significant under either the Original Project or Alternative 5, the Project. Thus, based on the information provided, Condition No. 2 is not needed to mitigate potential Fire and Emergency impacts and/or Wildfire impacts and the appellant's claim is not supported by substantial evidence.

The appellant's assertion that the request for the Project to comply with the two new conditions is a violation of the Brown Act is misleading and groundless. California Government Code Section 54950 (the Brown Act) requires all local government to be conducted at open and public meetings (with few exceptions). To ensure this regulation is met, legislative bodies must post agendas prior

to their meetings and no action or discussion may occur on items or subjects not listed on the posted agenda, with limited exceptions. The PLUM Committee Agenda for the April 5, 2022 meeting was posted online in compliance with the Brown Act requirements. Councilmember Bonin's request for the two conditions to be included as part of the Project approval clearly relate to the Project which was agendaized as Item Nos. 7 and 8. Modifications or amendments to project conditions are both permitted and regularly implemented during public meetings. Furthermore, Council Member Bonin actually explained these proposed new conditions at the PLUM meeting prior to the time the appellants were permitted to speak so that appellants had an opportunity to comment on these new proposed conditions. Thus, the Councilmember's request was not a violation of the Brown Act or appellant's due process rights and the appellant failed to provide any substantial evidence and/or statements that prove otherwise.

Contrary to the appellants claim, the Project would not violate CCR Title 14 Natural Resources, Division 1.5 Department of Forestry and Fire Protection, Chapter 7 Fire Protection, Subchapter 2 SRA/VHFHSZ Regulations which establishes minimum wildfire protection standards for projects located in a State Responsibility Area (SRA), and after July 1, 2021, in a Very High Fire Hazard Severity Zone as defined in Government Code Section 51177(i). Specifically, the regulation requires that "All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping." (14 CCR Section 1273.01) The Project is located in a VHFHSZ and would include on-Campus roadway improvements which will comply with LAFD access requirements but would not include any improvements to the public right-of-way as the Project Site and developed portion of the Campus does not maintain frontage along any public streets and MSMU has not submitted a parcel and/or tract map application. The surrounding roadways are categorized as Collector or Local Street-Standard. The Project will not introduce any features that will change the physical dimensions of the surrounding roadways and/or require the construction of new roadways. Further, LAFD has confirmed that with respect to hillside roads, Fire Station 19 Engine Company (the nearest Engine Company) is equipped to manage hillside roads and the types of fires that occur in wildland areas. The appellants assertion that MSMU would be responsible to widen the off-site surrounding roadway widths is not supported by the applicable laws and regulations.

Based on the information provided above, Staff has determined that the additional issues raised by the appellant during the April 5, 2022 PLUM Committee meeting lack merit and would not serve as a basis for finding the City Council has abused its discretion should it certify the EIR, deny the appeals and approve the Project.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Kathleen King
City Planner

VPB:MZ:KK

the City's Fire Code requires additional fire protection features to be incorporated into a building's design to reduce the rate of a fire's progress. In the event that a project site exceeds the 1.5-mile emergency response distance, Fire Code Section 57.512, "Response Distances that if Exceeded Require the Installation of an Automatic Fire Sprinkler System," requires the installation of automatic fire sprinkler systems for buildings. Accordingly, because the Project Site's response distance would exceed the Fire Code response distance standard, the Project is required to provide an automatic sprinkler system. As discussed in the Draft EIR (see pages IV.J.1-11 and IV.J.1-33), the Wellness Pavilion would include a fire alarm and a complete hydraulically calculated automatic sprinkler system consistent with the Fire Code and in accordance with the requirements of the National Fire Protection Association (NFPA). With the installation of this system, the Project and Alternative 5 would be consistent with the Fire Code's distance standards.

In addition, the Project and Alternative 5 would comply with the list of requirements provided by the LAFD in response to the request for information that was issued for the Draft EIR. These include the following:

- Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- Submit plot plans indicating access road and turning area for Fire Department approval.
- Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
- All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.

- Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.
- Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
- Standard cut-corners will be used on all turns.
- Private roadways for general access use shall have a minimum width of 20 feet.
- Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 503 of the City of Los Angeles Municipal Code.
- No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

It should be noted that Fire Station 19 serves a large mountainous area to the north of Sunset Boulevard, to the east and west of the I-405 Freeway on the east and to Topanga Canyon State Park on the west. This large geographic area is characterized by curved, narrow, mountain roads and a variety of fire roads on which the Engine Company is equipped to access. As shown on the Station 19 map included on the LAFD's Website, the majority of the service area north of Sunset Boulevard is greater than 1.5 mile from the Fire Station.¹⁰

(2) MSMU's Emergency Response Plan

Comments were received that the activity and outside guest attendance generated by the Wellness Pavilion would create greater fire hazards to the Campus and the surrounding community. As discussed in Section J.1, *Fire Protection*, page IV.J.1-1 of the Draft EIR, MSMU maintains an Emergency Response Plan to ensure appropriate action during emergency situations. A component of the Emergency Response Plan is the existing, on-Campus Command Center, consisting of a Watch Commander, MSMU Incident Commander, Patrol Officer, Main Gate Officer, and Community Relations Officer who provide security and emergency management to ensure personal safety of students, fire

¹⁰ LAFD website at: <https://www.lafd.org/fire-stations/station-results?address=12001%20Chalon%20Road>. Accessed May 1, 2020.