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By email and mail

Kathleen King
City of Los Angeles, Department of City Planning
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Re: Comments on the Mount St. Mary's University Chalon Campus Wellness Pavilion Project; April 2014; ENV-2016-2319-EIR; SCH #2016081015

Dear Ms. King:

On behalf of the Bundy Canyon Association, representing 545 homes in the contiguous Bundy Canyon area from Bowling Green to Barrington Avenue, north of Sunset, we object to the approval of the Mount St. Mary's University (MSMU or University) proposed expansion project at the Chalon Campus (Project). The Bundy Canyon Association is an Alliance for the protection and safety of Bundy Canyon Residents. The Bundy Canyon Association includes the most impacted residents of the Project.

Our community is deeply concerned about the Project and the effects it will have on our neighborhood in general, and more specifically, on traffic, fire safety, air quality, parking, noise, lighting, wildlife, safety, and aesthetics of the Bundy Canyon neighborhood. The proposed 38,000 square foot MSMU expansion would compromise BCA members' safety in terms of increasing the risk of accidents involving faculty, staff, students that live on Campus, and commuter students. Expansion of the Campus would also aggravate the existing fire risk in this Very High Fire Hazard Severity Zone. We oppose this Project in its entirety.

The Project would be one of the largest in the area in years. The Project entails demolition of the existing fitness center, facilities management building, tennis courts and pool on a 3.8-acre portion of the 45-acre MSMU site and the construction of a Wellness Pavilion and swimming pool. The proposed "Wellness Pavilion" would replace existing 1,110 square foot facilities with a two-story, approximately 38,000

square foot multiuse building with outdoor pool area and new parking deck. The Wellness Pavilion would house a recreation and practice gym, multi-purpose rooms, exercise rooms, physical therapy lab, dance and cycling studios, offices and support space (i.e. lockers, showers, restrooms, equipment storage, and mechanical spaces). A total of 279 parking spaces would be provided rather than the existing 226.

While MSMU may be 3/10 of a mile off the I-405 freeway there is no direct access to that freeway. The only ingress and egress to 12001 Chalon Road is off of Sunset Boulevard and Bundy Drive to Norman Place onto Chalon Road through two miles of narrow, winding residential streets, many with no sidewalks and parking on both sides.

I. The DEIR Fails to Adequately Analyze and Mitigate the Adverse Environmental Impacts of the Project as Required by CEQA.

The DEIR is inadequate because it fails to fully analyze the Project's environmental impacts, propose sufficient mitigation for those impacts, or analyze alternatives that would avoid those impacts. The requirement for an EIR under CEQA serves the dual purpose of enabling a reviewing agency to make an informed decision and making the decisionmakers' reasoning accessible to the public, thereby protecting informed self-government. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 670.) Preparation of an EIR for the Project may facilitate better decision-making and properly involve the public only if the EIR provides a meaningful analysis of impacts, alternatives, and mitigation measures. The DEIR should be an environmental full-disclosure document. As the California Supreme Court has said:

CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.

(*Concerned Citizens of Costa Mesa v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 936.)

A. A Thorough Analysis of Impacts Is Required.

CEQA Guidelines section 15126.2 subdivision (b) requires an EIR to describe a Project's potentially significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, the EIR must describe their implications and the reasons why the project is being proposed, notwithstanding its impacts. CEQA also provides that an EIR must not merely *identify* the impacts; it must describe their severity. As stated in *Santiago County Water Dist. v. County of Orange*, (1981) 118 Cal. App. 3d 818, 831:

What is needed is information about how adverse the adverse impact will be. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. (Guidelines, Section 15150.)

(*Id.* at 831.) This DEIR fails to meet that mandate.

B. The DEIR Must Consider and Adopt Reasonable Mitigation Measures to Avoid Significant Impacts.

CEQA requires every EIR to contain a complete discussion of potential mitigation measures available to avoid or reduce adverse environmental effects (Pub. Resources Code section 21000(b)(3); Guidelines Section 15126(c)) because one of the basic purposes of an EIR is to indicate the manner in which significant effects can be mitigated or avoided. (Pub. Resources Code section 21002.1(a).) Mitigation measures must be concrete and enforceable through a mitigation monitoring plan. (Pub. Resources Code Section 21081.6(b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445.) Before it may approve a project that will have significant impacts on the environment, a public agency must determine that all proposed mitigation measures and/or project alternatives capable of substantially reducing environmental impacts have either been incorporated into the project or that the proposed mitigation measures or alternatives are infeasible. (Pub. Resources Code section 21081(a); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30.) To be considered infeasible, it must be demonstrated that an alternative or mitigation measure is more than just more costly. "What is required is evidence that the additional costs or lost profitability are sufficiently

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severe as to render it impractical to proceed with the project.” (*Citizens of Goleta Valley, supra*, 197 Cal.App.3d 1167, 1181.)

As discussed below, the Project fails to mitigate its extensive adverse impacts on aesthetics, biological resources, land use, noise, traffic, air quality and the safety of the hillside neighborhood during fires, seismic activity, storms and other emergency situations.

C. The DEIR’s Analysis of Numerous Impacts and Mitigation Measures is Deficient.

We request that each of these comments receive a reasoned, good faith response, as required by CEQA, so that important issues will not be “swept under the rug.” (*People v. County of Kern* (1974) 39 Cal.App.3d 830, 841.) Without detracting from the need for the City to fully respond to those comments, we wish to emphasize certain particular points set forth below.

The Project’s sensitive location is critical to the analysis of its environmental impacts. The significance of a Project’s impacts varies with its setting. (CEQA Guidelines section 15125(c).)

II. The Draft EIR’s Analysis Must be Improved to be Legally Adequate.

A. Fire safety and emergency access must be ensured.

Potential public safety impacts must be disclosed, analyzed, and mitigated. (*City of Maywood v. LAUSD* (2012) 208 Cal.App.4th 362, 391-396.) Professional analysis of the draft EIR’s fire safety section by The McMullen Company indicates that there are “several significant impacts which are not accurately reported and thus cannot effectively be mitigated.” (Enclosure 1, McMullen Report, p. 2.) The McMullen Company determined that the following measures were necessary:

1. Accurate traffic studies with all anticipated vehicles that could be expected to evacuate and emergency vehicles entering the area;
2. Secondary/additional access constructed for emergency apparatus/vehicles;
3. Fuel modification/brush clearance conducted annually to meet State/LAFD requirements;
4. Implementation of effective and complete measures for a mandatory

evacuation.

Higher enrollment means more traffic and danger to the community. Cars evacuating from the MSMU Campus can trap residents in their own driveways and create gridlock on the narrow windy roadways of Norman Place, Saltair, Benmore, Barrington, and Bundy Drive.

The McMullen Company Report contains extensive, detailed comments. We ask that you respond in a similar level of detail to each of these comments as required by CEQA.

The McMullen Report observes "The traffic studies included in the Draft EIR.... Do not include all persons that must exit in a mandatory evacuation from the University." (Report, p. 3.) The Report states "The existing roadways are too narrow for effective evacuation and ingress of emergency apparatus/vehicles with the permitted parking." (Report, pp. 3-4.) "Some roadways are as narrow as 19 feet; they are below the minimum California Fire Code requirement."

Referring to Table IV.J.1-1, the Report states "The number of personnel and apparatus at Station 19 does not appear accurate.... The distance to the closest fire station is 2.6 miles; this distance FAR EXCEEDS the national standards, especially when the travel route is uphill through narrow streets and into the VHFHSZ." (Report, p. 5.)

Whereas the DEIR states the Project site is accessible by fire emergency vehicles from the Mount Saint Mary's fire road (DEIR, p. IV.J.1-19), the McMullen Report states "This dirt road is not suitable for any emergency fire apparatus response, nor evacuation by University persons. It is too dangerous to use for vehicular traffic." (Report, p. 5.)

The McMullen Report further states, contrary to the EIR's assurance emergency vehicles would have priority access in emergencies (DEIR, p. IV.J.1-24), "Sirens and red lights do nothing to move stalled traffic when there is congestion... The number of 'haul trips' during demolition and the number of deliver trips for materials including slow moving concrete trucks traveling up hill will significantly impact traffic and emergency response during those phases of construction." Large trucks cannot simply pull to the right for emergency responding apparatus/vehicles when there is no place on the roadway to pull over." (Report, p. 5.) "Twenty-two months of construction will greatly impact emergency apparatus/vehicle response times." (Report, p. 6.)

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The McMullen Report points out a letter of April 4 from the Los Angeles Fire Department that stated “Based on these criteria (response distance from existing fire stations), fire protection would be considered inadequate.” The Draft EIR has not appropriately addressed the excessive distance, nor the lengthy travel times.

How would emergency vehicles enter Bundy Canyon when the roads are filled with construction vehicles, regular parking by homeowners, and delivery vehicles?

How can emergency vehicles operate on streets with widths that in many places are smaller than the minimum code requirements?

The DEIR may not ignore or downplay the fire and life-threatening dangers that the Project will cause to all of Bundy Canyon and indeed to the students, faculty and staff of the University.

Brentwood north of Sunset Boulevard is an area of severe fire danger, as fires in the past have shown. Residents must share the same narrow evacuation routes of Bundy Drive, Norman Place, Saltair, and Chalon Road as all persons located at MSMU.

As explained in the May 29, 2018 letter submitted by Sunset Coalition and Brentwood Residents Coalition to Councilmember Bonin and Planning Director Bertoni, the Chalon Campus suffered significant damage in the Bel Air Fire on November 6, 1961. One-fifth of the Campus and part of the Carondelet Center were destroyed. The Bel Air Fire was not the first or last time the Chalon Campus faced fire danger. On Friday afternoon, September 14, 2012, fire erupted in the Sepulveda Pass near the Getty Center burning for two days and destroying 70 acres, the largest fire in the area since the Bel Air fire. The Getty Center and the University voluntarily evacuated using Chalon Road because of the location and direction of the fire.

The September 2012 evacuation clearly illustrates the risk to all area residents. Chalon Road connects the Getty Center with Mount St. Mary’s University at the top of Norman Place. Hundreds of vehicles exiting from both campuses poured onto the narrow and winding hillside streets of Chalon Road, Norman Place and Bundy Drive and prevented the residents from evacuating their homes.

On December 6, 2017, the Skirball Fire struck—the most damaging fire in the area since the 1961 Bel Air Fire. The blaze began as a brush fire near the I-405 and Skirball Center Drive. Evacuation orders covered a 3.2 mile range and many neighboring

residents evacuated, while others were on mandatory evacuation watch for three days. Mount St. Mary's transported its students to its Doheny Campus.

Following the Skirball fire, experts opined that the state has seen its most destructive year of wildfires in its history. The majority of California's 10 largest wildfires have occurred in the last decade. California Governor Jerry Brown described the ongoing blazes as "*the new normal*."

The dire combination of high fire danger and substandard hillside streets leading to and from the Chalon Campus, create a dangerous situation not only for the University's constituents, but also for many neighboring families along the evacuation route. With the history of fires in this Very High Fire Hazard Severity Zone, the increased risk due to climate change, and the substandard hillside streets that must be used in any evacuation, the proposed Project with more students, more events, large buses and shuttles, and more traffic is a recipe for disaster. The Project should be denied outright.

B. Enrollment Must Be Defined and Enforceably Capped and Sufficient Parking Provided.

As was explained in the letter of Sunset Coalition and Brentwood Residents Coalition dated May 29, 2018 and separately submitted to the City, the EIR's project description is misleading because the enrollment number of 2,244 is an intensification of use that is illegal without disclosure and necessary permitting. The current 1984 CUP, under which MSMU continues operating, states that the parking structure of 244-268 spaces is to allot ¼ students per space. Therefore the 1984 CUP mandated a certain amount of parking; it did not permit enrollment increases.

The Mount Saint Mary's facility was originally approved in 1928. Minutes for Petition 3066 include a statement from "the sisters" that they would have between 100 and 200 students, with a maximum cap of 500. A January 1984 staff report for City Plan Case No. 4072 CU to allow a new residence hall indicated that the college had maintained a constant enrollment of 700 to 750 (Page 2) and there were no plans to increase the number of students (Page 1). It is not clear how or if the increase above 500 students was granted. Later the same year, in July 1984, the Planning Commission approved construction of a parking garage at what was then Mount Saint Mary's College under Case No. 4072 CU. Under conditions of approval adopted for Case No. 4072 CU at that time, at least ¼ parking space was to be provided for each student (Condition 3),

and on-site parking was capped at 268 spaces, effectively capping enrollment at 1,072 students. However, the initial study stated that 561 parking spaces are provided on Campus. (p. A-6.) Documents available for review via the City's on-line Zoning Information and Map Access System and from Piper Tech show no major changes in permitted activity levels since 1984.

Los Angeles Municipal Code section 12.24 states that a use that is deemed approved on a lot "may be continued on the lot." (LAMC s. 12.24.L.) However, only the use that exists may be deemed approved. The 1928 CUP called for a small college with a maximum of 500 students. This is the deemed approved use of the lot. How can MSM justify usage of the lot for any larger enrollment?

MSMU has a history of building first and seeking permits after the fact. This has occurred with the addition of the Campus's existing swimming pool and one of the buildings on the property. MSMU has made modifications without proper permits or permissions from the City. The Carondelet Center is part of the MSMU property footprint. Is there any plan for future expansion to include this Center?

Furthermore, approval of a CUP requires that a Project not be a detriment to the area in which it is located. (LAMC section 12.24.E.2 [requiring "that 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."]) With the significant impacts the proposed Project would cause, how can this finding be made?

Describe clearly all current parking including the number of parking spaces available in the parking structure and around the Campus.

Who utilizes all the current parking spaces?

C. Construction Impacts Must Be Reduced.

While MSMU anticipates demolishing the current facility and parking lot, where does the EIR discuss the removal and digging out the dirt for the new pool? The demolition and construction phases may generate numerous airborne contaminants that the draft EIR must address.

The cumulative and long-term impacts of the proposed Project and related projects

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that currently have approvals or applications pending with the City or that will be approved for construction at the same time as MSMU's, including the Archer School for Girls, Brentwood School East and West Campus expansion projects, Caruso Palisades Project, and any others that will impact Sunset Boulevard or the Bundy Canyon streets used for ingress and egress to the MSMU's Chalon Campus.

The construction workers are to be shuttled using a maximum of 6 inbound and 6 outbound trips. Is this an hourly rate or a daily rate?

How does the University intend to use a substandard roadway for construction related traffic when The Getty and the neighbors are opposed to such a plan?

Wouldn't construction for the Project that is 6 days a week starting at 7:00 a.m. adversely affect the surrounding quiet residential area?

What is the proposed concrete pouring time frame that will require additional hours to the proposed start and finish time of 7.00 am to 3.00 pm 6 days per week?

How many weeks will be concrete pouring trucks be in operation?

D. Traffic Impacts from Expansion Must Be Reduced.

As was explained in the letter of Sunset Coalition and Brentwood Residents Coalition dated May 29, 2018 and submitted to the City separately, over the years, there have been numerous complaints about the traffic and public safety impacts created by MSMU. There has been a huge increase of student body, MSMU transport vehicles, constant and ongoing traffic on the narrow and winding roadways, and MSMU has done little to address these problems. That is why the increase of enrollment from the 1984 CUP is such a concern to the community.

MSMU buses are large trucks with a diesel truck cab. These trucks have a hard time staying in the lines on the roadway and navigating curves so they are creating slower traffic in the neighborhood. The buses roar loudly, creating noise issues on all streets in Bundy Canyon.

The existing shuttle program is not working. At times, shuttles travel empty as was observed in June 2018. Shuttles are adding to traffic and pollution.

The DEIR mentions a Bicycle-Enhanced Network (BEN). (DEIR, p. IV.K-3.)
How is this even applicable, when streets are so steep?
How is this applicable when streets are so narrow, there is no space for Tier 2/3 bicycle lanes?
Tier 2 bicycle lanes are “most likely to be built by 2035”, so how does this help in mitigating transportation at this current 2018 time?
How could the BEN network help with MSM transportation issues?

Regarding Construction Impacts discussed in the EIR (EIR, p. IV.K-25), the plan would be for MSM to operate at 100% capacity during the school year along with 100% construction at the same time. How will this extreme traffic from both campus and construction not be a major impact and issue for neighbors?

Also, would the school year stated in the DEIR be year-round? The DEIR does not mention this as a factor. Please explain how this would impinge neighbors year-round.

School Year Event Day traffic is discussed. (EIR, p. IV-26.)
Is there more than one event planned at the same time being proposed?
In the future, will there be more than one event proposed at the same time?
“It was assumed that attendees would carpool to the events with an average vehicle occupancy rate of two guests per car.” What is the basis for this assumption?
Have past events included attendees who have carpooled?
What kind of vehicle numbers have been counted at prior MSM outside events?
How many people carpooled?
What will MSM do to make sure attendees to outside events carpool?
How will carpooling be regulated by MSM?

Regarding the Summer Analysis discussed in the DEIR. (EIR, p. IV.K-27.)
How old will the campers be?
Why is there a need for “camper daycare”?
Is this a summer camp for minors?
Is this a summer camp for MSM students?
How will these camps be evacuated during an emergency?

Regarding Parking during Construction (DEIR, p. IV.K-47):
How would it be possible that Construction worker parking would be provided on-site or within the Campus as MSM plans to be 100% operational year-round?

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How would this be possible during construction as 226 spaces are to be removed for the construction of a parking deck?

How would this be safe for an evacuation?

How would this impact Sunset traffic?

How many “temporary shuttles” would it take to get workers to and from campus each day? Each week? Each month?

“Once the proposed Wellness Pavilion parking deck is completed, construction workers would park in the parking structure.”

If this should be the case, then where would faculty, staff, students, miscellaneous MSM vehicles and support vehicles park?

Would this be the case during MSM educational calendar year?

Regarding the Haul Truck discussion of the EIR (DEIR, p. IV.K-41):

Cut and Fill of Soils within the Project Site are required. How deep would these be?

How secure is grading of soil to the hillside?

How can Haul trucks go up Norman when it is narrow and steep, in some places less than 20 feet across?

Will heavy trucks cause sinkholes, which happened in 2017, caused from MSMU busses?

What if an evacuation was to take place when 40 haul truckloads are happening per day?

What kind of evacuation measures would take place?

If the plan is for MSM to run at 100% capacity with students, faculty, staff, deliveries, and construction workers parking on-site, then how can haul trucks park on-site on “a dedicated staging area [that] would be located on the Project Site” (to ensure haul trucks would not park off-site)?

What about the 100 construction employees parking on-site as noted in (iii) Construction Employees section on page IV.K-47?

Regarding Parking during Construction (DEIR, p. IV.K-47), how many shuttle trips per day, per week, per month to get off-site construction workers to and from the designated offsite parking location to MSM campus?

Regarding School Parking Locations (DEIR, p. IV.K-48), the DEIR states that because “onsite parking capacity is insufficient to meet the school’s parking demand, MSMU would arrange for valet parking for some or all of the employees, students and guests on Campus.”

Does this create more vehicles than would legally allowed by fire officials to be up on campus?

What kind of dangerous conditions does this mean for the college students, staff, and others visiting campus? For the neighbors?

What happens during an emergency when there are a limited number of valets and all vehicles must get out of campus?

How long does it take (how many seconds) for valets to get vehicles out?

How many minutes during an emergency can valets get cars to students, faculty, guests, staff, and other visitors?

What about all the other vehicles, construction equipment, haul trucks utilizing the small and narrow canyon streets during an emergency?

How long would it take them to get out?

How will this affect neighbors' evacuation?

What is the evacuation protocol during a fire? Earthquake? Construction accident?

What are the protocols for students? For Staff? For visitors? For additional support vehicles? For construction workers?

How will evacuation protocols be passed on to Students? Staff? Visitors? Construction workers? And all others utilizing the campus during construction?

Why is satellite parking not anticipated?

If there are no measures to mitigate these issues, why would this proposed Wellness Pavilion be able to be built on the Chalon MSMU campus, when lives could and would be compromised in an emergency?

Regarding valet parking, can the University describe in detail the use of valet parking for events with more than 50 attendees?

Where would the valet be parking all the extra vehicles?

How many events per year would have over 50 attendees who would be offered valet parking?

How does the proposed valet parking for over 50 attendees fall in with the proposed 400 trips?

What is the emergency exit plan for valet parked events? Especially with tandem parking or off-site parking, does the emergency exit plan consider the two miles of narrow windy streets before reaching a major highway?

Regarding Temporary Loss of On-Street Parking (DEIR, p. IV.K-59), the DEIR states "The Project may require the temporary removal of on-street parking at or next to the Bundy Drive & Chalon Road and Norman Place & Chalon Road intersections to accommodate truck turns during construction."

How can this be proposed, when many neighbors on these streets utilize street parking for their own vehicles?

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Where would MSMU suggest neighbors park their own vehicles if not on their own streets in front of their own homes?

How many neighbors would be affected?

How would MSMU mitigate neighbors being able to park in front of their own homes?

Why should neighbors be put out because of MSMU's un-mitigatable construction project?

Would there be compensation for neighbors affected by MSMU utilizing their streets for this purpose?

Since "the exact quantity is not known at this time", then when will it be known?

How can the City approve such a suggestion, when these homeowners pay property taxes and MSMU does not?

Regarding Operation Impacts- Project Trip Generation (DEIR, p. IV.K-59), how would MSMU limit the total number of outside guests, if guests determine to bring other guests along with them?

If "the new summer camp" proposed for the Project is expected to generate estimated vehicle trips, why is this allowed to be "estimated"?

How does this affect the MSM CUP if it is only possible to "estimate" these vehicle trips?

The DEIR states (DEIR, p. IV.K-78) "During operation, the Project would result in significant impacts at three study area intersections during the school year and two study area intersections during summer under Existing (2016) Plus Project conditions. Under Future (2020) Plus Project conditions, the Project would result in significant impacts at four study area intersections during the school year and at three study area intersections during the summer. The Project would result in significant impacts at three neighborhood street segments during the school year and six neighborhood street segments during the summer under Existing (2016) Plus Project and Future (2020) Plus Project conditions. No feasible mitigation measures are available to mitigate impacts to a less than significant level. Thus, the Project would result in significant and unavoidable traffic impacts during operational activities along neighborhood street segments and intersections."

If this statement above is true, then how can this project be built?

Why is this project not being proposed for MSMU's Doheny Campus?

How will this project affect the Sunset and Barrington choke point, if there are no sufficient mitigating factors?

How will MSMU notify travelers of this non-mitigatable issue to Sunset Boulevard travelers?

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On page IV.K-83 the DEIR states that “During the summer, MSMU does not operate shuttle service. It is assumed that all campers, staff and instructors would arrive at the Campus by automobile. Because of the distance of transit from the Project Site and anticipated ridership, the Project would not adversely impact transit services”. However, on previous pages of the DEIR, public transportation is used as a mitigation measure. Please explain and define when public transportation is used and when it is not?

If MSMU chooses to use shuttles, how many per day, per week, and per month during the summer would be for the new campers?

Regarding Bicycle Facilities, the DEIR states (DEIR, p. IV.K-84) “The Campus is located in a hillside area that is not easily accessed by bicycle.” Was bicycle usage a planned MSMU mitigation measure for traffic?

A. Noise from Construction and Operational Activities Must Be Minimized.

Noise from construction activities and construction vehicles in the neighborhood must be addressed. Nuisance noise from people parking in the neighborhood must also be addressed, especially noise in the early morning or late evening hours. The EIR must consider increased propagation of noise from the outdoor pool area echoing into the neighborhood.

The Project would generate onsite and off-site construction noise. (DEIR, p. V 16.) Noise from concrete trucks would remain significant and unavoidable along Chalon Road.

Every feasible mitigation measure to reduce these impacts must be adopted.

How does the University justify the significant and unavoidable noise that the concrete trucks will cause the residential homeowners regardless of the routing of the trucks?

B. Land Use Impacts Must Be Accurately Disclosed.

The subject property is located in the RE-40-1-H Zoning District. In accordance with Los Angeles Municipal Code Section 12.21.1:

No building or structure shall be erected or enlarged which exceeds the total floor

area, the number of stories or the height limits hereinafter specified for the district in which the building or structure is located. ...
... In the RA, RE, RS, and R1 Zones in Height District No. 1, located in a Hillside Area, as defined in Section 12.03 of this Code, no Building or Structure shall exceed the height limits established in Paragraph (d) of Subdivision 10 of Subsection C. of Section 12.21 of this Code.

In accordance with Section 12.21.C.10(d):

No portion of a Building or Structure shall be erected or enlarged which exceeds the envelope height limits as outlined in Table 12.21 C.10-4

In accordance with Table 12.21.C.10-4, maximum allowable height would be 30 or 36 feet, depending on roof slope. While elevations of the proposed structures are provided, roof slope is not defined. The EIR must identify roof slope and the normally required height limitation. The proposed structure would be 42 feet in height. Additional height may not be approved in connection with a Plan Approval for a deemed-approved conditional use.

As noted the Los Angeles Superior Court in *Donald Kottler and Marlene Kottler v. City of Los Angeles; Central Area Planning Commission of the City of Los Angeles*, in addressing the inappropriate granting of a zoning "adjustment":

The "adjustment" provided for in LAMC section 12.28 is "a permit to build a structure or engage in an activity that would not otherwise be allowed under the zoning ordinance ... ". *Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal. App.4th 997, 1007; see also *Hamilton v. Board of Supervisors of Santa Barbara County* (1969) 269 Cal.App.2d 64, 66. In other words, it is a variance. Under the plain terms of the City's own charter any such variance could only be made after the ZA made five findings relating to the need for a special exception to the zoning requirements. See Los Angeles City Charter § 562(c); Petitioners RJN, Ex. 1, p. 5. Accordingly, Respondents erred when they approved a variance without making the required findings under City Charter section 562(c).

... Condition use permits, on the other hand, relate to the permitted use of a property, not the size or design features of the buildings on that property. See *Essick v. City of Los Angeles* (1950) 34 Cal.2d 614, 623 ("[A] conditional use is a separate and distinct concept from a variance and ... is granted for a public or

quasi-public purpose within the terms of the ... ordinance itself rather than to obviate the 'practical difficulties, unnecessary hardships or results inconsistent with the general purposes of the zoning regulations' as applied to individual property owners, which must be shown before a variance may be granted").

Thus, a variance would be required for the additional height. In accordance with Los Angeles City Charter Section 562(c), a variance could only be granted if all of the following findings could be made:

- (1) that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
- (2) that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
- (3) that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
- (4) that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
- (5) that the granting of the variance will not adversely affect any element of the General Plan.

These required findings for a variance cannot be made.

C. Aesthetics Impacts Must Be Accurately Described and Mitigated.

CEQA establishes that any substantial, negative aesthetic effect of a project is a significant environmental impact for CEQA purposes. (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604.) Thus, any substantial, negative effect of a project on a view could constitute a significant environmental impact under CEQA and require the incorporation of all feasible mitigation. (*Ibid.*) The EIR must examine the scale of the proposed structures in the context of existing on and off campus structures in the area. Light and glare from expanses of glass and additional lighting must be addressed.

The DEIR states that the Project would cause visual effects resulting from haul trucks passing along Chalon Road, Norman Place and Bundy Drive. (DEIR, p. V 6.) Therefore, mitigation measures for these impacts must be provided. Because the Wellness Centre is to be taller than the existing facilities more lighting would be added. Such lighting can adversely affect aesthetics of the area and interfere with wildlife.

D. The Range of Alternatives Must Be Expanded and Realistically Assessed.

1. CEQA Requires Analysis of a Reasonable Range of Alternatives.

CEQA requires a lead agency to analyze alternatives to a project that will avoid or substantially lessen a project's significant environmental impacts, both on-site and off-site. Discussion of project alternatives and mitigation measures has been described by the California Supreme Court as the core of an EIR. (*Citizens for Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) An EIR is required to consider those alternatives that will "attain most of the basic objectives" while avoiding or substantially reducing the environmental impacts of the project. (Guidelines, § 15126.6(a).) Alternatives are not required to meet all project objectives, and in reality it "is virtually a given that the alternatives to a project will not attain all of the project's objectives." (*Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087.) However, "the willingness or unwillingness of a project proponent to accept an otherwise feasible alternative is not a relevant consideration." (*Save Round Valley, supra*, 157 Cal.App.4th at 1460, fn. 10, citing *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 602.) Reasonable alternatives should only be eliminated from consideration in the EIR if the alternative would not meet most of the basic project objectives, is infeasible, or would not reduce significant environmental impacts. (Guidelines § 15126.6(c); *Save Round Valley, supra*, 157 Cal. App. 4th at 1457.) Here, the DEIR improperly rejects alternatives to the Project that would limit enrollment and events.

As stated in the CEQA guidelines:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening 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.

(CEQA Guidelines, Section 15126.6 (b), emphasis added.)

In fact, “One of [an EIR’s] major functions...is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by responsible officials.” (*Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197, emphasis added.) The EIR must “produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” (*San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-751.)

1. Operations Must Be Limited.

Rather than approving the expansion Project, stricter limits on the hours and types of operations conducted on campus must be imposed.

Commercial activities must be prohibited. MSMU states that use of the new Project facility, will be used “*primarily*” by student body, staff and faculty but if MSMU can rent, lease, invite any other entity private or public to participate in the use of these facilities in the future, this could enormously increase traffic into and out of Bundy Canyon. MSMU Chalon campus has weddings and it is also used as a filming location. The community would like a prohibition on filming and outside uses for anything other than educational purposes on Campus. MSMU must agree to prohibit filming and other outside uses on their Campus. Condition 3 of the approval of plans in 1952 stated the approval “shall only apply to a school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious activities.”

Where do the students currently go to practice and play their sports program?

How does the proposed external Summer Sport Camp enhance the University and its mission statement?

What demographics will the Summer Sports Camp attract?

Doesn’t the Summer Sports Camp constitute commercialization as a commercial rather than educational activity?

Why does a Health and Wellness Speaker Series require a new 38,000 square foot Wellness Centre?

2. Facility Users Must Be Limited.

MSMU operates at another location known as the Doheny campus. The EIR must address increased visits to the Chalon Campus Wellness facility by students enrolled in programs at Doheny, focusing on traffic and parking.

The EIR must address any re-alignment of activities between the Doheny and Chalon campuses or student bodies as a result of the proposed Project. Will any programs now being conducted at the Doheny campus be relocated to the Chalon campus?

A university should be located near freeway access to reduce vehicle miles traveled by its students and staff. However, the Chalon campus is far from freeway access. Would it reduce vehicle miles traveled to expand activities at the Doheny campus, which has much closer freeway access, rather than expanding at the Chalon campus?

It is not clear if any of the Wellness facilities will be used for training of students in physical therapy or other health care fields or whether this would involve treatment of off-campus individuals. This must be addressed along with associated impacts on traffic and related factors. Use of the proposed athletic facilities must be limited to students and faculty. Outside use of the proposed athletic facilities must not be permitted. Conditions of approval must be clear and enforceable.

The University currently has a policy allowing registered neighbors to use the facilities. However, if the Project is implemented it would seem that there would be very little time available to accommodate neighbors as the University would be in use every day and night throughout the year. How would this policy be affected?

Even Alternative 4 allows for Summer Camp Operation albeit at a reduced level. Thus, again neighbor access would be limited.

3. Events Must Be Limited.

The EIR must address both campus events and external events, listing the type,

number, and anticipated attendance at events. Attendance must be capped at no more than the attendance numbers used in the EIR analyses. All events must be required to end fifteen minutes before the latest regularly scheduled shuttle leaves the Campus and no event must be permitted to begin prior to the arrival of the first shuttle of the day. Start and end times for events must be offset from peak traffic hours.

Alternate locations should include location of the Wellness Pavilion at the Doheny site or nearby environs. Provision of a park and ride outside the neighborhood in an area with easy access to the freeway or metro line should be considered.

4. Additional Questions Regarding Alternatives.

If a No Project Alternative is superior in every way, how does the University justify the Project or any of the stated alternatives?

Why has the University not considered acquiring and building its own roadway which would not entail the use of Bundy Canyon, which is ill equipped to facilitate the Project?

Would the University not enhance the safety of all the students, faculty and support staff if they were to provide a private ingress and egress to all of the above?

a. Alternative 1-- No Project/No Build Alternative.

The DEIR states "...No additional parking would be added that could help relieve off-site parking issues." Would this then be an excuse for more students based on more parking?

The DEIR states "No practice facilities would be provided for MSMU's volleyball and basketball club sports teams, which would continue to be shuttled to and from the off-site practice facilities as under existing conditions."

Where is the current facility?

Would there be games and practice at the new facility once completed?

What additional traffic impacts would this cause?

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b. Alternative 2--Reduce Intensity—50% Floor Area Reduction.

The DEIR states Alternative 2's reduced floor area would not change attendance capacity at the proposed Wellness Pavilion's "potentially changed" and "new" events during the school year or alter summer camp activities.

What are the new events?
How many new events?

If there is no practice currently at Chalon campus, how could attendance capacity not be changed or altered to add this increase of usage?

c. Alternative 3--Alternative Construction Route.

The DEIR states "Alternative 3 would require construction employees and all construction-related traffic to access the Project Site via Getty Center Drive".

It is our understanding that the Getty is not in favor of this road being publicly available. Would this not be a cut through from Sepulveda/the Valley into the Westside and vice versa for normal non-MSM or neighborhood traffic to avoid the Sunset-Barrington intersection, also known as the "worst choke point in LA"?

The DEIR states "The Objective of Alternative 3 is to reduce the Project's significant construction traffic and noise impacts." This would not only impact 9 houses backing the Getty Fire Road but would it not then open up issues on the road and significant impacts of noise and potential issues such as fire?

Also, the road proposed by MSM is a fire road that is only 18 feet in width. Has this road been measured from the 9 homeowner's properties to the hillside/easement?

Alternative 3 describes an Alternate Construction Route. (EIR, p. V 47.)
Alternative 3 would require construction employees and all construction related traffic to access the Project Site via Getty Centre Drive.

Eight residences of Brentridge Drive, Brentridge Lane and Bel Terrace adjoining the private segment of Chalon Road would be newly impacted during the concrete pour phase. How long is the concrete pour phase?

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All properties under Alternative 3 that back up to the private segment of Chalon Road, or are along Chalon Road between the Campus driveway and Norman Place would experience ground-borne vibration from construction trucks.

The DEIR states Alternative 3 would reduce construction traffic impacts on Bundy Drive and Norman Place by re-routing all construction traffic to Getty Center Drive and the private portion of Chalon Road (aka Getty Fire Road) but that it would not reduce the project's significant and unavoidable construction traffic impact at Chalon Road east of Bundy Drive. (EIR, p. S-13.)

How can a project of this magnitude be approved if there is such an impact to streets, neighbors, wildlife, and Bundy Canyon all together? What about dust, diesel particulate matter, and odors from this Project's significant and unavoidable impacts for construction alone, not to mention once the Project is completed and running at full capacity?

The DEIR states Alternative 3 would eliminate the Project's less than significant construction truck noise, structural damage vibration, and human annoyance vibration impacts at dozens of residences on Bundy Drive and the majority of Norman Place, but that concrete truck noise under Alternative 3 would continue to significantly and unavoidably impact residences along Chalon Road during concrete pours.

Since MSM intends to be running at 100% capacity, wouldn't there be additional congestion at the top of Norman and Chalon as students, MSM Trucks, Delivery Vehicles, MSM Staff, Lyft/Uber, be clogged as trucks coming through fire road would be backed up as well? What about fire safety and emergency evacuation for residences along Chalon Road? What about noxious fumes from diesel engines of trucks?

d. Alternative 4- Reduced Event Alternative.

The DEIR states Alternative 4 would reduce the size of certain new Wellness/Sports events, new Health and Wellness Speaker Series events, and summer camps and would include new club sporting events during the school year and during the summer.

The DEIR states new morning events would be limited to 220 outside attendees arriving in the morning PEAK hour.
How is this mitigating and reducing traffic impacts?

How many events are being proposed?
How often would events take place per day, per month, per year?

The DEIR states new afternoon events would be limited to 74 outside attendees departing in the afternoon peak hour. What does MSM consider to be peak hour? (Since traffic backups begin at 2:00 pm on Barrington and Sunset). How would attendees get in? How often? How many events would occur per day, per month, and per year? How would MSM prevent attendees from exiting during the peak hour?

The DEIR states new Evening events would be limited to 25 outside attendees arriving in the 6:00-7:00 PM hour. Does MSM not believe this is peak hour for traffic? What time would these attendees depart? How many events per day, per month, per year?

The DEIR states new recreational club sport contests occurring on weekdays after 8:00pm and anytime on weekends with a maximum of 30 outside guests per contest. What time would these events end in the evening? Bundy Canyon Association and other groups met with MSM on several occasions and were promised no games, only practices. Why did this change? How can they guarantee just 30 guests per event? How many events over all per day, per week, per month?

The DEIR states for all new events across a single day during the school year, the total number of outside attendees would be limited to 310. How did MSM come up with these numbers overall? What new events are being planned for? What is the basis for the number of 310? How do they assure the number is set? How many events per day, month, year?

In order to mitigate the traffic problems caused by the new Wellness Centre and its planned other sports events, Health and Wellness Speaker Series and Summer Camps MSMU would limit the total number of outside guests. The reduction on outside guests from 400 to 310 hardly seems like a large reduction on a daily basis.

If the potential Wellness Pavilion is to replace outdated fitness room, why must it be commercialized to add extra non-curricular events, meetings and otherwise to this so-called Wellness Pavilion for their own students to have a better place to work out other than an outdated gym?

The DEIR states for summer camps, the total number of daily vehicle trips would be limited to 236. What is the basis for the 236 number? What would be the number of

campers? Per day, per month, per year? From when to when is the summer camp season? How many camps per day, per month, per year? Would there be college age, underage or adult campers? Does this include both week and weekend camping events? How many events would go on simultaneously? What are the camping hours? Are there curfews? What about fire prevention? What about emergency evacuation?

The DEIR states new other Wellness/Sports Events and NEW Health & Wellness Speaker Series events would not be held during the summer months when school is not in session. Is this a permanent condition? Meaning, could MSM change its policy and provide events such as this during the summer and concurring with camping events? When would they be held? How many events per day, per month, per year? How many daily vehicle trips would there be?

Alternative 4 suggests that it would reduce the Project's significant and unavoidable operational traffic impact on Bundy Canyon. Thus, the University is admitting that the Project will have a deleterious effect on Bundy Canyon. Therefore, how can the Project be justified?

How can the University justify disrupting Bundy Canyon on weeknights after 8:00 p.m. and any time during the day on weekends?

e. Environmentally Superior Alternative.

Of the alternatives analyzed in this Draft EIR, the No Project/No Build Alternative would be considered the environmentally superior alternative because it would avoid the project's significant and unavoidable construction noise, ground-borne human annoyance construction vibration impacts, construction and operational traffic impacts, as well as the project's less than significant impacts in other issue areas.

Why can't MSM continue with their current external sporting option and existing gym, which no students are seen using?

Why can't MSM seek out another facility with limited environmental impacts, versus the damaging impacts to humans, animals and safety of the area?

Why can't MSM build this at their downtown Doheny Campus, where there is an existing sporting facility, gym and otherwise?

The EIR states Alternative 2 would meet the purpose of the project to provide

students with facilities and wellness programming, including group fitness facilities that would address specific health challenges and goals of MSMU's diverse student body. However, because of the reduction in floor area, Alternative 2 would potentially not meet the Project objective to accommodate club sports (basketball and volleyball) to the same extent as the Project.

Is this not attainable at the MSM downtown campus at Doheny?

Are there not already existing programming for health and fitness at the downtown MSM Doheny Campus?

Why would MSM add a facility, only to have to bus MSM Doheny Campus students to Chalon Campus? What is the cost to do this?

How many vehicle trips per day, per month, per year?

How many Basketball games per day, per month, per year?

How many Volleyball games?—per day, per month, per year?

None of the Alternatives would reduce or eliminate all of the Project's significant and unavoidable construction and operation impacts. Therefore, the determination of Environmentally Superior Alternative between the three Alternatives would be a value judgement based on which significant and unavoidable environmental impacts (construction or operation) would be more important to address.

f. A Statement of Overriding Considerations May Not be Adopted for the Project as Proposed.

A statement of overriding considerations would be necessary to approve the Project but environmentally superior alternatives that do not have impacts are feasible. Therefore, a statement of overriding considerations would not be supportable.

CEQA's substantive mandate prohibits approval of a project with significant impacts unless all feasible mitigation measures and alternatives have been adopted: "A statement of overriding considerations is required, and offers a proper basis for approving a project despite the existence of unmitigated environmental effects, *only when* the measures necessary to mitigate or avoid those effects have properly been found to be infeasible." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 603, emphasis added, citing *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 368 and *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 108, fn. 18.) The "policy of the state" reflected in CEQA is that projects with significant environmental impacts *may not* be approved "if there are feasible alternatives or feasible mitigation measures available

which would substantially lessen the significant environmental effects . . .” (Pub. Resources Code § 21002.) More specifically, CEQA states:

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless . . .

(a). . . (3) Specific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code § 21081.) Thus, a court has summarized:

CEQA contains *substantive* provisions with which agencies must comply. The most important ... is the provision requiring agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.

(*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added.)

The Project may not be approved on the basis of a statement of overriding considerations. The Project must be rejected.


CONCLUSION.

Even after mitigation, the Project will result in significant and unmitigated negative impacts on Brentwood and the residents who live in the area. We respectfully request that the City reject this project in its entirety and heed the concerns in the letters submitted by the neighborhood residents in response to this DEIR. Only the no project alternative would avoid unacceptable significant impacts that are created by the Project.

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Thank you for consideration of these comments. Although the City should deny the Project outright, any continued consideration of it must be on the basis of a legally adequate environmental impact report that is meaningful to the decision-makers and the public, and that will afford the protection for our environment envisioned by CEQA.

Sincerely,


Douglas P. Carstens

Enclosures:

1. The McMullen Company, Inc. Letter of June 12, 2018

ENCLOSURE 1



The McMullen Company, Inc.

June 12, 2018

Mr. Douglas Carstens
Chatten-Brown & Carstens LLP

Re: Draft EIR CASE NO. ENV-2016-2319-EIR (SCH NO.2016081015)
Mount Saint Mary's University Chalon Campus Wellness Pavilion
Project
Bundy Canyon Area Fire and Life Safety

Letter to:

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

We are filing the following comments to the Draft EIR CASE NO. ENV-2016-2319-EIR (SCH NO.2016081015) (here after referred as Draft EIR) in opposition to the proposed development/building Mount Saint Mary's University Chalon Campus Wellness Pavilion Project (University Pavilion Project) until at such time the fire and life safety concerns for the residents, students, and faculty can be adequately addressed and mitigated, and the Draft EIR revised.

Based on the below analysis, The McMullen Company believes that there exists several significant impacts which are not accurately reported and thus cannot effectively be mitigated. The analysis presented here in clearly indicates that the listed criteria below are exceeded.

- **State CEQA Guidelines Appendix G:**
In accordance with the State CEQA Guidelines Appendix G (Appendix G), a project would have a significant impact related to fire protection services if it would: a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

- State CEQA Guidelines Appendix G
In accordance with the State CEQA Guidelines Appendix G (Appendix G), a project would have a significant impact related to transportation and traffic if it would: e)
Result in inadequate emergency access.
- 2006 L.A. Thresholds Guide:
The L.A. CEQA Thresholds Guide (Thresholds Guide) identifies the following factors to evaluate fire protection impacts: A project would normally have a significant impact on fire protection if it requires the addition of a new fire station, or the expansion, consolidation or relocation of an existing facility to maintain service.

The McMullen Company reviewed the following documents and materials in order to conduct our analysis.

- Executive Summary
- Chapter II Project Description
- IV.J.1. Fire Protection
- IV.K. Transportation and Traffic
- Current Roadway Conditions and Widths
- Current Roadway Access and Circulation
- Historical Wildland Fire Conditions and Fire Responses
- IV.M.1. Water Supply
- Appendix H Public Service Correspondence
- Appendix A Notice of Preparation (NOP), Initial Study, Scoping Meeting Materials, and NOP Comments
- Appendix I Transportation and Traffic

Based on our experience and expertise in the fire and life safety arena, there are several items that contribute to proper fire and life safety for all persons who are faced with wildland fires. The McMullen Company has determined that many critically necessary fire and life safety measures have not been addressed, mitigated, or included in the proposed new construction of the University Pavilion Project. The needed measures include the following.

1. Accurate traffic studies with all anticipated vehicles included that could be expected to evacuate and emergency apparatus/vehicles entering the area.
2. Secondary/additional access constructed for emergency apparatus/vehicles.
3. Fuel Modification/brush clearance conducted annually to meet State/LAFD requirements.
4. Implementation of effective and complete measures for a mandatory evacuation.

The traffic studies included in the Draft EIR and conducted in the years 2015-17 account for routine vehicle numbers during regular periods of activity. They do not include all persons that must exit in a mandatory evacuation from the University, all residents in the area, all the various service and delivery vehicles, and emergency apparatus/vehicles that responding into the area. Such traffic study seldom, if ever, occurs because of the feasibility of conducting such a study. What must be done is a count of ALL the vehicles in the area, both post construction and during construction to determine worse case scenarios, and add in "maximum special event attendance" at the University, construction, service and delivery vehicles in the "Bundy Canyon area", as well as the ingress of all the anticipated emergency apparatus/vehicles. Using this TOTAL count could give a more realistic indication of the effectiveness of a mandatory evacuation. Until such a study is completed, there will be persons left behind in a massive fire. Additionally, the Los Angeles Fire (LAFD) and Police (LAPD) Departments' response to the December 2017 wildland fire should be evaluated to determine the number of responding LAFD and LAPD apparatus/vehicles to the Bundy Canyon area necessary; this number should be added into the traffic study.

Secondary/additional access must be more effectively evaluated in the EIR and provided for emergency apparatus/vehicles. The "Transportation and Traffic Study Area" (Bundy Canyon area) is lacking adequate roadways and access; each new development/occupied building contributes to the problem of evacuation and emergency apparatus access because of a contributed amount of congestion. The un-improved roadway from the Getty could provide for emergency fire apparatus access if the roadway was improved to carry the weight of fire apparatus on an all-weather surface minimum 20 feet wide with gated access electrically controlled by the type of traffic signal pre-emption utilized by the LAFD. The existing roadways are too narrow for effective evacuation and ingress of emergency apparatus/vehicles with the permitted parking (the minimum street width should be 36 feet to allow parking on two sides, 28 feet with parking on one side only). Some roadways are as narrow as 19 feet; they are below the minimum California Fire Code requirement. On-site roadways need to meet the same width requirements; the Draft EIR does NOT specify whether the University roadways will or will not permit parking.

Fuel Modification (brush clearance) is paramount. California chaparral is approximately 80-95% dead, year round. Only a small amount of vegetation is green; the remainder is ready to burn. Fuel modification a minimum 100 feet is required by the CA Public Resources Code. 200 feet is required when there are steeper slopes surrounding any building. The brush must be cut down to minimal height and thinned out without getting down to bare soil which can prompt mud flows during heavy rains. The removed material must be transported off the site and disposed of. The cut material MUST NOT remain on site. There has not been enough work done to remove hazardous brush from the canyons surrounding the University. The Draft EIR does NOT specify the details of fuel modification that the University achieves nor the effectiveness of the current annual work to remove flammable chaparral (the Draft EIR simply states the LAFD requirements). IV.J.1-32 clearly indicates brush clearance standards, but there is NO INDICATION that the University currently achieves these standards.

The California fire service has adopted the safety measures of Ready, Set, Go. ALL persons facing wildland fire risks in the Very High Fire Hazard Severity Zones (VHFHSZ) MUST prepare and adopt these measures in order to survive wildland fires. Failure to do so, can and often does result in injuries and even death when they are over-run by fast moving fires. The difficulty is getting ALL persons to prepare and practice for the inevitable. READY involves persons having their important belongings (medicines, medical records, property records, irreplaceable belongings, pets and pet items) ready to leave at a moment's notice. SET requires people to be aware of their surroundings and "subscribing" to various notifications that provide "real time" evacuation notices. GO is the most difficult to achieve; getting all persons to leave when notified...immediately; even with mandatory evacuation notices it is never even near 100% effective. All this said, any physical barriers to getting persons evacuated at the same time emergency responders are trying to enter into the fire area to move people and fight fire greatly increases the chances people will become trapped and will be injured or killed. "Red Flag Alert" days should require NO PARKING on all streets less than 36 feet wide in order to provide necessary emergency evacuation and emergency apparatus/vehicles response. Additionally, construction vehicles exceeding 10,000 pounds GVWR should be prohibited on Red Flag Alert days in order to improve emergency evacuation and emergency apparatus/vehicles response. Signs should be posted at the entrance to each street leading north from Sunset Blvd. that serves this area setting forth the Red Flag Alert day's restrictions and penalties (white sign with red characters).

Itemized comments to the Draft EIR include the following.

TABLE IV.J.1-1: The Response Times are listed as "average"; average is no longer accurate, the national standard is referred to as "90th percentile/percent". Response Times for the included stations should be revised to use the national standard. The national standard for career fire departments published by the National Fire Protection Association, referred to as NFPA 1710 (sections 3.3.53 and 4.1.2) sets forth Response Time standards; the City of Los Angeles does not have their own published standards. Even the antiquated use of "average" response time exceeds these national standards by several minutes. When the correct 90th percentile data is published, the station response times will fall even farther away from the national time standard. Every additional development/building will contribute to worsening these response times, unless adequate mitigation measures are included.

TABLE IV.J.1-1: The number of personnel and apparatus at Station 19 does not appear accurate (i.e. Station 19, the number of personnel on duty for a BLS Engine and an ALS Ambulance is generally not 18). The distance to the closest fire station is 2.6 miles; this distance FAR EXCEEDS the national standards, especially when the travel route is uphill through narrow streets and into the VHFHSZ.

IV.J.1-19: The Draft EIR states, "The Project Site is also accessible by fire emergency vehicles from the Mt. Saint Mary's fire road. The fire road runs between the Campus and the Mountain Gate subdivision to the north of the crest of the Santa Monica Mountains and terminates at the north end of the Campus." This dirt fire road is not suitable for any emergency fire apparatus response, nor evacuation by University persons. It is too dangerous to use for vehicular traffic.

IV.J.1-24: The Draft EIR states, "The increase in construction traffic along neighborhood streets could potentially result in a conflict between emergency vehicles and haul trucks. In any event, emergency services have the first right to the use of the roadway during high priority calls, may use sirens to clear a path of travel, drive in the lanes of opposing traffic, bypass signals and stopped traffic, and implement other emergency measures in the use of the roadway." Sirens and red lights do nothing to move stalled traffic when there is congestion. The narrow streets in the area significantly limit the ability of emergency fire apparatus to respond quickly to the University and surrounding homes. Construction traffic only serves to increase the difficulty of emergency apparatus response. The number of "haul trips" during demolition and the number of delivery trips for materials including slow moving concrete trucks traveling up hill will significantly impact traffic and emergency response during those phases of construction. Large trucks cannot simply pull to the right for emergency responding apparatus/vehicles when there is no place on the roadway to pull over.

IV.J.1-28: The Draft EIR states, "Because the Project exceeds these distance standards, it would be required to install an automatic fire sprinkler system. The installation of an automatic fire sprinkler system would ensure that fire and emergency medical service impacts associated with the response distance between the Project Site and Fire Station Nos. 19 and 37 would be consistent with the Code requirement." A fire sprinkler system will NOT have ANY mitigation action on the majority of responses, Emergency Medical Services responses (rescues and medical emergencies such as illnesses and accidents).

IV.J.1-29: The Draft EIR states, "In the event of large-scale emergencies, secondary access for fire emergency vehicles is available via Getty Center Drive/Chalon Road." The access mentioned is extremely sub-standard and the surface, width, and possibly grade/angles of approach and departure exceed State and LAFD code requirements. It is not safe nor practical to use this access until it is improved.

IV.J.1-34: The Draft EIR states, "Further, a city-wide traffic pre-emption system allows the normal operation of traffic lights to be preempted by an emergency vehicle"; it does not clearly indicate that all intersections in the area are fully-equipped from all travel directions. Traffic signal preemption equipment is should be expanded to each intersection that any of the fire stations listed in the Fire Protection section, and other intersections with a travel direction from other nearby fire stations, where there does not already exist such equipment.

TABLE IV.K-9: "Existing + Construction" traffic will greatly impact emergency response for each location with an estimated LOS of greater than "A" (EXCELLENT. No vehicle waits longer than one red light and no approach phase is fully used). When vehicles wait longer than one red light the delay and back up significantly increases emergency apparatus/vehicle response time. The Draft EIR includes "average" response times (which is an antiquated measure) and those times already exceed the national standard. Twenty-two months of construction will greatly impact emergency apparatus/vehicle response times.

TABLE IV.K-11, TABLE IV.K-12, TABLE IV.K-13, and TABLE IV.K-14: These tables show three repetitive locations with significant traffic impacts during construction, during both school year and summer time. The Draft EIR includes "average" response times (which is an antiquated measure) and those times already exceed the national standard. Twenty-two months of construction will greatly impact emergency apparatus/vehicle response times.

TABLE IV.K-18 and TABLE IV.K-19: These tables show three-six locations with significant traffic impacts during construction, during both school year and summer time. The Draft EIR includes "average" response times (which is an antiquated measure) and those times already exceed the national standard. Twenty-two months of construction will greatly impact emergency apparatus/vehicle response times.

IV.K-83: The Draft EIR states, "Threshold e) Would the project result in inadequate emergency access? As discussed in Chapter VI (subsection Impacts Found not to be Significant) of this Draft EIR and in the Initial Study (Appendix A of this Draft EIR), construction and/or operation of the Project would not result in inadequate emergency access. The Project would have a less than significant impact with respect to Threshold e. As described therein, secondary emergency access would be available to the Project Site during large scale fire emergencies. In addition, emergency services have the first right to the use of the roadway during high priority calls, and may use sirens to clear a path of travel, drive in the lanes of opposing traffic, bypass signals and stopped traffic, and implement other emergency measures in the use of the roadway. With LAFD's high priority use of the roadway during emergencies, Project traffic is not anticipated to significantly impair the LAFD or LAPD from responding to emergencies in the area. No further analysis is required." As presented above, this section of the analysis contained in the Draft EIR is not accurate. The access mentioned is extremely sub-standard and the surface, width, and possibly grade/angles of approach and departure exceed State and LAFD code requirements. It is not safe nor practical to use this access until it is improved. Sirens and red lights do nothing to move stalled traffic when there is congestion. The narrow streets in the area significantly limit the ability of emergency fire apparatus to respond quickly to the University and surrounding homes. Construction traffic only serves to increase the difficulty of emergency apparatus response.

Appendix H Public Service Correspondence, Letter of April 4 from the LAFD: The LAFD indicated, "Based on these criteria (response distance from existing fire stations), fire protection would be considered inadequate." The Draft EIR has not appropriately addressed the excessive distance, nor the lengthy travel times.

Appendix H Public Service Correspondence, Letter of April 4 from the LAFD: The LAFD indicated, "The Los Angeles Fire Department continually evaluates fire station placement and overall Department services for the entire City, as well as specific areas. The development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following: 1. Increased staffing for existing facilities. (I.E., Paramedic Rescue Ambulance and EMT Rescue Ambulance resources.) 2. Additional fire protection facilities. 3. Relocation of present fire protection facilities. There is NO INDICATION that this project has committed to its share of funding and based on the size of the project and its remote location in the VHFHSZ. The finished operation, increased occupancy numbers and increased events will increase the number of responses, forever.

Appendix I Transportation and Traffic, Letter of April 4 from the DOT to Planning Department: The letter indicates that the DOT identified "several mitigation measures for the traffic impacts, but that all WERE NOT FEASIBLE."

Peter M. Bryan

Peter M. Bryan, Associate
The McMullen Company



The McMullen Company, Inc.

Peter M Bryan

Summary of Qualifications

- 40 years in Public Safety with 28 years of Public Administration in Fire Chief and Chief Officer positions
- Developed four comprehensive fire and emergency services strategic plans and responsible for adoption by the governing City Council
- Interim Fire Chief for agencies in 2010; 2011-12; and 2014
- Expert testimony in legal cases involving employment law and fire protection safety
- Extensive experience in developing and implementing strategic planning process in multiple agencies, resulting in the improvement of services to the public and adoption of plan elements
- Developed and implemented two Paramedic programs and improved services in two other agencies
- Extensive experience in developing and implementing fees and other revenues, and cost containment practices in four agencies
- Developed and implemented new and updated employee policies/rules and regulations for four agencies
- Experienced fire chief in career and paid-call/combo departments serving populations from 8,000 to 180,000
- Trainer and facilitator for leadership and management programs; presenter at League of CA Cities; IAFC FRI; NFPA; CA Fire Chiefs Conference, Prevention Officers, Administrative Fire Services Section, and Training Officers; CA State Firefighters Association
- Emergency Response and Preparedness Planning including LHMP, EOP, and EOC Operating Manuals; EOC Operations and Planning Section Chief qualified. Disaster management and claims reimbursement for major wildland fires, significant floods and windstorms, and earthquakes for communities up to 50 square miles and 180,000 population
- Workers compensation case management including litigation, claims reduction programs, and wellness improvement programs for agencies with up to 124 employees
- Coordinated fire service agency transition for city service to county/state provided service
- Extensive direct interaction with state and local government, Councils, Boards and Agencies with leadership roles
- Diverse experience teaching including University undergraduate, public sector, professional development in continuing education; California State University Los Angeles, Cogswell Polytechnical College, and Community Colleges

Leadership, Management and Supervision

- Selected to lead city and special district fire service agencies 1996 to 2014 with up to 125 personnel
- Developed and implemented mentoring and succession planning programs
- Excellent skills in personnel administration and supervision
- Excels in time management, program delegation, and project multi-tasking
- Excellent written and oral communications skills and experience

Fiscal Budgeting and Program Administration

- Excellent experience and displayed skills in budgeting and fiscal expenditure controls
- Lead staff in the development of fiscal analysis program development and administration of new fiscal controls
- Administration and supervision of budgets with total value up to \$ 75 million
- Ability to administer formal/informal request for proposals, specifications, bidding and execution of contracts
- Experienced in fire facilities construction and contract administration

Work Experience

2001, 2014-18

California State University

Los Angeles, California

Adjunct Faculty – Part Time

- Develop undergraduate fire administration and technology program courses and provide instruction
- Fire Protection Laws
- Fire Defense Planning
- Emergency Management & Terrorism

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2012-17 Mt. San Antonio College Walnut, California

Adjunct Faculty – Part Time

- Develop and write undergraduate fire administration and technology program, provide instruction

2014 City of Hemet Fire Department Hemet, California

Interim Fire Chief

- Supervising and administering a fire department serving a population of approximately 85,00 with 51 total personnel
- Implemented new Paramedic program
- Analyzing feasibility of a contract for fire services as determined by the City Council; develop transition plan if directed
- Annual development and approval of the budget including operations, payroll, and accounts payable
- Manage a semi-annual weed abatement program, including notices, AP, AR elements

2011-12 City of Norco Fire Department Norco, California

Interim *Fire Chief*

- Supervising and administering a fire department serving a population of approximately 35,000 including service to a U.S. Navy facility and state corrections prison
- Managed and coordinated the transition to a county/state fire services contract
- Maintained the high quality ALS EMS, fire service and rescue services to the public through completion of the transition

2010 Wheatland Fire Authority Wheatland, California

Interim *Fire Chief*

- Supervising and administering a paid-call/combo fire department serving approximately 8,000 residents, 90 square miles, and a recreation and concerts population that can exceed 25,000
- Annual development and approval of the budget including operations, payroll, and accounts payable
- Development of strategic and staffing plan to meet the increasing service demands and LAFCo/County Planning development regulations

| | | |
|---------|--|------------------------------|
| 2001-09 | City of Rancho Cucamonga Fire District | Rancho Cucamonga, California |
|---------|--|------------------------------|

Fire Chief

- Directed department operations and functions serving 180,000 population with 116 full-time and 8 part-time personnel
- Annual development and approval of \$ 25 million budget including operations and personnel and \$ 50 million capital projects
- Lead staff in the development of strategic and staffing plan to meet the service demands through more effective and cost efficient utilization of resources including staffing
- Lead the development of the comprehensive performance evaluation system
- Supervised the team and attorney consultants to develop and adopt the comprehensive employee rules and regulations including FBOR provisions
- Implemented Fire Inspection Bureau programs and staffing by the use of new recurring revenues
- Developed and implemented wellness improvement and injuries/workers compensation reduction programs
- Developed and implemented state-of-the-art automated Emergency Operations Center, EOC Operations Manual, and EOP

Battalion Chief

- Responsible for personnel development program in leadership and technical skills

| | | |
|----------|----------------------------------|----------------------|
| 1999 -01 | City of Monrovia Fire Department | Monrovia, California |
|----------|----------------------------------|----------------------|

Fire Chief

- Directed department operations and functions serving 45,000 population with 60 full-time personnel
- Annual development and approval of \$ 15 million budget including operations and personnel
- Lead staff in the development of strategic and staffing plan to meet the service demands through more effective and cost efficient utilization of resources including staffing
- Developed and implemented new recurring revenue program based on development impacts

- 1996-99 City of Norco Fire Department Norco, California
Fire Chief
- Directed department operations and functions serving 35,000 population with 35 full-time personnel
 - Annual development and approval of \$ 10 million budget including operations and personnel
 - Lead staff in the development of strategic and staffing plan to meet the service demands through more effective and cost efficient utilization of resources including staffing
 - Developed and implemented new recurring revenue program based on development impacts
 - Developed and implemented new Paramedic program

- 1973-96 Cities of Victorville, Ontario, Upland Fire Departments California
Fire Division and Battalion Chief, Captain, Fire Investigator, Inspector, Engineer, Firefighter

- 1984-04 Bryan and Associates Consulting Rancho Cucamonga/Monrovia, California
Principal and CEO
- Principal and owner of Bryan and Associates a fire and life safety consulting firm; Expertise in code consulting; new development; development of wildland urban interface/intermix fire protection plans; station, apparatus, and personnel implementation schedules. Significant projects include a 10,000 acre strategic and development plan, 2,500 home fire protection plan, missile defense contractor, jail, regional shopping mall, regional airport terminal, and convention center.

Education

- Pacific Western University** Los Angeles, California
 Master of Science Fire Protection Administration – May 1986
- California State University** Los Angeles, California
 Bachelors of Science Fire Protection Administration and Technology – September 1984
- California State Fire Marshal Training and Education System** Sacramento, California
 Fire Chief Certification – July 2001
 Chief Officer Certification – May 1990
- California State Education System**
Lifetime/Full-time Community College Teaching Credential - 1984

Publications and Instructor/Expert/Presenter Experience

- **Author:** Fire Engineering
 Fire Service Ethics Meets News Media Coverage - 2016
 Are Your Critical Decision-Making Skills Evolving? – Aug 2015
 Family Member Medical Crisis...How Would You Respond? – Dec 2013
 Reducing Unwanted Alarm System Initiated Incident Responses – Jan 2013
 Firefighter Wellness and Fitness: Is It About Time for a Mandatory Program – Jan 2013
 Fire Service Leadership and Management: Revenue Change Based Negotiations for Fire Departments – Dec 2012
 Effective Simple Performance Evaluations for Fire Service Personnel – Nov 2012
 Transition, Merger, Consolidation: Managing Fire Service Changes – Sep 2012
 You Really CAN Reduce Fixed Public Safety Costs – Aug 2012
 Implementing Policies and Rules Can Help Rebuild Public Trust in Government – May 2012
 Self-Supporting Inspection Bureau – Jan 2012
 How to Improve Your Workers Compensation Program – Aug 2011
 Automating Emergency Operations Center – May 2011
 A Model for Reducing Injuries and Their Costs – Feb 2010
 Evaluating Fire Service Delivery – Apr 2008
- **Faculty/Instructor/Presenter Experience:**
 League of CA Cities 2013 and 2015 Leading Change in the New Reality
 California State University Los Angeles Part-Time Faculty, 2001, 2014-15
 IAFC FRI 2013 Performance Evaluations, Leading Change in the New Reality; 2012 Wellness and Workers Compensation – Reducing Injuries
 NFPA 2013 Reducing Unwanted Alarm System Responses

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CSFA 2013 Wellness is Everyone's Responsibility
CA Fire Chiefs 2012 Managing the Difficult Times
Cogswell Polytechnical 2010-2011 Analytical Approaches and Disaster/Defense Planning Courses
CA Fire Chiefs AFSS Division 2011 Conflict Resolution and Labor Relations
CA Fire Chiefs FPO Division 2011 and 2010 Bureau Administration
Southern CA Finance Officers 2008 Personal Development

▪ **Expert Testimony and Deposition Experience:**

Employment Laws Personnel Court Testimony 2017
Fire Department Operations 2017
Liebert Cassidy Whitmore Expert Witness in Employment Practices 2013

Leadership, Professional Affiliations, and Community Involvement

- **Governor's Appointment:** California 911 Advisory Board – 2005-2013
- **Professional Member:** Society of Fire Protection Engineers
- **Committee Member:** International Association of Fire Chiefs
- **Board Member:** California Fire Chiefs Association – 1996-2010
- **Elected President:** San Bernardino County Fire Chiefs Association
- **Elected President:** San Bernardino County Fire and Arson Investigators Association
- **Elected/Distinguished President:** Kiwanis Club of Upland Foothill – 1991
- **School Site Council Chair and Member:** Los Osos, Etiwanda, and Alta Loma High Schools – 1995-2011

Summary of Relationships with Governmental Agencies

- **Cities of Chino, Montclair, Ontario, Rancho Cucamonga, and Upland:** 2004-2009
Board of Director for West End Communication Authority (in conjunction with each City Manager)
- **City of Hemet:** 2014
Interim Fire Chief; implement Paramedic program; manage weed abatement semi-annual program; manage transition of fire services process
- **City of Hesperia and Rancho Las Flores Development:** 1991-1994
Developed Fire Protection Plan
- **City of Monrovia:** 1999-2001
Fire Chief (includes working with proposed Miller Development); Department of Health Services; Monrovia Kiwanis Club; Mutual Aid Agreements
- **City of Norco:** 1996-1999 and 2011-12
Fire Chief and Interim Fire Chief (includes working with Hidden Valley Development); Managed transition to County Fire; AMR agreements; Mutual Aid Agreements
- **City of Ontario:** 1978-1979, 1995-2004, and 2004-2009
Consultant; Fire Inspector/Investigator (New construction and development consultant and project manager with City Manager for radio system upgrade)
- **City of Rancho Cucamonga and Rancho Cucamonga Fire District:** 1988-1994 and 2001-2009
Fire Chief; develop and approval of five-year strategic plan; Consultant; AMR agreement
- **City of Upland:** 1979-1996
Fire Marshal and Battalion/Division Chief
Upland Foothill Kiwanis President
- **City of Victorville :** 1973-1978
- **County of San Bernardino and Lytle Creek Development:** 1996-1998
Developed Fire Protection Plan
- **State of California 9-1-1 Advisory Board Member and Long Range Planning Committee Chair** 2005-2013
- **Wheatland Fire Authority:** 2010
Interim Fire Chief