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May 29, 2018

Honorable Mike Bonin
Councilman, CD11
200 North Spring Street
Los Angeles, CA 90012-4801

Vincent Bertoni
Director of Planning
200 North Spring Street
Los Angeles, CA 90012-2601

RE: Request for Revocation – Conditional Use Authority – Case No. CPC 4072 –
Mount St. Mary's University - 12001 Chalon Road, Los Angeles, CA 90049;
Deemed-Approved CPC-1952-4072-CU-PA1; ENV-2016-2319-EIR

Dear Councilmember Bonin and Director Bertoni:

On behalf of Sunset Coalition and Brentwood Residents Coalition (BRC), we hereby request that formal revocation action be initiated in accordance with the provisions of sections 12.24.Z and 12.27.1.B of the Los Angeles Municipal Code to revoke the current conditional use authority for Mount St. Mary's University (referred to as "University," "Chalon Campus," and "MSMU").

The University has violated conditions of its Conditional Use Permit (CUP) and it has been operated in a way that adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area, adversely impacts nearby uses, violates provisions of the Los Angeles Municipal Code, and violates conditions imposed by prior discretionary land use approvals.

Sunset Coalition is an unincorporated organization founded by concerned residents and organizations and represents the thousands of individual residents from Pacific Palisades to Brentwood impacted by the unprecedented number of large development projects that threaten to impact traffic, safety, and the environment in the Sunset Corridor between the 405 freeway and the Pacific Ocean. The organization includes Residential Neighbors of Archer, Brentwood Residents Coalition, Brentwood Hills Homeowners Association, Upper Mandeville Canyon Association, Bel Air Skycrest Property Owners' Association and Bundy Canyon Association.

The Brentwood Residents Coalition is a grass roots, non-profit advocacy group whose purposes are to preserve and enhance the environment and quality of life in Brentwood, to protect the integrity of residential neighborhoods, to assist with planning, to uphold zoning and municipal codes, to encourage traffic safety, and to educate the public on issues that affect quality of life and the environment.

As detailed further below, the Brentwood community first sought revocation of the University's CUP to operate a school in a residential neighborhood in 1996, through the Bundy/Norman Place Committee and the Brentwood Homeowners Association. That revocation request was based on the University's (1) renting and leasing of the Chalon Campus for outside events in violation of the Municipal Code and (2) exceeding enrollment limits imposed through a 1984 CUP for a parking structure on the University's campus.

The community presented a comprehensive list of CUP violations and followed it up with a full traffic study that provided evidence to the city of detrimental impacts from excessive campus operations. Unfortunately, Bob Rogers, the city planner who reviewed the case, failed to address the community's concerns stating he found insufficient evidence to support the initiation of a revocation action. He recommended University staff meet with affected residents to resolve long simmering traffic issues and stated that if additional evidence were submitted regarding uses not permitted by conditional use grants or evidence of excessive traffic, the city planning department would further consider initiation of revocation proceedings.

The substantial evidence provided with this letter is more than sufficient to establish the CUP violations that Mr. Rogers failed to recognize. We provide a detailed, evidence-based history spanning 90 years of problems due to University expansion, enrollment increases outside events, commercial use of the campus, and generally wholesale intensification of use. This intensification has led to traffic congestion, hazardous driving and roadway conditions, parking shortages, and the exacerbation of fire hazards that make all residents of this residential neighborhood less safe.

This evidence documents the University's longstanding pattern and practice of creating significant negative impacts on the community by its actions as well as its unreasonable failures to act. The University has promoted a multitude of different self-imposed but futile "mitigation" measures that have had little if any effect. There has been little success due to the failure to control impacts in the most effective ways, i.e., by limiting enrollment and commercial events. Because of MSMU's illegal intensification of use in violation of CUP and zone variance conditions, with continuous increases in enrollment and outside events and ongoing unmitigated traffic and safety impacts, we are requesting revocation of the University's deemed approved CUP.

I. BACKGROUND.

A. Legal Background.

Revocation of a conditional use permit is provided for in the Los Angeles Municipal Code when various conditions are met.

LAMC Section 12.24.Z provides:

If the applicant fails to comply with the conditions of any conditional use or other similar quasi-judicial approvals granted pursuant to this section, the Director or the appropriate Area or City Planning Commission..., upon knowledge of the fact of non-compliance, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the Area or City Planning Commission or Director and show cause why the decision granting the approval or conditional use should not be repealed or rescinded.... [T]he Area or City Planning Commission or the Director may revoke, temporarily suspend or impose further restrictions on the conditional use or other similar quasi-judicial approval.

(LAMC Section 12.24.Z.)

LAMC Section 12.27.1.B provides:

[T]he Director may require the modification, discontinuance or revocation of any land use or discretionary zoning approval if it is found that the land use or discretionary zoning approval as operated or maintained:

1. Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area; or
2. Constitutes a public nuisance; or...
4. Adversely impacts nearby uses; or...
5. Violates any provision of this chapter; or any other city, state, or federal regulation, ordinance, or statute; or
6. Violates any condition imposed by a prior discretionary land use approval including approvals granted pursuant to ... this Code....

(LAMC Section 12.27.1.B.)

The Municipal Code refers to a “public nuisance” created by a permitted use and a use that unreasonably “adversely impacts nearby uses.” Such a use is a private nuisance. A nuisance may be both a public nuisance and a private nuisance at the same time. (*Newhall Land & Farming Co. v. Superior Court* (1993) 19 Cal. App. 4th 334.) A

private nuisance is the unreasonable, unwarranted, or unlawful use by an individual of his or her own property so as to interfere with the rights of others. (*Wolford v. Thomas* (1987) 190 Cal. App. 3d 347, 358.)

A claim for private nuisance involves three elements: interference with use and enjoyment of property, invasion of a property owner's interest in the use and enjoyment of the land, and actions of "such a nature, duration or amount as to constitute unreasonable interference with the use and enjoyment of the land." (*San Diego Gas & Electric Co.*, 13 Cal.4th at p. 938.) So long as the interference is substantial and unreasonable, and would be offensive or inconvenient to the normal person, virtually any disturbance of the enjoyment of private property may amount to actionable private nuisance. (*Monks v. City of Rancho Palos Verdes* (2008) 167 Cal.App.4th 263.)

A public nuisance is one that encompasses the foregoing definition of private nuisance and affects an entire community or neighborhood or a considerable number of persons, even though the extent of the annoyance or damage may be greater for some individuals than for others. (Civ. Code, § 3480; *People ex rel. Gallo v. Acuna* (1997) 14 Cal. 4th 1090, 1104.)

The University operates and maintains its campus in such a way as to create both public and private nuisances as described below.

B. The Chalon Campus of Mount St. Mary's University.

1. Existing Condition.

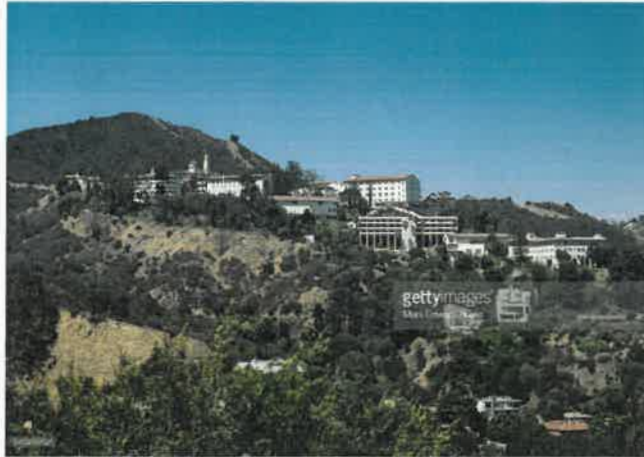
a. The Chalon Campus Setting.

Mount St. Mary's University is located at 12001 Chalon Road in the Brentwood neighborhood within the City of Los Angeles. The 45-acre Chalon Campus is set along a ridge crest on the southern flank of the Santa Monica Mountains.

The University's entrance is accessible only from Bundy Drive and Chalon Road, approximately 2 miles north of Sunset Boulevard. Immediately south and adjacent to the Campus along Chalon Road is the Carondelet Center, a large building that serves as the provincial headquarters for the Sisters of St. Joseph of Carondelet, a separate entity from MSMU (although ingress and egress is shared with the University).

The Chalon Campus is bounded on three sides by undeveloped open space owned by the University. The Getty Center is located .5 miles southeast and owns open space which abuts the Campus. MSMU's irregularly-shaped and steeply sloping property is located at an elevation above surrounding properties on the east, south and west, all

zoned RE15-1-H, low density residential. The Campus and properties to the north are zoned RE40-1-H, low density residential.



b. Street Conditions.

The narrow, winding hillside roads leading to the Chalon Campus are designated as substandard hillside local limited streets. Allyn Rifkin, former Chief of LADOT, Bureau of Planning and Land Use Development, explains in his report that the roads accessing the Chalon Campus are designated as “local” because they are “very narrow, windy, lacking sidewalks, and with limited sight-lines.” The roads (Bundy Drive, Norman Place, Chalon Road and Saltair Avenue to the north of Sunset) range between 30 to just 19 feet wide. “[T]hese roads... *‘are intended to accommodate lower volumes of vehicle traffic.’*” And the “*sections of roadway below 20-feet are substandard by any of the City applicable standards and unsafe for two-way traffic.*” (See Allyn Rifkin, P.E., report, “Traffic and Circulation Issues – Regarding the proposed Mount St. Mary’s University Expansion,” May 23, 2018, Enclosure 1, p. 3, emphasis added.)



Indeed, these local roads are so narrow in places that cars traveling in opposite directions have difficulty passing each other, especially where vehicles are parked on one or the other side of the street. The driver of one vehicle is frequently forced to quickly pull over to the side to allow the other vehicle to pass. This unsafe roadway condition is commonly experienced by neighboring Bundy Canyon residents.

The situation is even more challenging and dangerous when MSMU's buses, shuttles and large delivery trucks are navigating these hillside roads to or from the Campus. As Rifkin explains, large vehicles like buses necessitate wider widths than on these narrow local roads.

c. Very High Fire Hazard Severity Zone.

What makes the location of the Chalon Campus even more precarious is its hillside location within a designated Very High Fire Hazard Severity Zone (VHFHSZ). The designation is based on the area's vegetation density, slope severity and several other factors that heighten the risk and severity of fire. The designation requires responsible authorities to identify measures that will limit or halt the rate of fire spread and reduce the intensity of uncontrolled fire through vegetation management and the implementation of development standards to minimize loss of life, resources and property.

In that manner, fire-safety risk must be managed through sensitive planning focused not only on fire prevention and mitigation, but also ready access for fire fighters and safe egress for residents and visitors if evacuation is necessary. Unfortunately, the University has a long history of violating development conditions on enrollment and events intended to protect the safety of its students, faculty and staff, as well as the hundreds of neighboring resident families, during fire emergencies and at other times.

2. History of Fires near the Chalon Campus.

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.

a. The 1961 Bel Air Fire.

On November 6, 1961, the infamous Bel Air Fire, fueled by strong Santa Ana winds, destroyed 484 homes, 21 other buildings and burned 16,090 acres in Bel Air and Brentwood. Thousands of people were forced to evacuate. The 405 freeway was newly constructed and thought to be a great manmade barrier, but embers from the massive flames jumped across it. The Los Angeles Fire Department called The Bel Air-Brentwood Fire one of the worst fires in the history of Los Angeles. (See Los Angeles Fire Department Historical Archives, http://www.lafire.com/famous_fires/1961-1106_BelAirFire/1961-1106_LAFD-Report_BelAirFire.htm, see also The Los Angeles Fire Department-produced documentary film "Design For Disaster," <http://www.scpr.org/news/2011/11/07/29756/50-years-ago-today-bel-air-fire/>.) In response to that tragedy, Los Angeles banned wood shingle roofs and adopted one of the most stringent brush clearance policies in the country.

The Chalon Campus suffered significant damage in the Bel Air Fire. One-fifth of the Campus and part of the Carondelet Center were destroyed. According to the Mount Archives Blog, "*At one point, the Chalon Campus was almost completely surrounded by fire.*" (See "Fire on the Mountain," The Mount Archives history blog, July 5, 2011, Enclosure 2, emphasis added.) The possibility of the entire campus going up in flames was so close to reality, the local evening news (wrongly) reported that the College had burned to the ground.



The Bel Air Fire was not the first time the Chalon Campus faced fire danger. Two or three times in the past, *“the College was in imminent danger of destruction by brush fire, going right back to the beginning in the 1930s.”* (*Id.*, emphasis added.)

b. The Many Fires Threatening Brentwood over the Past 15 Years.

Thankfully, the Bel Air Fire was the only fire that caused significant damage to the Chalon Campus. Since then, however, the University (as well as the Carondelet Center) has been impacted by a number of area fires, some of which were so threatening that full evacuations were required. That should not be a surprise because the threat of hillside brushfire has dramatically increased in recent years.

Just focusing on the past 15 years, there have been far too many warnings to ignore. On May 4, 2004, a fire broke out in the kitchen of the Carondelet Center. The residents were evacuated to neighboring Mount St. Mary’s University. As reported in MSMU’s magazine, *“...the road to the College had been closed because of the fire engines and possible danger.... Father George O’Brien recalled wondering if there was a brush fire—not uncommon in the surrounding hills.”* (See “Remarkable Service to Our Dear Neighbors,” The Mount, Summer 2004, Enclosure 3, emphasis added.)

On July 9, 2009, a brush fire broke out above the Getty Center’s parking facilities. Before it was contained, it quickly burned through 80 acres forcing the Getty Center and MSMU to evacuate: *“College was not in session but 100 staff members were being evacuated along with 200 other people attending a conference... The school used campus shuttles to take them out...”* (See “L.A. Fire Forces Evacuation of Getty Center, Mount St. Mary’s College,” Fox News, <http://www.foxnews.com/story/2009/07/09/la-fire-forces-evacuation-getty-center-mount-st-mary-college.html>, emphasis added.)

On September 4, 2010, a small fire scorched 10 acres of brush on the east side of the I-405 freeway at Getty Center Drive. The next day, the fire reignited brush along the freeway, forcing firefighters to get back on the hillside and closing one lane of the freeway over the Sepulveda Pass. A city fire dispatcher reported that firefighters had remained on site all night in case of just such a flare-up: *“We’re baby sitting this whole thing. We always have flare ups.”* (See “Bel Air Brush Fire Flares Up Again Next To 405 Freeway,” Beverly Hills Courier, <http://bhcourier.com/bel-air-brush-fire-flares-up-again-next-to-405-freeway/>, emphasis added.)

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: *“A fast-moving, rapidly*

growing brush fire along the Sepulveda Pass was causing students and staff to evacuate Friday afternoon from Mount St. Mary's College near the Getty Center." (See "Sepulveda brush fire: Mount St. Mary's College evacuating," LA Times blog, <http://latimesblogs.latimes.com/lanow/2012/09/sepulveda-brush-fire.html>.)

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. As Ellen King, a former Norman Place resident recalls, the resulting gridlock left local residents blocked and stuck in their driveways and unable to evacuate: "*We residents were left alone twiddling our thumbs. Once MSM was gone so were the [fire] trucks.*" (See Ellen King email, April 17, 2017, Enclosure 4, emphasis added.)

That terrifying experience should be a lesson learned—and not forgotten as the University now seeks to expand its Chalon Campus. And that lesson was reinforced again on September 16, 2014, when a brush fire ignited in the 1200 block of Getty Center Drive in the Sepulveda Pass, burning 80 acres and forcing the Getty Center to evacuate. More than 200 firefighters battled the flames as Getty visitors and staff were evacuated.

By 2017, it was clear we had entered a new era in fire danger—as evidenced by the many recent threats in the immediate area, in the region, and across the state. On May 28, 2017, an accidental blaze sparked by brush clearance workers in Mandeville Canyon, approximately 1.5 miles from the Chalon Campus, was declared a "major emergency." The fire charred 55 acres, forced evacuations, and took three days to attain full containment. (See "Mandeville Canyon 'major emergency' fire near Getty Center 95 percent contained," Daily News, <https://www.dailynews.com/2017/05/29/mandeville-canyon-major-emergency-fire-near-getty-center-95-percent-contained/>.)

Then 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. It burned for 10 days, scorched 422 acres, injured three fire fighters, destroyed 6 and damaged 12 structures, closed schools and cultural facilities, caused multiple evacuations and shut down the I-405 freeway and Sepulveda Boulevard. 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.

Had the winds been blowing westward—as during the Bel Air fire and is typical during wind-driven fire events—the Skirball Fire could have easily crossed the 405 to threaten the Chalon Campus. Luckily, the winds chose another route and heroic firefighters managed to tame it before they changed course. Reasonable public safety

decisions, however, cannot be based on the hope that favorable wind conditions will spare the area when the next brushfire erupts.



3. Realities of Living in a Very High Fire Hazard Severity Zone.

Just eight months before the Skirball Fire, a neighbor living within 500 feet of the Chalon Campus received a notice of non-renewal for fire coverage. It read, *“The property listed above poses an unacceptable risk for wildfire.”* (See Liberty Mutual Insurance letter, April 15, 2017, Enclosure 5, emphasis added.) The insurer listed the conditions justifying denial of coverage: *“close proximity to native and/or non-native flammable vegetation, wind patterns relative to fire fuel during typical wildfire season, and poor road accessibility for firefighting/emergency response equipment.”*

Following the Skirball fire, experts opined that the state has seen its most destructive year of wildfires in its history: *“Researchers warn that 2017 is a sign of what’s to come... The study concluded that property loss was most likely in neighborhoods with low to intermediate densities and in areas with a history of frequent fire”* such as Mount St. Mary’s. (See “After California’s most destructive fire season, a debate over where to rebuild homes,” LA Times, <http://www.latimes.com/local/lanow/la-me-ln-rebuilding-in-hazard-zones-20171216-story.html>.)

Experts and elected officials weighed in on the realities of living in areas prone to wildfire. 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.”* (See “How much did climate change affect California’s wildfires? Depends on where you are.” Vox, <https://www.vox.com/energy-and-environment/2017/12/12/16762120/los-angeles-california-fire-climate-change>.) According to Joe Edmiston, Executive Director of the Santa Monica Mountains Conservancy, *“Southern California has moved into a climate regime resulting in all-year*

wildfire danger."

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, more students, more events, large buses and shuttles, and more traffic has been a recipe for disaster.

C. History of Chalon Campus Entitlements.

1. 1930-1983: Promises Made.

Mount St. Mary's University was established as a College in 1925 and became a University in 2015. At its inception, the institution was housed at St. Mary's Academy at Slauson and Crenshaw in Los Angeles. In 1928, the University purchased a property consisting of about 33 acres of land from the Los Angeles Mountain Park Company located in the Santa Monica Mountains (Brentwood), which became the site for the future Chalon Campus. The Chalon Campus opened in 1930 and in 1962, the University also opened another location, known as the Doheny Campus, located just south of downtown Los Angeles.

In the 1920's, the area surrounding the Chalon Campus was blanketed with an "A" zoning designation, which qualified as residential area and permitted only single-family homes. On October 20, 1928, Mount St. Mary's applied to the City of Los Angeles for a permit to establish a college for girls on the subject property. The "Application For Special Permit" stated that *"Property is now included within Zone A, which does not permit schools. Said change will not be materially detrimental to public welfare because of its use as an educational institution of the highest order."* (See Application For Special Permit, October 20, 1928, Enclosure 6, emphasis added.) Later that year, during a public hearing, in front of the City Planning Commission, a representative of the University stated, *"they will have between 150 and 200 students and the maximum number will be 500, about 75 of the students will be resident and 75 will be day pupils."* This statement was confirmed by one of the Commissioners *"it is the intention to have a minimum of 150 students and a maximum of 500 students."* (See Planning Commission Hearing transcript, 1928, Enclosure 7, emphasis added.)

On December 5, 1928, the City Council denied a report and recommendation from the Planning Commission, under Case No. 3066, that recommended that the property purchased by the College be classified in the "B" zone, thereby permitting the establishment of Mount St. Mary's College by right. Instead, the City Council partially

adopted a report from the City Planning Committee, which stated that “...in view of the special circumstances that attach to the property and in order to protect the adjoining property to the fullest extent, that the action of said Board (i.e., Board of City Planning Commissioners) in recommending that the property be placed in the “B” zone be not concurred in and that the City Attorney be instructed to prepare an ordinance under the terms of Section 4 of the Zoning Ordinance, allowing the establishment of said college on the property therein described...” subject to the following condition – **“That the plans for the buildings and the location of same be approved by this Council prior to the issuance of building permit.”** (See Zone Variance approval, December 5, 1928, Enclosure 8, emphasis added.)

On January 4, 1929, the City Council approved Ordinance No. 62642, granting an exception (i.e., variance) from the provisions of an earlier Ordinance, No. 42,666 that became effective on October 21, 1921. (See Ordinance No. 62642, January 4, 1929, Enclosure 9, emphasis added.) Ordinance No. 42,666 (New Series) passed by the Los Angeles City Council, provided for the creation of five zones in the City of Los Angeles (“A”, “B”, “C”, “D” and “E”), with the subject property placed in “A” zone by the adoption of Ordinance No. 58283 which became effective on September 2, 1927. As mentioned previously, Zone “A” only permitted single family dwellings by right. This zone variance was granted “...**but only so far as such exception is necessary to establish a college on that certain property...**” (*Id.*, emphasis added.)

In accordance with the condition of Ordinance No. 62642, which required that the City Council must approve any plans for new buildings, on December 22, 1939, a permit for a Faculty Building was approved. (See Faculty Building approval, December 22, 1939, Enclosure 10, emphasis added.) In 1944, the University concluded the purchase of an additional 17 acres of land, adjoining the campus to the north. (See Application For Conditional Use, March 14, 1952, Enclosure 11 and Mary Germaine McNeil, “History of Mount St. Mary’s College, Los Angeles, California: 1925-1975, Enclosure 12, p. 63.)

On June 1, 1946, under Ordinance 90,500 for the City of Los Angeles, the Comprehensive Zoning Plan became effective (see Los Angeles Zoning Code, 1946, Enclosure 13) and the property occupied by Mount St. Mary’s College was classified under R1 One-Family Zone, subsequently changed to the RE40-1-H “low density residential” Zone in 1982. (See Zone Change Recommendation Report, May 10, 1982, Enclosure 14.)

In addition, Ordinance No. 90,500 placed “Educational Institutions” under the authority of the Planning Commission as a Conditional Use. (See Los Angeles Zoning Code, 1946, Enclosure 13, p. 49.) Section 12.24 B.9 of this Ordinance states that “Any of the ... uses existing at the time this Section (i.e. Section 12.24) became effective, shall be deemed to have been approved by the Commission and nothing in this Section shall be

construed to prevent the enlargement of existing buildings for such uses if all other regulations of this Article are complied with, including the conditions of any special district ordinance, exception or variance heretofore granting authorizing said use.” (Id., emphasis added.)

Additionally, under the newly adopted Zoning Code, Section 12.24.A.1, conditional uses for Educational Institutions required a mandatory public hearing: *“Uses for which at least one public hearing shall be held include: airports or aircraft landing fields; cemeteries; educational institutions; and golf courses (except driving tees or ranges, miniature courses and similar uses operated for commercial purposes).” (Id., emphasis added.)*

In 1949, MSM built a swimming pool, bathhouse and tennis courts on the 17-acre lot. It was not until 1952, however, that the University applied for a conditional use for those structures and uses already existing. In its application, the University wrote, *“Inadvertently Parcel A was used for swimming pool, bathhouse, and tennis courts, as we did not realize at the time that it was not included in the original application for zoning. This was brought to our attention recently when a building permit was being taken out for a proposed building.”* (See Application For Conditional Use, March 14, 1952, Enclosure 11, emphasis added.)

On May 23, 1952, the City Council, under Case No. 4072, Conditional Use for expansion, approved plans to allow the addition of 17 acres of new land to the existing College site for future expansion and the construction of athletic facilities. (See City Plan Case 4072-CU, May 23, 1952, Enclosure 15.) Condition No. 3 states ***“This grant shall only apply to school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious educational activities.”*** (Id., emphasis added.)

An exhibit to the 1952 Plot Plan contains a list of 161 then-existing parking spaces required for the buildings on the Chalon Campus at that time. (See Plot Plan, Exhibit A, 1952, Enclosure 16.) City records also show that additional buildings were constructed between 1952 and 1984: two Facilities Management Buildings (1952 and 1964), Carondelet Hall (1958), William H. Hannon Theater and Humanities Building (1965), Jose Drudis-Biada Art Gallery and the Fine Arts Building (1974) and Yates, Aldworth and Burns Houses (1984.)

On March 5, 1964, the City approved a plot plan for a new Arts and Humanities building as a replacement for the old Arts Building, which was destroyed by fire in 1961. The report stated, *“The parking requirements for the Science Building, the Humanities Building, the Chapel and the Residence Hall, were found to be 161 spaces. As shown on Exhibit ‘A-1,’ the school will be able to accommodate 201 cars, including the new*

proposed parking area.” (See Approval of Plot Plan Report, March 5, 1964, Enclosure 17, emphasis added.) It is important to note that the report also addressed enrollment: *“This new building is not intended to house any additional students but to accommodate the existing enrollment.”*

In 1979, the City Planning Commission approved a plan for four temporary housing units, to be located on an existing parking area behind the tennis courts. (See City Planning Commission Approved Plan, August 29, 1979, Enclosure 18.)

2. 1984: More Promises Made for a Modest Expansion of Facilities— Expressly Disavowing Any Increase In Enrollment.

On January 26, 1984, the City Planning Commission approved plans for the construction of a Faculty Residence Hall facility. Condition No. 1 stated, *“There shall be no increase in student enrollment beyond 750 students, until a parking structure is constructed at the southern end of the campus. In lieu of this, when an increase in enrollment beyond 750 students is contemplated, the college may apply to the City Planning Commission for a review of the adequacy of existing and any proposed on-campus surface parking.”* Staff Report Comments noted *“The new residence hall is therefore being built to increase the number of students living on-campus, not to increase enrollment.”* (See City Plan Case 4072-CU, January 26, 1984, Enclosure 19, emphasis added.)

The Staff Report also stated, *“It should also be noted that, at the southern end of the campus, there is a proposed future parking structure. While no new parking is needed at the present time, future changes in enrollment could create a demand for more parking.”* (*Id.* emphasis added.)

Further, the Staff Report concluded, *“That staff has recommended that any future expansions of enrollment be predicated upon the construction of the future parking structure at the southern end of the campus. While it is true, as the applicant has noted, that the proposed faculty residence hall contemplates a net addition of 10 parking spaces on-campus, with no increase in student enrollment, there would be no inherent control in this approval to insure that enrollment would not grow in an ad hoc fashion, apart from the condition relating future increases to the proposed parking structure.”* (*Id.*, emphasis added.)

On March 26, 1984, The Blurock Partnership, an architectural firm representing Mount St. Mary’s University, sent a letter to the Los Angeles Planning Department notifying the City that *“[a]t this time, the Mt. St. Mary’s College would like to begin construction of this proposed parking structure.”* The letter further suggested, *“If the current ratio of students to parking available is used, the enrollment on campus **could***

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increase to 1037 from 750 with the additional 188 spaces (244-56 existing)." (See The Blurock Partnership letter, March 26, 1984, Enclosure 20, emphasis added.)

In the process of reviewing the application for the proposed parking structure, on April 18, 1984 the City Planning Department issued a Mitigated Negative Declaration (MND.). The project description in the MND included no increase in enrollment, describing the project as, *"Conditional Use for a 4-story, 80,000 sq. ft. parking structure for 244 cars located on the Mount St. Mary's College campus on 45.5 net acres, zoned RE40-1-H."* The MND *"concluded that no significant impacts are apparent which might result from this project's implementation. This action is based on the project description."* (See MND, April 18, 1984, Enclosure 21, emphasis added.)

The Mitigated Negative Declaration was further supported by an Initial Study Traffic Analysis, signed by the Los Angeles Department of Transportation (LADOT). The LADOT Analysis concluded *"Impact of Traffic Generation: Not Significant. Provided that no enrollment increase is allowed."* (See LADOT Initial Study Traffic Analysis, April 4, 1984, Enclosure 22, emphasis added.)

On July 12, 1984, the City Planning Commission conditionally approved plans for a multi-level parking structure on the University's site with 244 parking spaces, which later was amended to allow 268 spaces. Bob Rogers, Senior City Planner, signed the Staff Recommendation Report. Amongst the various conditions imposed, Condition No. 3 stated, *"That the ratio of parking to students shall not be less than 1/4 parking spaces for each student enrolled at Mount St. Mary's College."* (See City Plan Case 4072-CU, July 12, 1984, Enclosure 23, emphasis added.)

Based on the project description in the Initial Study Traffic Analysis and MND and as recommended by City staff in the January 1984 CUP, the condition related only to *"future increases to the proposed parking structure."* It did not permit an enrollment increase, which would have required an additional environmental review and traffic analysis, disclosure of potential significant impacts, and mitigation measures under CEQA.

This is further evidenced by the July 27, 1984 letter from the City Planning Commission to the University: *"Please be advised that the City Planning Commission on July 12, 1984 conditionally approved the plans for a multi-level parking structure on the Mount St. Mary's College site... Condition No. 4 revised to permit 268 spaces."* (See City Plan Case 4072-CU, July 27, 1984 Enclosure 23, p. 1, emphasis added.)

3. 1984-1995: Promises Broken.

Despite the validly and prudently imposed conditions on the Chalon Campus, the

University has continuously—and illegally—acted without the requisite permission to increase its enrollment, expand the number of special events, and even going so far as renting-out campus facilities for large revenue-generating events. Similarly, illegal was the University's unilateral decision to expand its programming by offering evening and weekend classes, thereby operating seven days a week from early morning to late evening, without requesting the requisite approval.

The very substantial intensification of use has negatively and significantly impacted the surrounding residential community's quality of life.

Accordingly, in 1995, the Brentwood Homeowners Association (BHA) and a group of neighbors who were most immediately affected by the University's operations (the Bundy/Norman Place Committee "BNPC"), filed a request with the City to initiate a formal revocation of the University's conditional use authority. The BHA/BNPC letter was written by James J. Crisp, a former City of Los Angeles Associate Zoning Administrator. The request was based on the provisions of Section 12.24-J of the Los Angeles Municipal Code and by evidence of long-term and ongoing commercial use, significant traffic and noise, endangering public safety and other impacts created by the University's illegal intensification of use. (See James J. Crisp letter, August 29, 1995, Enclosure 24.)

The BNPC letter referred to the renting and leasing of the campus facilities for outside events and stated, *"use of the site for commercial use stands in direct violation of past and current provisions of the Los Angeles Municipal Code and there is no indication that any effort to reduce or eliminate these activities is being voluntarily undertaken at the present time. To the contrary, these commercial activities have been consistently promoted and expanded."* (Id., p. 6, emphasis added.)

The letter also raised the issue of enrollment not being in compliance with the 1984 CUP for parking structure *"Potentially and knowingly violating the Conditions of Operation imposed under a Plan Approval dated July 12, 1984 which limited parking on the site to 268 automobile parking spaces and enrollment to a maximum of 1072 students."* (Id., p. 7, emphasis added.)

The impacted neighbors further complained about the lack of response and cooperation from the University in addressing the serious concerns: *"Records and information received from the 'BHA' and 'BNPC' indicate that individuals and groups from the community have consistently tried to reach some degree of compromise or problem recognition from college representatives since at least 1989. All efforts have failed with the college representatives taking no initiative to resolve concerns or mitigate potential and real problems. Therefore, revocation is both needed and necessary with no other form or reasonable dialogue or solution available or acceptable to the parties*

involved." (*Id.*, p. 6, emphasis added.) Upon receiving this request for revocation of MSM's conditional use permit, the City initiated an investigation that was led by Bob Rogers, Principal City Planner.

During the time the City was reviewing the case, the neighbors and the Brentwood Homeowners Association submitted an additional letter with the results of a very comprehensive traffic study that was commissioned by the Association. The letter stated, *"Both BNPC and BHA believe the results are highly pertinent to your and the City's determination regarding the previously submitted request for revocation of the CUP of Mount St. Mary's College and, further, buttress our contentions, made so often over the years, that the College, in conjunction with the Carondelet Center, are the source of traffic volumes far in excess of what the canyon can bear... The results were impressive (or appalling, depending on your point of view!). Between 2,500 and 2,700 vehicle trips through the canyon take place on weekdays as a result of the College and Center's operations. Even on an unremarkable Saturday or Sunday, 1,700 vehicles pour through the neighborhood each day. The volumes mean residents must put up with, on average, one car going by each and every minute of every waking hour and, for many of those hours, well over two cars per minute."* (See BHA letter, November 2, 1995, Enclosure 25, p. 1, emphasis added.)

The University formally responded to the various complaints raised by impacted neighbors: *"With regard to rentals, the College rents its facilities, mainly in the summer months, to selected outside groups which have educational purposes. The sole rentals not strictly for educational uses are for weddings and receptions held in our chapel."* (See MSMC letter, November 7, 1995, Enclosure 26, p. 2, emphasis added.)

MSM also addressed the enrollment issues: *"The total enrollment of the College was 1,935 students in the fall of 1994, but students attended different programs split between the two campuses. On the Chalon Campus, the College enrolled 790 students in the weekday B.A. program, 744 of whom were full time. Our Weekend College program enrolled an average of 235 students for the 1994-1995 academic year. The remaining students were enrolled at our Doheny Campus... I was concerned that the analysis appears to have been completed using an incorrect enrollment figure. As I noted above, the actual enrollment at the Chalon Campus is considerably lower than that of the entire College."* (*Id.*, pp. 1-2, emphasis added.)

Upon completion of the investigation, Bob Rogers submitted a report to the Councilmember with a recommendation and a conclusion: *"Based on my research, there is insufficient evidence to support the initiation of a revocation action. However, it is recommended that the school meet with the residents to try and resolve long simmering traffic issues. Should additional evidence be submitted regarding uses not permitted by the conditional use grants or excessive traffic, this office will give further consideration*

to initiation of revocation proceedings.” (See Bob Rogers report, January 25, 1996, Enclosure 27, p. 2, emphasis added.)

Bob Rogers also commented on the enrollment issue: *“In 1984 ...the Commission did not specifically limit enrollment in its approval, but in approving the plans for the parking structure, they imposed a condition requiring 1/4 parking space per student. In a Plan Approval, dated July 12, 1984, enrollment was limited to 1,072, based on 268 parking space.”* (*Id.*, p. 4, emphasis added.) It is important to note that Bob Rogers was the same Senior City Planner who signed the Staff Recommendation Report for that approval in 1984, which included the enrollment limit.

Within a few months following the Rogers Report, the issues raised by the impacted neighbors continued and they were forced once again to return to the City to ask for help, *“The neighbors sent another letter to Braude in June 1996, stating that their concerns were not fully addressed by Rogers. They asked for a hearing on behalf of surrounding neighbors.”* (See “Neighborhood Concerns Over Traffic to Chalon Causes Formation of a New Committee,” *The Oracle*, December 1996, Enclosure 28, emphasis added.) As a result, a special group was formed (called the *“Town and Gown”* committee) to address the concerns of the community and *“to find cooperative solutions to problems.”* The committee was made up of the most impacted neighbors, BHA, MSMU and Council office representatives.

Through the “Town and Gown” committee, the University was forced to address and to attempt to mitigate the significant traffic impacts to the neighboring community. One of the proposed solutions, was an agreement between MSMU and the BHA, to establish a bi-directional traffic “loop,” whereby all vehicles were required to travel up Bundy Drive to Norman Place to access the Campus and down Chalon Road to South Bundy to exit the Campus. This traffic-flow pattern was intended to disperse traffic impacts, so that residents living along Norman Place and Bundy Drive would be impacted equally by the University’s traffic. MSMU’s self-imposed measures, including the “loop,” all failed.

4. Mount St. Mary’s University Draft EIR Circulated in April, 2018.

In August 2016, Mount St. Mary’s held a Public Scoping Meeting announcing plans for the expansion of its Chalon Campus. According to the Draft EIR (ENV-2016-2319-EIR) circulated in April 2018, “The current fitness facilities are not adequate for the existing number of students on Campus; the proposed Wellness Pavilion would offer fitness programming that would be able to serve the existing student body.”

a. The University's "need" is based on a self-imposed hardship.

The University proposes to demolish its existing 1,030 square foot Fitness Center, including tennis courts, swimming pool and several surface parking lots containing a total of 226 parking spaces approved in 1952 and replace it with a 38,000 square foot, 2-story Wellness Pavilion, which will have a recreation and practice gym, multi-purpose rooms, exercise rooms, physical therapy lab, dance and cycling studios, offices and support space, tennis courts, outdoor pool area and 281 parking spaces.

The document goes on to say that the University intends to rent its Wellness Pavilion for events that will draw 50 to 450 attendees from outside the campus. As conceded in the DEIR, "Events hosted on the Campus throughout the year draw visitors beyond the student body, staff and faculty already on Campus."

The proposed use is not permitted by the applicable CUP, nor is it a deemed approved use. In 1952, when the City approved plans for the addition of these 17 acres of new land to the existing College site for future expansion and the construction of athletic facilities, it was under the condition that "[t]his grant shall only apply to school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious educational activities." (See City Plan Case 4072-CU, May 23, 1952, Enclosure 15, emphasis added.) Renting or leasing campus facilities for outside or revenue-generating events is not a "school use" and is therefore not permitted under the terms of the CUP—nor can it be treated as a deemed approved use because the CUP is expressly limited to school uses within the residential zone.

The University makes the circular argument that the proposed fitness facility with increased capacity and intensified uses is necessary to serve (1) the current student enrollment—despite the fact that the current enrollment is *substantially greater* than the enrollment cap previously approved by the City, and (2) the substantial expansion of special events necessitated by the illegal enrollment expansion. Thus, the asserted "need" is nothing more than a self-imposed hardship that can be remedied by compliance with existing enrollment limitations. As courts have made clear, that type of self-imposed hardship is not a proper basis for granting special privileges or deviations from applicable zoning requirements. (*City of San Marino v. Roman Catholic Archbishop* (1960) 180 Cal.App.2d 657, 673; *Broadway, Laguna, Vallejo Ass'n v. Board of Permit Appeals of City and County of San Francisco* (1967) 66 Cal.2d 767, 778.)

b. The DEIR also fails to recognize the project would significantly increase enrollment.

The Draft EIR's Project Description is fundamentally flawed because it fails to

recognize that the project would result in a substantial increase in student enrollment to 2,244 students. The DEIR incorrectly states that the project would not increase enrollment on the Campus, nor would it create any need for a future increase in the maximum enrollment.

The DEIR fails to recognize that the City has only approved enrollment for 750 students. To avoid that inconvenient fact, the University relies on a 1984 CUP that has been improperly construed as authorizing an increase in enrollment. The DEIR states that “condition number three of City Plan Case No.4072-CU dated July 27, 1984 provides as follows: ‘That the ratio of parking to students shall not be less than $\frac{1}{4}$ parking spaces for each student enrolled at Mount St. Mary’s College.’ The Campus currently provides 561 spaces, which results in a maximum enrollment for 2,244 students ($561 \times 4 = 2,244$).” (DEIR, Project Description, II-12.) Enrollment of 2,244 would *be a 200% increase over the 750 enrollment permitted in January 1984.*

However, according to Allyn Rifkin, the City’s Transportation Bureau Chief at the time the 1984 CUP was approved, there was no request for an enrollment increase in 1984 and, if there had been, further environmental review would have been mandated under CEQA: “From the project description it is clear that the request was to build a parking structure and *not for an enrollment increase*. That is how the City should have processed the entitlement. *If the City instead permitted an increase of enrollment to 1,072 students* (a 43% increase without additional traffic analysis and new environmental review), that would have been *a critical error*.” As Mr. Rifkin explains, the July 1984 CUP was approved based on an initial transportation study that was found sufficient by LADOT for purposes of environmental review “provided that *no enrollment increase* is allowed.” Thus, the 1984 CUP did not authorize an increase to the then existing 750 student enrollment cap.

As Mr. Rifkin also explains, the DEIR contains an even more extreme error, relied upon by the University in claiming that the 1984 CUP increased the enrollment cap to 2,244—even though (1) no enrollment increase was sought and (2) the traffic review was conditioned on the assumption that no increase from the 750 student cap would be granted. The DEIR’s erroneous assumption that the 1984 CUP implicitly increases the 750-student enrollment cap to 2,244 is based on a gross misreading of the 1984 CUP: “The current MSMU Draft EIR includes a misleading assumption which asserts that the ratio of 1 to 4 parking spaces to students applies to all of the parking on campus...If the permit was to provide for increased student enrollment, LADOT would have required further assessment of the added vehicle trips to determine the need for a traffic study and ultimate assessment of traffic impacts.” (See Allyn Rifkin report, Enclosure 1, p. 1, emphasis added.)

Indeed, the University's theory is absurd. One would have to assume that the City would allow every single parking space on campus to park four students and leave no parking for any other use, including for all of its buildings: Mary Chapel, Rossiter Hall, St. Joseph Administration and Saver Science Center, William H. Hannon Theater, Humanities Building, Jose Drudis-Biada Art Gallery (open to the public) and the Fine Arts Building, the Charles Willard Coe Memorial Library, Carondelet Hall, Brady Hall, Facilities Management Buildings, Fitness Center, Yates, Aldworth and Burns Houses, pool, tennis courts, or to park its 176 staff and 273 faculty members, Doheny students attending Chalon classes, guests, deliveries, etcetera.

Despite the lack of any City approval for an enrollment increase, the University is already far in excess of the 750-approved enrollment. According to the Draft EIR, total enrollment at the Chalon Campus in 2016 reached 1,498 (down from 1,561 in 2015). The maximum number of students living on Campus is 470. MSMU employs 176 staff members (administration, maintenance, executive, etc.), 63 full-time and 210 part-time faculty teach at the Campus, 42 external and internal events with outside visitors. (DEIR, Project Description, II-12 – II-13.) These numbers exceed by far anything ever contemplated by the City in any of its approvals.

It is clear that the Project Description in the Draft EIR is flawed in that it claims a deemed approved enrollment of 2,244 students and a deemed approved right to lease or rent its facilities to outside uses. The DEIR must be held in abeyance to allow the Campus to begin to operate legally so the community and experts can assess the actual impact of the legally operating enrollment numbers and events that are associated with the University's mission as required by its current entitlements.

D. INTENSIFICATION OF USE.

As described above, enrollment increases and campus facility expansions have contributed to substantially intensified use of the Chalon Campus. Making the adverse effect of these changes more pronounced is the fact that the University has also increased its commercial and non-educational activities over time.

1. Unpermitted Increases in Enrollment.

After Mount St. Mary's University was established as a "small college for girls" in 1925, the institution's leaders chose to relocate its campus from downtown Los Angeles to a residentially zoned hillside area in the Santa Monica Mountains in a wildfire zone. During a 1928 public hearing, in front of the City Planning Commission, a representative of the University stated that *"they will have between 150 and 200 students and the maximum number will be 500, about 75 of the students will be resident and 75 will be day pupils."* (See Planning Commission Hearing transcript, 1928, Enclosure 7, emphasis

added.) This statement was further confirmed by one of the Commissioners: *"it is the intention to have a minimum of 150 students and a maximum of 500 students."*

However, City decision makers were concerned about the impact of an educational institution on the neighboring residential area and stated that *"...in view of the special circumstances that attach to the property and in order to protect the adjoining property to the fullest extent..."* the requested zone variance should be subject to a condition requiring ongoing planning review: *"That the plans for the buildings and the location of same be approved by this Council prior to issuance of building permit."* (See Zone Variance approval, December 5, 1928, Enclosure 8, emphasis added.)

The first building on Chalon Campus was built out by 1931 as *"...13 resident students, and 45 commuter students became well situated within the campus. As the number of students gradually increased, so did the desire to structurally expand the college."* (See "Mount Celebrates 55th Year," The View, 1955, Enclosure 29, emphasis added.) By 1950, MSMU has grown, *"...from one room at St. Mary's Academy with an enrollment of 25 students, to a group of 5 buildings in the Brentwood Hills with a student body of 561."* (See "Quarter Century Notes Changes—One to Five," The View, October 12, 1950, Enclosure 30, emphasis added.)

In the span of 25 years, the University's curriculum expanded from music, languages, history and art to include elementary teaching, pre-nursing, home economics, secondary teaching, social welfare, cancer research, physical education, drama and a four-year nursing program. (See "New Mount Departments Reflect Changing College Curriculum," The View, October 12, 1950, Enclosure 31.) In 1957, the University opened its second campus, downtown Los Angeles, which later became known as the Doheny Campus and started offering a variety of programs and degrees. In the spring of 1980, the University began offering evening classes on its Chalon Campus.

In the years following the addition of the Evening College, the University continued to increase enrollment at both campuses and expanded its curriculum by a multitude of programs. By academic year 1982-83, *"Enrollment at Mount St. Mary's...totaled 1,099 in the spring and increased to 1,252 in September 1983."* (See "Mount St. Mary's at a Glance," MSMC Magazine, Fiscal Year 1983, Enclosure 32, emphasis added.) The MSMC Magazine also reported that, *"In May 1983, the College awarded 80 Associate in Arts degrees, 191 baccalaureate degrees, and 69 graduate degrees and teaching credentials."*

In addition to tuition revenue, MSMU relies on other funding sources, such as private gifts and grants. The University is a member of the Independent Colleges of Southern California (ICSC). According to Wikipedia, the ICSC is *"an association that secures 'money and other resources' for its seventeen member institutions."* (See

https://en.wikipedia.org/wiki/Category:Independent_Colleges_of_Southern_California.)

*"As you know, the ICSC fund supports 15 local liberal arts colleges and universities through contributions from the business community. **The size of the gift allocated to an individual college is related to the size of the enrollment.**"* (See "How to Read Mount St. Mary's Development Report," MSMC Magazine, Winter 1983, Enclosure 33, emphasis added.) In other words, MSMU has a vested financial interest in expanding enrollment, regardless of the resulting impacts to the surrounding community.

It became evident the continuous increase in enrollment exceeded the physical capacity of capital improvements on the Chalon Campus and in 1984, the City granted two approvals to expand the University's facilities: (1) residence hall with a one-story garage and (2) multi-level parking structure. The January 1984 CUP for a residence hall stated, *"The College, for the past five years, has maintained a constant enrollment of between 700 and 750 students... The new residence hall is therefore being built to increase the number of students living on-campus, not to increase enrollment."* (See City Plan Case 4072-CU, January 26, 1984, Enclosure 19, emphasis added.)

The July 1984 approval for a multi-story parking structure for 268 spaces included a condition limiting the enrollment number on Chalon Campus to the number of parking spaces available in the approved structure, as *"there would be no inherent control in this approval to insure that enrollment would not grow in an ad hoc fashion, apart from the condition relating future increases to the proposed parking structure."* (*Id.*, emphasis added.)

Based on the review of various documents in the City's files, there's no evidence that the University ever applied to the City for approval to increase enrollment above 750. However, as reported in The Winter 1985 MSMC Magazine, a University publication, *"Official enrollment for the current academic year is 1,222 students... Students currently enrolled...at the Chalon Campus total 833, of whom 354 are in residence."* (See "At A Glance," MSMC Magazine, Winter 1985, Enclosure 34, emphasis added.)

In 1992, the University further expanded its enrollment by offering a Weekend College program on the Chalon Campus, *"The program enrollment is expected to reach 400 by the Fall of 1994, up from its current enrollment of 142."* (See "Weekend Program Offers Full Degrees At Reduced Rates," The View, Spring 1993, Enclosure 35, emphasis added.)

The University continued unpermitted expansion in enrollment and by 1995, *"MSMC's enrollment has increased by more than 20% over the last three years. Our total of 1,935 students...represents an all-time high [for both campuses]."* (See "Mount St. Mary's," Los Angeles Times, February 21, 1995, p. B4, Enclosure 36,

emphasis added.) In this article, the President of the University also stated, *“It was dismaying, however, that Mount St. Mary’s College, the only women’s college right here in Los Angeles, was overlooked in the sidebar about enrollment increases.”*

By 2006, the decades of overcapacity expansion in enrollment at the Chalon Campus resulted in such an impact to the residential community, the University was forced to relocate, *“all of the nontraditional programs...and Weekend/Evening College program from the Campus to the Doheny Campus between 2006 and 2008 (reduction of approximately 400 students in all programs total).”* (DEIR, Project Description, II-11, emphasis added)

Currently, according to the University’s website, MSMU offers Undergraduate Bachelor Programs in more than 30 majors and concentrations (Chalon Campus), Undergraduate Associate Programs, Graduate Programs (in business, creative writing, nursing, health policy and management, physical therapy, education, psychology, religious studies, humanities and film & television), as well as Weekend/Evening College (Doheny Campus). The 2018 DEIR states that as of fall 2016, total student enrollment was 3,554 for both campuses, and of these, 1,498 students were enrolled on the Chalon Campus.

Over the last 90 years, Mount St. Mary’s has morphed from a “small college for girls” into a large educational institution and events center that is still located in a remote residential neighborhood.



2. University-Related Activities and Events Have Grown in Size With Unauthorized Enrollment Increases.

Every year, the University hosts a large number of activities and events on the Chalon Campus that are related to its educational program and mission. Some of these events, such as open house, student orientation, move-in day and commencement, are operational in nature. These types of events are a normal part of providing educational services.

Additionally, the Chalon Campus offers a multitude of educational, social and cultural events aimed at enhancing the program curriculum, fundraising and generating new business. From a land use perspective, these types of events are more intensive because they are not limited to students, staff and faculty, but also bring to campus a large number of family member, guests and other visitors.

As the University has expanded over the years, increasing its enrollment and program offerings in violation of its approvals, these types of events have grown in number and size. Given the remote location of the Chalon Campus in a low density residential zone, even these “internal” (a term the University uses) campus events have become very impactful to the neighboring community.

Currently, according to the 2018 DEIR, some of the events hosted at the Chalon Campus include the following: student orientation (1,000 attendees), admitted students day (300 attendees), residence move-in days (500 attendees), Mary’s Day (500 attendees), open house (500 attendees). (DEIR, Project Description, II-13.)

3. Unpermitted Commercial Activities Have Increased Over Time.

a. Leasing and rental of facilities for commercial, non-educational purposes.

The 1952 Conditional Use was approved with the following condition: ***“This grant shall only apply to school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious educational activities.”*** (See City Plan Case 4072-CU, May 23, 1952, Enclosure 15, emphasis added.) A review of City records indicates that no authority has ever been granted for the commercial exploitation of the campus property by leasing or renting campus facilities. Indeed, the only use ever permitted is limited to “school use involving educational subjects.”

Despite that limitation, the University has a long history of advertising and profiting from leasing its facilities for commercial, non-academic program events and activities. Currently, in the “Campus Events” section of its website, the University advertises the availability and benefits of its location and facilities: *“Our mission at the Office of Campus Events is to help you find the perfect place for your conference, special event, workshop or meeting, and work with you to ensure the total success of your event.”* (See <https://www.msmu.edu/resources-culture/campus-events.aspx>.)

The University especially promotes its facilities for summer rental when regular classes are not in session. We *“market our college in order to bring in different resources during the summer. We have groups that come in and hold conferences and workshops,*

and stay in residence the dorms... We should have over 200 in residence and I'm really looking forward to meeting this group. Then there's a group of about 200... So, although most of our summer groups are education-related, they're not the sort of groups we can host during the school year, since all require residency." (See "An Interview with Lisa Melou," The Oracle, 2008-2009, Enclosure 37, emphasis added.)

In addition, the University advertises the availability of a 350-seat William Hannon Theatre, a 4,800 sq. ft. Conference Center, and the "classic" Mary Chapel with seating for 350, as well as many conference rooms at the Chalon Campus. As mentioned above, housing is offered for long term events during summer months (May to July).

Over the decades, the University has been the site of hundreds of commercial events, bringing in tens of thousands of visitors and vehicles that all have to traverse the local narrow and windy roads. A sampling of past events includes weddings, large national conferences with hundreds of attendees, film festivals, movie screenings, Mount Orchestra festivals, High School Choral Festival (with *"hundreds of high school choristers from the Los Angeles area"*), Concerto Competition for High School Students, Invitational Youth Chess Tournament, multi-day yoga retreats (with up to 500 attendees a day), workshops, art exhibitions, wine tastings, etc. These are just some examples of the plethora of commercial events and non-program related activities that take place on the campus. (See MSMU Events, Enclosure 38, emphasis added.) The continuous use of the Chalon Campus for such events has detrimentally impacted the surrounding residential community by adding to traffic burdens already heavy from education-related functions, thereby creating additional noise, pollution, traffic and safety hazards.

Mary Chapel, located on the Chalon Campus, has routinely been available for rent and lease for weddings. Generally, weddings take place on weekend afternoons or evenings, lasting late into the night and attracting scores of visitors from outside areas not familiar with the local hillside streets—or the risks inherent in the windy, view-limited roads—or local traffic patterns, often causing problems for neighbors.

The University has previously conceded it has used the campus for weddings and implicitly acknowledged the impact by promising to limit future weddings to only students and alumni: *"Representatives of the Mt. St. Mary's administration did admit there were numerous weddings in the chapel for a short period following the Northridge earthquake, pending repairs to Saint Monica Church. They indicate that weddings are now limited to registered students enrolled in the school's B.A. program or alumni of the institution."* (See Bob Rogers report, January 25, 1996, Enclosure 27, p. 4, emphasis added.)

Regardless of who uses the Chapel for wedding events (alumni or not), the significant negative impacts of the additional visitors driving through the residential

neighborhood is considerable. Following the City review in the 1990s, the University continued to allow weddings at the Chapel, despite many complaints from its residential neighbors. Most recently, the DEIR addressed this issue: *"The Campus wedding ceremony and wedding reception policy has been updated to no longer allow wedding receptions on the Campus and restrict the number of wedding ceremonies permitted annually on Campus."* (DEIR, Project Description, II-11, emphasis added.) The problem is that the area is not compatible with events like weddings, which is why the use has never been permitted.

The Jose Drudis-Biada Art Gallery is another Chalon Campus attraction that is advertised to draw visitors. The gallery is open to the public on most days of the week, including the weekends, and has an ongoing exhibition program. (See <https://www.msmu.edu/resources-culture/jose-drudis-biada-art-gallery/hours-and-directions/>.)

Since 2013, the University has rented out its facilities to accommodate the annual "Ready to Run" Campaign Training for women interested in running for political office, which usually takes place on Saturdays and attracts at least 200 attendees. Individual general tickets were \$110 per person this year and the sponsorship packages varied from \$10,000 to \$30,000. (See <https://www.msmu.edu/ready-to-run/sponsorship-packages/>.) The event, which starts at 8:30 am, brings dozens of speeding cars onto local narrow roads on what otherwise should be a quiet Saturday morning in a low density residential area. In fact, the adverse traffic impacts were so significant that the University was forced to move the event to its Doheny Campus after several impactful years *"in order to help alleviate neighborhood traffic from the event."* (See Chalon Neighbor Newsletter, January 2016, Enclosure 39, emphasis added.)

During the spring 2016 semester alone, the following events were advertised in the "Chalon Neighbor Newsletter:"

- Sunday, Jan. 17: C.G. Jung Retreat (approx. 50 outside guests)
- Wednesday, Jan. 27: Cokie Roberts event (approx. 200 outside guests)
- Wednesday, Feb. 4: Live at the Mount Admission Event. Annual event held for high school students to introduce them to the college experience, (approx. 280 outside guests, and about five school buses.)
- Friday, Feb. 19: High School Choral Festival (approx. 200)
- Saturday and Sunday, Feb. 27-28: Music Teachers Association of California open house/student evaluations (approx. 600 over two full days, with parents)
- Sunday, April 10: Admitted Students Day (approx. 800)
- Sunday, April 24: National Coalition of Girls Schools (approx. 150)
- Saturday, April 30: Expanding Your Horizons conference (approx. 250)

The variety of commercial use activities and events, which are not permitted under the CUP, impose significant, unmitigable adverse impacts to the residential neighborhood.

b. Commercial filming.

Commercial activities are prohibited in the Residential Estate (RE) Zone where the MSMU campus is located. (LAMC section 12.07.01 [Stating “No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged, or maintained except for the following uses” which do not include commercial activities.] Commercial filming is not a permitted use and for good reason, it brings large trucks with large crews to filming locations. It exposes neighbors to excessive traffic, noise, light-intrusion, and assorted other impacts inherent in film production.

Throughout the years, the University has rented out the Chalon Campus for movies and TV shows, music videos and commercials. According to the Internet Movie Database IMDb and a report from Film LA, Inc., the Chalon Campus has been used in over 20 movies, TV shows, music videos, pilots and commercials, including but not limited to: “Falcon Crest,” “Less Than Zero,” “Death Becomes Her,” “The Glass House,” “90210,” “Modern Family,” and “Monk.” (See Film LA and IMDb Titles with Filming Locations, Enclosure 40.) As evidenced by the University’s financial statements, during the time from July 1, 2010 to June 30, 2016, it has reported over \$800,000 in revenues from such filmmaking activities. (See MSMU Form 990, July 1, 2010 – June 30, 2016, Enclosure 41.)

Renting out its facilities for filmmaking is obviously a lucrative side business for the University: *“One of the ways that Mount St. Mary’s College raises money is by renting its campuses as a location for movies, television and commercials... The majority of actors who come to Doheny or Chalon really enjoy our campuses. They really are, in general, very generous with their time and understand that filming is an interruption to our regular business.”* (See “An Interview with Lisa Melou,” The Oracle, 2008-2009, Enclosure 37, emphasis added.) But that is no justification for violating the land use limitations designed to protect the residential neighborhood from the impact of such non-permitted uses.

The negative, unmitigable impacts from filming are so significant that, even the University’s own students are adversely affected. A letter, written by a resident student, published in MSMU’s student newsletter, describes the problem: *“The television show, MONK, seemed to invade the entire campus... Crews arrived at six in the morning the first day, seven the next. Rattling generators and crashing equipment were unwelcome*

early morning wake-up calls. Even worse was the situation with parking...and still at eleven o'clock Tuesday night...." (See "Solitude Lost...Monk Set on Campus," The Oracle, April 28 2003, Enclosure 42, emphasis added.) Filming activities also have other negative impacts on the adjacent residential community. A 2016 email from the Brentwood Homeowners Association alerted Brentwood residents that "*Next Wednesday and Thursday... there may be simulated gunfire associated with filming taking place on the campus of Mount St Marys University.*" (See BHA Weekend Update, December 9, 2016, Enclosure 43, emphasis added.)

This use is a clear violation of the Community Plan, which protects residential neighborhoods from incompatible commercial uses. The restriction is even more important for a campus located deep in the Santa Monica Mountains, within a high fire hazard zone, where access is limited by substandard streets.

II. The Adverse Impacts of MSMU's Unpermitted Enrollment Increases and Intensification of Use.

For decades Mount Saint Mary's University has knowingly caused more significant negative and dangerous impacts on local residents, by its self-interested, continuous increases in enrollment and intensification of on-campus activities. It has done so, without ever providing the public and the City any analysis of the resulting impacts, and opportunity for comment and independent review thereof, as should have occurred under CEQA.

Together, the enrollment expansions and intensification of use have created an intolerable situation in the Brentwood area along the roads used by University students, faculty, and guests. These effects are manifested in the significant traffic impacts, parking shortages, and fire risks that are currently unacceptable and would be made worse by continued uncontrolled operations.

A. Significant Traffic Impacts Occur and Are Made Worse by MSMU Actions.

1. The University has already induced far more traffic than can be accommodated in this hillside residential neighborhood.

Ninety years ago, the University was permitted to operate a "small college for girls" in a quiet residentially-zoned canyon located deep in the Santa Monica Mountains, which was accessible only by substandard hillside streets. Today, after years of expansion and intensification far greater than necessary for the "small college" that was permitted to invade this residential hillside neighborhood, the University has forced the substandard local streets to bear more than 2,000 vehicles on any given day. The University draws to

its campus hundreds of student and visitor vehicles, University shuttles and buses, large delivery trucks, and even large tour and event buses. For years now, the University's ever-expanding traffic demands have made a mockery of the formerly "small" school's promise it would not burden the neighboring residential community. Unfortunately, the community has also been consistently burdened by University students and visitors engaging in unsafe driving practices—putting everyone at risk.

a. The increased volume of traffic has unfairly institutionalized the neighboring residential area.

The incongruity of the neighborhood's residential zone status and the operation of an educational institution—even just a "small college"—raised concerns from the beginning. At a 1928 Planning Commission hearing a resident testified the he *"objects to the amount of traffic, the entire amount will pass behind his house to get to the school and he will have between 50 and 200 cars pass morning and night and the additional traffic will be objectionable; that the traffic must pass behind his house and he will catch the dust from the dirt road."* The concern was and remains compelling. As one of the Planning Commissioners summarized it, *"the protestants took the position that this property was purchased by them under the representation that it was to be used for single family residential use only and that the cars used by the day pupils will cause noise and dust and traffic congestion and will commercialize the district."* (See Planning Commission Hearing transcript, 1928, Enclosure 7, emphasis added.)



The same intensification that exacerbated the overflow-parking problem (discussed below) also caused increased traffic congestion. This was one of the main complaints raised by residents in the August 1995 revocation request: *"This amount of traffic on a deficient street system raises the potential for accident or injury to an unacceptable level of risk; and has direct traffic related impacts of accident, injury, noise, lighting and general disturbance on residential properties."* (See James J. Crisp letter, August 29, 1995, Enclosure 24, p. 5, emphasis added.)

The revocation request was supported by a comprehensive traffic study stating that the residents' *"contentions, made so often over the years, that the College, in conjunction with the Carondelet Center, are the source of traffic volumes far in excess of what the canyon can bear... The results were impressive (or appalling, depending on your point of view!). Between 2,500 and 2,700 vehicle trips through the canyon take place on weekdays as a result of the College and Center's operations. Even on an unremarkable Saturday or Sunday, 1,700 vehicles pour through the neighborhood each day."* (See BHA letter, November 2, 1995, Enclosure 25, p. 1, emphasis added.)

One band-aid mitigation measure was agreed upon in the 1990's in negotiations between City Council District-11, Brentwood Homeowners Association and the University. A bi-directional traffic "loop" was intended to mitigate University-induced traffic by dispersing the number of vehicles traveling on the local streets leading to Chalon Campus: *"Why has the Mount asked that we drive up Norman Place and down Bundy Drive? In the early 1990's a few surrounding neighbors began to voice their concern through letters and phone calls about the Chalon campus' traffic volume. In 1992, the addition of Weekend College created an increase in traffic. 'This was the straw that broke the camel's back,' said Jill Perry, Director of Public Relations."* (See "Neighborhood Concerns Over Traffic to Chalon Causes Formation of a New Committee," The Oracle, December 1996, Enclosure 28, emphasis added.)

To implement the loop, the University required that *"All vehicles traveling to the Chalon Campus ... must turn north on Bundy Drive from Sunset Boulevard, RIGHT ON NORMAN PLACE, left on Chalon Road and right into the Mount St. Mary's College driveway. When exiting the College, all vehicles must turn RIGHT ON CHALON ROAD and left on Bundy.... The Speed limit is 25 mph on these streets. This traffic route has been made in agreement with the Brentwood Homeowners Association. Help the College maintain a good relationship with its neighbors."* (See "What's Happening," The Oracle, February 2, 1998, Enclosure 44, emphasis added.) To induce compliance, the University implemented a \$75 citation penalty and/or loss of parking permit privileges. (See MSMU Student Handbook, 2017-2018, Enclosure 45, p. 85.)

Unfortunately, the University has not effectively enforced the "loop" requirement and the traffic impacts remain substantially unmitigated. After receiving neighbor complaints that students were not honoring the loop requirement, the University installed a camera at the Chalon Campus entrance *"to monitor violations of the policy mandating the prescribed routes for traffic traveling to and from the Campus... Those in violation are fined \$75.00."* (DEIR, Project Description, II-11, emphasis added.) The University also paid for the installation of a *"radar speed traffic calming sign."*

But its efforts have been futile. Even at the outset of the program a Norman Place

resident reported that *"I have a few cars to report coming down Norman. Two today –the other a couple of days ago."* The University representative's email reply confirmed that, *"I just wanted to get back to you and let you know we were successful in identifying two of the three vehicles you noted below, and the students have been referred to Student Affairs."* (See Community Emails, September 2012, Enclosure 46, p. 1, emphasis added.) But another Norman Place email described more "loop" violations as well as dangerous driving, and complaining that *"[w]e're being patient, we're working with you all, but at the same time–feeling frustrated."* (See Community Emails, April 2013, Enclosure 46, p. 2, emphasis added.)

As illustrated by yet another email from a neighbor, non-compliance with the mandated traffic "loop" created dangerous conditions not only for the neighbors, but also the University's own students, *"This morning at 6:30 am, we heard a crunch. Sure enough two students, one coming down Norman, one going up, crashed into each other. Phil went out to make sure everyone was ok, and it seemed so and amicable as they exchanged information. Just thought, I'd give you the heads up. It's dark and poorly lit up here now at that time in the a.m. Not sure how you can make these kids understand why they shouldn't speed, or turn down Norman?????"* (See Community Emails, October 2013, Enclosure 46, p. 3, emphasis added.)

In addition to not being able to enforce "loop" compliance with its own students, the University lacks effective control over the many large delivery trucks arriving at the Chalon Campus: *"I just caught the HUGE Semi-truck heading down Norman right now. It seems nothing has changed and the disrespect to our neighborhood continues... The truck is too massive, the hill too steep for it to come down on Norman."* (See Community Emails, February 2010, Enclosure 46, p. 4, emphasis added.) The response from the University confirmed the ineffectiveness of the loop monitoring: *"I've checked with Security, and there were about 4 trucks that left our campus about that time. Do you recall what type of truck it was, so we can follow up with the appropriate vendors? Any additional information you can provide will help us as we talk to them."* (*Id.*, emphasis added.)

b. The students' often-dangerous driving exacerbates the impacts.

Even apart from the adverse impacts of traffic congestion, residents have faced safety concerns because college-age students simply drive too fast and without due regard for the hazards of speeding on the substandard roads. This too has been a constant, decades-long problem: *"The Mount girls drive fast; they drive much too fast along Bundy... We've been lucky this year, only two little dogs – family pets – have been killed; but unless something is done, unless you slow down, it won't be too long until a child follows his dog into the street – then the score, thanks to you – will be three dogs and a*

child. Bundy is a residential street, not a speedway. Why should the Bundy residents – mothers especially – be terrorized because of our selfishness.” (See “Perspective,” The View, November 20, 1947, Enclosure 47, emphasis added.)

The students’ dangerous driving habits have been likened to a deadly sport: *“Mount students fail to realize the responsibility of safe driving that has come upon them in the last few years. They do not regard Bundy Drive as a hazard, but merely as an obstacle course... Today students drive a road bordered with residences; they dodge children who spring from behind bushes at the shoulder of the road and dogs that dash in front of cars.”* (See “Attention Wanted-- All Mount Drivers,” The View, April 19, 1955, Enclosure 48, emphasis added.) Thus, in 1957, after accidents occurred on Chalon Road, the University tried to address the consequences of unsafe driving by its students: *“Recent accidents on Chalon Road have called the Student Council to establish a Traffic Safety Committee.”* (See “Council Initiates Safety Committee,” The View, December 13, 1957, Enclosure 49, emphasis added.) But that did not solve the problem.

In 1959, the City paved Norman Place to provide access to the Chalon Campus. The inevitable result of that paving was highlighted in a morbidly satirical commentary published in The View, the University’s newsletter: *“The Mountie coming down the hill is also in a hurry. There are some children who live at the bottom of Norman Place, so, not being accustomed to the fact that their once quiet, peaceful street is now a direct routed freeway from Bundy Drive to the Mount play in the aforesaid street. If the Mount girl hurries, she may get there in time to kill one of them. After all, a really astute and observant driver can gain 15 points for each moving object he or she is able to wipe out of existence.”* (See “Our New Road; High, Wide and...,” The View, December 15, 1959, Enclosure 50, emphasis added.)

By 1960, LAPD had received so many complaints that *“Officer Leo Long of the West Los Angeles Police Department came up to the Mount to inform the administration of the many complaints being received at the police station concerning the careless and rapid driving of the Mount students along Bundy, Chalon, Bowling Green, and Norman streets. Particularly heavy are the complaints from the Norman Place area where the children play on the street for lack of backyard... The parents are incensed over the driving of the students.”* (See “Careless Drivers Censured,” The View, October 4, 1960, Enclosure 51, emphasis added.)

However, the traffic burden was not limited to daytime driving. As one University alum reminisced about her time at the Campus in the 1960s, *“the traffic jam up Chalon Road on Saturday night so our dates could get us in before lock-out.”* (See “Three Years of Challenge,” MSMC Magazine, Spring 1986, Enclosure 52, emphasis added.) And with weekend traffic comes dangerous driving: *“Two policeman had to leave their posts...to catch a speeder on campus two Saturdays ago. The speeding on Bundy Drive and*

Norman Place has been so flagrant as to prompt residents of these streets to complain to the Los Angeles Police Department.” (See “Speeder Pays,” The View, October 31, 1962, Enclosure 53, emphasis added.)

As recognized in The View, *“the situation is pretty serious when the people who live on these streets have to register formal complaints to the college...because the students persist in speeding, persist in turning left where a sign explicitly says right...the situation is a lot worse when parents have to organize mothers to stand by groups of children to protect them from the drivers who are rushing to college...” (See “Rationalize,” The View, November 3, 1964, Enclosure 54, emphasis added.)*

A year later, The View again reported on the problem: *“Traffic lawlessness can become an epidemic at the Mount...Today we remind you again that speed laws and stop signs are reasonable demands...Police officers have reported that Mounties have trouble reading the sign at Saltair -- it says Stop.” (See “Traffic again,” The View, February 9, 1965, Enclosure 55, emphasis added.)*

By 1967, the University tried to mitigate the problem by posting traffic signs around the campus and on nearby roads: *“The ‘No Left Turn’ sign at the bottom is not mandatory... Very few realize that there is an unwritten law that you go up Norman Place and come down Chalon... Norman Place is not the Indianapolis Speedway... There have been more near-fatal accidents at the two blind curves on Norman than any other place.” (See “Do You Have a Right to Turn Left,” The View, October 13, 1967, Enclosure 56, emphasis added.)*



This unfortunate University tradition of unsafe driving has been the source of self-parody by students: *“Drivers also get a peculiar enjoyment out of the agility of many Mount students and Norman Place inhabitants who leap out of the way of cars bearing the Mount emblem. Try walking down the hill some day, and see if your attitude of driving changes any.” (See “Sliding Away,” The View, April 28, 1969, Enclosure 57,*

emphasis added.)

The University attempted to mitigate hazardous driving on campus by installing speed bumps in 1979: *"Many Mount students, as well as faculty members are discouraged by MSMC's attempt to stop the alleged 'speeding problem' here – the bright yellow speed bumps drivers cannot miss seeing on the road to the Mount."* (See "Speed Bumps 'Drive' Students Mad," The View, 1979, Enclosure 58, emphasis added.)

As the University is well aware, the safety problems have gotten worse over time. One email describes a persistent problem: A *"black car blew through one of the Norman stop signs on the way up the hill... And...small car who almost hit me as she turned down Norman and I was turning back into my driveway... What more can be done to stop this...? ...These are dangerous situations-especially since I was almost body injured a couple of months ago... Also-no security vehicle from MSM has been spotted lately."* (See Community Emails, April 2013, Enclosure 46, p. 2, emphasis added.)

c. MSMU's buses, shuttles and trucks exacerbate the problems.

The DEIR proposes a mitigation measure that has already been implemented without success—busing and shuttling.

As Allyn Rifkin explains, the substandard roads cannot safely accommodate large vehicles: "these substandard roads in a high fire area [] are inadequate for the amount of current and future traffic generated by Mount St. Mary's University." (See Allyn Rifkin report, Enclosure 1, p. 4.)

Moreover, busing and shuttling have been tried and failed. In addition to exacerbating traffic conditions on the local residential streets, shuttle and bus programs had problems with schedule times and late arrivals. The Transportation Services addressed students concerns, *"...will make every effort to meet the needs of the students, from Chalon, Doheny, and the University of Judaism. 'We take the students at both campuses, and UJ very seriously. In fact, we have gone as far as to provide a shuttle service for those few students who have classes early in the morning. For instance, we provide an early shuttle to accommodate only two or three students. At times you will see a shuttle with only about 3 students riding on it.'"* (See "Transportation Concerns," The Oracle, November 5, 1999, Enclosure 59, emphasis added.)

In addition to "regular" MSMU traffic clogging and endangering the narrow local roads, The University hosts large events that bring hundreds of visitors and guests to the Chalon Campus. The Inauguration of the new University president is one example of how large and impactful these events are to the community, *"The overall guest list for the*

Inauguration tops an estimated 1200 people. 'We have tried to make this as convenient as possible... Students can park at Doheny and at a Park n' Ride lot near Chalon...with shuttles running constantly.'" (See "Doud's Inauguration Marks the End of an Era," The Oracle, October 10, 2000, Enclosure 60, emphasis added.)

The University's unpermitted commercial uses result in large tour and event buses coming to the Chalon Campus. In addition to not following the mandated traffic "loop," these massive buses frequently end up getting stuck on the local narrow winding roads. An email from a resident describes an incident when multiple large buses heading to the Chalon Campus for an outside event got stuck in front of his house on his particularly narrow street, *"You should inform the homeowners of such events and you should make sure these buses do not come through streets like Saltair."* (See Community Emails, July 2015, Enclosure 46, p. 5, emphasis added.)

A picture is worth a thousand words:



The University's representative addressed this issue of large buses getting stuck by explaining that there was a miscommunication between the University and the event organizers.

The history shows that there is no effective mitigation for the University's intensified use of the Chalon Campus. The exponential and non-permitted increases in enrollment and special events have created significant traffic impacts on the residential neighborhood. The supposed mitigation efforts have done nothing to improve the problem. Inadequate measures such as street signs, speed bumps, shuttle and bus programs, housing students off campus, bi-directional traffic flow, street cameras, radar speed traffic calming sign, moving programs and events off Chalon Campus have been merely cosmetic—used to create the false impression of real solutions. But none of these, nor the combination of all of them together, have been enough to relieve the aggravation and safety hazards suffered by residents in the area.

B. Significant Parking Impacts Already Occur and Are Made Worse.

There has long been a shortage of onsite parking for University students, faculty and staff. MSMU's perpetual intensification of the Chalon Campus by increasing enrollment, special events and programming has necessitated the use of local substandard hillside streets for overflow campus parking. The adverse impact on the hillside neighborhood is well documented in the City's files.

The neighborhood's vulnerability to excessive campus development was evident as far back as 1928. The original zoning variance that permitted the University to operate as a college in this residential zone included a condition intended to control impactful development, requiring "[t]hat the plans for the buildings and the location of same be approved by this Council prior to the issuance of building permit." (See Zone Variance approval, December 5, 1928, Enclosure 8, emphasis added.) Over the years, as the University built-out the Chalon Campus and constructed multiple buildings, the City tied code-required parking to each building to protect the neighborhood from problems associated with overflow parking.

In 1964, the University applied for approval of a new Arts and Humanities Building and for additional parking area. (See Approval of Plot Plan Report, March 5, 1964, Enclosure 17, emphasis added.) This building was a replacement for a building destroyed in the 1961 Bel Air fire. The report stated, *"The parking requirements for the Science Building, the Humanities Building, the Chapel and the Residence Hall, were found to be 161 spaces. As shown on Exhibit 'A-1,' the school will be able to accommodate 201 cars, including the new proposed parking area."*

The historical documents reveal that the University was already experiencing a shortage of parking, as students were humorously complaining about the difficulty of finding available spaces: *"It might be sporting of the Mount to advertise...if it plans to continue with the delightful parking situation it has created...Or at least it might add a few courses to its curriculum. Courses like 'Hitch-hiking LA' and 'The Subtle Art of Ride-Bumming.' There are rumors that some of you have been complaining about the difficulty of piloting an automobile to within hiking distance of the Mount... Why just think of those poor kids at UCLA who have to park in eight-story air-conditioned lots, right near their classes."* (See "About Parking," The View, May 26, 1964, Enclosure 61, emphasis added.)

In November 1968, the University announced that more parking would become available: *"January 1969 will mark the opening of the \$80,000 parking lot on the Mount campus. The site, located behind the swimming pool, will facilitate approximately 150 cars in a three level lot."* (See "Parking Lot Ready for 1969," The View, November 4, 1968, Enclosure 62, emphasis added.) While the new parking lot was being constructed,

one of the existing lots became structurally unsound adding to the parking shortage: *“‘Please move your car; it’s about to slide down the hill.’ True, the lower parking lot is slipping away and may soon be part of the ‘great ravine.’ But dozens of cars ‘slide’ down the hill every day, heedless of pedestrians, parked cars, and falling mountain sides, gaining break-free speed as they go.”* (See “Sliding Away,” The View, April 28, 1969, Enclosure 57, emphasis added.)

During this time, students were forced to use tennis courts for parking: *“For some time, the parking situation had been critical; even the tennis courts in front of the swimming pool as well as behind the garages had become temporary parking areas when college events brought numbers of visitors on campus.”* (See Mary Germaine McNeil, “History of Mount St. Mary’s College, Los Angeles, California: 1925-1975, Enclosure 63, p. 307, emphasis added.)

Over the next several years, the University continued to increase enrollment by accepting more resident students than its facilities could accommodate: *“At the beginning of this 1977-78 school year...Director of Residence was faced with the problem of lack of sufficient dorm facilities at the Mount... This year however, there are not nearly enough rooms to meet the demands of the number of students who desire residence at the Mount, and consequently a number of Mount students were forced to temporarily reside at the Holiday Inn of Westwood.”* (See “Holiday Inn Becomes Temporary Residence,” The View, October 1977, Enclosure 64, emphasis added.)

The University then attempted to mitigate the dorm shortage by adding more students per room: *“Because of a shortage of dorm facilities to accommodate this year’s 325 resident students...Director of Residence was forced to convert single rooms on First Floor Brady to double rooms, giving each inhabitant half as much space as before.”* (See “First Floor Brady Goes Double,” The View, November 1977, Enclosure 65, emphasis added.)

This large increase in resident student enrollment once again resulted in parking shortages. A University student addressed the parking issue with humor: *“There’s a new class being offered at the Mount, Beginning Hill Climbing. You get zero units, and many students are finding themselves unwillingly enrolled. This new class is needed because of the parking situation... The solution to the parking situation may be costly, but something must be done.”* (See “New Class at Mount,” The View, November 1977, Enclosure 66, emphasis added.)

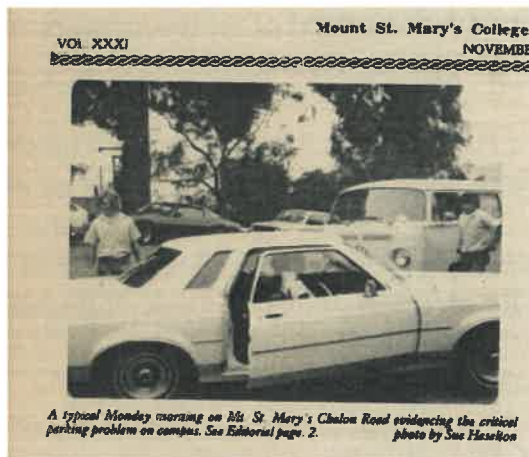
In 1979, the City approved temporary housing to accommodate additional resident students. The temporary structures replaced existing parking behind the tennis courts and eliminated 20 parking spaces—reducing parking capacity even further. (See City Planning Commission Approved Plan, August 29, 1979, Enclosure 18.) To address the

parking shortage, a Parking Committee was formed, comprised of representatives of University resident and commuter students and its Parking Board.

That same year an article asked, "Where Have All the Parking Spaces Gone?" and affirmatively stated what the title implied: *"There appears to be a tremendous amount of concern regarding the parking situation at the Mount."* (See "Where Have All the Parking Spaces Gone?," The View, 1979, Enclosure 67, emphasis added.) Some of the commuter students were forced to use Chalon Road, where they experienced problems that are common to today's University commuters and neighborhood residents: *"[A]s I drove along Chalon Road I was puzzled at all the cars parked on both sides of the street... but I soon realized that these cars were the cars of students who had not been able to find parking spaces on campus. The parking situation...is BAD...there are more students coming to the Mount this year...there are actually not enough parking spaces to accommodate all of the students' vehicles."* MSMU's representative confirmed that *"Parking at the Mount is a difficult situation..."* (Id., emphasis added.)

As a result of the Parking Committee's deliberations, the University attempted to mitigate the parking problem by (1) directing students to park on Chalon Road, where they would be shuttled to the campus and (2) renting parking space from the University Synagogue and shuttling students to the campus. However, the students complained that this was ineffective because *"the shuttle bus schedule was poorly publicized to the commuters."* (Id., emphasis added.)

In the end, the University's Parking Committee was unable to mitigate the parking crises: *"It is estimated that 80 cars belonging to Mount St. Mary's College students will be forced to park along Chalon every Monday and Wednesday of the school year. The problem is simple – a lack of sufficient parking space on campus. The solution is clearly more complex, but the tuition paying student body deserves better efforts than the present non-action that is based on the assumption that the college is doing the best it can. The shuttle bus from Chalon Road is an appropriate effort to bring a commuter student closer to the classrooms without the uphill hike."* (See "Mount Faces Crisis," The View, November 1980, Enclosure 68, emphasis added.)



The shortage of student parking became so dire that the *"Director of Business and Finance...counts as many as 150 cars parked along Chalon Road this semester."* (See "Parking Problem Confronted," The View, March-April 1981, Enclosure 69, emphasis added.) To try and further resolve this problem, the University attempted to add more parking spaces by restriping existing lots and thus creating more, but smaller spaces: *"During the spring semester break, the parking spaces behind the Art Building and Chapel were restriped, creating an additional 34 spaces."* (*Id.*, emphasis added.)

In addition, the University's faculty and staff were instructed to park tandem on campus, with a low-cost/low-tech method for extricating blocked vehicles—the blocking driver was instructed to leave a note on the windshield of the blocked vehicle. As the University explained, *"This is designed so that when someone wants to leave, he knows who owns the blocking car."* (*Id.*, emphasis added.)

Blocking other cars was apparently a common practice on the campus, as the parking shortage was a daily struggle for students, staff and faculty. The University's representatives also considered adding a new parking lot behind the existing three level lot: *"The idea is to cut the slope existing between each level. Then a retaining wall would be built, and a few more spaces would be gained. If this slope is removed...about 70 additional parking spaces will result."* (*Id.*, emphasis added.) Another less expensive option was restriping all three levels of the existing lot, as well as replacing the temporary resident structures, which were located on one of the parking lots and taking up parking spaces.

The parking crisis and student housing shortage continued until 1984, when the University applied to the City for two separate approvals: (1) a faculty residence hall with three dwelling units and a one-story parking garage, and (2) a multi-level parking structure. As with past City approvals for new buildings, the parking requirements were tied to the approved buildings. The Staff Report Comment section of the Jan 1984 CUP

for the residence hall stated, ***"By Code, the proposed residence hall will require seven additional parking spaces. This includes two parking spaces for each of the three dwelling units, and one additional space for three guest bedrooms (the latter requirement is so low because more than 60 guest rooms are located elsewhere within the campus."*** (See City Plan Case 4072-CU, January 26, 1984, Enclosure 19, emphasis added.)

The residence hall and one-story garage were approved in January 1984 and in March, the University returned to the City proposing a multi-level parking structure for 268 parking spaces, which was approved in July 1984. The CUP tied enrollment to the number of available parking spaces in the approved structure to mitigate the risk of overflow parking on residential streets.

According to transportation engineering expert and former LADOT official Allyn Rifkin, *"There is no basis in City of Los Angeles entitlements to calculate student enrollment based upon the number of parking spaces provided."* (See Allyn Rifkin report, Enclosure 1, p. 3.)

Once the parking structure was built, MSMU continued to expand enrollment over the next several years. Additionally, in 1992, the University added a weekend program offering classes on Saturdays and Sundays. By 1995, *"MSMC's enrollment has increased by more than 20% over the last three years. Our total of 1,935 students in associate, baccalaureate and graduate degree programs represents an all-time high!"* (See "Mount St. Mary's," Los Angeles Times, February 21, 1995, p. B4, Enclosure 36, emphasis added.) The Chalon Campus was over capacity and parking became an issue once again: *"Parking on the campus is also difficult...I used to be able to pull up and get a space, now not always. When I asked about it, I was told that enrollment was up, but no allowances were made for that increase."* (See "The Bumpy Road of Commuter Life," The Oracle, December 1995, Enclosure 70, emphasis added.)

In January 1996, following a request for revocation from the community, Bob Rogers, Senior City Planner submitted a report to the City. Remarkably, the report denied the existence of any overflow parking problem—contrary to the real-world parking conditions described by everyone else: *"A visit to the campus clearly established that there is no problem with overflow parking from the school using Bundy Drive to park. Because of very steep terrain in the area any off campus on-street parking would be at an elevation well below campus and would require a very substantial uphill hike to the school."* (See Bob Rogers report, January 25, 1996, Enclosure 27, p. 5, emphasis added.)

It is clear that the conclusion of Rogers' report was mistaken. Indeed, later the same year, the University's own Transportation Coordinator described the parking problem that somehow eluded Mr. Rogers' view: *"It is as bad as it's ever been."* (See "Increase in Cars Causes Overcrowding in Student and Faculty Parking Areas," The

Oracle, November 1996, Enclosure 71, emphasis added.) The article continues, *“As students and faculty trek up the Mount, they encounter daily the difficulty of finding a parking space...The parking pandemonium was reflected...when **the fire department penalized the Mount for letting students park on the road.**”* (Id., emphasis added.)

The parking shortage was so serious that the University hired extra security guards to help students find parking spaces. The illegally parked students were not ticketed *“as long as they did not block others or the fire lanes.”* The commuter students were often, *“...circling 45 minutes for a space, before sometimes resorting to parking illegally”* and some *“...have not purchased their parking permits because they do not feel the college can guarantee them a parking spot.”* (Id., emphasis added.)



By 1998, the University implemented a carpool program in a further attempt to mitigate the ongoing parking shortages resulting from its over-enrollment and unpermitted special events: *“Tired of looking for parking spaces or of taking the bus to school everyday? Well, now your frustration can come to an end because the Mount has started the Student Carpool Program. According to the...brochure, the purpose of the carpool program is to ‘reduce parking congestion on the Chalon campus in a way that is beneficial to everyone.’”* (See “Reaping the Benefits of Carpooling,” The Oracle, February 2, 1998, Enclosure 72, emphasis added.)

Another parking problem faced by University students was the too-narrow parking spaces. As one student lamented, *“much of the problem must be attributed to a really bad parking lot. The parking spaces are tiny at best and ridiculously close together. The aisles are so narrow that anything larger than a clown car has to make a series of complicated maneuvers just to get in or out.”* (See “Careless Drivers, Beware!,” The Oracle, September 24, 1999, Enclosure 73, emphasis added.)

It appears that during this time, the University was bursting at the seams due to its non-permitted enrollment increases and parking shortages on the Chalon Campus. That caused another problem that also impacted parking—a housing shortage. The

University's enrollment swelled to such an extent that there was no more room for students to board on the Chalon Campus: "[T]here was no housing available on campus (the waiting list for on-campus housing is approximately ten students long), the only available housing being at the University of Judaism, about fifteen minutes from campus." (See "Battling Bureaucratic Run Around," The Oracle, September 9, 1999, Enclosure 74, emphasis added.)

Given the lack of parking on the Chalon Campus, students housed at the University of Judaism were shuttled to the Campus and told that the University's Transportation Services "...will make every effort to meet the needs of the students, from Chalon, Doheny, and the University of Judaism." (See "Transportation Concerns," The Oracle, November 5, 1999, Enclosure 59, emphasis added.)

As the University increased enrollment and special events, the parking issues worsened: "There are significantly more cars in the lots this year, making parking especially more difficult. I've noticed that empty spaces are hard to find. Many students are forced to park illegally, often blocking in other cars or parking lot entrances. There also seems to be an increase of cars parked up and down Chalon and Bundy." (See "Buses, Parking, Senioritis," the Oracle, October 10, 2000, Enclosure 75, emphasis added.)

By 2006, the University made some changes to the traffic flow and the layout of parking spaces: "In a continuing effort to improve our campus environment and provide adequate parking for Students, Faculty, and Staff, the following changes have been made to the Chalon campus: Additional parking spaces have been added along the Fitness Center and behind Carondelet residence hall. The road along the tennis courts, leading up to the Fitness Center is now a ONE-WAY route going north." (See "To the Mount Community," Chalon Student News, January 20, 2006, Enclosure 76, emphasis added.)

Limiting parking permits to selected students was another attempt by the University to mitigate its self-induced parking shortage. The 2012 Student Handbook stated, "Parking is limited on the Chalon campus, so only resident students in their second year or above may buy a parking pass... Commuter students of any year are eligible to buy a parking pass and may buy a parking pass and may park in lot G in front of the tennis courts and gym, or in the commuter parking structure." Instead of allowing first year resident students to park on campus, the University provided a car rental service, "Need a car on campus? The Hertz On Demand Car Sharing service is great for students living on campus who may need a car for meetings, run errands or head out to have fun with friends. Rent by the hour, or by the day." (See MSMU Chalon Campus Student Handbook, 2012, Enclosure 77, emphasis added.)

The most recent Student Handbook (2017-2018) refers to parking on Chalon

Campus as a “privilege” and states, *“The registration of a vehicle on campus and purchase of a parking permit does not guarantee a parking place, but affords the registrant the opportunity to park in designated parking areas when space is available... Everyone pays for parking. There is no free parking – everyone is required to pay to park on MSMU campuses.”* (See MSMU Student Handbook, 2017-2018, Enclosure 45, p. 84, emphasis added.)

The Student Handbook also addresses parking on local residential streets: *“In addition, we ask that students not bring cars to campus with the expectation that they can be parked on the streets or public areas of our neighboring communities within a two mile radius of the Chalon campus only. Mount St. Mary’s University requests that Chalon commuter students refrain from parking in the neighborhood, including Chalon Road, Norman Place and Bundy Drive for the safety of the community.”* (*Id.*, pp. 85-86, emphasis added.)

Remarkably, the DEIR refers to overflow parking on the local residential streets as if it’s part of an approved parking plan: *“On-street parking is unrestricted on the surrounding local streets near the Campus. In addition to on-site Campus parking, Campus users currently park on Chalon Road along with non-Campus users. Approximately 107 parking spaces are located within a quarter mile walking distance from the Campus along Chalon Road. MSMU monitors the number of cars parked on Chalon Road throughout the day and night, maintaining a daily/weekly parking log during the school year.”* (DEIR, Project Description, II-8.)

But overflow parking on the substandard neighborhood streets has an obviously negative and well-documented impact on the environment. The only reason prior entitlements were granted was because mitigating conditions required sufficient onsite parking to prevent overflow parking. (See Allyn Rifkin report, Enclosure 1, pp. 2-3.) Consistent with the need to prevent overflow parking on neighborhood streets, the 2017-2018 Student Handbook asks students to refrain from parking in the neighborhood. But as decades of abuse have revealed, the University has used the neighborhood streets as its own overflow-parking lot to facilitate its unpermitted expansion of enrollment, programming and special events. The University very well understands that further intensification on the campus will just make the problem worse—although that seems of little concern to the University.

Yet the DEIR proposes to “mitigate” the crush of traffic by the proposed increase in outside commercial events—which would bring hundreds more visitors to the campus—by hiring a valet parking service: *“Parking for all events is provided on the Campus. As described above, if events are scheduled for over 50 people during the day and could impact parking on the Campus, MSMU provides on-Campus valet parking”* (DEIR, Project Description, II-13.) While a valet benefits the University by making it

easier for visitors to simply drop-off their vehicles at a valet station, it does nothing to mitigate the use of *neighborhood streets* as a de facto parking lot for *commercial events*, nor does it reduce traffic congestion on the substandard hillside streets.

It is evident from a long history of parking problems on Mount St. Mary's Chalon campus as the University has continued to increase enrollment and lease and rent its facilities for many small and large outside events, its informal attempts at "mitigation" measures have proven ineffective. These failed measures include the following: restriping of parking spaces; narrowing parking space; parking in undesignated parking areas, such as tennis courts; carpooling; busing; parking on local streets; car rental sharing; renting parking from offsite facilities; shuttles; tandem parking; eliminating a traffic lane for parking spaces on one side of the roadway; valet parking. Thus, none of these are true mitigation measures. Further, mitigation measures must be effective and enforceable. (*Lincoln Place Tenants Ass'n v. City of Los Angeles*, (2005) 130 Cal. App. 4th 1491, 1508.) The University's ineffectual attempts to resolve parking issues created by its over intensification of use and event scheduling are neither.

While MSM continuously attempted to address the parking problems that it had itself created through its persistent and unpermitted increases in enrollment, it mostly ignored the severe and cumulative impacts on the surrounding community: congestion on the local substandard streets, dangers from speeding students, a growing impossibility of evacuating both the campus and the residents during fire or earthquake emergencies. For decades MSMU has knowingly worsened these impacts on local residents without seeking City review that would be open to the public.

III. Conclusion: Revocation of MSMU's CUP is Necessary, Appropriate, and Long Overdue.

As shown above, Mount St. Mary's University displays a history of noncompliance with permit conditions and a willful disregard of adverse impacts it is creating to its neighbors. While certain aspects of MSMU's activities might be "deemed approved" because they existed prior to 1946, that "deemed approved" status does not insulate it from having that approval fully or partially revoked.

The provisions of Los Angeles Municipal Code sections 12.24.Z and 12.27.1.B for revocation are well met. The University's continual expansions and intensification of operations have created conditions that "jeopardize[] or adversely affect the public health, peace, or safety of person residing or working on the premises or in the surrounding area." MSMU's careless operation "adversely impacts nearby uses" who are affected by the significant parking, traffic, and fire safety hazards identified above.

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The University's unpermitted expansions and commercial operations violate provisions of the Los Angeles Municipal Code and conditions imposed by prior discretionary land uses approvals.

Thus, we request that pursuant to Los Angeles Municipal Code section 12.24.Z and 12.27.1.B you immediately initiate proceedings to revoke MSMU's conditional use permit allowing its operations. The evidence we present here is a mere sampling of the evidence of the intensification of use and severity of impacts that are discussed and is not exhaustive. We reserve the right to submit additional evidence to supplement the record in the future.

Because revocation is appropriate, the University's current application for a CUP that relies upon its deemed approved status and contains significant materially misleading information in its EIR project description must be held in abeyance while this revocation request is evaluated. No further approvals should be granted to an entity such as Mount St. Mary's University that has already made it abundantly clear it does not, and will not, respect the conditions that have been placed upon it by prior City approvals, and that does not have due regard for the adverse impacts its operations have on its surrounding neighbors.

The Brentwood community has suffered impacts from Mount Saint Mary's University for long enough. We request a prompt response to this application to initiate revocation proceedings.

Sincerely,



Douglas P. Carstens

Enclosures:

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2. "Fire on the Mountain," The Mount Archives history blog, July 5, 2011
3. "Remarkable Service to Our Dear Neighbors," The Mount, Summer 2004
4. Ellen King email, April 17, 2017
5. Liberty Mutual Insurance letter, April 15, 2017
6. Application for Special Permit, October 20, 1928
7. Planning Commission Hearing transcript, 1928
8. Zone Variance approval, December 5, 1928
9. Ordinance No. 62642, January 4, 1929
10. Faculty Building approval, December 22, 1939
11. Application for Conditional Use, March 14, 1952

12. Mary Germaine McNeil, "History of Mount St. Mary's College, Los Angeles, California: 1925-1975
13. Los Angeles Zoning Code, 1946
14. Zone Change Recommendation Report, May 10, 1982
15. City Plan Case 4072-CU, May 23, 1952
16. Plot Plan, Exhibit A, 1952
17. Approval of Plot Plan Report, March 5, 1964
18. City Planning Commission Approved Plan, August 29, 1979
19. City Plan Case 4072-CU, January 26, 1984
20. The Blurock Partnership letter, March 26, 1984
21. MND, April 18, 1984
22. LADOT Initial Study Traffic Analysis, April 4, 1984
23. City Plan Case 4072-CU, July 27, 1984
24. James J. Crisp letter, August 29, 1995
25. BHA letter, November 2, 1995
26. MSMC letter, November 7, 1995
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29. "Mount Celebrates 55th Year," The View, 1955
30. "Quarter Century Notes Changes--One to Five," The View, October 12, 1950
31. "New Mount Departments Reflect Changing College Curriculum," The View, October 12, 1950
32. "Mount St. Mary's at a Glance," MSMC Magazine, Fiscal Year 1983
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38. MSMU Events
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41. MSMU Form 990, July 1, 2010 -- June 30, 2016
42. "Solitude Lost...Monk Set on Campus," The Oracle, April 28 2003
43. BHA Weekend Update, December 9, 2016
44. "What's Happening," The Oracle, February 2, 1998
45. MSMU Student Handbook, 2017- 2018
46. Community Emails
47. "Perspective," The View, November 20, 1947
48. "Attention Wanted-- All Mount Drivers," The View, April 19, 1955

49. "Council Initiates Safety Committee," The View, December 13, 1957
50. "Our New Road; High, Wide and...," The View, December 15, 1959
51. "Careless Drivers Censured," The View, October 4, 1960
52. "Three Years of Challenge," MSMC Magazine, Spring 1986
53. "Speeder Pays," The View, October 31, 1962
54. "Rationalize," The View, November 3, 1964
55. "Traffic again," The View, February 9, 1965
56. "Do You Have a Right to Turn Left," The View, October 13, 1967
57. "Sliding Away," The View, April 28, 1969
58. "Speed Bumps 'Drive' Students Mad," The View, 1979
59. "Transportation Concerns," The Oracle, November 5, 1999
60. "Doud's Inauguration Marks the End of an Era," The Oracle, October 10, 2000
61. "About Parking," The View, May 26, 1964
62. "Parking Lot Ready for 1969," The View, November 4, 1968
63. Mary Germaine McNeil, "History of Mount St. Mary's College, Los Angeles, California: 1925-1975
64. "Holiday Inn Becomes Temporary Residence," The View, October 1977
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72. "Reaping the Benefits of Carpooling," The Oracle, February 2, 1998
73. "Careless Drivers, Beware!," The Oracle, September 24, 1999
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