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BRENTWOOD Community Council

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*via email kathleen.king@lacity.org*

June 12, 2018

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

Re: Mount Saint Mary's University Chalon Campus Wellness Pavilion Project; ENV-2016-2319-EIR

Dear Ms. King,

These comments on the DEIR for the above referenced Project are submitted jointly by The Brentwood Homeowners Association ("BHA") and the Brentwood Community Council ("BCC"). BHA represents approximately 3,200 single-family homes within the 90049 neighborhood surrounding the Project. Our members live on the narrow residential streets that are most impacted by vehicles travelling between Sunset Blvd and the Project. The BCC is the broadest based Brentwood community organization, representing approximately 50,000 stakeholders of the 90049 neighborhood. The BCC includes homeowners' associations, multi-family residential dwellers, business organizations, schools, religious groups, volunteer service groups, public safety and environmental organizations.

## **INTRODUCTION**

Mount Saint Mary's University ("MSMU") is located in a quiet residential neighborhood in Brentwood approximately two miles north of Sunset Boulevard. The school can only be accessed through winding and narrow residential streets. MSMU's site is zoned not for commercial or school use, but for very low density residential use and the surrounding area is exclusively residential. The school operates as a conditional use in recognition that it could have potential adverse impacts on its surroundings. It does not operate by right within the zone.

Sunset Boulevard is the primary access route to MSMU. It is shared by seven other schools -- Archer School for Girls, Brentwood School East Campus, Brentwood School West Campus, St. Martin of Tours School, Sunshine Preschool, University Synagogue School and Kenter Canyon School. Sunset is one of the most gridlocked streets in Los Angeles. As is noted in the DEIR, the intersections of Bundy Drive/Sunset Blvd, Saltair Ave/Sunset Blvd, 26<sup>th</sup> Street/San Vicente Blvd, Mandeville Canyon Road/Sunset Blvd, and Kenter Ave/Sunset Blvd all operate at a Level of Service ("LOS") D or worse during AM or PM peak period. While not included in the DEIR for this Project, the intersections of Barrington Place/Sunset Blvd, Barrington Ave/Montana Ave, San Vicente Blvd/Montana Ave,

Barrington Ave/Wilshire Blvd, and San Vicente Blvd/Federal Ave/Wilshire Blvd. also operate at a LOS D or worse.<sup>1</sup>

Traffic in the area is so bad that our Councilman Mike Bonin (Council District 11) has stated that any schools that undertake construction projects requiring City Council approval must reduce their traffic below today's levels.<sup>2</sup> The community and CD-11 worked with the Archer School for Girls and Brentwood School to establish agreements under which **these schools agreed to reduce their peak hour traffic in return for project approval. However, not only has MSMU not agreed to reduce traffic, it proposes significantly increasing traffic impacts after completing this Project.**

A number of controllable factors contribute to the traffic generated by schools including:

- Enrollment – MSMU falsely claims the right to increase enrollment at the Chalon campus by 50% above today's levels and then fails to study the impacts at its claimed enrollment level in the DEIR. The DEIR also includes no information on the number of classes or schedules and includes no commitments to schedule classes at times that reduce peak period driving. It includes no proposals to encourage carpools or taking shuttles beyond the current ineffective TDM.<sup>3 4</sup>
- Events – MSMU proposes significant increases in the number of events held on campus and proposes up to 400 outside guests per event with no limits on events starting and ending during peak hours.
- Sports activities – The DEIR includes conflicting information on whether competitions are held on campus, and no information on the number of attendees, or the number and time of practices.

The DEIR is deficient because it fails to provide data that accurately and completely describes these factors and possible mitigations of their adverse impacts. Both Brentwood School and Archer agreed to restrictions on all of these areas in their CUPs.

While traffic is one important concern, the community is also concerned about the size, height, lighting, and signage of structures; parking on and off campus; noise emanating from the campus are also concerns.

## EXECUTIVE SUMMARY OF DEIR ISSUES

Any objectives of the proposed Project for this educational institution, together with any possible Overriding Considerations, are grossly outweighed by the significant and unavoidable environmental impacts on the surrounding residential community, including impacts relating to the circulation system, intersection congestion, air quality, noise, and neighborhood intrusion. The DEIR fails to include substantial evidence that would support a different conclusion.

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<sup>1</sup> These intersections were in the study areas of the DEIRs for Brentwood School (2015) and the Archer School for Girls (2014).

<sup>2</sup> Councilman Bonin has referred to this as his "Sunset Standard."

<sup>3</sup> The *Mount Saint Mary's University: TDM and Three-Year Action Plan Report updated April 2015* (described further in the section on MSMU's TDM) provided by MSMU to BHA shows low rates of participation in carpools and most students, faculty, and staff drive to campus.

<sup>4</sup> It should also be noted that many students who are technically enrolled at the Doheny campus take classes at Chalon and use facilities such as Chalon's library.

As will be demonstrated in this comment letter, the DEIR fails to include substantial evidence supporting the necessary findings. Our comments with respect to the deficiencies, inaccuracies, omissions, and misleading statements in the Draft Environmental Impact Report (“DEIR”) for MSMU’s proposed Wellness Center can be summarized as follows:

- **The Project and Project Site Descriptions Fail to Provide the Required Information and Analysis of the True Nature of the Project, which is a Facility for Events Benefiting External Groups not Affiliated with the University, not only a Wellness Center for the Benefit of Students, Faculty, and Staff.**

MSMU’s existing CUP limits the campus’ uses to educational. However, MSMU proposes to use the new Wellness Center for outside groups that have no affiliation with MSMU’s students, faculty and staff. Three new series of “Future Campus Events” events (II-38) are proposed after the Project is built:

- Summer sports camps - 400 outside guests per day.
- Lecture series - 8 per year with 250 outside guests per event.
- Other wellness/sports activities - 4 per month, or 48 per year, with 400 outside guests per event.

Most of these events have nothing to do with the education of MSMU’s university level students and students constitute less than half of the projected attendance for the only ones that do-- the 8 lectures. The DEIR notes that MSMU already holds 12 events per year for external groups not affiliated with the university --- which is not permitted under the existing CUP—and then proposes to significantly expand upon that violation. The 12 existing external events are not included in the 48 Other wellness/sports activities listed above.

- **Analysis of Activities in the DEIR Fails to Capture the Full Range of Potential Traffic or to Offer Effective Mitigations**

The traffic analysis in the DEIR is faulty because it fails to provide information on existing activities on campus or to appropriately measure their impact. Without an appropriate analysis, MSMU cannot offer potential mitigations such as moving existing events out of peak hours, cancelling them, or reducing their size. All these options should be considered before MSMU assesses how many significant impacts the project generates. Examples of inadequacies in the DEIR include:

- Events- No list or schedule of existing events is included. Nothing prevents MSMU from increasing the size of these existing events or moving them to peak hours, potentially adding significant impacts that were not studied.
- Sports- The DEIR has limited yet conflicting information as to whether sports competitions will be held on campus. Competitions have the potential to generate significant traffic from guests.
- Summer camp – The DEIR makes the unjustified assumption that every car will transport an average of 2 campers and then erroneously describes it as the “worst case scenario.” A worst-case scenario is 1 camper per car.
- Unsupported back-up for assumptions- The DEIR incorporates an inaccurate analysis of zip codes for students, faculty, and staff, and then uses this erroneous information for its traffic analysis. The analysis of peak hour events is limited to a few hours each day instead of the full peak period, and doesn’t take into account overlapping events (which cannot be proven or disproven because no schedules are provided.)

- Construction – Inadequate mitigations are proposed as compared to those agreed to by other local schools.

- **The DEIR Misstates the Allowed Maximum Enrollment, and then Fails to Provide a Traffic Analysis Based on its Claimed Enrollment Number.**

MSMU claims that it can have up to 2,244 students enrolled at Chalon, but prior reports by the city in 1984 and 1996 support a maximum of 1,072 students. The current student enrollment at Chalon is approximately 1,500 and this is the number that MSMU has used for its traffic analysis. However, if MSMU feels that it can have an enrollment of 2,244 students without requiring additional approval by the city, the 2,244 number should have been used for the traffic analysis in the DEIR.

Having a theoretical maximum enrollment cap of 2,244 at Chalon does not limit student traffic, however, as students enrolled at the Doheny campus also take classes at Chalon. Additional restrictions are needed to limit traffic from Doheny students; otherwise MSMU could circumvent any enrollment caps by enrolling the students at Doheny and scheduling their classes on Chalon.

- **The DEIR States that MSMU has Successfully Reduced its Traffic Impact Prior to This Project yet Provides No Evidence to Support This Statement.**

MSMU provided BHA with a Transportation Demand Management (“TDM”) study commissioned by MSMU in 2014 which was critical of the school’s existing traffic management plan, comparing it unfavorably to those at other local universities such as UCLA, USC, and CSUN. MSMU committed to paying for the first year of a three-year recommendation. No evidence is provided that it ever provided funding for the other two years, or that any changes led to traffic reductions. MSMU should not be permitted to add significant numbers of activities when it has not yet demonstrated that it has an adequate TDM in place for its existing traffic. The DEIR is inadequate because it lacks any explanation of how it plans to measure the success of its program.

- **Alternative 3 (“Alternative Construction Route”) is not a feasible alternative and should not have been included.**

This alternative requires that Getty Center (“Getty”) grant access for construction vehicles to travel through Getty’s property, something that Getty had continually refused to agree to prior to MSMU’s issuance of the DEIR. After the DEIR was issued, MSMU asked the city to remove this as a feasible alternative because of the Getty’s objections. This alternative should never have been included, and hence the DEIR should be revised and recirculated with a new feasible alternative incorporated.

- **Alternative 4 (“Reduced Event Alternative”) is insufficient to Mitigate the Traffic Impacts Generated by the Project.**

Other local schools such as the Archer School for Girls and Brentwood School reduced peak hour traffic from existing operations in order to reduce traffic overall. MSMU’s DEIR is silent on existing operations (classes, events, and sports) so that no baseline traffic numbers can be calculated that take into account variations between days with and without big events on campus. In addition, MSMU offers no

commitments that traffic from existing activities won't increase in the future, which was not analyzed. Therefore, this alternative is insufficiently analyzed.

- **The DEIR Fails to Validate the Parking Demand for Events or to demonstrate that the amount of parking on campus is adequate during construction or when the project is operational.**

MSMU states that adding 55 parking spaces will solve all parking problems yet provides no analysis to back up that fact. Its entire parking plan appears to be based on three days of surveys, without analyzing the plans for days with large events or properly surveying the number of cars parked on Chalon outside of the campus. The DEIR needs to have an adequate parking analysis that backs up its claims of having adequate parking, particularly for days with large events.

- **The DEIR is inadequate because it attempts to address only the Project Site, yet it is impossible to separate the development of the Project Site from its impact on the overall operations of the School.**

Changes to campus operations extend well beyond the limited area defined as the "Project Site", yet MSMU has chosen only to analyze the Project Site itself. Attendees to large events will undoubtedly drive through the campus and park in areas not on the Project Site. The DEIR states that objectives of the Project include unifying the north and south ends of the campus and improving pedestrian safety across the campus, not just on the Project Site itself. Even MSMU's legal counsel recently wrote to BHA that "the entire campus functions as an integrated whole." Therefore, the DEIR cannot narrowly discuss the Project Site only. All operations of the campus are impacted by the Project and therefore the entire campus must be included in any analysis in the DEIR. The DEIR should be revised and recirculated based on the impact of the Project on the entire campus.

- **The DEIR is inadequate because it incorporates many unauthorized uses of the campus as if they were approved and then tries to expand them.**

## ANALYSIS OF THE DEIR

### **The DEIR Fails to Include Substantial Evidence Supporting the Necessary Findings.**

MSMU has existed --- and could continue to exist – without the project for 88 years. Over 300 single-family residences on Bundy Drive, Norman Place, and Chalon are already affected every day by over 2,000 daily MSMU-related vehicle trips. This number is only for traffic on the most direct routes to and from Sunset Blvd; it doesn't include residences impacted by MSMU students, faculty, staff, and guests taking more circuitous routes on streets such as N. Bowling Green Way, N. Barrington Ave, and N. Saltair Ave to avoid congestion on Sunset. As will be demonstrated below, the DEIR fails to provide the required information and analysis regarding the adverse impacts caused by those vehicle trips.

### **1) The Project and Project Site Descriptions Fail to Provide the Required Information and Analysis of the True Nature of the Project**

DEIR descriptions of the "Project" and "Project Site" (page S-1, Figure II-1) are deficient, inaccurate, and inadequate because the project objectives, proposed uses and requested approvals exceed the unduly and arbitrarily limited descriptions of the Project and Project Site. The DEIR must be amended throughout in order to accurately describe and analyze the true nature of the Project and Project Site.

The DEIR consistently describes the Project as “provid[ing] students, faculty, and staff with comprehensive health and wellness services including modern amenities needed for physical and health education.” (II-1)

However, the DEIR goes on to state that the Project will also include programs that are not for the benefit of existing students, faculty, and staff such as “campus programming [that]...create[s] the opportunity for new external Summer Sports Camps, a Health and Wellness Speaker Series, and other activities or events that complement the purpose of the proposed Wellness Pavilion (i.e., MSMU community **or external** rental health, wellness, and sports activities).” DEIR (II-17)

The DEIR is deficient and inaccurate because it fails to describe and incorporate the existing limitations placed on campus use, which date back to the variance issued in 1929 and the conditions of the Conditional Use Permits issued in 1952 and 1984 which restrict the uses of the campus to “educational subjects.” The DEIR states that the “existing use of the site includes external events” -- defined as “non-MSMU events for which MSMU rents out its facilities” -- and notes that there were 12 external events in 2016. **Renting the facilities should not be allowed under any circumstances, as this is commercial use of the campus which is not authorized under MSMU’s existing CUPs.**

MSMU proposes to continue and expand upon its previous violations by proposing additional uses by outside groups that have no affiliation with MSMU’s students, faculty and staff. In fact, three new series of “Future Campus Events” events (II-38) are proposed after the Project is built: summer sports camps, lecture series and other wellness/sports activities.

- Summer sports camps – These camps are for children, not university students, and the DEIR acknowledges that “No SFS” (students/faculty/staff) (II-36) will be part of these camps. This activity is clearly not currently allowed, and given the severe impact on traffic --- 400 outside guests per day during the only time of year that residents currently get a respite from campus traffic --- should absolutely not be allowed in the future.
- Health and Wellness Speaker Series (up to 8 per year) – While these are described as a “new lecture series designed to complement MSMU Wellness Movement with periodic lectures in health and wellness for students, faculty, and staff,” as many as 250 attendees to any event are projected to be outside guests, not students, faculty or staff. Furthermore, MSMU offers no limits on the number of people --- more importantly no limits on the number of vehicles--- that could come to campus to attend these events. Nor does MSMU propose any restrictions on the scheduling of these lectures so as to avoid adding significant levels of traffic during peak hours. By way of comparison, both Brentwood School and Archer agreed to move large events out of peak hours or to limit the number of outside vehicles allowed in during peak hours.

In summary, any new events added that might use the new Wellness Center must be limited to those for the benefit of students, faculty, and staff only, without allowing significant numbers of outside guests. In addition, larger events that would cause a significant impact on intersections in the area must be scheduled outside of peak hours.

- Other Wellness/Sports Activities (up to 4 per month) – The DEIR makes no pretense that these events are for students, faculty, and staff. The DEIR states that up to 400 attendees would be “All OG” (outside

guests.) Using the campus for outside events is currently not allowed under the existing CUPs and must remain that way.

The following specific concerns and questions should be addressed in the DEIR:

- What justification does MSMU consider acceptable for imposing significant impacts on the community by renting the facility out to third parties? Why does MSMU feel that it has the right to rent out the facility to outside guests under its existing conditions of approval to operate?
- Why does MSMU feel that it should rent out the new Wellness Center to third parties, creating significant traffic impacts on the community?
- What would the traffic analysis look like if MSMU limits the DEIR to the project's stated intention, which is to provide health and wellness services to students, faculty, and staff and eliminates the external events which are not planned or provided primarily for the benefit of existing students? Inclusion of a sports camp is not consistent with operating an institution of higher learning. These camps have no benefit to the students, faculty, or staff and their heavy traffic impacts a significant detriment to the community. They are inconsistent with the stated purpose of the university. Why does MSMU believe that a sports camp is an appropriate addition to campus activities?

## **2) Analysis of Activities in the DEIR Fails to Capture the Full Range of Potential Traffic Impacts**

### **2a) Failure to consider existing activities**

The three areas listed above address new activities that don't exist today. However, once the Project is built, MSMU could also use the new facilities to increase the size of **existing** activities. The DEIR is inadequate because it fails to address impacts from increasing the size of most existing activities. It fails to include a full list of the existing activities so that they can be tracked, and proposes no restrictions on increasing the size of them. The DEIR is also inadequate because it failed to properly analyze and incorporate the traffic impacts of the existing activities, as described further below.

By failing to provide schedules of both existing and proposed events as part of the DEIR, MSMU is ignoring potential mitigations that include moving existing events out of peak hours, cancelling them, or reducing their size. All these options should be considered before MSMU assesses how many significant impacts the project generates.

### **2b) Failure to properly analyze traffic from Events**

The list of events in the DEIR does not include all events ---it includes only a limited number of events that MSMU has decided "have the potential to change." (Table II-4) A schedule that includes the timing and size of existing events is necessary to determine the full impact of traffic of events. If the DEIR were to be approved as is, nothing prevents MSMU from moving other events to the Wellness Center or from having more people come to existing events because they like the improved facilities. Without knowing the size and timing of existing events, no one would know whether an increase moves an existing event into "significant impact" territory. Without a commitment from MSMU not to increase the size of existing events nothing prevents more people from attending them once the new Wellness Center is built.

Robert Kahn, P.E., T.E., a civil engineer with extensive experience in the analysis and management of traffic (Exhibit A), conducted an analysis of the DEIR and the Transportation Analysis Report presented in Appendix 1 of the DEIR and other associated documents. His analysis is attached (Exhibit B). Mr. Kahn expresses a number of concerns regarding the DEIR's analysis of traffic and transportation impacts, as well as the DEIR's reliance on uncertain mitigation measures to address these recognized impacts. Exhibits A and B are incorporated herein by this reference, and we request that each item in Mr. Kahn's expert analysis and recommendations be addressed in the recirculated DEIR or the Responses to Comments prepared for the final EIR.

Mr. Kahn questions key assumptions in the traffic study regarding the evaluation of the three (3) types of new activities listed above. He asks why Event Trip Generation on which the traffic study is based was not determined by measuring traffic at actual events currently occurring at the University and expanded based upon the expected attendance figures for the proposed project. Instead, the Event Trip Generation assumes hypothetical attendance figures and event sizes, failing to properly analyze real traffic impacts.

Furthermore, he notes the traffic analysis provided in the DEIR assumed that no events would occur concurrently, and their impacts were evaluated separately. However, nothing prohibits new events from being scheduled at the same time as existing events, and without a schedule of existing events or proposed new events multiple events could occur at the same time. The DEIR fails to state that new and existing would not occur concurrently and the increased traffic and parking impacts of several events occurring on the same day were not analyzed or mitigated.

By failing to provide schedules of both existing and proposed events as part of the DEIR, MSMU is ignoring potential mitigations that include moving existing events out of peak hours, cancelling them, or reducing their size. All these options should be considered before MSMU assesses how many significant impacts the project generates.

The following specific concerns and questions should be addressed:

- How many existing events were held on campus during the 2015-16, 2016-17, and 2017-18 school years? What time were they held (start and end of timeslot?)
- Did MSMU provide any incentives for carpooling, such as limiting the availability of parking, or providing shuttles beyond the normal shuttles for attendees to these events?
- How many guests were estimated to attend each event, both outside guests and student/faculty/staff?
- What percentage of the students/faculty/staff for each event were estimated to be on campus prior to the start of the event? What is this estimate based on?
- Why does the DEIR state that only two events would have the potential to increase the number of attendees once the Wellness Center is operational (II-34)? Given that these are very large events of 300-350 people, what prevents MSMU from increasing the size of other existing events and using the same space that these use?
- Why does the DEIR state that there is an "existing range of attendees (approximately 50 to 450 people per event) permitted for existing External Events and Internal Events with Outside Traffic? What states that these are "permitted"?
- Why hasn't MSMU proposed mitigations on Table II-4 that move the events listed so that entries and exits are during non-peak times (i.e. other than 7-9 am M-F and 3-7 pm M-F) in order to reduce impacts? Is it possible to move all these events so that they do not have exit and entry outside?

- The DEIR states that MSMU moved non-traditional programs to the Doheny campus. What prevents MSMU from bringing them back to Chalon, or considering the students “enrolled” at Doheny but moving many of the classes to Chalon?
- The DEIR states that commencement activities were moved off campus. What prevents MSMU from bringing them back to the Chalon Campus in the future once the Wellness Center is operational?

### 2c) Failure to include Sports

The DEIR is inadequate because it does not analyze the impact of sports teams. The DEIR has limited but conflicting information on what sports are on and off campus now and what sports will be on and off campus once the Project is built. The DEIR states that no sports competitions will use the Project Site, only practices. (page II-18) However, Alternative 4 (limited traffic, Table V-3) lists 30 club sports competitions.

- Why does Alternative 4 discuss competitions when DEIR states that no competitions will take place on campus?
- What sports teams does MSMU have?
- Where do they practice, on Chalon campus, Doheny campus, or elsewhere?
- How many people are on each team?
- Where are “at home” competitions held for each sport?
- Which sports will move after the new Wellness Center is built?
- What is to prevent other sports from moving to campus regardless of whether or not they use the Wellness Center?
- What prevents MSMU from moving additional sports or competitions to campus in the future? Will MSMU agree to limit the number of sports practicing or competing on Chalon to today’s levels?
- How many outside guests (and vehicles) come to see each type of competition?
- Please provide a schedule for all team sports practices and competitions held on the Chalon campus in 2016-17 and 2017-18.

### 2d) Overly Optimistic Analysis of the Summer Camp (that is improperly called a “Worst Case Scenario”)

The transportation analysis in the DEIR is inadequate because the impact of the summer camp on traffic is not appropriately addressed. Page 7 of the Fehr and Peers report states that the DEIR assumes the worst-case scenario regarding traffic generated by a twelve-week summer camp, but this is not correct. The DEIR suggests that every parent would be allowed to bring their child to school and drop them off every day, but then states that only 100 cars would be used for 200 campers, which assumes two campers per car. The worst-case scenario would be one camper per car, and the DEIR is inadequate because it failed to measure the worst-case scenario even though it stated otherwise.

- Why is MSMU assuming that parents should be allowed to drive their kids to school every day instead of being required to take them to an offsite location from which they can be bused to the school?
- Why has MSMU assumed that the camp starts at 9 am? What are the additional impacts if the camp day starts earlier so that both entry and exit of cars is during AM peak?
- Why has MSMU only looked at the camp ending during the 3 to 4 pm hour? Given that the camp doesn’t exist yet, what would be the impact of the camp running until the 4 to 5 pm or 5 to 6 pm hours?
- On what basis does MSMU assume that two campers will be brought per car? (IV. K-27) Does MSMU plan to implement any requirements for carpooling? What are the traffic impacts if only one child per car is assumed?

### 2e) Lack of Back-up for Assumptions

Another problem with the Transportation Analysis is that MSMU has failed to provide back-up for the assumptions used in its transportation analysis. For example, according to Table 6 in Appendix I Transportation and Traffic, MSMU assumes that an event with 400 outside guests will generate 200 vehicles. However, given that MSMU has given no explanation of incentives to make people carpool such as restrictions on parking, and has provided no shuttle services, the assumption that two (2) people will travel in every vehicle is unwarranted.

In addition, the DEIR uses trip distribution from the City of Los Angeles' Travel Demand Management ("LATDM") program (IV.K – 28) but this does not reflect the distribution of MSMU students, faculty, and staff by zip code.<sup>5</sup> The analysis based on the LATDM assumes 11% of departing traffic goes north on the I-405 to the Valley, 26% goes west, 28% goes south, and 20% goes east. (Figure IV.K-5) However, the distribution by zip code shows only 12% of the MSMU population living in the surrounding area (who could drive west, south, or east when leaving the Chalon campus) and only 3% driving further west, far short of the 26% assumption.

- On what basis does MSMU assume that 2 people will travel in every vehicle? Does it have any data that measures how many people actually traveled in each vehicle? If not, why isn't a safe assumption that each person drives separately?
- Given the increase in usage of services like Uber and Lyft, does the traffic analysis take into account that additional trips should be assumed because these vehicles both enter and exit the facility when a passenger is dropped off as well as when they are picked up?
- Does MSMU plan to put any requirements in place for parking reservations to limit the number of guests?
- What does the analysis of significantly impacted intersections look like if the analysis is changed to show 1 person per car (excluding any rideshare drivers)?
- Why does the DEIR assume that events cause either entrance or exit during peak times but not both? Does MSMU have any existing events with both arrivals and departures during peak hours? (A schedule of existing events is necessary to confirm this.)
- Why has MSMU selected entry at 6 - 7 pm and exit at 5 - 6 pm as the only times that were analyzed? What does the analysis look like if entry is at 3 - 4 pm, 4 - 5 pm or 5 - 6 pm? What does the analysis look like if exit is at 3 - 4 pm, 4 - 5 pm or at 6 - 7 pm? What are the start and end times of existing events—do all end and begin during the windows listed?
- How does the transportation analysis change if an accurate trip distribution based on the actual zip codes of Chalon students is used? What is the additional impact on intersections caused by the Project?
- What does the traffic analysis look like if MSMU uses the correct zip code distribution for students, faculty, and staff instead of the theoretical LATDM?

### 2f) Inadequate Mitigations for Construction Traffic

The DEIR calls for scheduling of construction-related deliveries between 7 am and 3 pm to reduce traffic during peak travel periods. (PDR-TRAF-1) However, given MSMU's distance from the 405 freeway, trucks will be on the street during peak congestion (which begins at 3 pm Monday through Friday). Brentwood School has agreed

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<sup>5</sup> The *Mount Saint Mary's University: TDM and Three-Year Action Plan Report updated April 2015* (described further in the section on MSMU's TDM) page 13

that any construction trucks will only use Sunset Blvd. between 9:30 am and 2:30 pm so that they are not on Sunset during peak hours.

- Will MSMU agree to the same time restrictions for construction trucks as Brentwood School? If not, why not?

The DEIR states that MSMU will “maintain ongoing communication with school administrators at affected schools along the haul route including Archer School for Girls, Brentwood School, and St Martin of Tours school.” (PDF-TRAF-1). Archer and Brentwood School have agreed to stagger their construction schedules so that they do not overlap.

- Will MSMU agree to schedule its construction so that periods with large numbers of construction vehicles do not overlap with those of the other schools whose projects have already been approved? If not, why not?

The DEIR states that construction workers will park on campus. (PDF-TRAF-2). However, Brentwood School agreed that construction workers for any construction on West Campus, which is far from the 405 freeway (yet much closer than MSMU) will park offsite and go to the campus on shuttles (Condition 33 of Staff Report). A mitigation measure for offset parking is proposed when more than 37 outbound construction vehicles are anticipated.

- How was the 37 outbound number determined? Can this number be reduced so that more of MSMU’s construction workers park off-site in a location that is not near Sunset/Bundy and take shuttles to the project site?

The DEIR assumes that only 40% of the construction workers would arrive during AM peak and only 40% would leave during PM peak. It claims that the “analysis period is representative of the worst traffic conditions in the Study Period.” Construction traffic is projected to have significant impacts at Bundy/Sunset and Saltair/Sunset (Table IV.K-9) and also on neighborhood streets (Table IV.K-13)

- On what basis is only 40% assumed if MSMU does not plan to require offsite parking and shuttle buses? If the analysis is meant to consider “the worst traffic conditions” why isn’t an assumption that 100% of construction workers drive the correct one to use?
- What would be the impact if 100% of the construction workers drive their own cars to and from the Project Site during peak hours?
- Why can’t MSMU move traffic out of peak hours and provide shuttles to eliminate all significant impacts?

### **3) The DEIR Misstates the Allowed Maximum Enrollment, and then Fails to Provide a Traffic Analysis Based on its Claimed Enrollment Number.**

Enrollment on campus clearly impacts the number of vehicle trips, so getting a definitive number of how many students can be enrolled at Chalon is essential to any accurate analysis in the DEIR.

#### **3a) The DEIR misstates the Maximum Enrollment at Chalon, which is 1,072 not 2,244.**

The DEIR erroneously assumes that Maximum Enrollment can be based on the Number of Parking Spaces and describes the maximum permitted enrollment on Campus as 2,244 based on Condition 3 of City Plan Case No.

4072 CU dated July 27, 1984 (p. 11-12). **However, that Condition controls parking spaces, not enrollment:** it reads:

*“The ratio of parking to students shall not be less than ¼ parking spaces for each student enrolled at Mount St. Mary’s College.”*

MSMU’s claim that 2,224 students can be enrolled is based on 561 parking spaces x 4.

However, the Staff Report for Case No. 4072-CU in 1984 states:

*“If the current ratio of students to parking available is used, the enrollment on campus could increase to 1037 from 750 with the additional 188 spaces (244-56 existing).”*

The final approval of the City Planning Commission, July 27, 1984, made specific reference to Staff’s Condition No. 4 which changed the parking number and said:

*“That not more than 268 automobile parking spaces be constructed on the subject site.”* (Condition No. 4 of that Case No 4072 CU)

**Hence, enrollment was limited to 1,072 in 1984 (268 x 4). That 1,072 maximum enrollment number is incorporated in the letter, dated January 25, 1996, from Bob Rogers, Principal City Planner for DCP, to Councilman Marvin Braude when Rogers describes maximum enrollment.** The interpretation by Bob Rogers in 1996 must be given great weight since he was the Senior City Planner who approved the Staff Recommendation in the 1984 case and knows what was intended. If Applicant maintains a different approval or analysis by a City agency, it is not described in the EIR.

The Illegality of basing maximum student enrollment on total parking spaces is evidenced by reference to LAMC Section 12.21A4<sup>6</sup> which states that required parking for college auditoriums is based on sq. ft. or fixed seats. It also states that required parking for classrooms and assembly areas of trade, professional, or similar schools is based on 1 per 50 sq. ft or 1 per 5 fixed seats, whichever is greater. **Hence, there is no basis for determining enrollment based on parking, and the 1,072 maximum enrollment that was referenced in the 1984 CPC decision (discussed above) is consistent with the LAMC that determines required parking based on the physical size of the school.**

The absurdity of claiming that maximum enrollment should be based on total parking spaces is further demonstrated by the fact MSMU reserves many parking spaces for faculty/staff. Clearly spaces reserved for faculty and staff should not be considered available for student parking.

Figure IV.K-4 in the DEIR shows the number of parking spaces in each of the existing parking lots (561 total), and notes that 36 of those spaces are reserved and 129 of those spaces are designated for faculty/staff, leaving only 391 for students. Hence, it makes no sense to claim student enrollment based on 561 parking spaces when students may only use 396 of them. Exhibit C shows the parking available on the Chalon campus.<sup>7</sup>

**Any future CUP must include a firm number on Maximum Enrollment that cannot be disputed in future project approval requests.**

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<sup>6</sup> Summarized in the LADBS “Summary of Parking Regulations.”

<sup>7</sup> From MSMU website.

The DEIR fails to disclose the required information under this heading and analyze its impacts on the requested approvals and on the Chalon campus as a whole.

3b) Failure to incorporate claimed maximum enrollment into the traffic analysis

Mr. Kahn notes that the entire traffic study in the DEIR assumes that the current student enrollment would remain as it currently exists (approximately 1,500 students). **We note that the current enrollment of 1,500 is higher than the 1,072 Maximum Enrollment authorized under the 1984 and 1996 reports by the city.** Given that the University believes that enrollment could increase to 2,244 without approval, the traffic study should have included 2,244 students from a traffic and parking standpoint. This increase in number of students would be considered a related project just like the other 67 related projects that were included in the traffic analysis. **If MSMU's claim of 2,244 potential students were correctly incorporated, the impacts from a traffic and parking standpoint would be significantly greater than those documented in the traffic study and DEIR.**

- What would the traffic analysis look like at 2,244 students, as is claimed by the University to be the maximum enrollment allowed? Why wasn't this number used for the traffic analysis?
- Is the University committing to limit enrollment to a fixed number of students enrolled on the Chalon campus or taking classes at MSMU?

3c) Failure to include Doheny students and faculty/staff that go to both campuses on a regular basis.

The maximum number of students that can be enrolled at Chalon campus is not the only enrollment number relevant to the DEIR. The number of students enrolled at Doheny who take classes at Chalon is also relevant. MSMU has said that many students at Doheny take classes at Chalon but has provided no information on the daily impact of those students. Given the number of shuttles between the campuses, many students from Doheny are taking classes at Chalon and vice versa. However, without having such baseline information on these trips, nothing prevents MSMU from circumventing any enrollment caps listed in Chalon's CUP. MSMU could simply enroll students at Doheny but schedule classes and activities for them at Chalon.

- Approximately what percentage of the number of students taking classes above are enrolled at the Doheny campus?
- Table II-2 lists the current number of full-time and part-time students on each campus in 2017. How do these numbers compare to the number of students in prior years (2014, 2015, 2016) and with 2018? (Please provide numbers as they are shown in the chart, which uses part-time and full-time students instead of FTEs).
- Does MSMU plan to increase enrollment at the Doheny campus in the future? Does it have caps on Doheny enrollment? If so, what are these caps? If not, does it plan to cap the Doheny enrollment to prevent additional traffic coming to Chalon?
- Can classes be shifted to Doheny to reduce traffic coming to Chalon? If not, why not?
- What, if anything, prevents more students from Doheny taking classes at Chalon, or more classes being offered at Chalon?
- The DEIR is inadequate because it fails to show the zip codes of where students live. What are these zip codes, and how many students that take classes at Chalon live in each zip code?
- We have been told that Freshmen are not allowed to own cars, but there is a "Resident's" parking lot next to the Freshmen dorm. How many Freshmen live on the campus and drive? How many use Uber, Lyft or other car companies as transportation for recreational activities?

In addition to students, the DEIR states that the 176 staff members (II-13) oversee both campuses yet no break-out is given as to how many have offices at Chalon vs. Doheny. Similarly, no break-out is given on how many of the 273 faculty members (63 full-time and 210 part-time) (II-13) teach at Chalon or Doheny only or at both campuses. Without such a break-out, there is no way to know whether the mix will change if MSMU alters the facilities through this project. While this project is designated a “Wellness Center” for students, faculty, and staff, that term in itself does not imply that space for numerous lectures and events will be added. This same space could be used to increase courses or other activities at the Chalon Campus.

DEIR is also inadequate because it fails to discuss mitigations that would prevent moving classes and other activities from Doheny to Chalon once the Wellness Center is completed.

- How many faculty and staff go to the Chalon campus each day of the week? (including part-time as well as full-time people)
- How many arrive and leave at each time of day?
- How many of them drive one to a car as opposed to carpooling or taking shuttles? Do all receive access to onsite parking? If not, how many receive parking?
- How many of the faculty and staff have their primary offices on the Chalon campus as opposed to on the Doheny office?
- What would prevent MSMU from changing the mix and moving more faculty and staff to the Chalon campus or having them work more often on the Chalon campus in the future?

4) [The DEIR Fails to Include Sufficient Evidence to Support its Claim That It Has Reduced the Number of Single-passenger Vehicles Traveling to and from the Campus.](#)

4a) MSMU’s 2015 TDM study listed many deficiencies in MSMU’s transportation plans, and MSMU provides no evidence that its recommendations have been implemented or traffic reduced.

MSMU states in the DEIR<sup>8</sup> that it has

*“implemented transportation demand management (TDM) strategies to encourage alternative mode choices such as subsidies and shuttle improvements as described in Mount Saint Mary’s College: Three Year TDM Action Plan (September 2014).”*

A review of a report, updated in April 2015 by Steer Davies Gleave (SDG),<sup>9</sup> (Exhibit D) reveals that while MSMU has implemented certain elements from this plan, including

*“providing transit subsidies, marketing and informational campaigns, discounted parking fees for carpoolers, carpool online matching service (Zimride), on-site rental cars, and additional shuttle service to new connections such as the Expo Line Shuttle,”*

It has glaringly avoided implementing the most important component of the program recommended by Steer Davies Gleave<sup>10</sup>:

*“Develop and implement a sustainable TDM with MEASURABLE RESULTS for parking demand, transit usage, reductions in global warming pollutants. “*

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<sup>8</sup> Transportation Impact Analysis in Appendix I, page 60.

<sup>9</sup> Mount Saint Mary’s University: TDM and Three-Year Action Plan Report updated April 2015

<sup>10</sup> Mount Saint Mary’s University: TDM and Three-Year Action Plan Report updated April 2015, page 34.

SDG's review of UCLA, USC and CSUN TDM programs revealed all of them, except for MSMU, used some kind of reporting mechanism to track their progress and how transportation behaviors changed or remained the same on their campuses.<sup>11</sup> MSMU has no means for measuring, monitoring and enforcing its current TDM program and does not propose one for the project.

Therefore, when MSMU states that additional measures listed below reduce the number of single-passenger vehicles traveling to and from the Campus as well as ensure traffic laws are followed:

- Where is the data to support this claim?
- In fall 2007 a camera was installed at MSMU's entrance at Chalon Road to monitor violations of the policy mandating the prescribed routes for traffic traveling to and from the Campus. Vehicles are not permitted to make a left turn when exiting or entering the Campus. Those in violation are fined \$75.00. How many vehicles were cited and fined? What steps were taken to prevent repeat offenses? In June 2008 MSMU paid for the installation of a radar speed traffic calming sign. The sign was installed in the public right of way near Bundy Drive and Benmore Terrace. Has this been effective?

As the DEIR makes clear, MSMU makes assumptions about the effectiveness of its TDM without the real data to support its claims. For example, Table 6, in Appendix I LADOT Traffic Study letter, assumes that attendees to the new events will have an average vehicle occupancy of two (2). Based on a review of the SDG report, and MSMU's lack of a TDM compliance report for existing operations, this assumption is inaccurate. The assumption should be one (1) person per vehicle. The DEIR should explain why real numbers from the Annual TDM Program Report were not used or why this compliance report does not exist.

SDG goes on to state how and why the Program should be evaluated:

*"There are two components of monitoring the effectiveness of the TDM program—traffic counts and employee surveys. These two evaluation metrics should be included in the Annual TDM Program Report. To ensure MSMU is making progress toward a reduction in single-occupant travel, the TDM program management should report annually on the effectiveness of the program in reducing vehicle trips. Phase 1<sup>12</sup>, MSMU should set a reduction goal. Annual traffic counts should be conducted at the secure access points for employees and visitors and should be conducted at the peak hour, either AM or PM. Vehicle counts are typically conducted during a typical weekday with data collected at 15-minute intervals and supplementing that data with manual peak hour turning counts at select locations. Traffic counts are a very accurate snapshot of the real impact of a TDM program and provision of alternative modes and services. To supplement these counts, an annual employee and student survey is also recommended."<sup>13</sup>*

A review of the SDG TDM and Three-Year Action Plan begs the question, why did MSMU choose to implement only a few items and ignore the most important findings that would lead to a true TDM Program with an annual reduction in trips? And why did it ignore the most important recommendation of the report, develop a program with measurable results?

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<sup>11</sup> Ibid. p. 42.

<sup>12</sup> MSMU has already implemented Phase I, which SDG defined as: Start roll out of new programs including an online carpool matching service, pre-tax option, create gamification platform (p.48 for definition) and begin offering transit subsidies to students.

<sup>13</sup> Ibid. p. 66.

4b) Transportation Demand Management Program Described in DEIR is inadequate

The description of Transportation Demand Management measures currently used at MSMU on pages II. 10-11 are inadequate and deficient, given there were no targets, no numbers, no data associated with any of the measures currently undertaken, or from the past for comparison, to understand their effectiveness in mitigating traffic or parking. This is especially important given the proposed increase in events and attendees, and potential increase in future enrollment.

MSMU should complete a thorough analysis of vehicles --- not people --- coming to campus at each hour of the day. This analysis should be undertaken during the regular school year. This information would establish a verifiable baseline number of vehicles coming to and leaving the campus on an hourly basis. MSMU, CD-11, and the community could then use these baseline numbers to determine whether traffic can be reduced from the current levels, in keeping with what other schools in the area have agreed to do to meet Bonin's Sunset Standard.

Quarterly reporting and fines need to be stipulated. The TDM measures should also be tied to a parking capacity study. Participation in The Sunset Traffic Solutions Initiative and other such traffic reduction initiatives and studies would be required.

5) **Alternative 3 ("Alternate Construction Route") is not a feasible alternative and should be replaced by an alternative that is feasible.**

Alternative 3 states that construction vehicles can be routed through a road through the Getty Center ("Getty") instead of on Sunset. This alternative is not feasible because Getty has consistently said that MSMU may not use this route for construction. MSMU should not have included this alternative in the DEIR given Getty's clear and consistent objections.

Since the DEIR was issued, MSMU has sent a letter to City Planning asking for this Alternative to be withdrawn because of the Getty's opposition. The DEIR should be revised with a different Alternative and recirculated.

At a neighborhood meeting on April 26, 2018 Getty advised members of the community that Alternative 3 is not viable and they will vigorously fight the use of the easement MSMU claims they have through the Getty Center. The Getty, through the use of their outside counsel, sent MSMU a letter with their objections to Alternative 3 prior to the release of the DEIR, which included the following:

- a. Easement hasn't connected to Sepulveda since the 1960's.
- b. Easement doesn't always follow the Getty's road and they have built on and near it; it is also on neighbors' property.
- c. Abandonment: gates have been in place since before the Getty Center was built; Getty has sole control. (California law states an easement that has not been used in five years is considered abandoned.)
- d. Safety issues:
  - i. Steep, unstable hillside along Chalon Road with mudslides.
  - ii. Old road not always wide enough and not in a condition that can support construction traffic.
  - iii. Bridge that is very old with homes below that could be at risk.
  - iv. Getty pedestrian traffic along Getty Center Drive and Sepulveda exit.

e. Getty CUP prohibits vehicular use of Chalon Road except for emergency vehicles; also requires locked gates. No comment from MSM at time CUP was issued.

- Why was Alternative 3 included in the DEIR given that it is not a viable alternative?

**6) Alternative 4 (“Reduced Event Alternative”) is Insufficient to Mitigate the Traffic Impacts Generated by the Project. It Falls Far Short of What Other Local Schools Have Agreed to Do to Mitigate the Traffic for Their Projects.**

As had already been noted, other schools on Sunset (Archer School for Girls, Brentwood School) committed to reduce their traffic impacts to get Project Approval. MSMU asks to increase traffic significantly. As examples:

- The Archer School for Girls agreed to limit the number of vehicles entering the campus for events in the 6 to 7 pm time period to a maximum of 126 to keep it below the level at which they calculated a significant impact on Sunset/Barrington Avenue.
- Brentwood School agreed to move all events that started at 7 pm to a 7:30 pm start date in order to move traffic out of peak hours.

In contrast, MSMU proposes having 400 outside guests per event for 60 events per year. (PDF-TRAF-8). It offers no limits on the number of vehicles, which is more important than outside guests.

This alternative also suggests that MSMU can have 30 sports competitions on campus--- when other sections of the DEIR state that MSMU won't have any sports competitions on the Chalon campus.

As is the case with the rest of the DEIR, MSMU provides extremely limited information on existing events so that the extent of any reductions cannot be verified.

The following concerns and questions need to be addressed:

- Is the proposed cap of 400 meant to be a total of 400 per day across all events that day? Or 400 per event? For two-day events, is this meant to be 400 guests per day?
- How many cars are assumed for 400 people? Why is MSMU using guests when Archer and Brentwood School looked at vehicle trips, which is a more relevant metric?
- How many cars cause a significant impact during each peak hour period at Sunset/Bundy? Will MSMU commit to keeping traffic below a level that causes a significant impact and to move events that conflict with that objective as the other schools have agreed to do? If not, why not?
- Why doesn't MSMU reduce peak hour traffic from existing events in order to mitigate the proposed traffic? For example, events scheduled to start 6 to 7 pm could be moved to 7:30 as Brentwood School agreed to do.
- Why is MSMU proposing any new events that are for third parties not for existing students, faculty, and staff in this alternative?
- Why doesn't MSMU eliminate the sports camp in order to reduce traffic impacts, as this is not within the stated purpose of the Wellness Center?
- Why isn't MSMU proposing to use shuttles, limit the number of cars, or reduce traffic in other ways in this “reduced traffic” alternative? Fehr and Peers states that the school has a parking reservation system in place, so this could be used.
- Why doesn't MSMU put a shuttle service from a remote location in place as BWS has agreed to do for large events?

Alternative 4 should include a specific target for vehicle trips to be less than current vehicle trips, with required TDM policies and targets for students, faculty and staff.

**7) The DEIR Fails to Validate the Parking Demand for Events or to demonstrate that the amount of parking on campus is adequate during construction or when the project is operational.**

Goal 15 of the Applicable Community Plan goals and policies (IV. K-4) requires

*“A sufficient system of well-designed and convenient on-street parking and off-street parking facilities throughout the Plan area.”*

There is no proof that this system currently exists for the project and, thus, it is impossible to state with any credibility that the additional 55 parking spaces "would decrease demand for on-street parking" on Chalon and other streets. The DEIR makes this assertion and numerous others (below) about parking on and off campus on Chalon Road that are unsubstantiated, without any supporting data or study results. The existing parking demand on the MSMU campus for current students, staff and faculty as well as current events has not been evaluated.

A parking study conducted for MSMU in 2014 (Draft Parking Analysis Report, May 2015) is referenced under IV.K-24 Existing Parking Demand, stating “the highest on-Campus parking utilization of 76 percent (425 spaces) was observed across three survey days.” This study is inadequate to apply to the current project. This deficiency extends to parking needs under the scenarios presented for expanded events or future growth in enrollment.

For example, Project Description (Existing Campus Events) II-13 states there were 42 total events in 2016 that generated outside traffic, and “a relatively similar number of events were held on the campus” in 2017. The DEIR is deficient in supplying a specific number for 2017 or any other meaningful numbers, such as car trips. The SDG TDM analysis lists the following information.

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	External Events	Internal Events w/outside traffic	Weddings	Events Total	Attendees per year
June - Dec. 2014	10	9	1	19	3,754
Jan. – Dec. 2015	12	30	0	42	10,416
Jan.-July 2016 (est.)	13	19	0	32	6,855

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This continuing increase in event attendees along with the proposed increase in number of events needs to be studied for its impact on parking on and off campus. While parking for all events is provided on campus and events with 50 or more people requires valet parking, there are no studies giving any limits on vehicles. There are events with 400 or more people. How much stacking can MSMU do before fire safety laws are violated?

The DEIR is also deficient in analyzing what will happen with parking when only 335 parking spaces will be available for 16 months during construction. Based on the 2014 parking utilization rate of 76%, MSMU will be short more than 100 spaces even if construction workers do not park on campus.

There needs to be a parking survey that gives an hour-by-hour count of available parking spaces, along with parking on Chalon Drive, from 8 a.m. to 5 p.m. and concurrent with any outside events. (MSMU stated it

monitors the number of cars parked on Chalon Road throughout the day and night, maintaining a daily/weekly parking lot during the school year.) The LAFD needs to assess the safety and capacity of the valet stacked parking for small and large events when classes are in session.

**8) The DEIR is inadequate because it attempts to address only the Project Site, yet it is impossible to separate the development of the Project Site from its impact on the overall operations of the School.**

MSMU seeks approval for a Project whose uses of the Chalon Campus necessarily go beyond the limited and arbitrary outline of the Project Site on Figure II-1 of the DEIR (3.8 acres out of 45 acres); for example, the proposed additional parking spaces must contemplate additional vehicles driving to, from, and on the Chalon Campus beyond the outline of the Project Site. Another example is on page IV.H-20 where the DEIR states: "The Project would . . . unify the north and south portions of the Campus through improved and safer pedestrian access . . ." and "The Project would, however, have the potential to result in existing changed or new Campus events and/or activities." Further, on pages II-17-18, the project objectives include the enhancement of campus-wide existing events in addition to the new events described previously (300 – 650 additional attendees in Table II-4) that anticipate use of more than merely the use of the "Project Site" which has been incorrectly defined as a small portion of the entire campus that is actually used for operations.

Hence, any approval pursuant to the DEIR must include Conditions that affect and mitigate impacts for the use of site, hours, activities, parking and vehicle trips for the entire Chalon Campus not just an arbitrary Project Site. The DEIR is deficient in not analyzing the impacts on the entire Chalon Campus in order to allow decision-makers and the public to consider possible mitigations and alternatives.

If Applicant does not agree that more than the arbitrarily defined Project and Project Site needs to be analyzed in the DEIR, then the DEIR must explain why each of the affected areas of the campus, individually and cumulatively, are not relevant to a full and accurate understanding of the requested approvals. Legal counsel for MSMU recently wrote: "As I have explained, the entire campus functions as an integrated whole." If MSMU does not agree that the entire Chalon Campus and use of the entire Chalon Campus is necessarily integrated with the Applicant's requested approvals, the EIR is deficient unless it explains why the Project and Project Site should not be described as the entire Chalon campus and all operations thereon.

Although MSMU Chalon campus might enjoy a certain, limited "deemed to be approved" use status, the use of the entire MSMU Chalon campus would become more intensive and therefore requires review in the EIR and review by decision-makers.

For each day of the week:

- Based on the class schedules and enrollment at Chalon, how many students on average currently come to the campus every day?
- What is the schedule of classes for each day and how many students on average are taking classes during each hour?
- When do classes end for the day?
- How many classes on average does a student take on each day of the week?
- What percentage of those students live on campus (estimates are ok)?
- What percentage carpool (Please include back-up for carpool estimates)?
- What percentage take a shuttle (please provide back-up of shuttle ridership)?
- What percentage take other public transportation (please provide back-up)?

**9) The DEIR is inadequate because it incorporates many unauthorized uses of the campus as if they were approved and then tries to expand them.**

**9a) Section IV. Campus Land Use History Fails to Include Substantial Evidence Supporting the Assumption That the 17 Acre Addition in 1952 Has the Status of a Deemed to be Approved Conditional Use.**

P. IV. H-14 inaccurately and incompletely summarizes the campus land use history, which is actually as follows:

- Ordinance 42,666 –only residential zoning by right of land comprising Chalon campus
- Zone Variance Ordinance 62,642, Jan 3, 1929 –approved certain MSMU college uses on 33.3 acre site; any plans for any buildings to be built thereunder and their location must be approved by the City Council
- 1939 – Council approves faculty building
- March 18, 1946 – Council approves memorial library building
- Ordinance 90,500, June, 1946 – grandfathered uses legally existing (deemed to have been approved), and enlargement of existing buildings for such uses; public hearing required for conditional use grants for educational institutions
- 1949 – construction, without approval, of swimming pool, bathhouse, and tennis courts on 17 acres acquired in 1944
- May 23, 1952 – CPC approves a conditional use application to add the 17 acres to the college site subject to conditions, including with respect to use and a requirement for prior approval of all buildings, parking areas, walls, fences, hedges, driveways, and paved parking areas; Case 4072
- 1979 – CPC approves 4 temporary housing units
- January 26, 1984 – CPC approves Faculty Residence facility
- July 12, 1984 – CPC conditionally approves parking structure with 268 spaces; Case No. 4072 CU

Since pursuant to Ordinance No. 90,500, only uses legally existing in June 1946, and only the enlargement of existing buildings for such uses became deemed approved in 1946, the DEIR is deficient in not explaining and specifying the limited structures and uses (i) **legally approved** by Ordinance No. 62,642 on January 3, 1929, and between 1929 and 1946, and (ii) **existing** in 1946, including explaining exactly which 33.3 acres are claimed deemed approved for such uses. The DEIR is deficient because it does not explain and list each of the claimed deemed to be approved structures and improvements, and each of the claimed deemed to be approved uses on the Chalon Campus for which there has been no Plan Approval or other legal approval.

Since the Staff Findings in the 1952 conditional use application, Case No. 4072, relating to the 17 acres acquired after 1929 state: “The fact that the site had no legal status [for college purposes] was not brought to light until a building application was submitted for a small 20 x 54 foot athletic and storage building and in checking the legal description it was discovered that it was not included in the original zone variance.” Hence, it is impossible that any use on these 17 acres had, or has, deemed to be approved status. In fact, the Condition 1 of that Case 4072 in 1952 refers to it as a Conditional Use permitting applicant “to extend its school facilities onto the subject property.” The DEIR is therefore inaccurate when it describes any use on these 17 acres as deemed to be approved, including any use relevant to the current application.

ZIMAS shows a case filed on 03/07/2017, Case No. CPC-1952-4072-CU, requesting “Pursuant to LAMC 12.24 a Conditional Use application to add to the existing college site” for a project described as “Approval of a 17-acre addition to Chalon campus site, as a deemed to be approved conditional use.” This kind of tactic must not be permitted. There was a case with the same number in 1952 which already granted MSMU the right to extend its school facilities onto the 17 acres that were acquired AFTER the original 1929 variance. The 1952 case is history that may not be re-written. MSMU may not leverage uses on those 17 acres to deemed approved status as if the property was owned in 1929 and part of the original variance. In case we weren’t looking under that shell, MSMU filed still another application on 03/07/2017 (with a new and different Case number), ZA-2017-928-ZAD, asking for the exact same approval for the same project already approved in 1952.

LAMC 12.24L in the Zoning Manual states:

*“L. Existing Uses. Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect.”*

The Zoning Manual states:

*“A “Deemed to be approved site” is a lot or portion which is lawfully being used for any of the uses enumerated in Section 12.24 where such uses are no longer permitted by right due to a zone change or an amendment to the Code.”*

The DEIR is inaccurate when it claims such deemed approved status for the 17 acres since that is in direct conflict with the Staff Findings in 1952 which said: “The fact that the site had no legal status [for college purposes] was not brought to light until a building application was submitted for a small 20 x 54 foot athletic and storage building and in checking the legal description it was discovered that it was not included in the original zone variance.” The only possible lawful structures or operations on the 17 acres are due to the conditional use first approved in 1952, and subsequent plan approvals such as of the parking structure in 1984. Prior to the conditional use granted in 1952, MSMU was using the residentially zoned 17 acres UNLAWFULLY for school buildings and school purposes.

The DEIR is deficient and inaccurate when it does not explain that the only proper, current, legal route for the Applicant is to file a new case for a Conditional Use Permit that covers the entire Chalon campus, rather than unlawfully try to bootstrap approvals on a theory of deemed approved status.

9b) The DEIR Fails to Provide the Required Information Regarding the Structures and Lots Listed in Table II-1, and the Use Thereof.

The DEIR is deficient in not explaining why the addition of new structures, and new surface parking lots, constructed after 1946 and listed on Table II-1 on pages II-6 – II-7, such as the Fitness Center in 1949, the Facilities Management Buildings in 1952 and 1964, and the pool and tennis courts in 1962, were not illegal intensifications of use that could not have been legally done with proper approval (prior City Council approval before March 1950, and prior Plan Approval or conditional use action that includes required Findings after 1950).

The DEIR is deficient in not explaining the violations by the school of its commercial use of the property in violation of the 1929 educational use restriction, and in violation of the 1952 restriction (Case 4072) "school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious educational activities." Notice it says school use for education, not use by others for education.

The DEIR is deficient in not explaining the violations of Condition 4 of Case 4072: "That a precise plot plan showing the location of all buildings on the property involved, parking areas, walls, fences, hedges, driveways, and paved parking areas, be submitted to the City Planning Department for approval prior to the issuance of any and all subsequent building permits or certificates of occupancy." This needs to be done for each item on Table II-1 plus all paved parking areas.

9c) The Project Description Fails to Clarify That the Requested Approval of a Total of 281 Parking Spaces on the Project Site Would Replace Surface Parking Lots Containing a Total of 226 Parking Spaces That Were Never Approved and are Non-permitted Improvements on the Chalon Campus.

The "Project Description" is an attempt to legitimize parking spaces that were never approved prior hereto (and hence increase enrollment using the flawed analysis of enrollment based on parking spaces).

The Project Description describes the replacement of "several surface parking lots containing a total of 226 parking spaces" (never approved by City Council or CPC). The accessory parking deck would include parking at grade with one level above grade atop a concrete deck. A total of 281 parking spaces would be provided on the Project Site, compared to the existing 226 spaces, a net increase of 55 spaces." In other words, despite the incorrect, evasive and misleading wording of the Project Description regarding enrollment ("The Project does not include a request to increase the maximum student enrollment on the Campus"), MSMU is, in fact, attempting to increase the enrollment by 904 students (226 x 4). That would be an enormous 84% increase in the current maximum permitted enrollment of 1,072 set forth in the 1996 letter from Principal City Planner Bob Rogers to Councilman Marvin Braude ("In a Plan Approval, dated July 12, 1984, enrollment was limited to 1,072, based on 268 parking spaces"). Unapproved surface parking spaces were ignored by the CPC in its Plan Approval in 1984 and in the Rogers letter. Nevertheless, MSMU is now describing the "Project" as if those 226 unapproved, surface spaces are lawful, approved spaces, but that is not true.

The Project Description, and the entire EIR must be revised and completely redone to accurately describe the proposed approval of additional parking spaces and proposed approval of a higher permitted maximum student enrollment. The EIR must describe the environmental impacts of increasing legal parking spaces by adding 281 spaces and increasing legal maximum enrollment by adding 904 students to the current maximum enrollment of 1,072. The affected environmental impacts include the 16 items I.VA - IV.M.2 on pages i - ii of the DEIR Table of Contents. After revising the DEIR to disclose, evaluate, and mitigate the potential impacts of an 84% increase in enrollment, the DEIR must be recirculated.

9d) The Carondelet Center and CSJ Residence Halls are not included as part of the MSMU campus.

The DEIR states that the Carondelet Center is a separate entity that is not under the control of MSMU. However, ZIMAS and the Assessor's Map shows that Carondelet Center is part of MSMU's property and is not separately owned.

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The CSJ Residence Halls are also part of MSMU's property but are never discussed, nor are their uses made clear.

- What is the status of the CSJ Residence Halls? Who owns them?
- Who is housed in the residence halls? Are any students living there? Do any outside guests stay there?
- How much traffic is in and out of these residence halls?
- Are they ever used for events?
- Where do residents park?

### **Conclusion**

The DEIR contains numerous deficiencies that prevent the document from complying with the California Environmental Quality Act ("CEQA"). The DEIR is based on premises that are contradicted by evidence, and it fails to address the concerns BHA and BCC submitted during the scoping process. MSMU must not be allowed to claim that crucial, relevant information is not available since MSMU could have easily captured and accumulated the data by reason of having one access road that is controlled by a guard gate and 24-hour guard. The DEIR recognizes significant impacts (but omits other significant impacts) and fails to develop a full range of effective mitigation measures, or adequately analyze alternatives to avoid the impacts, as required by CEQA. Since the DEIR was issued, a letter from the president of MSMU to the community committed to meeting the "Sunset Standard."

**For the reasons outlined above, the DEIR must be revised and recirculated.**

Please add us to your list to receive all Notices and Decisions relating to this project, addressed to: [rklein908@gmail.com](mailto:rklein908@gmail.com) and [info@brentwoodcommunitycouncil.org](mailto:info@brentwoodcommunitycouncil.org) and [info@brentwoodhomeowners.org](mailto:info@brentwoodhomeowners.org).

Sincerely,

Raymond Klein  
President  
BHA

Kyle Kozloff  
Chair  
BCC

cc: Mike Bonin, CD-11, Councilmember  
Krista Kline, CD-11, Director of Planning