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Re: Environmental Case No.: ENV-2016-2319-EIR – Mount Saint Mary's University Chalon Campus Wellness Pavilion Project

Dear Ms. King:

This letter provides comments on behalf of the J. Paul Getty Trust (the "Getty") in connection with the Mount Saint Mary's University Chalon Campus Wellness Pavilion Project's (the "Project") Draft Environmental Impact Report ("DEIR"). The Chalon campus of Mount Saint Mary's University ("MSM") is close to the world-renowned Getty Center, which attracts more than a million and a half visitors each year and houses priceless art and archival collections, public gardens, open spaces, libraries, scientific research laboratories and an art historical research institute. While this letter does not reflect a position of the Getty as to MSM's Project as proposed, the Getty is opposed to the proposed Alternative 3, in which MSM would use the Getty's private property and internal roadways for its construction traffic. As described in more detail below, Alternative 3 must be rejected in the Final EIR, as it is infeasible, creates significant safety and operational concerns, which have not been analyzed, and does not reduce significant impacts as compared to the Project. In fact, if Alternative 3 is not eliminated, recirculation of the DEIR would be required to disclose the additional significant impacts this alternative would create.

I. ALTERNATIVE 3 MUST BE REJECTED AS INFEASIBLE BECAUSE MSM DOES NOT HAVE PERMISSION TO USE THE GETTY'S PRIVATE PROPERTY, INCLUDING ST. CHALON ROAD AND GETTY CENTER DRIVE, FOR ITS CONSTRUCTION TRAFFIC.

Alternative 3 does not meet the basic requirement of the CEQA Guidelines as to feasibility, including "whether the proponent can reasonably acquire, control or otherwise have

access to the alternative site."[1] Alternative 3 would require construction vehicles to access MSM via Getty Center Drive and St. Chalon Road (a private road owned by the Getty extending from the intersection of Chalon Road and North Norman Place).[2] MSM does not possess any right to use these privately owned roads, especially for two years of construction traffic as described in the DEIR, and MSM is well aware of the Getty's safety and other concerns. Moreover, MSM has not adequately explained why it wishes to rely on private property for its purposes when it already has a feasible haul route through public roads. In addition, MSM's access to St. Chalon Road would contradict the City's approvals under which the Getty operates, as according to the Getty's 1985 Conditional Use Permit ("CUP"), St. Chalon Road is to remain unimproved and securely locked, without regular vehicular access.[3] Finally, the Getty cannot agree to allow conditions to exist on its private property that threaten the safety of its employees and visitors. Alternative 3 must be rejected as infeasible in the Final EIR.

II. ALTERNATIVE 3 POSES SIGNIFICANT SAFETY AND OPERATIONAL CONCERNS.

MSM's proposed route for construction vehicles is unsuitable for the proposed purpose and would be highly unsafe for a number of reasons. First, St. Chalon Road is narrow, only half a road-width in parts with adjacent unimproved portions. It is located on a steep, unstable hillside and lacks guardrails. It also traverses an aging concrete bridge. The surrounding hillside is steep and rocks and debris are frequently shaken loose, even without the presence of heavy construction vehicles. As such, the road cannot safely accommodate thousands of heavy construction vehicles – and other associated traffic, including an undefined number of vehicles bringing construction workers and deliveries – over the nearly two-year construction period contemplated as part of the Project. The proposed volume of traffic far exceeds the current infrequent use of St. Chalon Road as a secondary route for emergency vehicles. Routing heavy construction vehicles and other construction-related traffic through St. Chalon Road would endanger not only the drivers of the vehicles, but the residents of the homes situated below St. Chalon Road. For instance, drivers would be put at risk if the roadbed gives way, causing vehicles to slip backwards or over the edge of the road. Similarly, residents could be harmed by hillside subsidence, falling construction vehicles and other hazards posed by using St. Chalon Road as a haul route.

Allowing MSM access to the Getty property, as required by Alternative 3, would create a number of additional safety issues that the DEIR fails to analyze. As such, if this alternative is not rejected, recirculation would be required in order to analyze these issues further. For example, allowing numerous construction vehicles to traverse Getty Center Drive throughout the day will put pedestrians and motorists using the intersection of Sepulveda Boulevard and Getty Center Drive at risk of being struck and injured by construction traffic. This intersection is particularly busy, with public transit stops, pedestrian walkways and passenger vehicles all

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[1] CCR Title 14, Division 6, Section 15126.6(f)(1).

[2] DEIR, page V-49 (St. Chalon Road is identified as "Chalon Rd. (Private).").

[3] CUP, Conditions 72, 86.

converging in the same heavily trafficked area (in fact, the Getty has undertaken numerous efforts over the years to alleviate the traffic at its Sepulveda entrance with tangible positive effects). Adding hundreds of construction vehicles per day to this intersection would be extremely hazardous.[4]

As just one example, the intersection serves as the main entry and loading point for school buses carrying the nearly 140,000 students who visit the Getty each year. Groups of these children, who come from Title I schools and many others, visit almost every day. In addition to the risks to Getty staff and other visitors, this alternative raises the potential of risks from the interaction between proposed MSM construction vehicle traffic and school buses and their passengers over the proposed 22 months of usage for construction traffic. The DEIR does not consider this potential risk.

Similarly, the DEIR fails to analyze the potential for MSM's construction vehicles to interfere with the Getty's tram system, which passes close to the edge of Getty Center Drive. Nor does the DEIR analyze the security risks to the Getty property that would be caused by removing the existing locked gates at either end of St. Chalon Road. In doing so, MSM's Alternative 3 would interfere with the Getty's security program; security is essential for the Getty to protect its visitors, collections and employees by strictly regulating access to the property.

Finally, use of St. Chalon Road would undoubtedly require extensive road retrofitting, hill stabilization and other major construction to bring St. Chalon Road up to current safety standards for sustained use over 22 months by heavy-duty vehicles and to allow for the two-way traffic proposed in Alternative 3. MSM has not proposed, and the Getty has not agreed, to incur the costs of such work, nor has MSM performed the environmental analysis that must precede such a significant infrastructure project.[5] Moreover, these additional costs and environmental impacts associated with improving St. Chalon Road are unnecessary given that MSM can use existing public streets for its construction purposes. As these points demonstrate, there is no reasonable argument that Alternative 3 would have lesser environmental impacts than the Project to justify its selection under MSM's DEIR.

III. THE DEIR FAILS TO IDENTIFY SIGNIFICANT ENVIRONMENTAL IMPACTS OF ALTERNATIVE 3.

In addition to the feasibility and safety concerns already mentioned, Alternative 3 would have environmental impacts beyond those analyzed in the DEIR, as described below.

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[4] In addition, the intersection of Getty Center Drive and St. Chalon Road is not configured for construction vehicles. Such large vehicles would have extreme difficulty negotiating this intersection, further increasing the risk of accidents, injuries and property damage.

[5] The work needed to make St. Chalon Road fit for construction vehicles would likely have impacts in areas such as air quality, geology and soils, biological resources, noise and vibration, public services, and transportation and traffic, among others.

A. Air Quality.

The analysis of air quality impacts from Alternative 3 assumes throughout that emissions from construction vehicles will be less than the Project scenario because the trip length is shorter than the Project scenario, while disregarding the different road-types on which the vehicles will travel. While this assumption may hold true for pollutants from vehicle exhaust, it is not true for fugitive emissions of particulate matter ("PM"). Fugitive emissions of PM from vehicles traveling on an unpaved roadway are orders of magnitude greater than fugitive emissions of PM from vehicles traveling on a paved roadway.

Because the construction vehicles would be traveling over a partially unpaved road in Alternative 3, as compared to a paved and maintained public road in the Project scenario, it is not appropriate to assume the shorter travel distance will result in lower fugitive emissions of PM. Even the partially paved portions of this road would have higher fugitive emissions than the paved roads in the Project scenario, because they are not regularly swept and therefore have higher silt loadings than public streets. Thus, it is likely that PM emissions in the Alternative 3 scenario are higher than the Project scenario. If so, emissions may exceed the applicable thresholds and result in a cumulatively considerable net increase of a nonattainment pollutant and expose sensitive receptors to substantial pollutant concentrations.[6] Off-site vehicle emissions in Alternative 3 must be quantified in order to understand the air quality impacts of this alternative.

B. Biological Resources.

The DEIR merely states that impacts to biological resources would be the same under Alternative 3 as the Project scenario. The analysis does not consider any impacts to biological resources from the sudden and frequent use of the unimproved, infrequently traveled St. Chalon Road, which is bordered by an unimproved hillside filled with vegetation. Many species may occupy this large, expansive open space because it is not in use and largely undisturbed. The introduction of dozens or hundreds of truck trips per day could impact these species, and if this alternative is not rejected, additional analysis in a recirculated DEIR would need to be conducted to assess these potential impacts.

C. Geology and Soils.

The DEIR does not include any assessment of the geology and soils along St. Chalon Road proposed to be used in Alternative 3. This portion of the road is on a steep hillside where rocks regularly fall into the roadway. The earthen fill under the roadway has not been studied to determine whether it would support the heavy-duty construction trucks proposed to travel over it

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[6] There are a number of sensitive receptors within and near the Getty Center. As mentioned above, thousands of school children visit the Getty Center and enjoy its grounds. These children could be adversely impacted by the increased particulate matter. In addition, the Getty Center is a fine art institution with works that are susceptible to particulate matter and pollutants. Alternative 3's increased emissions could cause damage to the Getty's unique collection.

under Alternative 3. The road was not constructed with the intent of supporting frequent, heavy truck traffic; rather it is meant to provide infrequent emergency vehicle access. A catastrophic road or hillside failure would endanger the Getty property as well as neighbors living below St. Chalon Road, and the risk of these dangers is not addressed in the DEIR.

Further, as mentioned above, significant improvements to both the road and the surrounding hillside would be required to allow construction vehicles to safely travel across St. Chalon Road. The impacts of those separate construction and paving projects have not been analyzed or considered. Thus, a far more detailed study of the geology and soils along this portion of road is necessary to understand potentially significant environmental impacts.

D. Noise and Vibration.

1. Construction Noise.

The DEIR fails to address construction noise impacts on the Getty property, the parking structure or visitors to the Getty Sculpture Garden adjacent to the parking structure. The analysis states that "off-site construction noise impacts would remain significant and unavoidable during the concrete pouring phase" at residential receptors along St. Chalon Road,[7] but does not disclose what the noise level would be or how the value was reached. The analysis was not performed with the new route[8] (and thus newly impacted receptors) in mind, but rather the Project analysis results were imputed to Alternative 3. Doing so fails to account for impacts to Getty visitors walking along Getty Center Drive or within the Sculpture Garden, and is not specific to residences adjoining St. Chalon Road. Therefore, the construction noise impacts have not been fully examined.

2. Construction Vibration.

Alternative 3's analysis states that groundborne vibration levels would reach 93 VdB at 15 feet from the truck, which is below the FTA building damage vibration threshold of 94 VdB.[9] However, neither the analysis of Alternative 3 nor the Noise and Vibration Technical Report in Appendix G describe how the value of 93 VdB was reached. Given that it is just barely less than the building damage vibration threshold, the methods and assumptions used to estimate this value should be disclosed and explained.

Further, the Depression-era concrete bridge on St. Chalon Road may be susceptible to damage as a result of routing thousands of construction vehicle across it. The DEIR provides no evidence regarding the potential adverse impacts by the large volume of heavy-duty construction trucks proposed to cross it every weekday for 22 months. The bridge should be analyzed under the standard for "buildings extremely susceptible to vibration damage, such as historic

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[7] DEIR, page V-55.

[8] Nor could MSM perform such an on-site analysis, as the Getty has not granted MSM permission to access St. Chalon Road.

[9] DEIR, page V-56.

structures," for which the threshold damage level appears to be 0.12 in/sec PPV.[10] A vibration level of 93 VdB is equivalent to 0.17 in/sec PPV,[11] which would exceed this lower threshold for historic structures and likely cause damage to the bridge.

The Alternative 3 analysis states that the trucks "would rarely exceed 70 VdB (the maximum vibration level) on smooth surfaces, which is below the FTA 72 VdB threshold."[12] This assumes a smooth surface, which is not true of St. Chalon Road. Vibrational impacts from heavy-duty truck traffic on this unimproved roadway would likely be greater than on smooth roadways. The Project scenario assumption of smooth surfaces is not suited to the road conditions present on the route in Alternative 3. Thus, based on the information in the DEIR, it is impossible to accurately assess the vibrational impacts on nearby residents and visitors to the Getty when construction vehicles travel on the unimproved St. Chalon Road.

E. Public Services.

The analysis fails to address impacts on public services in areas where traffic would increase under Alternative 3 as compared to the Project. The Alternative 3 analysis includes no discussion regarding the reduced access to St. Chalon Road caused by frequent construction vehicle traffic. Segments of St. Chalon Road are a single lane wide, and constant construction vehicle traffic would seriously hinder, if not completely impede, the ability of emergency vehicles to access the Getty. The analysis also does not consider the impact of the construction vehicle traffic at the Getty Center Drive and Sepulveda Boulevard intersection on fire and police services. These impacts on access and response times could be significant and should be included in the DEIR.

A significant safety concern, which may require additional police resources, stems from opening up the secure Getty property by removing the existing locked gates at either end of St. Chalon Road. The Getty Center is a high-security facility, housing highly-valued art and archival collections. It is also a prominent public institution, where large groups of people gather. Removing the security gates at St. Chalon Road would enable easier unauthorized access to the Getty property and create an additional security risk that is not present in the Project scenario. The increased risk to the Getty property in this alternative may require additional police resources, and the impacts of this increased risk have not been analyzed or discussed.

Finally, it appears that the Los Angeles Fire Department ("LAFD") and Los Angeles Police Department ("LAPD") have not yet had an opportunity to review Alternative 3 and assess additional risks or issues presented by this alternative. LAFD and LAPD must be given an opportunity to weigh in regarding the substantial health and safety risks posed by this dangerous plan.

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[10] DEIR, page IV.I-24.

[11] DEIR, page V-56.

[12] DEIR, page V-56.

F. Transportation and Traffic.

The transportation and traffic impacts of Alternative 3's proposed route for construction vehicles have not been adequately studied. As an initial matter, the amount of construction traffic to be routed through Getty Center Drive and St. Chalon Road under Alternative 3 is significant. The DEIR suggests between 40 and 60 large trucks per day would use the route,[13] but MSM has not proposed any limitations on the number of construction vehicles per day, so the actual number could be larger. In any event, the DEIR fails to consider how the introduction of so many construction vehicles onto Getty Center Drive would impact the cars, buses, taxis, and other vehicles that already use the road throughout the day to access the Getty Center. Mixing heavy construction traffic with the normal functions of the access road could create significant delays and hazardous conditions for employees and visitors. Moreover, these delays and unsafe driving conditions would be compounded by the design of the intersection between Getty Center Drive and St. Chalon Road. As noted above, the intersection is not designed for heavy construction vehicles, and when such vehicles have difficulty navigating that portion of the road, additional back-ups and delays would occur, significantly increasing the risk of accidents to other vehicles and pedestrians. None of these potential impacts were considered as part of the DEIR.

In addition, MSM's routing of its construction vehicles on Getty Center Drive would also interfere with pedestrian activity and alternative transportation options. Specifically, many pedestrians utilize a narrow sidewalk immediately adjacent to the pavement at Getty Center Drive to walk up or back from the Getty Center. Large construction vehicles put these pedestrians at risk. Similarly, heavy construction traffic on Getty Center Drive, immediately adjacent to the Getty's tram in several locations, creates a risk of interference with tram operations which are the preferred means for visitors to reach the Getty Center. The DEIR has not evaluated these additional risks created by construction traffic for significant impacts on pedestrian access to the Getty Center or the operation of the tram.

Finally, the DEIR acknowledges that Alternative 3 will have significant impacts on the neighborhood street segment of Chalon Road between Norman Place and MSM's driveway.[14] The DEIR fails to suggest a mitigation measure specific to Chalon Road that would at least reduce the magnitude of this impact. As a result, the DEIR has not sufficiently considered and analyzed this impact, nor the other impacts that routing construction traffic through Getty Center Drive and St. Chalon Road would have on the operation and safety of the Getty's transportation systems as well as neighboring streets.

IV. MSM IMPROPERLY ASSUMES ACCESS TO GETTY PROPERTY.

In several sections of the DEIR, including the Fire Protection analysis, Alternative 1, Alternative 2 and Alternative 4, MSM erroneously assumes that it can grant access to emergency

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[13] DEIR, pages IV.K-41, IV.K-47.

[14] DEIR, Appx. I (Mount Saint Mary's University Wellness Pavilion Transportation Impact Analysis) page 89.

vehicles over the Getty's property, including Getty Center Drive and St. Chalon Road.[15] Although the Getty is happy to grant access to first responders and would do so as a matter of course, that authority rests with the Getty and not MSM. Thus, the Getty disagrees with these portions of the DEIR to the extent they improperly assume MSM can grant access to the Getty's property without the Getty's permission.

V. CONCLUSION.

As set forth above, Alternative 3 must be rejected in the Final EIR as infeasible, because MSM's construction traffic cannot be relocated to Getty property. Alternative 3 should not be selected as an alternative preferable to the Project or any other alternative because it presents significant safety concerns and additional significant environmental impacts. The Getty appreciates recent correspondence from MSM stating their intention not to pursue Alternative 3 and hopes to receive confirmation from the City that this alternative will be removed from future consideration.

Thank you for considering these comments on the Draft EIR. We appreciate the opportunity to comment and look forward to the responses.

Very truly yours,

Lucinda Starrett

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Cc: Stephen Clark, Esq.
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[15] DEIR, pages IV.J.1-29, V-19, V-39-40, V-74.