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

**RE: DEIR ENV-2016-2319-EIR
Project: Mount Saint Mary's University "Wellness Center"**

Dear Ms. King,

Below is the list of my questions for the above DEIR. As a neighbor affected by the Project, I would like to receive the answers to my questions from you and see them incorporated in the final EIR. Sections in *Italic* are quotes from the DEIR documents.

0-After reviewing the history of the permits obtained by the college, it seems that the only clear permit for enrollment was obtained in 1925 for maximum 500 students. Please indicate where has the college directly requested an enrollment above that number and where has the City granted it?

00- Has the City of Los Angeles verified the existing number of parking stalls?

000-Please provide the records indicating number of permitted parking stalls since the inception of the college. Please note that the Carondelet is a separate entity and requires its own parking.

1-Project Description states that the wellness center will create many External Events per year. Facilities used by these events' attendees are unrelated to the college use. They are a commercial use of the property and each building needs to be processed individually for its code requirements, i.e. parking and safety. According to Land Use page 20: *The Project would, however, increase the number and size of existing periodic Campus events and provide summer camp activities compared to existing conditions.*

Per my conversation with you, you indicated that a private summer camp, speaker series, and other commercial uses intended to take place at the proposed facilities all fall under the same use as the college. Please indicate the code section pertinent to this issue.

1.1 A 38,000 sf commercially used health club at the ratio of one parking stall per 100 sf will require 380 parking stalls. Since this facility will be used commercially, please explain why the Planning Department does not require that?

2-Project Description page 13 states that for events scheduled for over 50 people during the day MSMU provides onsite valet parking:

2.1 Does it mean that for events with over 50 people at night they don't hire valet parking?

2.2 What guarantees that the valet won't park on the adjacent streets?

2.3 With the planned enrolment of 2,244, about 200 employees, visitors of up to 450, totaling at 3,000 people, does the City of Los Angeles Fire Department deem valet parking for 3,000 people safe in case of an emergency?

2.4 Does the Fire Department deem the adjacent streets of North Bundy, Norman, Saltair, and Benmore adequate and safe for emergency evacuation of 3,000 people coming down from the campus?

2.5 Does the Fire Department determine that the evacuation of 3,000 additional people will not in any shape and form impede the evacuation and safety of the residents of North Bundy and Norman and the adjacent streets emptying into those two streets?

3-Who will be using the proposed facilities? Students of the Chalon Campus, Students of the Doheny Campus, attendees of the retreats and events held at the Chalon Campus, or any other groups?

4-Will the commencement ceremonies or any other related events be held at the Chalon Campus after the proposed project?

5-Project Description page 13 states that the proposed 38,000 sf project will only need one employee (the wellness manager). Explain how the therapy facility and the rest of the addition can be run by only one person? Does the DEIR count the therapists, technicians, and other necessary employees as non-employees?

6- The Deemed Approved clause of LAMC Section 12.24 states that only if the proposed project is in accord with the original Conditional Use Permit of 1928, it'd be deemed approved. The 1928 CUP called for a small (maximum 500 students) all girls college. MSMU is no longer small (has 1500 students and assumes 2200 as deemed approved), is no longer all girls (enrolls boys too), and no longer a college (it was renamed to University in order to attract students from Europe and China, according to MSMU Board member....). Please explain how the proposed project is in line with the original 1928 CUP?

7-Campus is zoned RE-40-1-H. Meaning minimum one house per 40,000 sf (approximately one acre). Although many houses in the area occupy more than one acre, it means that according to the General Plan and the Community Plan of Brentwood and Pacific Palisades, not more than

180 people should be occupying the 45 acres of the MSMU property: 45x4 (average household)=180

It seems that as it is, the campus is not in accord with either the General Plan, or the community Plan. Please explain how adding buildings and attracting, on some events, 3,000 people in one day would be in accord with the general and community plans?

8-Zone RE-40 is dedicated for very low density residential use. For the past 20 years the residents of North Bundy Canyon have experienced a major shift towards the commercialization of the campus by the college. As a result, the tucked-in neighborhood has been regularly visited by non-residents and subject to the increased risks of polluted air, increased traffic, carelessness of non-residents while driving in our narrow streets jeopardizing our residents' lives and our houses' safety. Throwing a cigarette butt on the dry sides of Chalon can cause catastrophes.

9-Page 16 of Project Description: *Ordinance No 90,500 provided that "...deemed to have been approved...if all other regulations of this article are complied with..."* The narrative concludes that *"Accordingly, the City Planning Commission has treated MSMU as a "deemed approved" conditional use in granting subsequent Approvals of Plans for the Campus."* Please explain how a drastic shift to commercialization of a RE40 zone can be construed as "all other regulations being complied with."

10- Figure II-12 Project rendering: The proposed project design is in harsh contrast with the existing buildings on the campus. The white roof with inverted slope, full height glasses, materials used, etc. are not in harmony with the existing Mission style buildings. What does it take to change the design?

11- Page 17 of Project Description Enhance Campus Programming: *Project is intended for "enhancement of Homecoming and Athenian Day events...and...for new external Summer Sports Camps, a Health and Wellness Speaker Series, and other activities or events..."* These purposes are certainly not in accord with the 1928 CUP of a small all girls college. Neither are they in line with the general Plan of City of Los Angeles or Brentwood-Pacific Palisades Community Plan of RE40 zone. Please explain how this will be accepted by the Planning Commission.

12- Page 18 of Project Description Improve Pedestrian Safety, Circulation and Parking states the improvement of student and visitor safety. How would an improved situation for the students and visitors also improve the life and safety of the residents-as required by Section 12.24 of LAMC? The conservative projection of increased daily trips estimated by consultants hired by MSMU states otherwise.

13- Currently the basketball and volleyball club teams are shuttled twice weekly to an off-site facility. As one of the justifications for the proposed facility, the narrative states that having on-site facilities will reduce traffic. However, page 18 of Project Description states that students, faculty, staff, registered neighbors and alumni can use the facilities. This means that students

from the Doheny Campus can also commute to the facilities. Considering that games will be held here, after hours and events will be held on a regular basis, therapy sessions will be offered, all together will drastically increase the daily and nightly and weekend trips.

14- Page 22 of Project Description: Please provide parking requirement and tabulation for each use.

15- Page 15 of Land Use and Planning: *Condition 3 of approval of plans in 1952: the approval "shall only apply to a school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious activities."* MSMU has violated this condition by renting/leasing the facilities to entities outside this parameter. Why isn't the previous CUP revoked for this violation? I support the Sunset Coalition Revocation Letter submitted by Doug Carstens.

16- In continuation of Question 15, the proposed events, i.e. summer camps, speaker retreats, etc. are outside the above-mentioned condition. Why is the Planning Department accepting this proposed project if it's in violation of previous CUP's?

17- Land Use page 17: *for the proposed project to be "consistent," the project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning that a project must be in "agreement or harmony" with the applicable land use plan to be consistent with that plan.* Please explain how building 17 times the density of the general plan is in harmony with zone RE40-1 dedicated to low density residential use. See Question 18.

18- Land Use page 18: *Land Use Compatibility per 2006 L.A. CEQA Threshold Guide: The extent to which existing neighborhoods, communities, or land use would be disrupted...or isolated and the duration of the disruptions. The number, degree, and type of secondary impacts to surrounding land uses that could result from the implementation of the project.* Please explain how year-round external activities, in addition to a total of 2,500-person ongoing school campus, plus all the service trucks, and the suction of the infrastructure and substandard streets will not adversely affect the surrounding land uses.

19- Page 40 of Project Description, Fire Protection: "The fire protection coverage for the proposed Wellness Pavilion would be comprised of fire road access on the north, west, south..."

19.1-Please indicate where the access from North is and why that access cannot be used as the major access to the campus?

19.2-Have the Fire Department and the City Planning Commission verified the condition of the road?

19.3-Will the LAFD and the LACPC accept responsibility for the casualties of any catastrophic event, i.e. fire, earthquake, etc. that require evacuation and access for emergency vehicles?

20- Page 40 of Project Description, Water runoff: *'rainwater from parking areas would drain to the landscape areas for treatment prior to being discharged.'* Where is the water from the parking lot and the roads supposed to discharge to? Bundy Drive has always had flooding issues in rain. Any additional runoff will be a detriment to the canyon in case of storms.

21- Page 45 of Project Description, Transportation: In addition to communicating with the local schools about the haul route, what other measures will be taken to prevent Sunset Blvd. and Barrington from becoming dead gridlock? As it is, rush hour traffic on these two streets is so crippling. At times fire trucks get stuck in traffic on Sunset, and sometimes it takes half an hour to move one block on Barrington. In addition, page 48 states there's no need to haul route.

22- Page 46 of Project Description, Transportation: Previous construction projects in the college also had mitigating measures such as limited hours of operation and off-site parking requirements, which were frequently violated. How would the proposed measures for this project be monitored on a daily basis?

23- Page 47 of Project Description, Transportation: *"MSMU will limit the total number of outside guests to 400 on a daily basis for new events such as the Other Wellness/Sports Events, Health and Wellness Speaker Series, and Summer Camps."* How will the campus monitor 400 limit in visits to physical therapy, or by spectators at the events, camps, etc.? In the past, the college has not adhered to its conditions of approval and violated their CUP's. How would the City Planning and DOT monitor this limitation?

24- Page 49 project Description, Discretionary Approvals: *Plan Approval Deemed-to Be-Approved, per LAMC Section 12.24 M (Development of Uses): The City may grant a plan Approval...* Please refer to Sunset Coalition Revocation Letter submitted by Doug Carstens.

25- Page 4 of Land Use: *"The Urban Form and Neighborhood Design Chapter of the General Plan Framework Element establishes the goal of creating a liveable city for existing and future residents; a city that is attractive to future investment..."* As we know the college and its commercial events have a detrimental impact on the quality of life of Bundy Canyon residents. Any property in the area needs to disclose the college as an impediment. It certainly has grave negative impact on the value of the properties in the canyon.

26- Page 12 of Land Use: *'The CUP process allows for the permitting of schools and other educational institutions in residential zones. Under LAMC Section 12.24-E (Findings for Approval), a decision-maker shall not grant a conditional use without finding:*

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

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

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

26.1. The proposed project will not enhance the built environment in our neighborhood, nor will it provide a service that is essential or beneficial to our community. It will rather open our quiet neighborhood to strangers who do not reside here and therefore do not care about its safety. For example, it brings tremendous traffic to our neighborhood, college students drive very fast and jeopardize our children's safety, time and again we have seen cigarette butts on Chalon which is like a tinderbox.

26.2- The commercialization of the college is not compatible with adjacent properties and will degrade our properties, our neighborhood, our health, and our safety.

26.3- Page 6 of 11 Attachment A: *"It would be consistent with the characteristics and use typical of the Minimum Residential designation...the project substantially conforms with the purpose, intent and provisions of the General Plan and the Community Plan."*

The proposed project does not substantially conform with the designated low density residential RE-40 zone of the General Plan or the Brentwood Pacific Palisades Community Plan. The 2,244 enrollment, more than 200 employees, and at some points 450 attendants of the external events will flood thousands of people to the narrow streets of this designated low-density neighborhood. Page 20 of Land Use: *"The Project would, however, increase the number and size of existing periodic Campus events and provide summer camp activities compared to existing conditions...Refer to table II-4"*

27- Page 12 of Land Use: Per LAMC Section 12.24-F and 12.24-L MSMU is required to adhere to its previous conditions of approval. Please indicate how in the past has the Planning Department of the City of Los Angeles verified and enforced the adherence of the college to these conditions.

28- Page 13 of Land Use: Students of the Downtown campus and the spectators of the games, will be visiting the proposed Wellness Center and hence contributing to greenhouse gases. Building the center on an offsite location between Brentwood and Downtown seems to be a more logical and sustainable solution.

29- Page 15 of Land Use: *"Under Condition 3 the existing CUP, approval shall only apply to a school use involving educational subjects which are in conformance with the State Educational Code, religious services, or religious, activities."* Please indicate how the commercial uses in the college are in conformance with the State Educational Code.

30- Page 18 of Land Use: *2006 CEQA Threshold Guide...identifies the following factors to evaluate land use impacts:*

- (a) *Land Use Consistency; Whether the proposal is inconsistent with the adopted land use/density designation in the existing Community Plan...See question 26-3*
- (b) *Land Use Compatibility...The extent to which existing neighborhoods, communities, or land uses would be disrupted..." See question 26*
- (c) *"The number, degree, and type of secondary impacts to surrounding land uses that could result from implementation of the project" See question 26*

Page 4 of 11 Attachment A: *“Any additional Campus events at the Wellness Pavilion will not adversely impact the surrounding neighborhood because the number of attendees would be consistent with existing events”*

Page 5 of 11 Attachment A: *“...the project’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety”*

Please explain how several years of construction of this magnitude would not bring dust, noise, traffic, and disruption to our neighborhood. And, how a facility with commercial activities hosting several thousand people would not affect or disrupt the safety, welfare, and public health of our neighborhood. As it is, we cannot walk in our streets during the commute times of the students or the events’ participants. They drive fast, pollute the air, and can jeopardize our safety in the case of emergencies exiting the narrow streets of our canyons.

See Pages 6-11 of 11 of Attachment A: All Lies

Truly yours,

Zhila Yedidsion, Architect, LEED AP

Excerpts from Sunset Coalition’s Revocation Letter:

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

(See Planning Commission Hearing transcript, 1928, Enclosure 7, emphasis added.) This statement was further confirmed by one of the Commissioners: *“it is the intention to have a minimum of 150 students and a maximum of 500 students.”*

The University continued unpermitted expansion in enrollment and by 1995, *“MSMC 's enrollment has increased by more than 20% over the last three years. Our total of 1,935 students...represents an all-time high [for both campuses].”* (See "Mount St. Mary's," Los Angeles Times, February 21, 1995, p. B4, Enclosure 36, Throughout the years, the University has rented out the Chalon Campus for movies and TV shows, music videos and commercials. According to the Internet Movie Database IMDb and a report from Film LA, Inc., the Chalon Campus has been used in over 20 movies, TV shows, music videos, pilots and commercials, including but not limited to: "Falcon Crest," "Less Than Zero," "Death Becomes Her," "The Glass House," "90210," "Modern Family," and "Monk." (See Film LA and IMDb Titles with Filming Locations, Enclosure 40.) As evidenced by the University's financial statements, during the time from July 1, 2010 to June 30, 2016, it has reported over \$800,000 in revenues from such filmmaking activities. (See MSMU Form 990, July 1, 2010 — June 30, 2016, Enclosure 41.)

The parking crisis and student housing shortage continued until 1984, when the University applied to the City for two separate approvals: (1) a faculty residence hall with three dwelling units and a one-story parking garage, and (2) a multi-level parking structure. As with past City approvals for new buildings, the parking requirements were tied to the approved buildings. The Staff Report Comment section of the Jan 1984 CUP for the residence hall stated, "**By Code, the proposed residence hall will require seven additional parking spaces.** This includes two parking spaces for each of the three dwelling units, and one additional space for three guest bedrooms (the latter requirement is so low because more than 60 guest rooms are located elsewhere within the campus." (See City Plan Case 4072-CU, January 26, 1984, Enclosure 19, emphasis added.)

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

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

(See Allyn Rifkin report, Enclosure 1, p. 3.)

It is evident from a long history of parking problems on Mount St. Mary's Chalon campus as the University has continued to increase enrollment and lease and rent its facilities for many small and large outside events, its informal attempts at "mitigation" measures have proven ineffective. These failed measures include the following: restriping of parking spaces; narrowing parking space; parking in undesignated parking areas, such as tennis courts; carpooling; busing; parking on local streets; car rental sharing; renting parking from offsite facilities; shuttles; tandem parking; eliminating a traffic lane for parking spaces on one side of the roadway; valet parking. Thus, none of these are true mitigation measures. Further, mitigation measures must be effective and enforceable.

(*Lincoln Place Tenants Ass'n v. City of Los Angeles*, (2005) 130 Cal. App. 4th 1491, 1508.) The University's ineffectual attempts to resolve parking issues created by its over intensification of use and event scheduling are neither.

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