

# Chapter I

## **Introduction**

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## Introduction

### 1. Purpose of the Final EIR

The City of Los Angeles (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Final Environmental Impact Report (Final EIR) for the proposed Mount Saint Mary's University (MSMU) Chalon Campus Wellness Pavilion (the Project). This document, in conjunction with the Draft Environmental Impact Report (EIR), comprises the Final EIR.

In accordance with the California Environmental Quality Act (CEQA) State Guidelines Sections 15089, the City of Los Angeles, the Lead Agency, must prepare a Final EIR before approving a project. The purpose of this Final EIR is to provide an opportunity for the lead agency to respond to comments made by the public and agencies regarding the Draft EIR prepared for the Project. Pursuant to CEQA Guidelines Section 15132, this Final EIR includes revisions to the Draft EIR; a list of persons, organizations, and agencies that provided comments on the Draft EIR; and responses to comments received regarding the Draft EIR. In addition, this Final EIR includes a Mitigation Monitoring Program (MMP).

Accordingly, the Final EIR for the Project comprises two parts as follows:

- Part 1: Draft EIR and Technical Appendices
  - Volume 1: Draft Environmental Impact Report (Executive Summary and Chapters I through IX)
  - Volume 2: Draft Environmental Impact Report – Appendices A and B
  - Volume 3: Draft Environmental Impact Report – Appendices C through H
  - Volume 4: Draft Environmental Impact Report – Appendices I through L
- Part 2: Final EIR
  - Volume 5: Final Environmental Impact Report, Chapters I through IV
  - Volume 6: Final Environmental Impact Report, Appendix A: Comments Received during the Draft EIR Circulation, Appendix B: Appendix G Modifications, and Appendix C: Fehr and Peers Memorandum - "Level of Service Analysis Results for MSMU Wellness Pavilion Alternative 5."

As discussed further in Chapter I, *Introduction*, and Chapter II, *Responses to Comments*, of this Final EIR, a new alternative (Alternative 5) was formulated in response to

comments received during the Draft EIR public comment period and feedback provided at MSMU's community outreach events. As required by the California Environmental Quality Act (CEQA), the Draft EIR analyzed a reasonable range of potentially feasible alternatives that could attain most of the basic Project objectives, while reducing or substantially lessening the significant environmental effects of the Project. Alternative 5 would reduce the Project's significant and unavoidable operational traffic impacts identified in the Draft EIR to a level of less than significant and would incrementally reduce the Project's significant and unavoidable off-site construction noise impacts. As explained in Chapter III, *Revisions, Clarifications, and Corrections*, and shown in Table III-15, *Comparison of Impacts Summary*, Alternative 5 would reduce the Project's environmental impacts over a broad range of environmental issues in the categories of Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise and Vibration, Public Services, Transportation and Traffic, Tribal Cultural Resources, and Utilities.

## 2. Organization of the Final EIR

The Final EIR (Volume 5 of the EIR) consists of the following four chapters and four appendices:

**Chapter I, Introduction:** This chapter describes the purpose of the Final EIR, provides a summary of the Project and Alternative 5, summarizes the Final EIR public review process, and presents the contents of this Final EIR.

**Chapter II, Responses to Comments:** This chapter presents, verbatim, all comments received by the City during the 63-day public review period for the Draft EIR (April 12, 2018 through June 13, 2018) as well as responses to those comments. Letters received during the public comment period are included in Appendix A, Original Comment Letters, of this Final EIR.

**Chapter III, Revisions, Clarifications and Corrections:** This chapter includes a complete description of Alternative 5, an evaluation of Alternative 5's environmental impacts as compared to the Project's, and includes *Other Revisions, Clarifications and Corrections* consisting of minor changes or additions to the text of the Draft EIR, with changes shown in strikethrough for deletions and underline for additions. Neither the addition of Alternative 5 nor the changes to the text of the Draft EIR add significant new information that would affect the analysis or conclusions presented in the Draft EIR.

**Chapter IV, Mitigation Monitoring Program:** The MMP lists the Project Design Features (PDFs) and mitigation measures (MMs) for both the Project and Alternative 5 and specifies the enforcement and monitoring agencies for each, as well as details regarding monitoring and compliance. The MMP will be used by the enforcement and monitoring agencies responsible for the implementation of either the Project's or Alternative 5's PDFs and MMs.

**Appendix A:** Comments received during the Circulation of the Draft EIR

**Appendix B:** This appendix includes a discussion of modifications to Appendix G of the CEQA Guidelines, and a discussion of how they pertain to both the Project and Alternative 5.

**Appendix C:** This appendix is a memorandum from Fehr and Peers, the consultants who prepared the Draft EIR's Traffic Study, providing a level of service analysis for Alternative 5. The results of the analysis included in Appendix C are discussed in Chapter III, *Revisions, Clarifications, and Corrections*, of this Final EIR.

### **3. Overview of the CEQA Public Review Process**

In compliance with the CEQA Guidelines, the City, as the Lead Agency for the Project, has provided opportunities for the public to participate in the environmental review process. As described below, throughout the environmental review process, an effort was made to inform and solicit input from the public and various agencies on the Project.

#### **a) Public Review of the Initial Study/Notice of Preparation**

At the onset of the environmental review process and pursuant to the provisions of Section 15082 of the CEQA Guidelines, the City circulated a Notice of Preparation (NOP) to State, regional, and local agencies, and interested parties for a 31-day period beginning on August 4, 2016. The purpose of the NOP was to formally convey that the City was preparing a Draft EIR for the proposed Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. See Appendix A-1, Notice of Preparation, and Appendix A-2, Initial Study, of the Draft EIR (Volume 2).

The NOP included notification that a public scoping meeting would be held to further inform public agencies and other interested parties of the Project and to solicit input regarding the Draft EIR. The public scoping meeting was held on August 16, 2016, between 6:00 and 8:00 PM at the Campus. The meeting was held in an open house/workshop format and provided interested individuals, groups, and public agencies the opportunity to view materials, ask questions, and provide written comments to the City regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. The presentation materials and other documentation from the scoping meeting are provided in Appendix A-3, Scoping Meeting Materials, of the Draft EIR (Volume 2).

A total of 65 written comment letters and emails responding to the NOP were submitted to the City. Written responses to the NOP were received from five public agencies and 60 organizations and individuals. Public comments received during the NOP circulation period are provided in Appendix A-4, NOP Comments, of the Draft EIR and briefly summarized in the Executive Summary, Section B, *Issues Raised During the Notice of Preparation Process in the Draft EIR*.

## **b) Public Review of the Draft Environmental Impact Report**

In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the CEQA Guidelines, the City, serving as the Lead Agency: (1) published a Notice of Availability and Completion of the Draft EIR (NOCA) in the Los Angeles Times and posted the notice with the Los Angeles County Clerk, indicating that the Draft EIR was available for review at the City's Planning Department (Major Projects Section, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012); (2) provided the NOCA and digital copies of the Draft EIR to the Los Angeles Central Library at 630 W. 5th Street, Los Angeles, CA 90071; the West Los Angeles Regional Library at 11360 Santa Monica Boulevard, Los Angeles, CA 90025; the Westwood Branch Library at 1246 Glendon Avenue, Los Angeles, CA 90024; and the Donald Bruce Kaufman – Brentwood Branch Library at 11820 San Vicente Boulevard, Los Angeles CA 90049; (3) posted the NOCA and the Draft EIR on the Department's website (<https://planning.lacity.org/development-services/eir>); (4) prepared and transmitted a Notice of Completion (NOC) to the State Clearinghouse; (5) sent a NOCA to all property owners within 500 feet of the Project Site; and (6) sent a NOCA to the last known name and address of all organizations and individuals who previously requested such notice in writing or attended the Scoping Meeting. The initial 48-day public review period commenced on April 12, 2018 and was scheduled to end on May 29, 2018. A 15-day extension was added to the public review period extending the review date until June 13, 2018 for a total of 63 days.

During the Draft EIR public review period the Department of City Planning received 129 comment letters on the Draft EIR from organizations and individuals through written correspondence and emails. No comments were received from public agencies to which the Draft EIR had been circulated. Comments received during the public review period are presented and responded to in Chapter II, *Responses to Comments*, of this Final EIR.

## **4. Alternative 5 and CEQA**

One of the Alternatives included in the Draft EIR was Alternative 4, the Reduced Event Alternative. As explained in the Draft EIR, Alternative 4 reduced the frequency of new events and maximum daily outside guest attendance as compared to the Project. In response to comments received during the Draft EIR publication period and feedback conveyed during MSMU's community outreach events, MSMU developed Alternative 5, which incorporates event and outside guest reductions that are similar to those of Alternative 4, as well as further operational restrictions designed to reduce significant environmental impacts.

CEQA anticipates circumstances where new information can be included in a Final EIR without recirculation of the Draft EIR if the new information is intended to clarify or amplify information in the Draft EIR and does not result in significant new effects. As stated above, CEQA gives lead agencies the authority to adopt a project alternative other than the

Project, particularly where the agency finds the alternative to be more environmentally beneficial than the originally proposed project.<sup>1,2</sup>

In order to give a degree of finality to EIR documentation, CEQA requires recirculation of a Draft EIR only when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred, but before the EIR is certified.<sup>3</sup> The CEQA Guidelines define “significant new information” as changes to an EIR which “deprive[] the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”<sup>4</sup> The CEQA Guidelines further provide four examples of categories of “significant new information,” as follows:

1. “A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).”

CEQA Guidelines Section 15088.5 also provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”<sup>5</sup>

The addition of Alternative 5 to this Final EIR does not constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5 because it does not “deprive[] the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement,”<sup>6</sup> nor does it fall into any of the four categories of “significant new information” provided in CEQA Guidelines Section 15088.5(a).

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<sup>1</sup> See CEQA Guidelines Section 15088.5 (a) and (b).

<sup>2</sup> See CEQA Guidelines Section 15002(a)(3); *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 533.

<sup>3</sup> California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.

<sup>4</sup> CEQA Guidelines Section 15088.5 (a)

<sup>5</sup> CEQA Guidelines Section 15088.5 (b)

<sup>6</sup> CEQA Guidelines Section 15088.5 (a)

Alternative 5 does not fall into Category 1 because implementing Alternative 5 and its PDFs would not result in any new significant environmental impacts. Alternative 5 does not fall into Category 2 because it would not result in a substantial increase in the severity of any environmental impacts. Rather, as discussed in Chapter III of this Final EIR, under Alternative 5, the Project's significant and unavoidable construction off-site noise and traffic impacts would be incrementally reduced and the Project's significant and unavoidable operation traffic impacts would be reduced to a level of less than significant. As discussed in detail in Chapter III, Alternative 5 would not increase the Project's levels of impacts in any of the analyzed environmental factors, and would reduce the Project's level of impacts over a broad range of environmental issues in the categories of Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Public Services, Transportation/Traffic, Tribal Cultural Resources, and Utilities.

Alternative 5 does not fall into Category 3 because Alternative 5 would be the Environmentally Superior Alternative and would reduce most of the significant environmental impacts of the Project, as evaluated in Chapter III. Further, similar to Alternative 5, Alternative 4, which was included in the Draft EIR, also proposed trip caps as a means to reduce the Project's significant and unavoidable operational traffic impacts.

Alternative 5 is a feasible alternative that would avoid or substantially lessen the significant environmental effects of the Project, in keeping with the legislative intent of CEQA.<sup>7</sup> Therefore, the introduction of Alternative 5 in this Final EIR does not fall into Category 3 because while it does represent a feasible project alternative that would lessen the significant environmental impacts of the Project, if recommended by the City for approval, MSMU has stated that they would not decline to adopt it.

Alternative 5 does not fall into Category 4 because the Draft EIR provided a comprehensive analysis of the environmental issues determined to have potentially significant impacts following completion of the Project's Initial Study and EIR scoping process, and that analysis is also applicable to Alternative 5. Technical analysis was provided by experts in their respective fields for those issues evaluated in the Draft EIR, where necessary. Responses to the Draft EIR comment letters were prepared in accordance with CEQA Guidelines Section 15088 and have been provided in Chapter II of this Final EIR. The responses clarify information and analysis presented in the Draft EIR, with corrections and additions provided in Chapter III. The Draft EIR also comprehensively evaluated the Project and Alternatives 1 through 4. As explained further in Chapter III, Alternative 5 was specifically designed to lessen or eliminate the Project's significant environmental impacts. As analyzed in Chapter III, Alternative 5 does not have any additional significant impacts other than those already disclosed under the Project in the Draft EIR, nor does Alternative 5 have any impacts of a different type or character from those studied under the Project in the Draft EIR. Alternative 5 would implement limitations on daily trips during the school year and the summer that are similar, but more

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<sup>7</sup> Public Resources Code Section 21002

restrictive, than those studied as part of Alternative 4 in the Draft EIR, and a complete analysis of Alternative 5's specific traffic impacts is also included in Chapter III. Therefore, the analysis of the Project's impacts in the Draft EIR applies to Alternative 5, providing the public with a meaningful chance to evaluate and comment on all of the potential impacts of Alternative 5.

For the reasons explained above, no new significant information is introduced in the Final EIR that would warrant recirculation as set forth in CEQA Guidelines Section 15088.5. Therefore, recirculation of the Draft EIR is not required.

## 5. Project

As described in the Draft EIR, the Project would include a 38,000-square-foot, two-story Wellness Pavilion within a 3.8-acre portion of the 45-acre Campus. The 3.8-acre Project Site is currently developed with a fitness building, two tennis courts, a swimming pool, two facilities management buildings (a single-story building and a two-story building), and several surface parking lots. Project components would include a gymnasium, multipurpose rooms, exercise rooms, office, and support space (lockers, showers, restrooms, equipment storage, etc.). The Project would also include a new outdoor pool area, landscaped open space, consolidation of existing, multiple surface parking lots into a new accessory parking deck (a two-story concrete structure), and continuous pedestrian paths between the three tiers of the Campus. The parking deck would provide 281 parking spaces, representing an increase of 55 spaces over existing conditions. Three new types of potential events/activities associated with the Wellness Pavilion were analyzed, including:

- Health and Wellness Speaker Series (approximately eight times a year, with a maximum outside guest attendance of 250 and maximum student attendance of 200 for a maximum total of 450 attendees)
- Other Wellness/Sports Events/Activities held throughout the year on a periodic basis with a maximum of four per month in any given month and maximum outside guest attendance of 400;<sup>8</sup> and
- Summer Sports Camps held during the 12 weeks of summer with attendance ranging from approximately 50 to 200 campers and a maximum attendance of 200 campers and 40 staff.

## 6. Alternative 5

In response to comments received during the Draft EIR publication period and feedback conveyed during MSMU's community outreach events, MSMU is now proposing Alternative 5. Under Alternative 5, the Project's parking deck (originally proposed immediately north of the Wellness Pavilion) would not be constructed. The location of the

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<sup>8</sup> The Draft EIR assumed all attendees would be outside guests for purposes of analyzing a worst-case traffic scenario. However, the Draft EIR acknowledged that attendees could include a combination of faculty, staff, students, and outside guests.

Wellness Pavilion would be moved to the north and constructed in the former parking deck space. Alternative 5 would consolidate the existing parking located within the Project Site and replace 186 of the existing spaces within two surface parking lots to the north and south of the Wellness Pavilion, respectively. Alternative 5 would not incorporate a motor court as proposed under the Project, with surface parking being located south of the Wellness Pavilion. The formerly proposed Campus Green between Rossiter Hall and Mary Chapel would be replaced by a surface parking lot. The elimination of the parking deck and need to replace removed parking spaces would reduce the need for pathways to the formerly proposed parking deck and other former landscaped space. Compared to existing conditions, Alternative 5 would result in a net reduction of 46 parking spaces.

By eliminating the Project's parking deck and locating the Wellness Pavilion further north within the Project Site compared to the Project, this change would accomplish two things: (1) the Wellness Pavilion would be located on a more geologically stable sector of the Project Site, reducing the need for extensive buttressing otherwise required under the Project; and (2) construction demands would be reduced, particularly concrete work required for the construction of the parking deck. This change would also allow for the preservation of the existing two-story facilities management building (the largest of the two existing facilities management buildings that would require demolition under the Project). The Wellness Pavilion floor area would also be incrementally reduced from 38,000 square feet to 35,500 square feet. The overall site changes as part of Alternative 5 would result in 20 fewer removed non-protected trees compared to the Project, with the Project requiring removal of 66 non-protected trees and Alternative 5 removing 46 non-protected trees. Both the Project and Alternative 5 would result in the removal of the same two protected trees, as discussed in Chapter III, Section 2.C(3), Aesthetics, of this Final EIR. These proposed changes would reduce the overall construction length by approximately two months.

In addition to the physical changes described above, Alternative 5 incorporates a maximum daily vehicle trip cap and maximum AM and PM peak hour vehicle trip cap for new Wellness Pavilion events including Health and Wellness Speaker Series, Other Wellness/Sports Activities, Club Sports activities, and Summer Sports Camps. Alternative 5 also eliminates peak period trips for all events during the school year. Implementation of new PDFs for Alternative 5, PDF-TRAF-9 through PDF-TRAF-18,<sup>9</sup> minor revisions to PDF-TRAF-1, PDF-TRAF-2, and PDF-TRAF-7 would ensure that the Project's significant and unavoidable off-site construction traffic noise and off-site traffic impacts would be reduced under Alternative 5 and the Project's significant and unavoidable operation traffic impacts would be reduced to a level of less than significant under Alternative 5.

Alternative 5 is evaluated and described in greater detail in Chapter III, *Revisions, Clarifications, and Corrections*, of this Draft EIR. As evaluated therein, the environmental impacts of Alternative 5 would be less than those of the Project and other Project Alternatives evaluated in the Draft EIR. The Alternative 5 Site Plan and other figures

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<sup>9</sup> The revised and new PDFs are provided in Chapter III, *Revisions, Clarifications, and Corrections* and Chapter IV, *Mitigation Monitoring Program*, of this Final EIR.

depicting Alternative 5 are also provided in Chapter III. Chapter III also contains Table III-15, *Comparison of Impacts Summary*, which evaluates Alternative 5 against the Project and the four alternatives evaluated in the Draft EIR, and a discussion of this Final EIR's conclusion that Alternative 5 is the Environmentally Superior Alternative.

## 7. List of Discretionary Approvals

Alternative 5 and the Project would require the same discretionary approvals including:

- Pursuant to LAMC Section 12.24 M a Plan Approval to allow new buildings to be erected on a portion of a lot that is currently permitted as a deemed-approved conditional use pursuant to LAMC Section 12.24 L;
- Pursuant to LAMC Section 12.24 F, in connection with a Plan Approval for a deemed-approved conditional use, a determination to permit a building height modification, to exceed the applicable height standards and permit a building height of up to 42-feet, in lieu of the 30-foot maximum that would otherwise apply;
- Pursuant to LAMC Section 12.24 X.28 a Zoning Administrator approval for additional grading in a hillside area to exceed the "by-right" maximum for non-exempt grading (under the Baseline Hillside Ordinance) on a site in the RE40 Zone;
- Pursuant to LAMC Section 12.24 X.26 a Zoning Administrator approval for retaining walls that exceed the height and maximum number permitted, pursuant to LAMC 12.21 C.8, on a site located in an R Zone in the Hillside Area;
- Demolition and building permits and other ministerial approvals, including those for building, grading, excavation, foundation, and removal of protected trees and associated permits, as necessary.