

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: DIRECTOR OF PLANNING, BUILDING, AND CODE ENFORCEMENT

DATE: OCTOBER 28, 2008

SUBJECT: ZON2003-00317(CUP NO. 9 REVISION "E," VARIANCE, GRADING PERMIT, AND SIGN PERMIT) - FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MARYMOUNT COLLEGE FACILITIES EXPANSION PROJECT

Prepared By: Ara Michael Mihranian, AICP, Principal Planner

RECOMMENDATION

1. Review and receive public testimony on the project's Final Environmental Impact Report (FEIR);
2. If additional time is needed to review and receive testimony on the FEIR, select Thursday, November 13, 2008 as an extra adjourned meeting date to have the continued discussion on the project EIR; and,
3. Continue the public hearing to November 13, 2008 for additional FEIR discussion or to December 9, 2008 to begin discussion of the project applications.

BACKGROUND

On June 12, 2003, Marymount College submitted Zoning Case No. ZON2003-00317 (CUP No. 9 - Revision "E," a Grading Permit, a Variance Permit, and a Sign Permit) to the Planning Department to consider modernizing the existing College campus (collectively, the "Project"). The proposed Project involves the renovation and expansion of existing buildings, the construction of new academic and student housing buildings, and the relocation and reconfiguration of recreational facilities, athletic fields, and parking facilities. On August 21, 2005, the planning application for the Marymount College Facilities Expansion Project (CUP No. 9 Revision "E" et. al) was deemed complete for processing, pursuant to the State Permit Streamlining Act (PSA). Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (the City) should complete and certify

a Final EIR for a project within 1-year from the date the application is deemed complete. Under normal circumstances, the 1-year CEQA period would have expired on August 21, 2006.

However, on March 1, 2006, during the preparation of the DEIR, the processing clock was stopped because additional information from the applicant was needed to complete the DEIR. The processing clock was started again on May 31, 2007. As a result of this stoppage, the date for certification of the EIR became November 21, 2007. In accord with Section 15108 of the CEQA Guidelines, a one time 90-day time extension was agreed to by the City and the applicant, thus setting the new date for certification at February 19, 2008. As the Final EIR is only now being presented to the Commission for review, this certification date has not been met.

According to CEQA, there is no provision that would deem an EIR automatically approved if not certified by the Lead Agency within the prescribed time limits. Courts have refused to read such a provision into CEQA, noting that CEQA contains no automatic approval provisions, and its time limits are directory rather than mandatory. Nonetheless, Staff is proceeding with certification of the FEIR as quickly as reasonably possible. It should be noted that pursuant to the State Permit Streamlining Act, a decision on a project's entitlement applications that require the preparation of an EIR must be made within 180 days after certification of the EIR.

The Final EIR was released to the public on October 16, 2008. The Commission is being asked this evening to begin reviewing the project EIR, including receiving public testimony on the document. Staff is not proposing that the Planning Commission take any action on the project EIR or on the planning applications at its October 28th meeting. Furthermore, based on Commission direction at its September 9th meeting, the Commission is being asked to determine whether an additional meeting needs to be scheduled in the month of November for additional review of the project EIR.

PROJECT LOCATION

Marymount College is located at 30800 Palos Verdes Drive East within the southeastern portion of the City, at the intersection of Palos Verdes Drive East and Crest Road. The College is situated on an approximately 24.57-acre site that overlooks the southern tip of the Palos Verdes Peninsula and the Pacific Ocean. The Project site is designated as an Institutional (I) zoning district and generally consists of an improved/developed area located at the northern portion of the property and vacant areas located along the property's south-facing slope and westerly area. The northern portion of the property consists of buildings, parking lots, paved areas, tennis/basketball courts, a soccer field, and ornamental landscaping. The south-facing slope and westerly area is unimproved and is seasonally cleared of vegetation. The subject site is bordered on the north and west by single-family residential neighborhoods. The areas situated south and east of the site contain single-family residential neighborhoods and natural lands.

PROJECT DESCRIPTION

The College’s request to modernize the existing campus requires the processing of a Conditional Use Permit #9 – Revision “E”, a Grading Permit, a Variance Permit and a Sign Permit. In addition to these planning applications, pursuant to CEQA, the proposed project was determined to require the preparation of an EIR. The Draft EIR, which circulated for public comments between October 24, 2007 and January 4, 2008, analyzed environmental impacts based on a project proposed by the College prior to the public release of the Draft EIR. After the conclusion of the comment period on the Draft EIR in January 2008, the proposed project was modified by the College. The applicant updated certain components of the project plans that included, in some cases, refinements that address comments raised during the comment period on the Draft EIR. The College’s updated project plans were presented to the Commission and the public at the September 9th meeting.

As described at the September 9th meeting, Staff is providing below a detailed description of the proposed project which was analyzed in the Draft EIR, followed by a description of the latest proposed project modifications, as analyzed in Appendix A of the Final EIR.

A. Project Analyzed in the Draft EIR

The existing College campus consists of 92,268 square feet of floor area. According to the applicant’s proposal, the project involves the demolition of approximately 18,022 square feet of existing floor area and the construction of 139,008 square feet of new floor area, including expanding 14,916 square feet of existing buildings. The proposed development would result in a total of 210,254 square feet of campus floor area, representing a net increase of approximately 117,986 square feet of floor area to the 92,268 square feet of existing floor area, as outlined in the table shown below:

Building I.D.	<u>Building</u>	Total Existing Building (SF)	Proposed Building Demolition (SF)	Proposed Building Addition (SF)	Total Building (SF)
Existing Buildings					
A	Classroom/Academics	26,180	0	0	26,180
B	Auditorium/Fine Arts Studio	8,012	0	1,869	9,881
C	Faculty Office	7,346	0	7,455	14,801
D	Student Union/Bookstore/Faculty Dining	18,158	0	3,492	21,650
E	Administration/Admissions	9,450	0	2,100	11,550
F	<i>Buildings to be Removed</i>				
	View Room/Hall	1,530	(1,530)	0	0
	Maintenance/Photo Lab	2,696	(2,696)	0	0
	Bookstore/Health Center	2,870	(2,870)	0	0
	Arts	3,648	(3,648)	0	0
	Preschool	2,998	(2,998)	0	0
	Library	4,072	(4,072)	0	0

Building I.D.	Building	Total Existing Building (SF)	Proposed Building Demolition (SF)	Proposed Building Addition (SF)	Total Building (SF)
	Pool Equipment	208	(208)	0	0
G	Church	5,100	0	0	5,100
<i>Subtotal Existing Buildings</i>		<i>92,268</i>	<i>(18,022)</i>	<i>14,916</i>	<i>89,162</i>
Buildings to be Added					
N	Library			26,710	26,710
O	Maintenance			1,975	1,975
P	Athletic Facility			33,243	33,243
Q	Residence Hall No. 1			22,878	22,878
R	Residence Hall No. 2			35,626	35,626
S	Gallery (Connects Proposed Residence Halls)			660	660
<i>Subtotal New Buildings</i>				<i>121,092</i>	<i>121,092</i>
<i>Total</i>				<i>136,008</i>	<i>210,254</i>
<i>Total Existing Buildings</i>					<i>92,268</i>
<i>Net Change</i>					<i>117,986</i>
Source: Rasmussen & Associates, <i>Proposed Master Site Plan</i> , Revised August 16, 2006 (verified in August 2008)					

i. Additions to Existing Buildings

- Auditorium/Fine Arts Studio. A 1,869-square foot, one-story art studio addition is proposed on the south side of the existing auditorium building for a total floor area of 9,881 square feet. This structure would be constructed at a maximum height of 17 feet, as measured from the lowest adjacent finished grade elevation (925 feet) to the highest roof ridgeline (942 feet).
- Faculty Office Building. A 7,455-square foot two-story addition is proposed east of the existing 7,346-square foot faculty office building, providing a total floor area of 14,801 square feet. The addition would consist of a classroom, storage and lounge area that would connect the faculty office building to the academic building on the first floor and would create new faculty offices and conference room space on the second floor. The proposed addition would connect with the existing roof of the building. The addition would be constructed at a height of 28 feet, as measured from the lowest adjacent finished grade elevation (912 feet) covered by structure to the top of the highest roof ridgeline elevation (940 feet).
- Student Union (Bookstore/Faculty Dining Addition). The proposed two-story addition to the existing 18,158-square foot Student Union building involves 3,492 square feet of additional floor area for a total area of 21,650 square feet. The proposal consists of a 1,496-square foot bookstore addition on the first floor and a 1,996-square foot faculty dining area on the second floor. The proposed addition would be constructed at a height of approximately 30 feet, as measured from the lowest adjacent finished

grade elevation (910 feet) covered by structure to the top of the highest roof ridgeline elevation (940 feet).

- Administration Building. A single-story approximately 2,100-square foot addition would be added to the existing 9,450-square foot administration building, resulting in a total floor area of 11,550 square feet. The proposed addition includes a remodel of the existing façade, as well as the interior layout of the building. The primary entrance to the building would be on the north side, opening onto a plaza with a fountain. This plaza would provide a connection to the redesigned parking lot. The proposed improvements would be constructed at a maximum height of 25 feet, as measured from the lowest adjacent finished grade elevation (926 feet) to the top of the highest roof ridgeline elevation (951 feet).

ii. Construction of New Buildings

- Library. A new 26,710-square foot library and lecture hall would replace the existing 4,072-square foot library that is connected to the existing academic building. The proposed addition would include a partial remodel of the façade of the existing academic building. The proposed improvements would be constructed at a height of 44 feet, as measured from the lowest adjacent finished grade elevation (912 feet) to the top of the highest roof ridgeline elevation (956 feet).
- Maintenance Building. A 1,975-square foot maintenance building is proposed north of the proposed athletic facility. This building would be constructed at a height of 20 feet, as measured from the lowest adjacent finished grade elevation (913 feet) to the top of the highest roof ridgeline elevation (933 feet).
- Athletic Facility. An athletic facility is proposed at the western facade of the existing Student Union building. The facility would be two story, totaling 33,243 square feet. The building would include a gymnasium, locker rooms, weight room, aerobic room, classroom area, concessions area and outdoor terrace. The proposed addition would be constructed at a height of 45 feet, as measured from the lowest adjacent finished grade elevation (897.75 feet) covered by structure to the top of the highest roof ridgeline elevation (942.75 feet). The addition has been designed to cut into the site, providing a low profile relative to the surrounding grade. The ridgeline of the proposed athletic facility would generally be at the same elevation as the existing Student Union building. The existing pool would be removed and a new pool would be constructed adjacent to the proposed athletic facility.
- Residence Halls. The proposed Residence Halls consist of two interconnected, two-story buildings totaling 58,504 square feet and a 660-square foot Gallery on the lower level between the Residence Halls. The buildings would include a total of 128 rooms that would house 250 students (including 10 residential advisors) plus five adult supervisors (total of 255 occupants). The College has indicated that some

area within the proposed Residence Halls may be used for affordable housing. The affordable housing component is discussed more fully later in this section. In addition to the individual student rooms, the buildings contain lounge space, laundry facilities, and activity rooms. The proposed buildings would be constructed at a maximum height of 45 feet, as measured from the lowest adjacent finished grade elevation (886 feet) covered by structure to the top of the highest roof ridgeline elevation (931 feet). The Residence Halls are designed to follow the downsloping profile of the Project site. Emergency vehicle access to the Residence Halls would be provided along the pedestrian walkway that connects to the parking lot on the east side of the campus, as well as non-vehicle access along the southern side of the Residence Halls.

With the proposed creation of on-campus student housing, the College's Housing Master Plan proposes changes to the two existing off-site student housing facilities located in the City of Los Angeles. At the Palos Verdes North Living Facility, a portion of the existing townhomes that are presently used for student housing would be converted to faculty/staff housing resulting in housing facilities for a maximum of 250 students and 40 faculty/staff. The Master Plan also calls for the sale of the Pacific View Housing Facility eliminating the existing student housing opportunity at this facility.

- Gallery. A 660-square foot gallery is proposed on the lower level between the Residence Halls; see above.

iii. Grading

In terms of grading, the Project involves approximately 100,000 cubic yards of earthwork, including approximately 60,000 cubic yards of cut and 40,000 cubic yards of fill. In consideration of the loss and shrinkage factors, the Grading Plan proposes a balanced cut and fill on the Project site. No import/export of material would be required, excluding select fill (building material, gravel, sand and rock). The proposed maximum depth of cut is 25 feet and the maximum height of fill is 18 feet.

iv. Parking and Circulation

The existing campus has 343 parking spaces located throughout the site. The project proposes to relocate and reconfigure the existing parking to accommodate 463 parking spaces, which increases the number of existing parking spaces by 120 spaces. The proposed parking lot includes 383 full-size spaces, 71 compact spaces, 9 accessible spaces, designated carpool/vanpool spaces, designated visitor spaces, vehicle drop-off, and loading zones. In regards to circulation, the project plans proposes to reconstruct the entry driveway and to construct a new entry kiosk (48 sq. ft.). Furthermore, the plans identify the proposed on-site emergency vehicle route (conceptually approved by the Fire Department in April 2006).

v. Site Improvements

In addition to the proposed structures described above, the project involves the relocation of the existing athletic courts and fields from the eastern portion of the campus to the western portion of the campus, closer to Palos Verdes Drive East. Furthermore, the project plans include site improvements such as: new walkways, fountains, landscape planters, plazas, building trellises, viewing areas, and a rose garden to name a few.

vi. Student Enrollment/Faculty and Staff Employment

On April 17, 1990, the City Council, on appeal, adopted Resolution No. 90-20 that approved Revision "C" of CUP No. 9 for Marymount College. With Revision "C" to CUP No. 9, enrollment of students at Marymount College was limited to an average of 750 full-time students (12 units or more) for the Fall and Spring semesters, and a maximum of 20 part-time students (11-units or less) each semester with a margin for difference of 3.0 percent. No change to the College's existing student enrollment limits is proposed under the current development application request.

The College currently employs 215 full- and part-time faculty and staff. Construction of the proposed Residence Halls would result in the transfer of five (5) residential life staff members from off-campus housing to on-campus housing and the relocation of ten (10) part-time student residential advisors to the campus. The College also anticipates adding four (4) full-time and two (2) part-time security positions upon project approval (one full-time position and one part-time position are proposed for the non-residential improvements). The College also anticipates the need for one full-time maintenance position and one full time custodial position for each 30,000 to 40,000 square feet of additional facilities (a total of six new employees for the proposed Project). In sum, the proposed Project would add approximately 27 new full- and part-time employees to the campus.

vii. Affordable Housing

The proposed Project involves construction, expansion, or intensification of nonresidential uses (i.e., Institutional) and includes an application for a Conditional Use Permit to allow more than 10,000 sq. ft. of floor area. Therefore, the Project is subject to compliance with Code Section 17.11.140, *Affordable Housing Requirements for Nonresidential Projects*. Based on estimates provided by the College of the number of new employment opportunities for persons of low or very low moderate income that will be created (approximately 27 new full- and part-time positions), the College would be required to provide up to three affordable housing units within one year of the first Institutional space receiving its certificate of occupancy. The College is proposing to meet its requirements by constructing up to ten affordable housing units within the proposed Residence Halls. If the proposed project, as currently presented, is approved, the 10 affordable housing units will be provided to qualifying lower income employees or students of the College through the

reconfiguration of the interior floor plan, with no exterior modifications or increases to the proposed Residence Halls building footprint. The two proposed Residence Halls would include approximately 103 dormitory units with occupancy for approximately 206 persons and ten (10) affordable housing units (five studio units and five two-bedroom units) with occupancy for approximately 28 persons (based on an average of 2.769 persons per household). The College proposes to reserve the occupancy of the ten affordable units to its 15 residential life staff members (10 student residential advisors plus 5 adult supervisors). The affordable housing component is described in greater detail in the Draft EIR under Alternative Section 7.4.

viii. Project Phasing

In October 2006, the College revised its application with a request to construct the project in three phases over a period of eight years in order to incorporate some flexibility in the start dates for various components of the Project. As such, the phases could overlap (i.e., some could commence early) or could be constructed separately. Section 17.60.070 of the RPVMC provides the discretion to establish a reasonable period within which the Applicant must commence all of the permitted uses. As such, the College's phasing request is discretionary and subject to review and approval by the Planning Commission. The following is a summary that assumes the maximum period of build-out as requested by the Applicant.

a. Phase I (Year 1 [Anticipated 2008])

Phase I would involve three months of construction within a one-year time frame (leaving approximately nine months with no construction activity). Larger grading equipment would be on-site and primary demolition would occur during this phase. Additionally, most of the demolition debris would be removed from the site at the end of this phase. All major rough grading needed for the reconfiguration of the parking lots and the establishment of building pads for the new improvements would be completed within the first three months of the start of construction. According to the College, the construction staging area for Phase I would be the area of the future athletic field and tennis courts. Phase I would reconfigure all of the parking lots and add 120 parking spaces. The College estimates that there would be approximately 30 construction workers onsite to demolish the existing buildings, demolish and reconfigure the parking lots, and perform the major rough grading. The construction workers' vehicles would be parked onsite during this phase.

If construction occurs during the summer when school is not in session, all of the demolition and parking lot reconfiguration would occur at one time. For the few faculty/staff that may remain during the summer (no more than 20) a temporary lot of adequate size on the west side would be provided, once site demolition is completed. Parking lots would then be finished east to west. By the start of the school session in the Fall, the full 463 spaces would be available. If construction on Phase I begins while school is in session, construction would begin on the east parking lot. This would create 127 new parking

spaces. Approximately 10 to 15 parking spaces in the parking circle at the east end of the campus would not be useable during construction of the parking lot, because of limited access. Once the new east parking area is made available, the demolition and reconfiguration of the west and south parking lots would begin. If at any time the total number of parking spaces falls below the existing 343 spaces during this phase of construction, the remaining spaces would be provided at the current PV North Housing Facility, using existing shuttle service to the campus.

b. Phase II (Years 2 To 4 [Anticipated 2009 To 2012])

Phase II involves 19 months of construction within a three-year timeframe (leaving approximately 17 months with no construction activity). Construction would focus on the pad areas where new construction related to Phase II would already be occurring. Buildings would be enclosed by approximately month 11, and the remaining time would involve interior finish work. According to the College, the construction staging area for Phase II would be the area of the future athletic field and tennis courts and would involve approximately ten construction workers at the beginning stage of Phase II, increasing to approximately 100 construction workers. During the peak period of Phase II, temporary parking and staging would also occur at the existing location of the athletic field at the east end of the campus. Further, approximately 20 parking spaces at the east parking lot would be used to accommodate the construction of new buildings on the east side of the campus. If the parking and staging areas are insufficient, remaining construction workers would be instructed to park at the PV North Housing Facility and ride the shuttle to the campus. If construction occurs during the summer when school is not in session, or during breaks in the academic calendar, then existing on-site parking would be used by construction workers.

c. Phase III (Years 5 To 8 [Anticipated 2013 To 2015])

Phase III involves 14 months of construction within a two-year timeframe (leaving approximately 10 months with no construction activity). Similar to Phase II, construction during Phase III would focus on those areas where new buildings are proposed (i.e., Residence Halls, Fine Arts addition and Administrative Building addition). Buildings would be enclosed by approximately month 11, and the remaining time would involve interior finish work. The staging area for Phase III would be on a small portion of the west parking lot. The number of spaces needed during this phase would reduce parking availability for other campus functions by approximately 17 spaces.

According to the College, Phase III construction would start with approximately ten construction workers increasing to approximately 100 workers during the peak periods of construction. Construction parking and staging would occur on the existing athletic field at the east end of the campus. During the peak period of Phase III, additional construction parking and staging would occur between the academic building and Residence Halls, which would be under construction in this Phase. If the parking and staging areas were

insufficient, remaining construction workers would be instructed to park at the PV North Housing Facility and take the shuttle to the campus. If construction occurs during the summer when school is not in session, or breaks in the academic calendar, then existing on-site parking would be used.

It is estimated that the total construction time within the eight-year phasing timeframe would be approximately three years (36 months).

B. Updated Project Description

The following is a summary of the updates proposed to the project described above that was presented to the Commission at its September 9th meeting and analyzed in Appendix A of the Final EIR (specific visual simulations have been updated accordingly and included in Appendix A of the Final EIR):

Library Building – The basic footprint and square footage (26,710 sq. ft.) of the library building are proposed to remain the same. The proposed roof ridgeline will remain at or below the original proposal with the exception of the entry rotunda which is proposed to be lowered by 5-feet. The remaining revisions are contained within the interior of the building consisting of relocating the lecture hall to the north end of the building, situating the reading area near the south side of the building, and creating an interior “living area” and study rooms. An exterior patio has also been added to the east side of the building.

Athletic Facility - The basic footprint, square footage (33,243 square feet), and structure height (45-feet) would remain the same. The proposed changes are confined to the interior configuration of the building. Specifically relocating the storage area to accommodate faculty offices and moving the bookstore to the northeast corner of the building. Furthermore, the pool would be accessed from the outdoor plaza by a stepped terrace, which can also serve as a seating area.

Temporary Modular Buildings – In order to operate the College with minimal disruption during construction of Phase I and II, the College is requesting to install modular buildings to temporarily house campus functions. The modular building will provide temporary space for the bookstore, faculty and administration offices, the library, health services, media and photo labs, music room, and art studios. The prefabricated modular buildings will be placed on-site after the demolition of the respective buildings and would remain until their respective buildings are constructed. The modular buildings will be one-story at a maximum height of 15-feet, as measured from adjacent grade to the top of the highest roof ridgeline. The use of the temporary modular buildings is to be considered by the Planning Commission as part of the College’s request to allow construction to be phased.

Construction Trailer and Staging Area - One construction trailer will be located on the eastern portion of the site, in the area of the existing soccer field during the phase I. The proposed construction trailer will be located in the proposed new location of the staging

area. The construction staging area has moved from the original location of the proposed soccer field (western portion of the campus) to the location of the existing soccer field (eastern portion of the campus).

East Parking Lot Configuration – The eastern parking lot has been revised to address concerns raised by the San Ramon Drive neighbors in regards to visual and practical operational effects of the original parking lot. As proposed, the parking lot is terraced into two levels to better reflect the existing topography in the area. Grasscrete is being proposed to the lower parking area in order to reduce the use of paving in the view of the adjacent San Ramon neighbors. A one-way drive aisle was created to direct cars away from the adjacent San Ramon neighbors on the lower level of the parking lot to reduce the effect of car headlight impacts at night. In addition, parking spaces along the shared east property line have been relocated and replaced by a landscape buffer.

Balanced Grading - In order to reduce construction impacts, the revised grading plan proposes a balanced cut and fill on site. The revised grading plan calls for an estimated excavation of 65,000 cubic yards that when accounting for shrinkage, this quantity will result in approximately 51,000 cubic yards of fill material that will be used on-site for a total of 102,000 cubic yards of earth movement (cut and fill). As previously noted, no import/export of material would be required, excluding select fill (building material, gravel, sand and rock) that is estimated at approximately 375 cubic yards. The proposed maximum depth of cut is 25 feet and the maximum height of fill is 18 feet.

Landscape Plans - The landscape plans have been updated to provide for the following changes:

- **South Slope:** Planting of tree groupings on the south slope are proposed that will obscure and soften views of the residence halls above. This revision implements draft mitigation measure AES-4, which requires additional tree planting to screen the Athletic Facility and Residence Halls. In addition to planting of the south slope, the College is proposing that the City consider increasing the landscaping in the median on Palos Verdes Drive East as an additional screening opportunity.
- **Athletic Field Fence and Hedge:** To address concerns about errant balls reaching Palos Verdes Drive East, a seven-foot black chain link fence is proposed at the south west corner. A continuous hedge is proposed around the north, west and south sides of the field that will intertwine and envelope the fence so as to visually hide the fence.
- **East Parking Lot:** The College is proposing to increase the planting in the eastern parking lot with trees and shrubs, and grasscrete to reduce the amount of paving and provide for a more natural look to the lower portion of the parking lot.

Lighting - Minor changes to the lighting plan were made to provide lighting where needed,

and to minimize spillover lighting impacts to adjoining properties.

Updated Slope Analysis Map – During the construction of the project silhouette, the College prepared an updated slope analysis map. The updated slope analysis map, prepared and stamped by a licensed engineer, does not change the determination that a variance is needed to allow the construction of the residence halls over an extreme slope (35% slope or steeper). However, the updated slope analysis map reveals that a small portion of the athletic facility encroaches over the extreme slope. The College is currently reviewing this issue. To address this issue, the College has the option to reduce the size of the Athletic Facility (by approximately 32 square feet, 1-foot in length along the southeastern wing), relocate the structure approximately 1-foot to the north, or apply for a variance.

DISCUSSION

This evening the Commission is being asked to:

1. Review and receive public testimony on the project's FEIR;
2. If additional time is needed to review and receive testimony on the FEIR, select Thursday, November 13, 2008 as an extra adjourned meeting date to have the continued discussion on the project EIR; and,
3. Continue the public hearing to November 13, 2008 for additional FEIR discussion or to December 9, 2008 to begin discussion of the project applications.

The following discussion summarizes the above items to be considered by the Planning Commission.

1. Review and receive public testimony on the project's Final EIR

Pursuant to Section 15132 of the CEQA Guidelines, a Final EIR shall consist of the following:

- The Draft EIR
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- Comments on the Draft EIR
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process
- Any other information added by the Lead Agency

The Final EIR for the Marymount College Facilities Expansion project was released to the public on October 16, 2008 and includes the items listed above. Specifically, the document

consists of the following Sections that now make-up the complete project EIR:

- Section 11 – Mitigation Monitoring Program

This section contains the required Mitigation Monitoring Program which lists all of the mitigation measures identified by the EIR to reduce significant impacts resulting from a project to a less than significant impact.

- Section 12 – Comments and Responses (including master responses)

This section contains all the responses to the public comments received on the Draft EIR. Some responses refer back to the text of the DEIR and some responses involve changes to the text of the DEIR or additional information. The comments that did not raise environmental issues but were more directed at the merits of the project were simply noted.

- Appendix A – Revised Site Plan

This section includes an assessment of the changes to the project that have been proposed after circulation of the DEIR. If and when additional changes to the project are requested by the Planning Commission through the public hearing process, the environmental assessment of said changes will be added to this Appendix.

- Appendix B – Fehr and Peers Review

This section contains the additional traffic analysis of the proposed project performed in September 2008 by Fehr & Peers, an outside consultant retained by the City.

- Appendix C – Marymount College Entitlement History

This section contains the entitlement history of Marymount College which was prepared in November 2007.

The complete EIR for the College's proposed project is comprised of the Draft EIR (released to the public in October of 2007) and the Final EIR. These two documents are intended to correspond to one another in analyzing the project related environmental impacts. In other words, the analysis contained in the Draft EIR for the proposed project is the final environmental analysis for the project, unless otherwise augmented in the Final EIR. Any augmentation is a result of changes made by the applicant to the project after circulation of the DEIR or as a result of public comments raised on the Draft EIR. In that case, changes to the analysis or text of the DEIR are reflected in the Final EIR, either as errata to the Draft EIR in Section 12.6 or as additional analysis to the site plan in Appendix A.

Originating during the scoping process and preparation of the Initial Study for the proposed project, nine environmental factors were considered to be potentially significant. As such, the preparation of the Draft EIR analyzed in detail these environmental factors, as identified in Section 5 of the Draft EIR. The impacts and mitigation measures related to these environmental factors were summarized in Section 2 of the Draft EIR and are also contained in the Section 11 of the Final EIR as the Mitigation Monitoring Program. The Mitigation Monitoring Program provides a general guideline for implementing and enforcing mitigation measures that are intended to reduce significant impacts resulting from a project to a less than significant impact. Based on the analysis contained in the EIR, the proposed project will result in the following significant and unavoidable environmental impacts, all other noted impacts are being mitigated:

- Aesthetics/Light Glare – In regards to long-term impacts, the EIR identifies significant and unavoidable impacts to the visual character of the south facing slope caused by the introduction of the Athletic Facility and Residence Halls.
- Traffic and Circulation – Under cumulative impacts for the forecast year 2012, the implementation of mitigation would reduce impacts to a less than significant level, however, since the applicant will only be responsible for its fair share contribution, full implementation of the mitigation measure will not occur thus resulting in a significant and unavoidable impact.
- Noise – Short-term impacts resulting from the phased project construction would result in significant and unavoidable impacts even with the implementation of mitigation measures.

In accordance to Section 15093(b) of the CEQA Guidelines, if a public agency (City) approves a project that has significant environmental impacts that are not substantially mitigated to a less than significant level, the public agency shall adopt a Statement of Overriding Considerations prior to rendering a decision on the project applications that states the specific reasons for approving the project, based on the Final EIR and other information in the public record. Based on the conclusions of the analysis contained in the project EIR, if the proposed project is approved, the Commission will need to adopt a Statement of Overriding Considerations. The adoption of the Statement of Overriding Considerations typically occurs after the certification of the EIR, but prior to the adoption of the planning applications. On the other hand, the Commission may elect to address the significant and unavoidable environmental impacts identified in the EIR by directing the applicant to make specific revisions to the project.

At this time, the Commission is not being asked to certify the project EIR nor take action on the planning applications. Staff is recommending that the Commission begin its review of the project EIR and accept any public testimony on the FEIR. Staff envisions the first part

of the October 28th meeting to consist of a presentation by the City's environmental consultants, RBF, to walk the Commission and the public through the analysis and conclusions cited in the project EIR. The Commission may then want to hear any testimony on the FEIR before discussing the project EIR. The Commission will ultimately be asked by Staff to certify the project EIR after the project applications are considered, ideally at the conclusion of the public review process.

2. If additional time is needed to review and receive testimony on the FEIR, select Thursday, November 13, 2008 as an extra adjourned meeting date to have the continued discussion on the project EIR

At the September 9th meeting, the Commission continued the public hearing to tonight's meeting and agreed not to consider the project applications until the Final EIR has been completed and reviewed by the Commission, which at the time, was anticipated to be no sooner than its December 9th meeting. The Commission also acknowledged that there may be the need to hold a special meeting to continue the discussion of the Final EIR prior to the December 9th meeting. As such, the Commission directed Staff to explore future dates for such an extra meeting.

If additional time is needed by the Commission to review and receive testimony on the Final EIR, Staff believes that an additional meeting should be added before the December 9, 2008 so as to reserve the December 9th meeting for initiating the review of the project's applications. Therefore, based on the availability of the Community Room at Hesse Park and the timing between meetings on the project (October 28th and December 9th), Staff is recommending that the Commission conduct an adjourned meeting on **Thursday, November 13, 2008 at 7:00 pm** to complete its initial review of the Final EIR, if so needed.

3. Continue the public hearing to November 13, 2008 for additional FEIR discussion or to December 9, 2008 to begin discussion of the project applications.

If the Commission believes that additional time is needed to review the Final EIR before beginning its review of the project applications, Staff is recommending that the Commission continue tonight's public hearing to the adjourned meeting of November 13 (provided the Commission has agreed to that date). If additional time to review the FEIR is not needed, Staff is recommending that the Commission continue the public hearing to the regular December 9, 2008 meeting to begin review of the project applications.

ADDITIONAL INFORMATION

Project Meeting Calendar

Provided below is a summary of the anticipated public hearing dates that will follow this evening's meeting. This timeline is an estimate and may be subject to changes based on

the review process and the scope of the issues raised.

- *October 28, 2008 – Review of Final EIR*
- November 13, 2008 – Review of Final EIR if needed
- December 9, 2008 – Begin Overview of Project Applications
- January 13, 2009 – Review of Project Applications (Conditional Use Permit)
- January 27, 2009 – Review of Project Applications (Variance Permit)
- February 10, 2009 – Review of Project Applications (Grading Permit and Sign Permit)
- February 24, 2009 – Decision on Planning Applications

The above meeting dates do not account for any additional meetings that the Commission may schedule.

Requests for Additional Time to Speak at the November 27th Meeting

It should be noted that the applicant, as well as a neighborhood organization, referred to as Concerned Citizens Coalition / Marymount Expansion (CCC/ME), are each requesting that they be provided additional time to give their respective comments on the Final EIR (see attachment). The College is requesting a total of 30 minutes and the CCC/ME is also requesting 30 minutes. Pursuant to the adopted Planning Commission Rules, it will be up to the Chair of the Planning Commission on how the requests will be accommodated.

Public Comments on the Final EIR Received to Date

The City has received written comments from the public (attached). Two of the comment letters (from Jim Gordon and Robert Lee Nodvik) were submitted to the City prior to the release of the Final EIR, but after the September 9th meeting. A comment letter was submitted by George Zugsmith after the release of the Final EIR requesting that this item be continued from the October 28th because of timing concerns between the release of the Final EIR and the October 28th hearing. Staff informed Mr. Zugsmith that the October 28th meeting is the first of a few meetings on the Final EIR and that he and the general public will have ample opportunity to provide feedback on the document.

Attachments:

- Requests for Additional Time to Speak
 - College's Requests
 - CCC/ME's Requests
- Public Comments
- Final EIR (under separate cover to Planning Commission)