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October 18, 2021

Via email

Los Angeles City Planning Commission  
200 N. Spring St., Rm. 272  
Los Angeles, CA 90012

Re: October 21, 2021 Agenda Item #6; MSMU Wellness Pavilion  
CPC-1952-4072-CU-PA1; ZA-2017-928-ZAD; CPC-1952-4072-CU

Dear Commission President Millman and Commissioners,

Brentwood Homeowners Association's (BHA)<sup>1</sup> is strongly opposed to Mount Saint Mary's Wellness Pavilion Expansion (the Project).

It is with great disappointment that BHA reviewed the Staff Report for the MSMU project. The Staff Report ignores critical concerns regarding the Project's size and impacts on neighboring residents and the broader community. As set forth below, there are several reasons why the FEIR is deficient and erroneous, and why approval of the FEIR and the entitlements requested by the Plan Approval would be unlawful. This letter also recommends revisions to the Conditions of Approval for clarity and to eliminate impacts to the community.

- I. **The Proposed Required Findings Under LAMC 12.24 E Related to the Request for a Plan Approval in Accordance with LAMC Section 12.24 M for the Construction and Operation of The Wellness Pavilion ("Project") Are Not Supported By Substantial Evidence or Law.**
  - A. **The Project would not enhance the built environment in the surrounding neighborhood nor perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The proposed Finding states that the Project "will improve MSMU's fitness/educational facilities on the Chalon Campus (Campus) providing a greater and enhanced educational and wellness experience for MSMU students, faculty, staff, and outside guests." That statement does not accurately characterize the extent of the Project, and therefore it is incomplete, misleading, and inaccurate.

The proposed Finding states: "Athenian Day and Homecoming, will be permitted to increase the maximum number of outside guests, students, faculty, and staff upon relocating these events to the Wellness Pavilion. In addition, a number of new events will be held at the Wellness Pavilion including Summer Sports Camps, Health and Wellness Speaker Series, Other Wellness / Sports Activities, and MSMU's existing volleyball and basketball club sports practices and games (which currently practice and play games off-site)." These aspects of the Project that would allow new multiple events for 400 outside guests per day, who would be

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<sup>1</sup> The Brentwood Homeowners Association (BHA) represents approximately 4,500 single family homes and condominiums north of San Vicente Blvd to the Santa Monica Mountains, west of the 405, and east of Canyon View Drive. The Project would reside in the hills directly north of our members in a Very High Fire Hazard Severity Zone with all vehicle trips beginning and ending on Sunset Boulevard, one of the most congested streets in Los Angeles.

allowed to generate a new 310 outside guest vehicle trips per day, would definitely not enhance the surrounding neighborhood, nor perform a function or service essential, or even beneficial, to the community, City, or region as a whole. These aspects of the Project that would allow a new twelve-week summer camp for 200 campers and 40 staff per day, who would be allowed to generate 236 summer camp vehicle trips per day, would definitely not enhance the surrounding neighborhood, nor perform a function or service essential, or even beneficial, to the community, City, or region as a whole.

The proposed Finding includes a table on pages F-2 - 3 of proposed events at the Wellness Pavilion and states that it shows “the estimated number of students, faculty, staff, and outside guests which will be permitted.” That statement and the column entitled “Estimated Attendance” are misleading and inaccurate. The estimates include numbers for students, faculty, staff and numbers for outside guests, but the truth is that the permitted number of outside guests is greater than the estimates. This misleading table misstates the impact on the neighborhood and misstates the educational benefit to the students.

On page F-3, the proposed Finding states: “Alternative 5 will allow MSMU to continue providing the essential and beneficial service of a private educational institution in the Brentwood Community.” The implication that a substantial number of residents of Brentwood attend the school and therefore a function or service essential and beneficial to the community is being provided is not true. MSMU has a survey in 2019 that shows that less than 5% of its students at the Chalon campus are from Brentwood.

The proposed Finding recites the vehicle trip limits proposed for multiple NEW events and the NEW summer camp as if those limits enhance the neighborhood and benefit the community. That is irrational to suggest that new adverse impacts somehow become beneficial because they are not as bad as they could have been without the limits.

The proposed Finding suggests that a 35,000 sq ft, two story, edifice in a residential neighborhood that is in a Very High Fire Hazard Severity Zone, and that would require special exemptions for height, grading, and retaining walls, will somehow enhance the built environment in the surrounding residential neighborhood. The statement is obviously not true and is unsupported by evidence. The building would clearly violate the intent of the Hillside Mansionization Ordinance.

The proposed Finding suggests that Archer School and Brentwood School, both located on residentially zoned property on Sunset Boulevard, a four-lane highway, are precedent for approving the Project. That conclusion may not reasonably be made since the proposed Project would have only one means of ingress and egress on a narrow, winding, two-lane road over two miles from Sunset Boulevard. Further, the proposed Finding is deficient because it avoids mentioning and dealing with the obvious hazardous and nuisance obstacles that the proposed location present to the built environment in the surrounding neighborhood.

The proposed Finding concludes that the Project “will provide students, faculty, staff” with a new facility, and will “educate students.” That statement is misleading and not true. The proposed Project includes many aspects designed for outside guests and non-curriculum activities. Hence, the statement does not provide evidence nor support for the recommended Plan Approval. In fact, what is omitted from the description proves the opposite – that the Project is intended for the aggrandizement of MSMU.

- B. The Project’s location, size, height, operations and other significant features would not be compatible with, and would adversely affect or further degrade, adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The proposed Finding states: “The Wellness Pavilion will provide students, faculty, staff, with a

modernized fitness/educational facility and wellness programming to encourage physical activity and to educate students on nutrition and health and allow MSMU to continue providing the essential and beneficial service of a university.” This statement omits many impactful operations, and therefore is misleading and incorrect. The Alternative 5 Project would include a summer camp and many events that would be allowed to be populated solely by outside guests. The use of the Pavilion for such outside guests would not be compatible with the surrounding neighborhood, and would adversely affect the public health, welfare and safety (traffic, pollution, fire/evacuation impacts), and there is no substantial evidence to prove otherwise.

Further, the Staff Report states on pages A-8 – 9 that the Chalon Campus offers only the Traditional Undergraduate Baccalaureate Program. Therefore, the Non-Traditional Undergraduate (Nursing and Weekend Programs) and Graduate programs are offered to only students enrolled at the Doheny Camps. Hence, the thousands of square feet in the proposed Pavilion for Wellness Studios and Wellness Pockets (Figure III-2 and-3) are not compatible with the Chalon Campus education program, and there is no substantial evidence to prove otherwise.

The above facts highlight a major deception perpetrated by MSMU and repeated in the FEIR, the Staff Report and proposed Findings, namely that that the Chalon Campus primarily educates nurses and health care workers, and the so-called “Wellness Pavilion” is needed on the Chalon Campus for the education of students enrolled at the Chalon Campus in health care programs. In fact, there are undisclosed (but reasonably expected large) adverse impacts from the use of the Chalon Campus for Doheny students not enrolled at the Chalon Campus. This results in inappropriate operations not compatible with the surrounding residential neighborhood and that adversely affect the public health, welfare and safety. There is no substantial evidence justifying why all square footage and operations proposed for the Wellness Pavilion that is not part of a usual BA or BS program should be located at the Chalon Campus rather than the Doheny Campus, particularly since such operations are related to programs of the Doheny students.

The proposed Finding states: “Regarding construction of the Wellness Pavilion, Alternative 5’s temporary construction period will be a total of 20 months” and concludes that “Thus Alternative 5’s construction activities will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or public health, welfare and safety.” However, without a Condition that the 20 months of construction are consecutive and the maximum, there is no assurance that the construction period will be “temporary.” Without that Condition, the construction could actually be endless rather than temporary, and hence there is no substantial evidence that the construction will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or public health, welfare and safety.

The proposed Finding states: “Athenian Day and Homecoming, would be permitted to increase the maximum number of outside guests, students, faculty, and staff upon relocating these events to the Wellness Pavilion. In addition, a number of new events will be held at the Wellness Pavilion including Summer Sports Camps, Health and Wellness Speaker Series, Other Wellness / Sports Activities, and MSMU’s existing volleyball and basketball club sports practices and games (which currently practice and play games off-site).” These aspects of the Project that would allow new multiple events for 400 outside guests per day, who would be allowed to generate a new 310 outside guest vehicle trips per day, would definitely not enhance the surrounding neighborhood, nor perform a function or service essential, or even beneficial, to the community, City, or region as a whole. These aspects of the Project that would allow a new twelve-week summer camp for 200 campers and 40 staff per day, who would be allowed to generate 236 summer camp vehicle trips per day, would definitely adversely affect adjacent properties, the surrounding neighborhood, and the public health, welfare and safety, and there is no substantial evidence otherwise.

The proposed Finding includes a table on pages F-9 - 10 of proposed events at the Wellness Pavilion and states that it shows “the estimated number of students, faculty, staff, and outside guests which will be permitted.” That statement and the column entitled “Estimated Attendance” are misleading and inaccurate. The estimates include numbers for students, faculty, staff and numbers for outside guests, but the truth is that the permitted number of outside guests is greater than the estimates. This misleading table misstates the impact on the neighborhood and misstates the educational benefit to the students. Hence, the statement does not provide evidence nor support for the recommended Plan Approval. In fact, what is omitted from the description proves the opposite – that the Project is intended for the aggrandizement of MSMU. The proposed Finding describes certain traffic restrictions on page F-10 but fails to describe the existing gridlock on Sunset Blvd that is already beyond the tipping point. ANY addition to the traffic in the MSMU neighborhood, particularly the 546 allowed vehicle trips per day from new events and summer camp at the Pavilion, would definitely adversely affect adjacent properties, the surrounding neighborhood, and the public health, welfare and safety, and there is no substantial evidence otherwise.

The fact that no change in enrollment is part of the requested entitlements does not alter the obvious fact that part of the purpose of the Pavilion Project is to make MSMU more attractive to students considering alternative schools. Even if not intended, a reasonably foreseeable consequence of the Pavilion Project is a greater enrollment, subject only to legal limits. Therefore, the omission of any discussion and analysis of increased enrollment makes the EIR and the proposed Plan Approval deficient, erroneous, and unlawful. The statement on page A -1 of the Staff Report “Alternative 5 will not increase student enrollment” is not supported by any evidence, and is illogical and erroneous. Even without a specific request to increase enrollment, the fact remains that MSMU asserts the right to increase enrollment to over 2,200 at the Chalon Campus. (DEIR, pages 11-12 prior to trying to hide the issue by deleting the discussion). Since the number of students living on campus in 2015 was the maximum that could be accommodated, an increase in enrollment would add to the demand for housing nearby with impacts on traffic and infrastructure (including utilities, LAPD, LAFD) that were not studied in the EIR; hence, the EIR and Findings are deficient and unlawful. The failure to study the impacts from that 40% larger enrollment prevents lawful approval of the EIR, and the failure to discuss such impacts in the proposed Findings results in the Findings being deficient, erroneous, and not supported by substantial evidence. Further, adoption of the proposed Findings and Conditions without any analysis of the legal maximum enrollment would be a de facto approval of MSMU’s asserted right to an enrollment in excess of 2,100 without any study or discussion of the adverse impacts of an increased enrollment; hence, resulting in the EIR, the Findings, and Conditions being legally deficient, and a Plan Approval of any entitlements unlawful.

**C. The Project does not substantially conform with the purpose, intent and provisions of the General Plan, and the Brentwood-Pacific Palisades Community Plan.**

The proposed Finding states on page F-13: “The Campus exists as a “deemed to be approved” conditional use because its use as an educational institution predates such CUP requirement, and development of the Campus has been permitted through a series of Plan Approvals.... Alternative 5 does not involve a material change from the previously authorized deemed approved conditional use.” These statements are deficient and inaccurate because they fail to describe that the Chalon Campus is comprised of two parcels and, although the two parcels were joined by filing a Parcel Map in 1981, the application of the LAMC provisions and statutory and case law is different with respect to the two parcels. The 17-acre parcel acquired for school use by MSMU in 1952 did not have deemed approved conditional use status when acquired or at any time since. The Parcel Map filed in 1981 did not add such status to the 17-acre parcel. Hansen Bros. Enters., Inc. v Board of Supervisors (1996) 12 C4th 533, 48 CR 2d 778. Prior Plan Approvals, if any, that may have referred to such status being applicable to the 17-acre parcel were legally wrong and may not now be used to bootstrap the current Plan Approval application. The reason this is relevant is that the proposed Alternative 5 Project would be on that 17-acre parcel.

The 1929 variance was only for use of the 33 acres of land for educational uses, subject to getting approval of plans for buildings. After the zoning code was changed in 1946, that use could not be extended to occupy a greater land area than that occupied when the legal nonconforming use was established.

The 17 acres was a separate residentially zoned parcel prior to 1952 and was not being lawfully used for any non-residential use because MSMU never applied for a variance or conditional use for the 17 acres prior to 1952. In fact, the unlawful use by MSMU continued for over 5 years after the changes to the zoning code in 1946. The 1952 CU allowing its educational use, subject to conditions, did not give the 17 acres legal nonconforming use status. Exhibit C3 (the 1952 CU) to the Staff Report grants a Conditional Use, and there is no mention whatsoever of the property being entitled to deemed approved conditional use. Eliminating the lot line between the two parcels did not extend nonconforming use status to the 17 acres of land. Hansen Bros. Enters., Inc., supra. Hence, a plan approval pursuant to 12.24 M and L may only be used for the 33-acre portion of land.

The City Planning Commission cannot show how LAMC 12.24 M and L provisions support MSMU's request for a Plan Approval to allow development of the proposed Alternative 5 Project. A full analysis is in the letter, dated July 13, 2021, from the undersigned to Kathleen King with respect to this matter, and such letter is incorporated herein by this reference.

The proposed Finding states on page F-14: "The introduction of new events open to outside guests will further contribute to the City's diversity of uses and will provide new extracurricular events/activities for the City's existing and future residents, businesses, and visitors." However, that statement is not consistent with the purpose of the Project -- The DEIR on page II-17 states: "The purpose of the Project is to develop a new on-campus facility that provides **MSMU students** with comprehensive health and wellness services including modern amenities needed for physical and health education." Emphasis added.

## II. Revisions to Conditions of Approval

A number of revisions and additions should be made to the Plan Approval Conditions (Pages C-1 to C-3) to improve their clarity, effectiveness and enforcement. Without these revisions and additions, the required Findings to support a Plan Approval may not be made by CPC.

- Condition 2, Use, should be modified to restrict use to no outside use by individuals or groups unrelated to MSMU and the education of its students. This includes summer camps, weddings, photo shoots and a public speaker series inviting up to 400 guests. The use of the Wellness Pavilion should be only for the benefit and education of the students at the Chalon Campus, as stated by MSMU.
- Condition 3, Building, should include a moratorium on any new construction or building additions until a 20-year Master Plan is developed for the entire campus and approved by the City. This has been a requirement for other colleges in R-1 Zoning. Loyola Marymount University is just one example.
- Condition 6, Parking, additional provisions for parking should be included that state no school related parking on Chalon or any other residential streets is allowed. To comply, all faculty, staff and students must register a car or other method of transportation to the school. 100% utilization of on-campus parking is required through development and implementation of an Event Parking and Transportation Management Plan that includes a parking reservation system to enforce vehicle trip caps.
- Condition 12, Event Restrictions, should be modified as follows:

a. Rental/Leasing, should be modified to state “Rental or lease of the Wellness Pavilion is not permitted.” There should be no exceptions to the total ban of renting, leasing or free use of the Wellness Pavilion by outside groups, including for other wellness/sports events. This pavilion is not for commercial purposes and was built for the expressed use of students.

b. Other Wellness/Sports Activities, should be modified to state, “No external rental activities shall be allowed.” Condition 12a states no rental or leasing of the Wellness Pavilion for a fee and then proceeds to state that Other Wellness/Sports Activities may occur 12 times per year. P. A-16 of the Staff Report defines these activities as: *External rental activities that are [sic] support health, wellness and sports*. By its very definition these events are not allowed and the Condition should reflect that.

c. Wellness Speaker Series Events. Again, this condition should limit attendees to staff, faculty and students with no outside guests allowed.

d. Summer Sports Camp should be eliminated entirely since it is a commercial enterprise that is unrelated to the education of the enrolled students at the Chalon Campus.

e. Club Sport Events, should be modified as follows, “All athletic competitions shall be held during the school year, Monday through Thursday. No athletic competitions on Friday, Saturday or Sunday. No tournaments shall be held on campus.”

h. Total Daily Outside Guest Vehicle Trips associated with Wellness Pavilion activities should not be permitted. Instead, the condition should be a daily vehicle trip cap for all activities on campus. This trip cap should be based on 2018 average daily trips reported by MSMU of 1,813 not the 2,100 trips of 2016. This condition should be part of an overall transportation program that includes a trip reduction plan.

i. New Event Start/End Times should be modified to “shall not be permitted to start between the hours of 7:00am to 9:30am and 3:30pm to 7:30pm and/or end between the hours of 6:30am to 9:30am and 3:00pm and 7:00pm.” ALL EVENTS that begin or end during AM and PM peak hours should be required to use a Campus entry reservation system. In addition, the Campus entry reservation system should apply to all events, not just those during AM and PM peak hours trips (See new condition below). The School shall provide annual reports regarding the issued parking reservations on a designated page or link within the School's website for community informational purposes.

- Condition 13, Neighborhood Outreach and Notice. In addition to the calendar identifying all campus events with over 50 outside guests, the MSMU community website should include a link for the community to register complaints, ask questions and resolve issues with a reply required within 48 hours. The Community Relations Representative should also conduct neighborhood meetings twice a year to report on the compliance of the university with trip caps and all other conditions of operation and include a review of any complaints or concerns received from the community and their resolution.
- Condition 15, Construction, should be modified to include a condition that 20 months of construction are consecutive and the maximum to ensure the construction period is temporary.
- Condition 15b, Construction Access should include a Construction Parking Plan that identifies on- and off-site parking locations for construction personnel. The details of the plan shall be submitted to the Department of Transportation for its approval 30 days prior to commencement of construction activities. MSMU will provide a copy of the parking plan to the Council Office. All construction vehicles

must arrive and depart outside of am and pm peak hours. The following additional conditions should also be included:

Transportation Management Program. A comprehensive Transportation Management Program with a Trip Reduction Plan should be a condition of approval. Components of the plan should include a rideshare program of carpools and shuttles, increased incentives for use of public transportation, limited vehicle trips during peak hours of 7:00 – 9:00 AM and 3:00 – 7:00 PM, a parking reservation system and event parking plan, full-time transportation and parking coordinator to manage the system and program, monitoring of parking on residential streets. The electronic Campus Parking Reservation system must require a reservation and parking pass for all visitors to access campus for all special events or athletic competitions. All visitors, including students, faculty and staff from the Doheny campus must also use the system. Penalties should be enforced if limits are exceeded for trip caps.

Reporting of Transportation Management Program.

The School should be required to submit a Transportation Management Compliance Report for five years after the issuance of the Certificate of Occupancy to the City Planning Department, the Department of Transportation, and the Council Office that demonstrates compliance with the average daily trip cap and other transportation and traffic mitigation measures required. A copy of the Transportation Management Compliance Report shall also be provided to the Brentwood Community Council and Brentwood Homeowners Association. The School shall secure, at its own expense, an independent third-party compliance monitor who shall prepare the annual Transportation Management Compliance Report. The report should include any reports of violation by students, faculty, staff or visitors parking on residential streets.

Enrollment

While Condition 6c states “any new parking provided in association with the Wellness Pavilion and/or a future use shall not be used as a mechanism to increase student enrollment for the Chalon Campus,” there is no mechanism that exists today to cap enrollment at the campus. Parking spaces have been the traditional method used to determine enrollment, with no checks or balances or enforcement mechanisms. In fact, it appears parking spaces have been added over the years, separate from the parking structure, on open surfaces around the campus. How else to explain the increase from 1,072 allowed enrollment in the 1984 approval of a parking structure versus the 2,244 MSMU states they are allowed today. Ms. King acknowledges the various interpretations over the enrollment allowed at MSMU and states new parking spaces may not be used to add enrollment in the future, but then proceeds not to define the maximum number allowed. This is a glaring omission and deficiency with the conditions that must be remedied immediately.

In summary, we ask that the Project be conditioned with the following:

- Enrollment Cap of 1,072 (not based on parking spaces, but a definite number)
- No summer camp program or any other programming in the summer months
- Wellness Pavilion programming for students, faculty and staff ONLY
- No additional programming of Wellness Pavilion for outside guests
- No weekend use of the campus for non-students
- Limits on the size and number of special events
- Reduction in daily vehicle trips from 2018 levels-- NOT the higher 2016 levels
- PM peak hours defined as 3pm to 7pm
- No filming permitted on campus
- Vehicle Trip Caps that apply to all vehicles arriving to campus between 3:00pm and 7:00pm
- Annual monitoring by a third party of compliance with trip caps (through car counts, logs from

security regarding pedestrian access) as well as annual reports from an electronic parking reservation system that shows compliance with use and access of allowed vehicles.

- Required Plan Approval one year after the Certificate of Occupancy to verify monitoring, enforcement and compliance with all mitigation measures with a report submitted to the Brentwood Homeowners Association.
- Penalties for noncompliance with restrictions and conditions

### **III. Additional Fire Protection Measures Should be Included**

Steve Oaks<sup>2</sup>, of Viking Research, prepared the following recommendations for what a successful shelter in place and evacuation plan should have for the greatest chance of success. Mr. Oaks spoke with Chief Hogan from Los Angeles City Fire Department (LAFD) about evacuation and protecting exposed populations. In addition, he spoke with Ben Elisondo regarding the emergency response plans and wildfire safety features the Skirball Cultural Center has in place, including full control of the air handling systems, emergency supplies and staff emergency training.

Attempts were made to discuss wildfire safety and identify the procedures that Mount Saint Mary's University (MSMU) is planning to use to facilitate successful protection of their resident and visitor population. He reached out to MSMU but unfortunately, MSMU's representatives were unwilling to discuss with him any specifics of their plan and how they are planning to protect the campus residents and visitors in a wildfire.

#### Problems with Emergency Evacuation

The distinction between "evacuation" and the "relocation" action is available time. Relocation is an action that takes place when there is no exigent circumstance. That is, no immediate threat to the MSMU campus population. Consistent with the universally accepted "Ready, Set, Go", the movement of people to a location outside of the risk area is preferable when authorities are confident that the egress pathways are safe for travel.

#### Relocation and Shelter-in-place

Residents and visitors to MSMU should be told that, in the event of a wildfire in the area, MSMU staff, trained directly or indirectly by the LAFD, will initiate one of two protective actions. A relocation to safety outside of the threat area or a shelter-in-place option. If sufficient time is available, and environmental conditions allow, the controlled relocation of the population away from the impact area should be implemented. If, however, the wildfire is close enough to cause unfavorable environmental conditions like blowing embers, heavy smoke, high winds, low visibility or anything that could cause a panicked response in the population then the shelter-in-place action is clearly the best option.

Shelter-in-place is a protective action that is used when it is determined that it is safer to seek temporary refuge away from an immediate threat. Hence, in an earthquake scenario it is best to remain outside of buildings in an open area where falling debris is less likely. In a flood or debris flow those effected should leave low areas and seek shelter in higher ground. In a wildfire scenario, the threat comes from exposure to the environmental conditions created by the fire. Radiant heat, direct flame exposure, blowing embers, heavy smoke and untenable air quality are the hazards we want to shelter the population from. Therefore, a place designated as a shelter needs to be able to provide protection from those hazards. It seems obvious that if the

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<sup>2</sup> Mr. Oaks' credentials include retired Santa Barbara County Fire Marshal and a Division Chief with experience in operational strategic planning, fire protection planning, project management, policy development, political problem solving, and team building. Mr. Oaks has extensive operational experience with numerous incidents over the last 32 years.

objective is to protect a population from external environmental conditions that the process should not send people to an open outside area that is unprotected from those hazards.

For this reason, protection from the environment created by an encroaching wildfire should be in a purpose-built structure or an existing structure with enhanced fire protection features that provide appropriate protection. It is important to differentiate between shelter-in-place as a protective action and the physical structure itself. To alleviate ambiguity, I will refer to the structure itself as a Temporary Safe Refuge.

#### What is Temporary Safe Refuge (TSR)?

During a wildfire, taking temporary safe refuge means to stay inside a purpose-built structure and remain there until the threat from the emergency is over or until the situation evolves to a point where relocation becomes appropriate. A TSR Building is carefully designed and constructed to provide the utmost protection against the threat of wildfire. The structure should be able to provide occupants a safe place to stay and keep them informed on conditions while they are being sheltered.

If controlled relocation is not possible due to the effects of an encroaching wildfire, the residents, visitors and staff should be directed to the TSR building(s). Staff should then provide leadership and keep the population safe, informed and calm. They should describe active and passive features of the TSR facility; the building features, the safety designed into the area immediately surrounding the building including vegetation management, and the level of training of the of the staff. Additionally, the staff should have an accurate accounting of all residents and visitors on campus at all times.

The building(s) to be used as TSR's should be of sufficient size to accommodate the entire on-site population comfortably. It should be sized to allow at least 15 square feet per person which is more than twice the 7 square feet per person required of basic assembly occupancies and have bathrooms, air conditioning, and automatic fire sprinklers. The building should be ignition resistant, consistent with the most restrictive of elements of the LAFD enhanced fire-resistive construction requirements, and the California Building Code, Chapter 7a. In addition, the building should be provided with automatic closure features on any windows, vents or skylights to prevent the entry of burning embers. The TSR building needs to have optimum communication systems in place and operable at all times when people are on site. This should include radio, television, telephone, and internet capability, with back-up power for those devices. Back-up power should be provided for the building, immediate area lights and all active and passive fire protection systems.

Staff training and periodic exercises should be performed on site to assure the effectiveness of these protective features, operating procedures and the efficiency of staff. The frequency of the training should be a product of staff turnover and observed exercise performance. Contact information such as telephone numbers, cellular numbers, e-mail addresses, radio frequencies and staff descriptors, should be maintained and updated as needed, and reviewed at least annually. These provisions should be included within a formal Fire Protection Plan.

#### **Elements Required for a successful Temporary Safe Refuge facility?**

- Enhanced fire resistive construction including special passive and active fire protection features to limit ember exposure such as, fire resistive shutters for windows, and self-closing vents and skylights.
- Automatic fire sprinklers in compliance with standards for public assembly areas.
- Building size exceeding (more than doubling) the required 7 sq. ft. per person for comparable assembly occupancy.

- Ability to seal off air handling system against smoke and ember intrusion.
- Fuel Modification and clearance of combustibles around TSR structure and egress ways.
- Communication systems including; radio, television, telephone, internet and Wi-Fi capability with back-up (two independent sources) power for those devices (grid, solar, battery, generator, etc.)
- Back-up power for building and area lights.
- Restrooms, drinking water, emergency food supplies
- Accountability of all personnel on site.
- Full control of air handling systems including smoke filtering.
- Significantly more than the minimum of 100 ft. of defensible space surrounding the facility.
- Perimeter exterior proprietary hydrant system.
- Convenient access for emergency first responder vehicles.
- Disabled access including restrooms.
- Fire Official or Law Enforcement on site.
- Cell phone charging capability

In addition to Mr. Oak's observations and recommendations, we ask the Commission to obtain from MSMU, what, if any, resources MSMU is personally willing to commit to avert the chaos and diversion of City fire resources that occurred during the Getty fire. Rather than call on LAFD to evacuate students fleeing on foot by ambulance or fire trucks or to use other limited City resources, we respectfully ask the Commission to require the School to have in place a plan similar to the Getty where staggered evacuation in institutional transportation (such as MSMU's shuttle vans) is implemented after temporary refuge has occurred.

To the extent the proposed Plan Approval, the proposed Findings and the proposed Conditions do not incorporate, or are inconsistent with, the statements in the above section of this letter entitled "III. Additional Fire Protection Measures Should be Included", the City Planning Commission would err and abuse its discretion if it nevertheless approved the Project.

In closing, the findings and conclusions contained in the Staff Recommendation Report are erroneous and not supported by substantial evidence and cannot support approval of the Project. BHA incorporates herein, by reference, the issues raised and arguments made in prior filings and attachments (including without limitation, our letters, dated June 12, 2018, and July 13, 2021), as well as our testimony in these matters.

The Brentwood Homeowners Association appreciates the time and dedication of the City Planning Commission to the complex questions presented by this project. We would be happy to provide further details or respond to any questions during the October 21 hearing on the project.

Sincerely,



Kathleen Flanagan  
BHA Board President

cc: Councilmember Mike Bonin, CD-11  
Chad Molnar, Chief of Staff, CD-11  
Krista Kline, Deputy Chief of Staff, CD-11