



TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

FROM: JOEL ROJAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MARCH 30, 2010

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE MARYMOUNT COLLEGE FACILITIES EXPANSION PROJECT: CONDITIONAL USE PERMIT NO. 9 – REVISION “E”, GRADING PERMIT, VARIANCE, MINOR EXCEPTION PERMIT, MASTER SIGN PERMIT AND ENVIRONMENTAL ASSESSMENT (CASE NO. ZON2003-00317) / 30800 PALOS VEREDS DRIVE EAST

REVIEWED: CAROLYN LEHR, CITY MANAGER 

Project Manager: Ara Michael Mihranian, AICP, Principal Planner 

RECOMMENDATION

1. Adopt Resolution No. 2010-__, certifying the project's Environmental Impact Report, including Appendix D, pursuant to the California Environmental Quality Act with a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations; and,
2. Adopt Resolution No. 2010-__, upholding the Planning Commission's conditional approval of the proposed expansion project with the following modifications:
 - a. Increase the setback of the proposed Athletic Building an additional 10-feet from top of slope;
 - b. Reduce the height of the proposed Athletic Building a total of 10-feet;
 - c. Increase the setback buffer of the lower terrace of the east parking lot and driveway by 261-feet; and,
 - d. Select Alternative No. D-2 as the preferred design for the site layout of the athletic field and tennis courts

EXECUTIVE SUMMARY

At the onset of the City Council appeal hearing on the proposed Marymount College Expansion Project late last year, the College requested that the Council consider, as part of

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the appeal hearing, a change to its academic program to include a Bachelor of Arts degree program in addition to its Associates of Arts degree program. In light of this request, the City Council directed Staff to analyze the potential environmental impacts in connection with the proposed academic program change, as well as the athletic field design alternatives proposed by the City Council and the College to address safety concerns with errant balls entering the public roadway.

This additional analysis was completed, in a new Appendix D. The 45-day public comment period on the Draft Appendix D occurred between January 21, 2010 and March 8, 2010. Based on the public comments, the City released the Final Appendix D on March 19, 2010, which consists of the Draft Appendix D, Responses to Comments, Mitigation Monitoring Program and Report, and the Errata.

Tonight's meeting is to resume the Council's review of the appeal of the Planning Commission's decision on the proposed Marymount College Project along with the project changes identified in Appendix D.

BACKGROUND

On June 23, 2009, the Planning Commission adopted P.C. Resolution No. 2009-27 certifying the Project EIR, including adopting the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations for the significant unavoidable environmental impacts (Traffic and Short-Term Construction Noise). On July 14, 2009, the Planning Commission adopted P.C. Resolution No. 2009-28 approving, with the conditions, the requested planning applications (Conditional Use Permit No. 9 Revision "E", Grading Permit, Variance Permit, Minor Exception Permit, and Master Sign Permit). The Commission's July 14th decision marked the final decision on the Project by the Commission starting the appeal clock. The Planning Commission adopted Resolutions can be found in the City Council Appeal Binders Volume No. 1 (transmitted to the Council in August 2009) or on the City's website.

On July 24, 2009, an appeal was filed by Chatten-Brown, Carstens on behalf of the neighborhood organization Concerned Citizens Coalition / Marymount College (CCC/ME). The appeal requests that the Council overturn the Commission's decision on the Project for various reasons. The letter that lists the appeal points can be found in the City Council Appeal Binders Volume No. 1 (transmitted to the Council in August 2009) or on the City's website. In order to accommodate the number of anticipated speakers and issues related to the appeal, an appeal hearing was set for Saturday, September 12, 2009.

In advance of the September 12, 2009 appeal hearing related to the Planning Commission's decision on the proposed Marymount College Expansion Project, the College announced to the City its desire to offer a Bachelor of Arts degree program (BA Program) in addition to its existing Associates of Arts degree program (AA Program). At the September 12, 2009 public hearing, the College requested that the City Council consider the potential change in programming while considering the appeal of the Planning Commission's decision.

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Based on the discussions at the September 12, 2009 meeting, the City Council directed Staff to prepare the necessary environmental studies for the BA degree program proposed by the College to assess if new environmental impacts or an increase in the severity to previously identified impacts would occur. In response to safety concerns related to errant balls leaving the proposed athletic field, the Council also directed Staff to perform additional analysis of the potential environmental impacts related to Athletic Field alternatives proposed by the College and the City Council. As such, the City's environmental consultants for this project, RBF Consulting, were asked to prepare the necessary environmental studies as an appendix to the Final EIR.

The potential impacts resulting from the proposed changes discussed on September 12, 2009 (proposed BA Program and Athletic Field Alternatives) have been evaluated in Appendix D to the Final EIR. As directed by the City Council, Appendix D was released on January 21, 2010 for a 45-day public comment period that concluded on March 8, 2010. As an added opportunity for the public to provide comments on the Draft Appendix D, the City Council held a scoping meeting on February 16, 2010 to solely hear oral comments on the analysis contained in Appendix D. Based on the CEQA guidelines, the City's environmental consultant prepared the Final Appendix D, which was released on March 19, 2010. The Final Appendix D encompasses the Draft Appendix D and consists of the following added sections that are contained in the final document:

- The Mitigation Monitoring Reporting Program (MMRP)
- The Responses to Comments to the Draft Appendix D
- Errata to the Draft Appendix D

The Council is now being asked to resume its review of the merits of the appeal filed by the CCC/ME as discussed in the August 18, 2009 City Council Staff Report (the original staff report transmitted to the Council on the merits of the appeal). Additionally, the Council is being asked to also consider the project revisions introduced at the September 12, 2009 meeting and analyzed in Appendix D as part of the appeal hearing which is considered a De Novo hearing. Staff's analysis on the merits of the appeal, which will be referenced at the upcoming March 30th meeting, can be found in the August 18, 2009 and September 12, 2009 Staff Reports. These two Staff Reports were transmitted to the Council under separate cover on March 16, 2010 and are also available on the City's website under the Marymount homepage. This Staff Report will focus on issues raised since the September 12, 2009 City Council meeting and primarily on the project revisions that were introduced at that meeting.

This report and the public hearing will not focus upon or discuss the initiative petition that is being circulated, which proposes the Marymount Specific Plan including the reintroduction of the dormitories.

DESCRIPTION OF THE PROPOSED PROJECT REVISIONS

The following is a summary of the proposed project revisions resulting from the September 12th City Council meeting.

Bachelor of Arts Degree Program

The College proposes to offer a Bachelor of Arts Degree Program (BA Program), in addition to its existing Associates of Arts Degree Program (AA Program), at the existing campus. As of late February 2010, the Western Association of Schools and Colleges (WASC) has accredited Marymount College to offer BA degrees in three areas of study: Business, Liberal Arts, and Media Studies. As such, the College would like to begin offering courses to satisfy requirements for Bachelor’s of Arts degrees in the fall of 2010.

Marymount College has offered BA Degrees and MA degrees on its campus through its partnership with Webster University (which is accredited to offer such degrees), as part of its “Non-Traditional Program” for over a decade (see attached draft Conditions of Approval for a definition of “Traditional” and “Non-Traditional” programs). The College’s decision to seek its own accreditation to offer a Bachelor’s degree as part of its Traditional Degree Program is intended to meet the needs of its students. As part of its Traditional Degree Program Marymount College currently offers and would continue to offer Associates of Arts and Associates of Science degrees in over 30 areas of study.

The following table outlines the degrees currently offered and those that would be offered with the BA Program.

Existing	Project With Bachelor of Arts Program
Traditional Degree Program	
<ul style="list-style-type: none"> ▪ Associates in Arts and Sciences (over 30 areas of study) 	<ul style="list-style-type: none"> ▪ Associates in Arts and Sciences (over 30 areas of study) ▪ Bachelors of Arts (3 areas of study – Business, Liberal Arts, Media)
Non-Traditional Degree Program	
<ul style="list-style-type: none"> ▪ Associates in Arts and Sciences ▪ Bachelors in Arts and Sciences (2 areas of study) ▪ Masters (2 areas of study) 	<ul style="list-style-type: none"> ▪ Bachelors in Arts and Sciences (over 2 areas of study) Masters (2 areas of study)

Student Enrollment

The Proposed BA Degree program will not involve changes to the 793 student enrollment cap analyzed in the Final EIR. Additionally, no changes to the College’s Weekend/Continuing Education Program limit of 150 students, as set forth in the 2009 adopted Planning Commission’s Conditions of Approval, are proposed. In terms of the Traditional and Non-Traditional degree programs, the College is not proposing any change in the maximum permitted student enrollment for its Traditional Degree Program from the numbers studied in the EIR. The Non-Traditional Degree Program would be limited to 150 students as shown in the following Table:

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Existing	Project With Bachelor of Arts Program
Traditional Degree Program	
▪ 793 Students (AA Program)	▪ 793 Students (combined AA and BA Programs)
Non-Traditional Degree Program	
▪ Unrestricted Enrollment	▪ 150 Students

The College forecasts the following enrollment levels beginning in Fall 2010, as outlined in the table on the following page, for the three Bachelor’s degree programs:

Estimated Student Enrollment According to Area of Study Table

Year	Business	Liberal Arts	Media Studies	Total 4-Year Enrollment
Fall 2010	Juniors: 17	Juniors: 10	Juniors: 18	45
Fall 2011	Juniors/Seniors: 32	Juniors/Seniors: 19	Juniors/Seniors: 34	85
Fall 2012	Juniors/Seniors: 34	Juniors/Seniors: 20	Juniors/Seniors: 36	90

According to the College, the data presented in the table above is an estimate, since the College itself has not offered Bachelor’s degrees in recent years, and has no information or experience upon which it can predict enrollment in these programs. However, the College anticipates that the majority of students seeking Bachelor’s degrees would be currently enrolled students that desire to remain at Marymount, instead of transferring to another institution, which is the only option currently available to its Traditional Degree Program students. As such, enrollment in and growth of the Bachelor’s degree programs would be phased in over time. At this time, based on the above projections, it is estimated that by 2013, Marymount would have fewer than 100 upper division students pursuing a Bachelor’s degree. This estimate would represent less than 15 percent of its current maximum permitted Traditional Degree Program enrollment.

For purposes of the environmental analysis, the maximum enrollment considered for the BA Program is 250 students. Since the College’s overall Traditional Degree Program of 793 students is not proposed to change, the maximum permitted enrollment for the AA Program would be reduced each term by the current BA Program enrollment so that the combined enrollment in the AA Program and BA Program would not exceed 793 students. To summarize, the maximum enrollment for the AA Program is 793 students minus current BA Program students.

It is noted that because one of the College’s underlying goals is to retain students for the period necessary to complete a Bachelor’s degree, student enrollment may become more evenly distributed by class year at some undefined point in the future. Admission for all first and second year students represents admission to the College, and not to any particular degree program. This would not change with the addition of BA Programs. Students electing to stay at the College for a Bachelor’s degree would apply separately for admission in their second year as would any third or fourth year transfer students. The College’s first Bachelor’s degrees would not be conferred until Spring 2012 at the earliest. The annual graduation ceremony awarding Bachelor’s degrees would be combined with the ceremony

awarding Associate's degree resulting in one annual graduation ceremony.

Athletic Field Alternatives

The proposed Athletic Field Alternatives are intended, among other things, to address concerns with errant field balls entering Palos Verdes Drive East and potential impacts to neighboring properties. The City Council directed Staff to study the following two alternatives:

Athletic Field Alternative No. D-1 – This Alternative was directed by the City Council and consists of the existing athletic field remaining in its current location but enlarged to resemble the athletic field proposed by the College at the western portion of the campus (100 x 55 yards or 300 x 165 feet). The athletic field would be constructed at the finished grade of the proposed parking lot analyzed in Appendix A of the FEIR, therefore, no additional grading would be required; refer to Exhibit 2-4 in Appendix D. As with the Project analyzed in Appendix A of the Final EIR, a 42-inch high wrought iron fence embedded within a 42-inch high landscape hedge and a 20-foot high retractable net would be proposed along the athletic field's perimeter, in order to contain errant field balls from entering the parking lot, adjacent campus buildings and neighboring properties. The fence would be shielded from view by the proposed landscaping. Additionally, in order to accommodate the construction of an enlarged athletic field in its existing location, the proposed parking lot would have to be modified. Specifically, approximately 90 parking spaces would be relocated from the eastern parking lot to a new parking lot located west of the proposed tennis courts. The tennis courts would be relocated to the south by approximately 15-feet to accommodate a driveway to the proposed parking area. It is anticipated that some minor grading would be required to level the site to accommodate the parking lot, and that parking lot lighting and landscape planters would be installed to resemble the proposed parking throughout the campus.

Athletic Field Alternative No. D-2 – This Alternative was proposed by the College and consists of the athletic field moving approximately 60-feet to the east (closer to the location of the proposed tennis courts) and two of the four tennis courts would be relocated to the west of the athletic field. No change to the size of the field is proposed (100 x 55 yards or 300 x 165 feet). The two westerly tennis courts would serve as a buffer between the curvature of Palos Verdes Drive East and the athletic field to minimize the potential for errant balls to enter the roadway. The playing surface of the athletic field is designed with slope banks ranging from 20 to 34 percent (i.e., 20 percent slope for the area west of the field, 28 percent slope for the area north of the field, and 34 percent slope for the area south of the field) similar to the athletic field that was approved by the Planning Commission and analyzed in Appendix A of the Final EIR. As with the Project that was approved by the Planning Commission and analyzed in Appendix A of the Final EIR, a 42-inch high wrought iron fence embedded within a 42-inch high landscape hedge would be proposed along Palos Verdes Drive East, set back 3.0-feet from the property line, in order to contain errant field balls from entering Palos Verdes Drive East. The fence would be shielded from view by the proposed landscaping. As a result of the athletic field's relocation, as well as the additional buffering provided by the northerly tennis courts (see discussion below), a retractable net is not proposed by the College for this Alternative.

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To accommodate the relocated athletic field, the tennis courts would be reconfigured, placing two on either side of the athletic field. The northerly tennis courts would serve as an additional buffer between the athletic field and Palos Verdes Drive East and would help contain errant field balls. The tennis courts would be enclosed with a retaining wall, fence or combination wall/fence that would not exceed a maximum height of 10-feet, as measured from the lowest adjacent grade on the side of the tennis courts. The size and number of the courts would remain unchanged (four courts). Further, lighting of the tennis courts is not proposed. The proposed chain link fence with a green or black mesh would be 80 percent open to light and air.

DISCUSSION

Recent Project Issues

As previously stated, the analysis on the merits of the appeal filed by CCC/ME can be found in the August 18, 2009 and September 12, 2009 City Council Staff Reports that were transmitted to the Council under separate cover. Additionally, the analysis of Staff's recommended modifications to the Planning Commission approved project can also be found in these two Council Staff Reports. The following analysis is solely on the issues that have been raised since the September 12, 2009 Council meeting, and primarily focuses on the project revisions introduced at the September 12th meeting and analyzed in Appendix D to the Final EIR.

Bachelor of Arts Degree Program

At the September 12, 2009 City Council meeting, the College announced its desire to offer a Bachelor of Arts degree program (BA Program), in addition to its existing Associates of Arts degree Program (AA Program) at its existing campus. At the time, the College indicated that an application is pending with the Western Association of Schools and Colleges (WASC) for accreditation to offer BA Degrees in the following three areas of study: Business, Liberal Arts, and Media Studies. Since then, the College has received accreditation to offer BA Degrees in these three disciplines.

The potential environmental impacts relating to the proposed BA degree program were analyzed in Appendix D to the Final EIR. According to the analysis in Appendix D, the proposed BA Degree program is not anticipated to intensify or increase previously identified impacts to the surrounding environment, as approved by the Planning Commission, with the exception of the following:

- Aesthetics/Light and Glare (long-term visual character of the athletic field)

At this time, the College is not proposing a change to its athletic program with the introduction of the BA degree program and the athletic field would continue to be used for sporting activities as depicted in the project approved by the Planning Commission. As such, the proposed athletic field would still require the installation and use of a retractable net during activities involving balls to minimize errant balls from entering the roadway. Therefore, a mitigation measure is recommended for the BA degree program,

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similar to the Commission-approved project, that requires a 20-foot retractable net be used at the athletic field for recreational activities involving balls. The retractable net is to be lowered immediately at the end of a recreational activity and during non-play times. Additionally, recreational activities requiring the use of the net shall be prohibited on Sundays and legal holidays to minimize potential visual character impacts to surrounding properties.

- Land Use (consistency with the Development Code)

At this time, the College is a member of the Athletic Association of California Community Colleges – South Coast Conference for the following Sporting events: golf, soccer, and tennis. Additionally, the College fields several intramural and club sports teams during a given school year, such as basketball, softball, volleyball, lacrosse, soccer, tennis, and flag football (taken from the Draft EIR and the College's Project Applications Binder). According to the analysis found in Appendix D, the introduction of the BA degree program at Marymount College would allow the College to become a member of the National Association of Intercollegiate Athletic (NAIA). Becoming a member of the NAIA would potentially increase the number of athletic events occurring at the College, which may result in the intensification of impacts to the surrounding environment not originally analyzed in the project EIR. Such potential impacts may include traffic, parking, noise, air quality, and operational. However, the College has indicated that at this time, it can only speculate as to what changes, if any, would result to its athletic program due to the addition of the BA program at the College. As such, Appendix D recommends an added mitigation measure that requires the College to submit an Athletic Associations Membership Report every July 1st to the City for review and approval by the Community Development Director that documents the College's memberships with athletic associations. The purpose of this mitigation measure is to annually evaluate the College's athletic programs to determine if a revision to the Conditional Use Permit is warranted if there is an increase to athletic events, such as spectator events.

- Traffic and Circulation (traffic generation and parking capacity)

The traffic and parking operations associated with the proposed BA degree program are analyzed in context with the impacts identified in the project EIR's *Marymount College Facilities Expansion Project Traffic & Parking Impact Analysis (September 28, 2007)*, and *Revised Marymount College Project Traffic & Parking Analysis (May 15, 2009)*. A detailed analysis of traffic and parking for the BA degree program can be found in Appendix D. The analysis in Appendix D assumes implementation of the proposed BA Program in addition to the proposed expansion Project that was approved by the Planning Commission and analyzed in Appendix A to the Final EIR (updated from the project analyzed in the Draft EIR).

Level of Service (LOS) is commonly used as a qualitative description of intersection operation and is based on the capacity of the intersection and the volume of traffic using the intersection. The *Intersection Capacity Utilization (ICU)* analysis methodology is utilized in this study to determine the operating LOS of the signalized study intersections; the 2000

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Highway Capacity Manual (HCM) analysis methodology is utilized to determine the operating LOS of the unsignalized study intersections. Intersection LOS calculations are determined using the Traffix software except at the Miraleste Drive/Via Colinita intersection, which is evaluated using the Highway Capacity Software (HCS). HCS is utilized at the Miraleste Drive/Via Colinita intersection to take into account the large median and effective refuge area when crossing Miraleste Drive from Via Colinita known as a Two-Stage Gap Acceptance.

To determine forecast trip generation of the proposed Project, *ITE Trip Generation* published trip generation rates were used for specific land uses. *ITE* trip rates are based on surveys of representative facilities throughout the United States. Forecast Project trip generation is determined through consideration of the following Project components:

- Increase in junior college buildings through construction of 77,504 square feet and demolition of 18,022 square feet; and
- BA Program with 250-student maximum.

Consistent with *ITE*, the analysis assumes the Project components consisting of the construction and demolition of campus facilities and buildings as the *ITE* Junior/Community College land use category. *ITE* describes the Junior/Community College land use as including two-year junior, community, or technical colleges. *ITE* describes the University/College land use as including four-year universities or colleges that may or may not offer graduate programs. The *ITE* Junior/Community College and University/College categories are assumed to include buildings serving administration and instruction, as well as ancillary uses such as library, cafeteria, athletic facilities, etc., but no on-campus dormitories. *ITE* trip rates for the Junior/Community College and University categories are also assumed to account for trips associated with students, faculty, and support staff (emphasis added).

Consistent with *ITE*, traffic generation associated with the BA Program component is quantified through comparison of trip generation per student in BA Program versus an Associates of Arts Degree Program (AA Program). The net increase in *ITE* trip generation through the BA Program designation of some students is then added to the trip generation identified for expansion of buildings on the campus. It is noted the *ITE* University land use category does not include trip rates based on building square footage.

As for parking, the proposed BA Program is also analyzed in the context of impacts identified in the *Marymount College Facilities Expansion Project Traffic & Parking Impact Analysis (September 28, 2007)*, and *Revised Marymount College Project Traffic & Parking Analysis (May 15, 2009)*. The analysis includes review of the required parking capacity based on City of Rancho Palos Verdes Municipal Code (RPVMC) Section 17.50.020, *Parking Requirements*, as well as observed College-related parking counts, including forecast demand associated with the two proposed Project components (i.e., campus facilities and BA Program). It is noted that the RPVMC Section 17.50.020 category for “Colleges and Universities” does not differentiate between AA and BA programs. For analysis purposes, the “With Project” condition assumes implementation of the proposed BA Program in addition to the proposed expansion Project identified in Appendix A to the

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Final EIR.

In summary, the introduction of the BA degree program will result in an increase to traffic and parking demands forecast to occur with the Commission-approved project (AA degree program). In terms of traffic, the proposed project with the BA degree program is forecast to generate 1,931 weekday trips, an increase of 295 trips (from 1,636 trips), and 888 Saturday trips, an increase of 192 trips (from 696 trips). The following mitigation measures are carried over from the Commission-approved project and are recommended to remain to reduce the overall project impacts to a less than significant level to the following intersections:

- Palos Verdes Drive East/Miraleste Drive (installation of a traffic signal);
- Palos Verdes Drive East/Palos Verdes Drive South (intersection design modifications); and
- Western Avenue (SR-213)/Trudie Drive-Capitol Drive (re-striping).

It should be noted that in terms of cumulative impacts, the impacts identified in the Commission-approved project at the PVDS/PVDE intersection would remain with the introduction of the BA degree program and would not be reduced to a less than significant level because the College would only be required to contribute its fair share to the intersection improvements. As such, the improvements would not be constructed until fully funded and will therefore result in a significant and unavoidable traffic impact as identified in the project EIR. The Council will have to consider adopting a Statement of Overriding Consideration for this traffic impact.

As for parking, the demand will increase with the implementation of the BA degree program resulting in a forecast weekday deficiency of 56 spaces and a forecast weekend surplus of 332 parking spaces. In regards to the weekday parking deficiency, mitigation measures are recommended, such as a Parking Management Strategy, to reduce weekday College-related parking demands based on the annual student enrollment scale. It should be noted that the recommended Parking Management Strategy was originally identified as a mitigation measure in the Draft EIR. However, when the project was revised to not include the Residence Halls, the Parking Management Strategy was no longer needed as a mitigation measure, but it remained as a condition of approval to further minimize potential parking impacts.

In summary, the environmental impacts associated with the proposed BA degree program can be reduced to a less than significant level with the continued implementation of the Commission approved mitigation measures, as recommended in Appendix D. As for the intersection of PVDS/PVDE, in terms of cumulative impacts, this remains a significant and unavoidable impact with the implementation of the BA degree program. As an added measure, Staff recommends adding the mitigation measures to the conditions of approval.

Athletic Field Alternatives

In response to safety concerns in connection with the project approved by the Planning Commission and the potential for errant balls entering the roadway from the athletic field, the Council directed Staff to prepare an alternative that would enlarge the existing field to the dimensions for the athletic field proposed by the College. As a result of the Council's direction, the College also proposed an alternative layout to the athletic field for the Council's consideration. Both alternatives were studied in Appendix D and are identified as Alternative D-1, the Council directed alternative, and Alternative D-2, the College proposed alternative.

In summary, based on the analysis contained in Appendix D for the athletic field alternatives, Alternative D-1 was found to be infeasible. This is because the enlarged field in its existing location would impede on access to the fire lane at the southeastern portion of the campus. According to the Los Angeles County Fire Department (LACFD), a maximum of 150-foot accessibility is required for all portions of exterior walls for the first story of all buildings and this is achieved with the proposed fire lane along the southern edge of the improvement campus. Because the potential exists that this requirement may not be met with Alternative D-1 and that fire access cannot be provided over turf areas, this alternative would either have to be revised to accommodate the necessary fire access or deemed infeasible. Staff reviewed the layout for Alternative D-1 and does not believe it can be redesigned in a manner that results in an unobstructed fire lane access without introducing new impacts, such as additional grading and retaining wall along the southern slope. Lastly, although the Residence Hall buildings have been removed from the project plans, the Fire Department has indicated a need for fire access along the southern portion of the campus, adjacent to the Faculty Building and Classroom Building. Therefore, Staff has concluded that this alternative is no longer feasible. However, it should also be noted that based on the environmental analysis in Appendix D, Alternative D-1 also resulted in a significant and unavoidable impact with respect to Aesthetics/Light and Glare (long term visual character with the relocation of the parking lot at the western portion of the campus) and noise (long-term stationary noise at the proposed library). The remaining environmental impacts could be mitigated to a less than significant level.

As for the college proposed Alternative D-2, Appendix D concluded that there are two potential environmental impacts that can be mitigated to a less than significant level with the implementation of appropriate mitigation measures. These two impacts are Aesthetics/Light and Glare (long-term visual character with the use of the retractable net) and Hydrology/Water Quality (updated drainage plan to reflect the revised layout of the athletic field and tennis courts). Although the College does not propose to use a retractable net because the field is further setback from the roadway, Appendix D recommends as an added safety measure to require the use of a retractable net for recreational activities involving field balls.

It should be noted that during the public comment period on the Draft Appendix D, questions were raised regarding the dimension standards for the proposed athletic field and the actual dimensions for the existing athletic field. According to the Existing Site/Demolition Plan prepared by the College for the project plans submitted to the City as

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far back as 2000 (the original submittal for the project), the existing soccer field proposed to be removed was identified by dashed lines. According to Staff's calculations, the dashed lines measure 220' x 205'. However, as pointed out by the public, this plan also shows two unlabeled field goals. According to Staff's calculations of the distance between the field goals shown on the Existing Site Plan and the City aerials (taken in 2002), the actual size of the existing soccer field is measured as approximately 300'x165'. This is the same dimension as the original athletic field proposed by the College at the western portion of the campus, and the athletic field shown in Alternative D-1 and Alternative D-2.

In terms of dimension standards for soccer fields, there are two sets of criteria to rely on depending on the game of play. According to the Federation International de Football Association (FIFA), standard fields range between 100 and 130 yards (300 and 390 feet) for length (touch line) and between 50 and 100 yards (150 and 300 feet) for width (goal line). The National Collegiate Athletic Association (NCAA) Rule 1 dimensions range between 110 and 120 yards (330 and 360 feet) for length and between 65 and 80 yards (195 and 240 feet) for width. Moreover, according to the NCAA Rule 1, the optimum size for a soccer field is 120 yards by 75 yards. According to the College's project architect (see attached letter), *"the existing field location is clearly not large enough to contain regulation-size NCAA soccer field nor can this portion of the campus adequately contain what the College has generally described as "closer to regulation field" such as the field originally proposed by the College for the western portion of the campus or the modified design analyzed in Appendix D as the College's Alternative No. D-2."*

Staff would like to point out again that the athletic field originally proposed by the College and proposed as Alternative D-2 measures out to be roughly the same dimensions as the existing soccer field, which is 100 x 55 yards (300 x 165 feet).

In light of this information, the Council may wish to consider keeping the field in its current location, as suggested by members of the public. However, Staff would like to point out that the existing field also impedes on access to the proposed fire lane from the eastern portion of the campus. In order to prevent the access impediment, the existing athletic field would have to be shifted further south onto the slope, which would require grading and the use of retaining walls. Those environmental impacts have not been analyzed. Accordingly, Staff does not recommend that the athletic field be retained in its current location.

In summary, in order to address safety concerns, as well as fulfill the College's objective to place recreational uses at the western portion of the campus in close proximity to the Athletic Building, Staff believes that the preferred layout is that which the College proposes under Alternative D-2 with the implementation of the recommended mitigation measures and conditions of approval.

Grading Plans

The Planning Commission approved a maximum total (cut and fill) of 84,800 cubic yards of grading consisting of a maximum cut of 56,000 cubic yards (14,200 cubic yards with 25% shrinkage) and a maximum fill of 42,400 cubic yards. The College recently submitted (March 5, 2010) an updated grading plan, wet-stamped by registered engineer (Matthew Kirk), that proposes a total of 79,155 cubic yards of total grading (cut and fill) consisting of 39,255 cubic yards of cut, 39,900 cubic yards of fill, and 13,545 cubic yards of shrinkage at 15%. The updated grading plan reflects the project that was approved by the Planning Commission and analyzed in the project EIR but with modifications to enhance the overall grading by reducing the height of retaining walls (resulting in reduced construction costs) and the total amount of grading approved by the Planning Commission. According to the College, the following is a list of the major modifications made to the grading plan (see attached letter):

- Adjusted the location of the accessible path of travel from the public right-of-way at the intersection of Crest Drive and PVDE to the campus buildings (this includes a terraced parking lot between PVDE and the campus buildings that is separated by a retaining wall ranging between 2' to 5').
- Raised the finished surface for the athletic field by 1' (893.0' to 894.0') to improve drainage.
- Raised the finished surface for the tennis courts by 8' from an elevation of 892.0' to 900.0' resulting in an overall reduction in the height of the retaining walls (from 20' to 12 feet). The retaining walls will remain below grade with the exception of a 42" wall/wrought iron fence on top of the retaining wall that will be visible from the street.
- Reduced the height of the retaining wall at the terraced parking lot from 4' to 1' in height between parking aisles. This modification lowered the maximum height of parking surface elevation 935.5' to 932.54'.
- Removed the cut area at the south end of east parking lot. Grade adjusted to maintain existing grade (902.0' to 908.48'). Adjusted height at the Rose Garden to enhance the drainage.
- Reduced the grade of the retaining wall south of the fire lane / pedestrian walkway from 12' to 6'.

It should be noted that grading plans reviewed in the planning stage are typically considered a preliminary plan that are commonly updated or refined to reflect precise grades in the plan check stage prior to issuance of a Grading Permit by Building and Safety. It is during the plan check stage that the City's Building Official, Geologist, and Engineer review the proposed grading in relation to the recommendations listed in the project's geotechnical report and the Uniform Building Code. Moreover, it is during this stage that the drainage plan is also reviewed to assure that run-off is diverted to the appropriate catch basins and adequately flows throughout the on-site storm drain system. It is also during the Plan Check process that the amount of grading is verified in accordance to the grading quantities approved during the planning process. In the event a discrepancy occurs that results in an increase to the grading, the plans are reverted to the Planning Department for further review. In cases where the Planning Commission or City Council approved the project grading, a revision will be processed at a duly noticed public hearing.

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In a letter dated March 1, 2010 from Mr. Jim Gordon, concerns are expressed with the degree of information shown on the preliminary grading plans in relation to information shown in the geotechnical and soil reports. In summary, his concern is primarily focused on the accuracy of the quantities and location of grading shown on the Preliminary Grading Plan being reviewed by the City, as he believes the entire amount of earth movement is not represented on the project plans. According to the Development Code and the Planning Department's Grading Permit application, the grading quantity calculation is the total amount of combined earth movement (cut and fill). Earth movement is considered all raw cuts and fills, whether under or outside the building footprint, and includes earth movement for remedial grading (removal and recompaction) and buttressed key slopes.

In order to ensure that the grading quantities called out on the Preliminary Grading Plan capture all proposed earth movement, including remedial grading and raw cut and fill (in and out quantities) quantities throughout the entire site, Staff recommends amending the Conditions of Approval to specifically state that the total amount of any earth movement shall not exceed 79,155 cubic yards (this is the latest grading quantity proposed by the College as of March 5, 2010). The maximum total earth movement shall include grading under the building footprint, walkways, recreational facilities, parking lot, buttressed slopes, and remedial grading to name a few. In the event that during the Plan Check process, the total earth movement realized is greater than the quantity the Council has approved (aside from an allowable 200 cubic yard margin of difference), a revised grading plan will need to be reviewed and approved by the City Council at a duly noticed public hearing, as indicated in the Conditions of Approval.

Adoption of the CEQA and Planning Application Resolutions

Based on the information presented to the Council, attached are the draft CEQA and Planning Application Resolutions that have been prepared by the City Attorney for the Council's review. The CEQA Resolution is based on the analysis in the EIR and the project revisions that were analyzed in Appendix A and D of the Final EIR and accomplishes the following:

Certifies the Final Environmental Impact Report for the Marymount College Facilities Expansion Project that was approved by the Planning Commission, excluding the residence halls and as amended to include including Appendix A and D to the Final EIR;

- Makes environmental findings pursuant to the Californian Environmental Quality Act (CEQA) and that the EIR was prepared in compliance with CEQA;
- Adopts a Statement of Overriding Consideration for environmental impacts that cannot be reduced to a level of insignificance; and,
- Adopts a Mitigation Monitoring and Reporting Program

According to the analysis of the revised project in Appendix D, the project revisions (the proposed BA degree program and the Athletic Field Alternative No. D-2) will not result in new significant impacts beyond the impacts of the project that was approved by the Planning Commission or introduce new substantial adverse effects that cannot be mitigated

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to a less than significant level with mitigation measures, including mitigation measures identified in the original EIR. The project would not result in increased impacts that cannot be mitigated to a less than significant level, in the following areas:

- Land Use;
- Aesthetics/Light Glare
- Traffic and Circulation;
- Air Quality;
- Noise;
- Public Services and Utilities;
- Hydrology and Water Quality; and
- Biological Resources.

The overall project results in the following significant unavoidable impacts that require the adoption of a Statement of Overriding Consideration in order to approve the project planning applications:

- Cumulative traffic impacts at the intersection of Palos Verdes Drive East and Palos Verdes Drive South
- Short-term noise impacts associated with project construction

The Planning Application Resolution approves, with conditions, the project with the exception of the Residence Halls. All other aspects of the proposed project are approved, including the Athletic Building (with modifications), the Library Building, the addition to the Student Union, the expansion of the Admissions Building, parking lot improvements, athletic field and tennis courts, and other site buildings and improvements based on the stated Findings of Facts.

As a reminder, action on the project must begin with the adoption of the environmental resolution prior to the adoption of the planning application resolution. Additionally, certification of the project EIR does not automatically translate into approval of the proposed project (an EIR can be certified and the project denied).

If deemed acceptable, Staff recommends that the Council review and adopt the attached CEQA Resolution, including the Mitigation Monitoring and Reporting Program and the Statement of Overriding Consideration, and the Planning Application Resolution with the attached Conditions of Approval (as described in the following section).

Conditions of Approval

Attached for the Council's review are the draft Conditions of Approval. The Conditions of Approval are the conditions adopted by the Planning Commission with new revisions based on information provided to the City Council during this appeal process. Staff is also providing the Council with a redline version that depicts the revisions to the Planning Commission approved conditions with underlines for added text and ~~strike-outs~~ for deleted text.

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In summary, the revisions to the Commission adopted Conditions of Approval consist of the following:

- Listing the City Council as the deciding body rather than the Planning Commission
- Renaming the Director of Planning, Building and Code Enforcement to Community Development Director based on the recent department name change.
- Updating the Resolution numbers and project dates
- Wordsmith edits
- Updating the Grading Quantities, including clarifying that the project grading is based on a maximum total earth movement.
- Allowing the BA degree program with a maximum enrollment of 250 students
- Updating the Parking Management Strategy conditions to reflect the Mitigation Measures
- Clarifying the loading space requirements per Section 17.50.050 of the RPVMC
- Closing the tennis courts between sunset and sunrise, unless a Special Use Permit is obtained
- Requiring the installation of a mock-up for parking lot and walkway lighting prior to installation.
- Regulating, through the Conditional Use Permit, the number and location of outdoor events with amplified sound allowed with the approval of a Special Use Permit within the academic year.

Staff recommends that the City Council review and adopt the attached Planning Application Resolution, including the Conditions of Approval. However, based on a conversation with the College's representative, Staff would like to point out that the College may be requesting the Council's consideration of some modifications to the draft conditions relating to the timing of the construction phasing and the timing of the 6-month review.

ADDITIONAL INFORMATION

Meeting Format

Similar to the schedule for the September 12, 2009 City Council meeting, the Mayor is going to propose that the appellant and the applicant each be given 45 minutes to give their respective presentations plus an additional 15 minutes for rebuttals for each side. This time can be divided amongst whomever they choose, but the total initial presentation time will be 45 minutes. The Mayor will also encourage Council members to not interrupt each side's presentation. Members of the public who are not part of the appellant's or the applicant's initial presentations will be given 2 minutes per person to comment on the project. Furthermore, speakers will not be allowed to "transfer" or "donate" their time to other speakers. This is due to the anticipated number of public speakers. After the rebuttals, the public hearing will be closed and the City Council will begin its deliberation on the appeal. Attached is an estimated timeline for the March 30th meeting.

Continued Public Hearing

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In the event that the Council is unable to complete its review of the project on March 30th, the meeting will be continued to the next day, Wednesday, March 31, 2010 at Fred Hesse Community Room. The meeting will begin at 7:00 pm.

Public Notice

Although the March 30th meeting is a continued public hearing, Staff notified the public of the meeting specifically noting that the meeting will begin at 6:00 pm rather than the usual 7:00 pm start time, and the City Council adjourned the March 16th City Council meeting to this date and time. A public notice announcing the date, time and location of the City Council public hearing on the Project appeal was published on March 11, 2010 in the *Peninsula News* and was posted on the City's website under the Marymount College page. Additionally, a public notice was sent to property owners within a 500-foot radius of the project site, interested parties (including adjacent HOA's), and list-serve subscribers.

Correspondence Received

Attached are the public correspondence letters submitted to the City since the close of the comment period on the Draft Appendix D on March 8, 2010. The comment letters represent both opposition to and support of the project. It is Staff's opinion that the issues raised in the opposition letters have been addressed in this Staff Report, the August 18, 2009 and September 12, 2009 City Council Staff Reports, previous Planning Commission Staff Reports and/or the project EIR, including Final EIR Appendix A and D.

Availability of Appendix D

Pursuant to the CEQA guidelines, the Final Appendix D to the Final EIR was released to the public on Friday, March 19, 2010. As previously noted, Appendix D analyzes the potential environmental impacts in connection to the Bachelor of Arts Degree program, as well as the Athletic Field alternatives (D-1 and D-2). The Final Appendix D encompasses the Draft Appendix D (released on January 21, 2010), the Responses to Comments to the Draft Appendix D, Errata to the Draft Appendix D, and the Mitigation Monitoring Reporting Program (MMRP).

Appendix D was posted on the City's website for public review on January 21, 2010. Additionally, the document was made available during regular business hours at the following locations:

- City of Rancho Palos Verdes, Department of Planning, Building, and Code Enforcement, 30940 Hawthorne Boulevard, Rancho Palos Verdes, California 90275
- Palos Verdes Peninsula Library, Miraleste Branch, 29089 Palos Verdes Drive East, Rancho Palos Verdes, California 90275
- Palos Verdes Palos Verdes Main Library, 650 Deep Valley Drive, Rolling Hills Estates, California 90274
- Fred Hesse Park Community Building, 29301 Hawthorne Blvd., Rancho Palos Verdes, California 90275

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Previously Transmitted Background Information

As a reminder, background information, such as the Planning Commission Staff Reports, Planning Commission Meeting Minutes, public comments (including late correspondence), environmental documents (including the Final EIR Appendix A), and other relevant documents relating to the proposed applications were transmitted to the City Council, under separate cover, in advance of the August 18, 2009 meeting. The background information was assembled in three project binders titled Marymount College 2009 City Council Appeal Binder. Each binder includes an Index of Documents. This information has also been provided to the newly elected Councilmen. The background information contained in the binders is also available on the City's website, under the August 18, 2009 City Council heading on the Marymount College page.

ATTACHMENTS:

- Estimated Meeting Timeline
- Draft Resolution No. 2010-__ (CEQA)
- Draft Resolution No. 2010 - __ (Planning Applications)
- Draft Conditions of Approval
 - Redline format
 - Clean format
- August 18, 2009 and September 12, 2009 City Council Staff Reports – transmitted to the Council under separate cover
- Final Appendix D to the EIR – Transmitted to the Council under separate cover
- FIFA and NCAA Soccer Field Dimension Standards
- College's Architect's Letter dated March 17, 2010 with attachments
- Public Comments