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DETERMINATION OF COMPLIANCE

May 26, 2023

Loyola Marymount University
University Hall
1 LMU Drive, Suite 4800
Los Angeles, CA 90045-2659

CASE NO. CPC- 2009-2425-GPA-ZC-SP-DA
DEVELOPMENT AGREEMENT ANNUAL
REVIEW

CEQA: ENV-2008-1342-EIR

Location: 1 LMU Drive

Council District: 11 – Traci Park

Plan Area: Westchester-Playa del Rey

Neighborhood Council: Westchester-Playa
del Rey

Plan Land Use: High Medium Residential

Zone: R4-1

SUBJECT: 11th ANNUAL REVIEW OF THE LOYOLA MARYMOUNT UNIVERSITY
DEVELOPMENT AGREEMENT FOR THE PERIOD OF MAY 12, 2021 THROUGH MAY 12,
2022.

SUMMARY: As required by the terms and conditions of the original Development Agreement, the City shall review annually the applicant's compliance with the agreement. Such periodic review shall be limited in scope to good faith compliance with the terms of the Development Agreement. The Director of Planning has determined that the applicant has complied in good faith with the terms and conditions within the Development Agreement for this annual review period.

This Agreement does not: (1) grant density or intensity in excess of that otherwise established in the Applicable Rules; (2) eliminate future Discretionary Actions relating to the Project if applications requiring such Discretionary Action are initiated and submitted by the owner of the Property after the Effective Date of this Agreement; (3) guarantee that the Developer will receive any profits from the Project; (4) prohibit the Project's participation in any benefit assessment district that is generally applicable to surrounding properties; or (5) amend the City's General Plan. This Agreement has a fixed term for 20 years. Furthermore, in any actions after the Effective Date applicable to the LMU Property, the City may apply such new rules, regulations and official policies as are contained in its Reserved Powers.

Environmental Status

The Development Agreement has been previously evaluated for environmental significance and has been processed according to the City's California Environmental Quality Act (CEQA) Guidelines in connection with Case Number ENV-2008-1342-EIR that was certified by the City Council on February 25, 2011. This annual review is a review of conformance with the existing contract.

Discussion

The Development Agreement is reviewed under the provisions of the City's development agreement procedures. The annual review is a review of LMU's compliance with the Development Agreement. As provided by the Development Agreement, LMU need only demonstrate good faith compliance with the terms of the Agreement to the Director of Planning. As noted in the Agreement, the parties acknowledge that LMU cannot predict when or at what rate the Property will be developed. LMU uses its best effort, taking into account market conditions and economic considerations to undertake any development of the Project in accordance with the provisions and conditions of the Agreement.

The agreement includes provisions requiring an annual review by the Director of Planning, as of the effective date of the Agreement (May 12, 2011). If, as a result of such periodic review the Director makes a finding and determination of non-compliance, LMU is entitled to appeal the determination to the City Planning Commission. Then if, after a public hearing, the City Planning Commission determines that LMU or its successor in interest thereto has not remediated a default identified in the Director's determination, the City may terminate or modify the Agreement. If a finding of compliance is made, the Director of Planning, the City Planning Commission, or the City Council requires no further action.

Current Annual Reporting Period

On February 24, 2023, LMU submitted a review of activities that have been undertaken pursuant to the Development Agreement during the current reporting period from May 12, 2021 to May 12, 2022. The following activities occurred during the current reporting period involving compliance with the provisions of the Development Agreement:

Neighborhood Advisory Committee (DA Sec. 3.1.3.1.) A Neighborhood Advisory Committee shall be formed and LMU shall assign a member of the Department of Communication and Governmental Relations to serve as community liaison to the Advisory Committee.

- LMU has formed a Neighborhood Advisory Committee, which includes an LMU community liaison. Neighborhood Advisory Committee meetings have been noticed and advertised to the community as required by the Development Agreement through the local press as well as

- LMU will construct future buildings to meet the standards of Silver LEED Certification. The Life Sciences Building, which was the first new building constructed under the Specific Plan, received LEED Gold Certification from the Green Building Rating System. The Howard B. Fitzpatrick Pavilion, Palm North, and Palm South all received LEED Silver Certification

Historic Exhibits and Collections (DA Sec. 3.1.3.7.) LMU agrees to maintain its current and future collections and exhibits on the history of the local area and other subjects of general interest to the public and to make such exhibits or collections open to the public periodically and at reasonable times.

- As shown in Exhibit C, LMU has kept its collections and exhibits open to the public. From January 1, 2022 through December 2022, there were three exhibits at the William H. Hannon Library that were open to the public.

Conclusion

The Director of Planning finds that Loyola Marymount University has complied in good faith with the terms and conditions required under the Development Agreement and has fulfilled the requirements for the reporting period of May 12, 2021 through May 12, 2022.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Theodore L. Irving

Theodore L. Irving, AICP
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Reviewed by:

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