

February 3, 2021

File Number: 5WY-307331

BY EMAIL

Planning and Land Use Management
Committee
Los Angeles City Council
City of Los Angeles
200 N. Spring Street, Room 340
Los Angeles, California 90012
Email: clerk.plumcommittee@lacity.org

Re: Responses to Appeals of CPC's Approval of Equitas 5-6
Elementary Schools Project (CPC-2020-4095-ZV-CU-SPR)

Honorable Councilmembers:

This firm represents Equitas Academy Charter Schools ("Equitas") regarding the Equitas 5-6 Elementary Schools Project (the "Project") at 1612-1636 W. Pico Boulevard and 1321-1331 S. Union Avenue in the Pico-Union community (the "Site"). On November 19, 2020, the City Planning Commission approved a conditional use permit ("CUP") and related entitlements for the Project.

Following the issuance of the CPC's written determination on December 8, 2020 (the "CPC Determination Letter"), that decision was appealed to the City Council (collectively, the "Appeals") by several individuals, including Denise Heesy, Nicholas Heller, Michael Rivera, Nery O. Larios Vasquez, Yolanda Gutierrez, Aurora, Andrew and Yasmin Corona (collectively, the "Corona Appeals") and Gloria Farias (the "Farias Appeal").

The purpose of this letter is to respond to the various claims in the Appeals. The principal concern raised in the Appeals is that the drop-off and pickup of students for short periods in the morning and afternoon could impact the neighborhood, based on the combined maximum enrollment of 1,000 elementary school students. For the reasons previously set forth in our November 12, 2020 letter (the "CPC Traffic Letter") to the CPC on the subject, and as summarized below, Equitas believes that fear is unfounded and that the robust and detailed conditions imposed by the CPC on the Project regarding drop-off/pickup, which were largely volunteered by Equitas in consultation with the Councilmember Cedillo's office, will be effective to minimize any community traffic impact.

At the outset, though, you should know that Equitas has had a powerful and positive influence on educational opportunity in Pico-Union. When Malka Borrego, the founder and CEO of Equitas, began her work, the college graduation rate was 5% in Pico-Union. She and her committed staff have worked to transform the Pico-Union community into a place where families can access excellent educational experiences. In 2009, Equitas established its first school, an elementary school located at 1700 Pico Boulevard, across the street from the Project Site ("Equitas 1"). Since then, Equitas has employed a "slow-growth" model, expanding to a family of elementary and middle schools, with six schools operating in 2020-2021. The Project will provide a permanent home for Equitas Academy 5 and 6, which currently move from space to space each year with limited facilities.

Equitas' mission is to serve more than 25% of elementary and middle school students in the Pico-Union area, and eventually to operate eight campuses that will serve over 3,750 students there. The 2020-2021 enrollment for its six existing schools totals 1,962 students in grades TK-8 and is expected to reach full enrollment of 2,881 students in 2024-2025. The Los Angeles Unified School District has authorized Equitas to operate its Pico-Union schools through an intensive approval process and Conducts annual oversight.

Equitas has garnered significant support for the project from residents in Pico-Union, including the parents of students who attend, or previously attended, Equitas schools. It has previously submitted a petition signed by 530 individuals in the community, including 370 who live in CD1 and in close proximity to the Site, as shown on Exhibit 1 hereto.

The comments in the Appeals and the responses to them follow. We do not respond, however, to most of the claims in the Appeals that are unrelated to the merits of the Project, including challenges to the competence or fairness of the CPC, gang activity and drunken misconduct in the project area.

1. The Circulation Route For Drop-Off/Pickup Includes Ample Onsite Queue Capacity To Prevent Cars From Backing Onto Union Avenue.

Some appellants are concerned that cars arriving at the Site to drop off/pick up students will back into Union Avenue and block access to the DASH stop located south of Pico Boulevard on the west side of Union Avenue.

This claim is not well-taken. As discussed in detail in the CPC Traffic Letter, cars will queue in the parking lot aisles in the surface parking lot (the "Parking Site") across the alley from the building (which is part of the Site). This will permit a maximum onsite queue of **31** cars. In comparison, and as determined by Linscott, Law & Greenspan, the project traffic consultant, the maximum queue at the "peak minute" will only be **14** cars.¹ Therefore, the onsite queue

¹ LLG has advised that its analysis is conservative because, as required by LADOT, it is based on data for **private** schools, which involve a substantially lower percentage of students walking to school or carpooling than is the case here (as discussed below).

capacity is more than double the anticipated peak queue. Condition 14f (which Equitas volunteered in consultation with the Council office) reflects this:

In the event that, during the pick-up or drop-off process, the onsite queueing is insufficient to accommodate all cars that have arrived at the subject property to pick up or drop off students and cars begin to queue onto Union Avenue, then monitors shall queue cars in a double line within the parking lot in order to accommodate up to 31 cars onsite.

Some appellants disregard this analysis because they assume that 1,000 cars will arrive at the Site twice a day to drop off/pick up their kids. However, as laid out in detail in the CPC Traffic Letter, that is a false assumption, for several reasons.

First, most students will not be driven to school, but instead will walk, escorted by parents. Based on Equitas data for its existing schools (including registration paperwork submitted by parents), 70-75% of the students will walk to school.

Second, Equitas encourages carpooling at all of its schools and, in fact, Condition 14k requires it. Parents are motivated to carpool so they do not have to drive their kids to school every day. Based on Equitas' experience at its other Pico-Union schools, there will often be 2-3 students in each car, including many siblings.

Third, as set forth in Condition 14c, the 30-minute drop-off and pickup periods for each school will be staggered so that only half of the cars will arrive during each 30-minute period.² This will further minimize the number of cars at the school at any given time during the overall drop-off and pickup periods.

So, only a fraction of the suggested 1,000 cars will arrive during a drop-off/pickup period. To illustrate this, if you very conservatively assume that only 50% of students will walk to school, and that each car includes an average of two kids, that results in 250 cars, or 125 cars during each drop-off/pickup period. And, if the actual drop-off/pickup period is 20 minutes for each school, that translates to about six cars per minute ($125 \div 20$), which is very manageable and will not impose a burden on the surrounding neighborhood.³

² While 30 minutes are conservatively allocated for each period, drop-off/pickup is expected to take only 15-20 minutes most of the time, consistent with Equitas' other Pico-Union schools. As required by Condition 14d, Equitas will employ a minimum of 10 monitors, consisting of school staff and parent volunteers, to ensure maximum efficiency and the safety of students.

³ In support of the claim that the Project's drop-off/pickup impact on Constance Street will be substantial, the Corona Appeals reference data in the Traffic Assessment for the Project that actually undermines that claim. In particular, they cite data in the Traffic Assessment (at pages 10-11) that the Project will generate 211 outbound trips during the AM peak hour. Given that the drop-off periods for the two schools will be sequenced, that translates to approximately 106 cars exiting the alley onto Constance Street during each morning drop-off period of 20-30 minutes. That is less than, but roughly

Some appellants question whether 70-75% of students will walk to school because they sometimes see a long line of cars on Pico Boulevard to drop off and pick up students at Equitas 1 (which has a maximum enrollment of 462 students). The fact remains, however, that 70-75% of Equitas 1 students (and students at other existing Equitas schools) walk to school. The pre-pandemic queue length on Pico Boulevard was sometimes longer than average, but that was an uncommon occurrence and, in any event, did not exceed 31 cars.

Moreover, the circulation route for the Project is very different from, and superior to, the circulation route for Equitas 1. First, unlike Equitas 1, the circulation route for the Project is entirely onsite. Second, the queue capacity for the Project is much longer than for Equitas 1 and significantly exceeds the anticipated peak queue. Equitas is confident that the drop-off/pickup activity, as conditioned, will be compatible with and not adversely affect the surrounding neighborhood.

Finally, the appellants do not appear to consider that Equitas has implemented an enforcement system at its existing schools to confront any parent who does not follow the circulation route for drop-off/pickup and require corrective action. That system is embodied in Condition 14. In response to input from residents and in consultation with the Council office, Condition 14 includes substantial enhancements to that system. For example, one staff member will be specially employed and trained to serve as a "traffic ambassador" to oversee drop-off/pickup operations, prevent violations of the drop-off/pickup rules and serve as the first point of contact for the community (see Conditions 14d, e, f and k). Condition 14c requires Equitas to stagger the start and dismissal times for the two schools. In addition, Condition 15 requires a 24-hour outline to respond to any community concerns.

For all of these reasons, the surrounding community will not be adversely impacted by the relatively brief student drop-off/pickup periods in the morning and afternoon.

2. The Circulation Route Will Not Block Access to Parking Lots for Nearby Buildings.

Some appellants claim that the circulation route for drop-off/pick up activity will block access to and from two surface lots. One of them includes approximately 10 tenant spaces for the apartment building adjacent to the Site located at 1600-1604 Pico Boulevard (the

similar to the 125 cars conservatively estimated in the preceding paragraph to exit onto Constance Street. Similarly, the City's VMT calculator indicates that the Project would generate 281 outbound trips during the AM peak hour (see Traffic Assessment, Appendix A), which translates to approximately 140 cars exiting onto Constance Street during each drop-off period. VMT-calculator trip estimates of project trips are considered less accurate than estimates based on data in the ITE Manual (which the Transportation Assessment relied on in calculating the 211 outbound trips for the full AM peak hour). In any event, the average of the ITE estimate for each drop-off period (106 cars) and VMT-calculator estimate for each drop-off period (140 cars) averages to 123 cars $([106 + 140] \div 2)$, which almost mirrors the 125 cars calculated in the preceding paragraph.

"Pico Lot") and the other includes approximately five tenant spaces for a residential building located at 1318-1320 Constance Street (the "Constance Lot").

However, this will not be the case. With respect to the Constance Lot, the alley, which is 20 feet wide, permits two-way traffic.⁴ Therefore, a car exiting the Constance Lot can enter the alley and either turn right (eastbound) or left (westbound). An eastbound car will not encounter any school cars because those cars only travel westbound in the alley. A westbound car from the Constance Lot may encounter a brief delay of a few seconds while westbound school cars pass (at a maximum rate of approximately six cars per minute).

Conversely, it is reasonable to assume that tenants will access the Constance Lot from Constance Street since the alley entrance to that lot is much closer to Constance Street. In that event, no tenant car entering the alley from Constance Street, whether by a left turn or right turn, will encounter any school traffic.

With respect to the Pico Lot, this claim again ignores that the Parking Site has a queue capacity of 31 cars, which is more than double the anticipated maximum queue of 14 cars. Therefore, any delay in entering or exiting the Pico Lot should be very brief.

3. The CPC Conditions of Approval Do Incorporate the Conditions of Approval for Equitas 1, With Numerous Enhancements Volunteered by Equitas In Consultation With the Council Office.

Several appellants inexplicably state that the conditions of approval in the CPC Determination Letter failed to include the same or similar conditions relating to drop-off/pickup activities as it did for Equitas 1 (see, e.g., the Farias Appeal and both of the Corona Appeals).⁵ That is incorrect. The CUP for the Project includes all of the relevant conditions of approval for Equitas 1 related to traffic, and numerous additional and enhanced conditions volunteered by Equitas in consultation with the Council office. You can see this by comparing Condition 14 in the CPC Determination Letter for the Project with Condition 8 in the 2011 Determination Letter.

As one example of a new traffic condition in the CPC Determination Letter, and as previously discussed, one staff member will be specially employed and trained to serve as a "traffic ambassador" to oversee drop-off/pickup operations, prevent violations of the drop-off/pickup rules (including preventing parents from dropping off students on Constance Street) and serve as the first point of contact for the community (see Conditions 14d, e, f and k). As one example of an enhanced condition, Condition 22 requires a plan approval within three years after the school commences operation.

⁴ The Farias Appeal claims otherwise with no supporting explanation, and that is simply untrue.

⁵ While unstated by appellants, the CUP for Equitas 1 was approved in 2011 (CPC-211-1109-CU) and affirmed in a Plan Approval and Determination of Condition Compliance in 2014 (CPC-2011-1109-CU-PA 1). The 2011 determination letter (the "2011 Determination Letter") and 2014 determination letter are attached as Exhibit 2.

In addition, the CPC Determination Letter incorporates (with appropriate modification to reflect the different locations and characteristics of the specific schools) all of the conditions of approval in the 2011 Determination Letter related to use, floor area, setbacks, design, parking, landscaping, sustainability, use restrictions, hours of operation, loading and unloading, deliveries, trash, maintenance, security, lighting and noise mitigation.

4. The Circulation Route For the Project is Different From the Circulation Route For Equitas 1.

Some appellants suggest that the Project's drop-off/pickup would worsen the impact of the existing drop-off/pickup associated with Equitas 1. That will not be the case, however. Drop off and pickup for Equitas 1 occurs on Pico Boulevard, while drop-off and pickup for the Project will occur on the Parking Site, with cars exiting through alley. In other words, the two circulation routes are different. Therefore, there is no material cumulative impact.

5. Equitas Conducted Significant Community Outreach.

Some appellants faulted Equitas for a lack of community outreach. To the contrary, Equitas engaged in proactive and meaningful community engagement throughout the entitlement process for the Project. It began with proactive communication with Council District 1. Equitas then presented the Project to the Pico Union Neighborhood Council on two separate occasions, first to the Zoning, Planning and Land Use Committee on August 5, 2020 and then to the full Board on August 12, 2020. Equitas later held a noticed community forum on October 8, 2020. Shortly after the hearing officer hearing, Equitas participated in another community meeting hosted by the Council office on October 26, 2020.

In addition, on October 1, 2020, Equitas presented the Project to Pico Union Project, a local nonprofit cultural arts center, with whom Equitas has a long history of sharing resources and programming. Equitas subsequently began regular distribution of flyers at its Vida Sana event to provide further notice of Equitas meetings.

Then, following the hearing officer hearing, in consultation with the Council office, Equitas formulated the enhanced conditions of approval that were responsive to the community's concerns and asked the CPC to include them as conditions of approval, which it did. Equitas listened to its neighbors and responded to all reasonable concerns.

Equitas' commitment to effective community outreach has included translating City documents related to the Project, providing Spanish language interpretation at community forums, and creating a bilingual website about the Project which provides a COVID-19 safe, online platform for people to get project information and provide feedback. Equitas also distributed over 300 bilingual flyers to the community to provide notice of each community forum and City hearing to broaden accessibility.

Equitas also had significant outreach to its community partners. It presented the Project to the Board of the Byzantine Latino Quarter Pico Union Business Improvement District (the "BID"), which unanimously supported the Project, on September 14, 2020. Equitas has a

continuing dialogue with the BID and its members and fellow stakeholders for a safer, cleaner and more viable Pico-Union community.

Equitas' community outreach also included engagement with Pico Union Housing Corp. (the "Housing Corp"), a local nonprofit. The Housing Corp requested that Equitas offer the following programs: hosting a book fair; providing cost-free space for programming from local community organizations; commissioning local artists to create murals to celebrate the culture of Pico-Union; and facilitating an annual food drive. Equitas welcomed the conversation with the Housing Corp and agreed to adopt all of the requested programs, further demonstrating Equitas has been a responsive and responsible community partner.

Equitas has already acted on its own to address community needs. In particular, food insecurity has tremendously grown during COVID. Since March 2020, Equitas has served 322,405 meals to the Pico-Union community as a part of its COVID-19 response efforts.

6. The Demand For Equitas Schools Significantly Exceeds Its Available Seats.

As Equitas has explained throughout the administrative process, there is a significant unmet demand for seats in Equitas schools. The current waitlist to enroll in Equitas schools exceeds its available seats by a ratio of approximately 3:1. This tremendous demand for the education that Equitas provides is what compels it to keep growing.

The Farias Appeal implicitly disputes this reality, claiming that a "Needs Assessment Study" (the "Needs Assessment") included in its appeal application "differ significantly from Applicant's factual assumptions" As we understand, however, this study was never provided to the City.

In any event, LAUSD authorized Equitas Academy 5 to open on September 12, 2017 to begin operating on July 1, 2018, and it authorized Equitas Academy 6 to open on August 29, 2018 to begin operating on July 1, 2019. LAUSD based its authorizations on 15 elements, including Equitas' educational program and community need for the planned enrollment. LAUSD provides ongoing oversight, including annual oversight regarding the school's governance, student achievement and educational performance, organizational management, programs and operations, and fiscal operations. Equitas has consistently been in good standing with LAUSD.

For all these reasons, Equitas respectfully requests that the Planning and Land Use Management Committee recommend that the City Council deny the Appeals and allow this important and meritorious project to proceed.

Very truly yours,



Jack H. Rubens
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

EXHIBIT 1

EXHIBIT 1

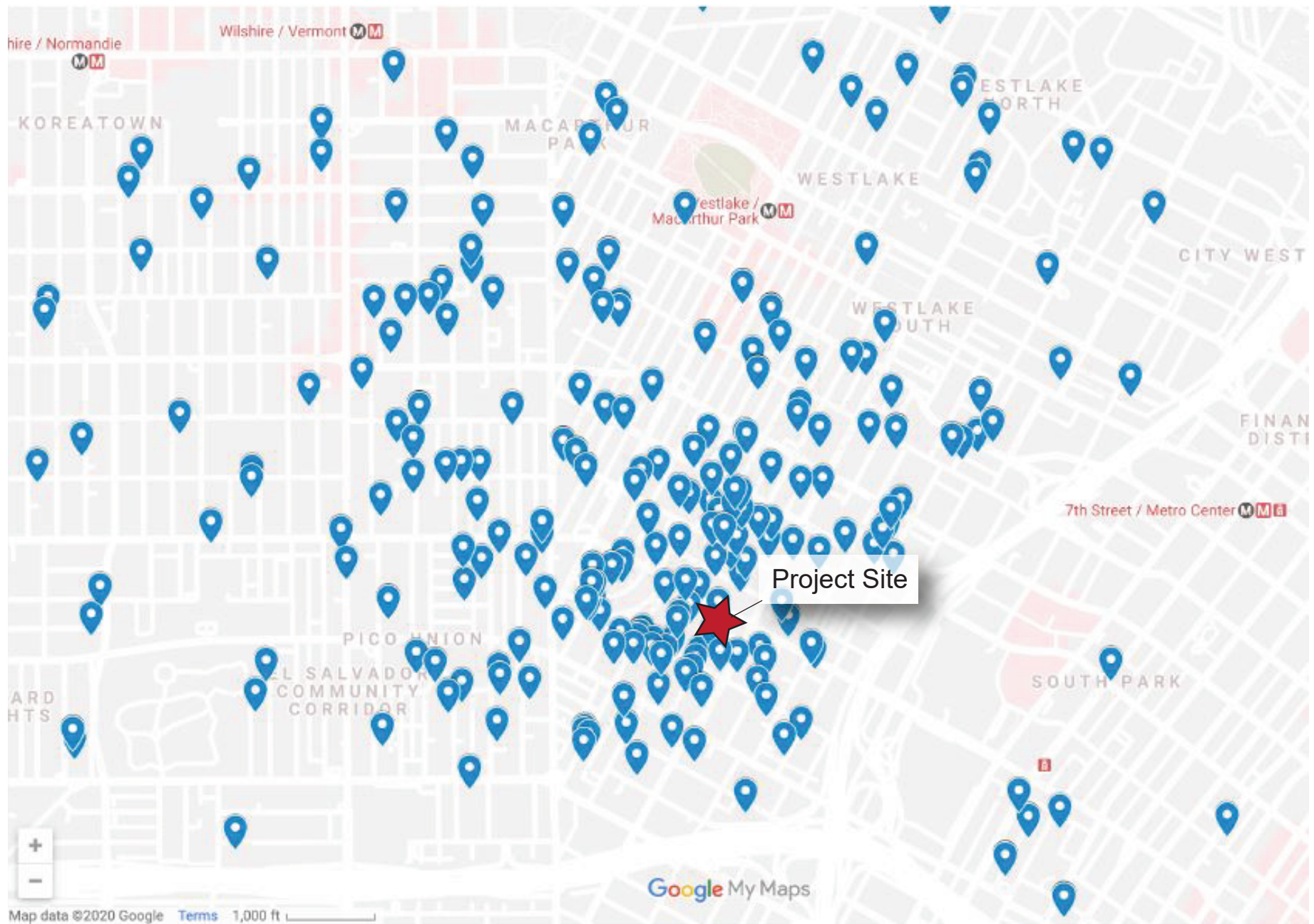


EXHIBIT 2



LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: NOV 02 2011

CASE: CPC-2011-1109-CU
CEQA: ENV-2011-1110-MND

Location: 1301-1321 South Constance Street and
1700-1706 West Pico Boulevard
Council District: 1 - Reyes
Plan Area: Westlake
Zone: CM-1, RD1.5-1-HPOZ

Applicant: Scott Thomas – Pacific Charter School Development Inc.
Representative: Michael Woodward

At its meeting on October 13, 2011, the following action was taken by the City Planning Commission:

1. **Approved a Conditional Use** to permit the conversion, use, and maintenance of an existing one-story, 25,000 square-foot commercial and warehouse building for the establishment of a charter elementary school serving grades K through 5, with a maximum enrollment of 450 students with approximately 75 students in each grade.
2. **Approved a Conditional Use** to permit a zero-foot westerly side yard along Constance Street in lieu of the required five feet, a zero-foot side yard of the existing building along the easterly side yard in the CM-1 Zoned portion of the lot in lieu of the 5-feet required and to allow the play yard in the side yard, and to a reduced rear yard to allow the trash enclosure and parking in the required 15-foot rear yard setback.
3. **Approved a Conditional Use** permit 15 spaces in lieu of the required 18 spaces.
4. **Adopted the attached modified Conditions of Approval.**
5. **Adopted the attached Findings.**
6. **Adopted Mitigated Negative Declaration No. ENV-2011-1110-MND.**
7. **Advised the applicant that,** pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
8. **Advised the applicant that** pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Roschen
Seconded: Burton
Ayes: Cardoso, Freer, Hovaguimian, Kim, Lessin, Romero, Woo

Vote: 9-0


James K. Williams, Commission Executive Assistant II
City Planning Commission

Appeals: This action of the City Planning Commission on the Conditional Use will be final within 15 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 North Figueroa Street, 4th Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys. Forms are also available on-line at <http://planning.lacity.org/>

FINAL APPEAL DATE: NOV 17 2011

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

City Planner: Christina Toy Lee

CONDITIONS OF APPROVAL

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24-U,24, the following conditions are hereby imposed upon the use of the subject property.

A. School Conditions

1. The public charter elementary school shall be limited to the 25,000 square-foot building and a 4,234 square-foot outdoor play area.
2. The use of the subject property shall be limited to a public charter elementary school, grades K-5, with a school enrollment of 450 students and 27 staff members, including 18 classroom teachers, 4 resource/enrichment teachers, and 5 administrative employees.
3. The use and development of the site shall be in substantial conformance with the revised site plan labeled Exhibit "E". Minor adjustments shall be allowed in order to comply with this approval. Any modifications shall be reviewed and approved by the City Planning Department, prior to the issuance of a building permit.
4. Use restrictions:
 - a. Rental, lease, or use of the facilities is not permitted. The term "rental of the facilities" is not dependent upon the payment of a fee. The use by homeowner and civic groups, for example, is not permitted.
 - b. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application pursuant to Section 12.27-I,15 of the Municipal Code, and is granted such request.
 - c. Filming for commercial purposes shall be prohibited on the property. Student filming and filming for school promotional purposes shall be permitted, provided that such filming is not done outdoors after dark where the use of artificial light is employed.
 - d. No incidental gaming activities as defined in Section 12.21-A,13 shall be permitted on the site.
5. Hours of operation shall observe the following limitations:
 - a. For classroom instruction: 7:30 a.m. to 3:30 p.m. Monday through Friday. Tutoring may occur two Saturdays per month for a maximum of 50 students.
 - b. For after school child care program for a maximum of 50% of the student body between 3:30 p.m. to 6:00 p.m. Monday through Friday.
 - c. Not more than 2 "Special Events" per month are authorized. School administrative board meetings and parent/teacher meets are excluded from the definition of "Special Events." Special events such as parent-student conferences, committee meetings, and fundraisers would not exceed 2 events per month, and no more than one event on a single day. Special events shall conclude at 6:00 p.m. Any special event expected to attract more than 150 people shall be held off-site.

- d. Motorized sweeping of the parking lots and driveways and motorized landscape maintenance shall occur only between the hours of 8 a.m. and 6 p.m., Monday through Saturday.
 - e. Unless otherwise provided in these condition, the above hours shall be permitted during a regular school year running approximately September through June.
6. The school shall submit a detailed Physical Education schedule and plan including three staggered times from 11:00 a.m. - 11:30 a.m., 11:30 a.m. - 12:00 p.m., and 12:00 p.m. - 12:30 p.m.
7. At least 15 permanent, striped parking spaces shall be provided.
8. The school shall implement a Traffic Management Program and a Trip Reduction Plan to the satisfaction of the Department of Transportation and the Department of City Planning prior to the issuance of a certificate of occupancy. The Traffic Management Plan shall include:
- a. The school shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the City Planning Department at the same time. The school shall maintain a progressive disciplinary system of enforcement in which the third violation shall result in suspension of the involved student(s) from school. The school administration shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the property.
 - b. Five or more parking monitors in orange vests or other distinctive attire shall be located at the drop off and pick up hours to maintain smooth ingress to and egress from the areas. An additional monitor shall also be located at the south side of Pico Boulevard to assist student/parents while walking crossing Constance Street. Monitors shall report any violations to the school administration, including any off-campus drop offs or pick-ups which are observed, and applicable license plate numbers. Monitors shall ensure pedestrian safety by prohibiting and reporting violations including: drop-off/pick-up along Constance Street, double parking along Pico Boulevard and Constance Street, and block of driveways along Constance Street.
 - c. School staff will be directed to arrive at the site prior to commencement of student drop-off operations.
 - d. Parents/guardians will be directed to drop-off or pick-up students on Pico Boulevard and not on surrounding neighborhood streets, including Constance Street.
 - e. Students will be directed to not cross Pico Boulevard or Constance Street in the middle of the block at any time. The students will be directed to cross to the campus at signalized or stop sign controlled intersections.
 - f. The parking and student drop-off/pick-up operations shall be included in the school policy. These school policies should be communicated to faculty, staff, students and parents at the beginning of the school year and be reinforced throughout the school year and should include information on parking operations, campus access and circulation, and student drop-off/pick-up operations. Additionally, contact information including phone number and contact person will be posted on signs at the project

site building with notice that an appropriate person to contact regarding school-related traffic and parking issues.

- g. Appointing an overall school traffic coordinator for the program, appointment of parent coordinators for each class, distribution of literature explaining the program, distribution of family names and phone numbers so that parents can identify potential carpool opportunities, and requiring parents to sign a contract for carpool plan participation.
- h. Investigating or implementing distribution of public transit passes or subsidies for faculty and administrators.

9. Special Event Parking

- a. For Special Events at the property that are expected to attract more than 15 vehicles, parking for vehicles in excess of the 15th vehicle shall be provided by attendant parking or at an off-site location which the school shall secure, to the satisfaction of the City Planning Department. Those persons attending the event shall be instructed not to park on public residential streets. Attendees shall also be instructed in writing to park in such off-site parking locations and/or the school shall make available parking attendant(s).
- b. The school administration shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject property or other designated off-site parking locations and being turned away due to insufficient parking capacity.
- c. The school has submitted the following events that may trigger vehicle trips to the location including school staff parking needs that include:
 - Annual August parent orientations (50 attendees)
 - Annual Winter and spring performances that are held off-site
 - Annual Parent conferences (average 10 parents every 30 minutes)
 - Monthly, 3rd Wednesday meeting at 8:00 a.m. (60 attendees)
 - Monthly, 4th Wednesday meeting at 4:00 p.m. (60 attendees)
 - Monthly, one Saturday parent meeting from 10 a.m. to 12:00 p.m. (50 attendees)

The school shall secure additional off-site parking agreements to ensure no overflow parking and traffic congestion along Constance Street and other local residential streets in close proximity to the school. The school shall submit copies of signed agreements for the secured off-site (Kopling House at 12th Street & Union Avenue and Angelica Lutheran church at 1345 South Burlington Avenue) locations to the Department of City Planning file to demonstrate compliance that off-site parking locations have been secured including the number of parking spaces.

- 10. All exterior signs shall be of an identification or directional type and shall be limited the size and locations submitted to and approved by the City Planning Department prior to the issuance of building permits.
- 11. The property owner shall instruct companies who deliver to do so between 8:30 a.m. and 1:00 p.m., but outside the stated hours of student drop-off/pick-up.

12. An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the City Planning Department upon its approval.
13. A security plan shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the Commanding Officer of the Central Area Division a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the City Planning Department.
14. The property shall be internally secured when not in use.
15. All lighting shall be directed onto the site. Floodlighting shall be designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties.
16. Noise Mitigation
 - a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
 - b. Solid masonry walls at the property lines adjoining residential uses shall be maintained.
 - c. No amplified music or loud non-amplified music is permitted outside.
 - d. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site.
 - e. No exterior bells are permitted.
17. One year from the issuance of a Certificate of Occupancy for the school, the property owner shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property. The matter shall be set for public hearing with appropriate notice. The purposes of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the carpool program, the management of circulation impacts of parking associated with special events and any documented noise impacts on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the City Planning Commission shall issue a determination. Such determination may modify the existing terms and conditions, add new terms and conditions or delete one or more of them, all as deemed appropriate. The application shall include the following minimum information:
 - a. The number of students enrolled by Grade level.
 - b. Operational changes to the school such as hours of operation and parking policy. The school shall annually monitor their loading zone and related traffic patterns during the drop-off and pick-up hours; if there are neighborhood cut-through

problems that could be resolved through neighborhood traffic calming measures (like speed bumps, temporary turn restrictions, or changes to the loading zone) then the school shall work with the affected residents, Council Office, and the DOT to determine the appropriate course of action. Prior to considering traffic calming measures through the City, the school shall exhaust all efforts on their part to correct the problem while working with the affected residents.

- c. The implementation status of the traffic monitoring report set forth in Condition No. 8. Copies shall be simultaneously sent to the Council Office and to all interested parties who have requested such notification.
 - d. A summary listing of attendance at each special event and identification of the events which utilized on-site parking only and which utilized off-site parking.
 - e. The status of participation in efforts to develop a comprehensive and effective schedule for staggering drop off and pick up times as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated, and possibly duplicative traffic patterns.
- 18. All school administrators, faculty, and school board members shall be provided a copy of the instant determination.
 - 19. Subject to LADWP approval of the transformer location, a revised site plan shall be submitted relocating the trash enclosure from the southeast corner of the school parking lot to the northerly portion of the parking lot adjacent to the school building, directly across from the original proposed location.
 - 20. The school shall implement a program with their school parents and students to discourage students and parents from purchasing from street vendors to decrease the demand for such vendors and discourage their siting in close proximity to the school on the public right-of-way.
 - 21. A revised Landscape Plan shall be submitted. The parking area shall be planted with trees at a ratio of one tree for every four surface parking spaces. The trees shall be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the parking stall area in summer after 10 years growth when the sun is at its zenith at local solar time at the summer solstice.
 - 22. A revised Site Plan shall be submitted showing an increased width between the Kindergarten classrooms along Pico Boulevard. The width shall match the proposed "Skylit Concourse."
 - 23. Revised Site, Roof, and Elevation plans shall be submitted showing the addition of skylights and/or windows. Windows/skylights shall be added to every classroom with no existing windows/skylights and shall provide at least one 4 feet by 8 feet or two 4 feet by 4 feet windows/skylights.
 - 24. The students shall not be allowed to congregate on Pico Boulevard, including during the drop-off/pick-up hours.

B. Other Conditions

25. **Street Dedications/Improvements.** No street dedication and/or street improvements (i.e., roadways, curbs, gutters, sidewalks, street lights and street trees) are required in association with the granting of this Conditional Use Permit.
26. **Driveway Access.** No new driveways shall be permitted on the site.
27. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location and path of travel of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.
28. **Loading Zone.** The drop-off/pick-up zone along the south side of Pico should be limited to the school's frontage. Extending it for the entire block would reduce parking for other properties on Pico. Our estimate is that six parking spaces along the proposed school frontage could be converted to a part-time passenger loading zone during school drop-off/pick-up hours, Monday through Friday 7:00 a.m.-8:30 a.m., Monday through Thursday 3:00-4:00 p.m., and Friday 1:30-4:30 p.m. The school should call DOT's Central District Office at 213-972-4990 to determine the appropriate hours of operation for this new passenger loading zone.
29. **Parking Meters.** Installation of a passenger loading zone along Pico would require modifications to the posted signs along Pico and to the parking meters. For any changes to the parking meters, Ray Lau from DOT's Meter Operations should be consulted - Ray's number is 213-473-8270.
30. **Parking Restrictions.** Along the south side of Pico, parking is restricted during the morning peak hours of 7 AM to 9 AM. This parking restriction would need to be eliminated to accommodate the passenger loading zone. The school should also consult with DOT's Central District Operations to determine if any street striping changes (associated with the new loading zone and revisions to the parking restrictions) are needed.
31. **Maintenance.** The subject property including any associated parking facilities, sidewalks, parkways, and landscaped setbacks adjacent to the exterior walls along the all property lines shall be maintained in an attractive condition and shall be kept free of trash and debris.
32. **Revocable Permit.** A revocable permit shall be obtained from the Department of Bureau of Engineering to allow a 1-foot encroachment along Constance Street to provide landscape for a "greenwall."

C. Environmental Conditions

33. **Graffiti.** The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
34. **Light.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
35. **Glare.** The exterior of the proposed building(s) shall be constructed of materials such as high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.

36. Demolition, Grading, and Construction Activities.

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

37. Air Pollution. An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.

38. Green House Gas Emissions. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

39. Asbestos. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

40. Lead Paint. Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

41. Polychlorinated Biphenyl – Commercial and Industrial Buildings. Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

42. Demolition, Grading, and Construction Activities.

- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

43. Noise Levels (Demolition, Grading, and Construction Activities).

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

44. Parking Wall. A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.**45. Fire.** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.**46. Vehicle Trips/Congestion.**

- a. Construction Impacts. DOT recommends that construction work site traffic control plan be submitted by DOT's Central District Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off-peak hours.

- b. **School Signs/Passenger and School Bus Loading Zones.** Four months prior to opening the new school, the applicant should contact DOT's Central District Office at (213) 928-9725, to coordinate the installation of any necessary traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones. DOT's Central district Office, in consultation with the charter school, shall determine what signs, pavement markings, parking restrictions and loading zones, if any, should be installed.
- c. **Driveway Access and Circulation.** The project proposes to utilize the existing site driveway on Constance Street. Any changes to this driveway, to the project's access and circulation scheme, or to loading/unloading and drop-off/pick-up areas for the project require separate review and approval and should be coordinated as soon as possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, at 213-482-7024) to avoid delays in the building permit approval process. In order to minimize and prevent last minute building design changes, it is imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early in the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. All new driveways should be Case 2 driveways and 30 feet wide.
- d. **Development Review Fees.** An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to the Department of Transportation for permit issuance activities was adopted by the Los Angeles City Council. Ordinance No. 180,542, effective March 28, 2009, identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this new ordinance.

47. Utilities (Local Water Supplies - Landscaping). Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:

- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following: Weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; drip/microspray/subsurface irrigation where appropriate; minimum irrigation system distribution uniformity of 75 percent; proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; use of landscape contouring to minimize precipitation runoff; and a separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

48. Utilities (Local Water Supplies - All New Construction).

- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

49. Utilities (Solid Waste Recycling - Operational). Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

50. Utilities (Solid Waste Recycling - Construction/Demolition). Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

51. Utilities (Solid Waste Recycling - Construction/Demolition). To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

D. Administrative Conditions

52. Approvals, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

53. Code Compliance. All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.

54. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

55. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
56. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
57. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
58. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
59. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

FINDINGS

1. **General Plan Land Use Designation.** The subject property is located in the Westlake Community Plan, which was adopted by the City Council on September 16, 1997. The Plan Map designates the subject property for Commercial Manufacturing and Low Medium Residential land uses with corresponding zones of RD1.5, RD2, RD3, RD4, RD5, RU, RZ2, RZ3, RZ4, and RD5 and Height District No. 1. The subject property contains approximately 34,310 square feet (0.78 acres) and is currently zoned CM-1 and RD1.5-1-HPOZ. The zones permit uses consistent with one-family dwellings two-family dwellings, multiple dwellings or group dwellings, apartment houses, parks, playgrounds or community center that are owned and operated by a government agency, and some manufacturing and industrial establishments as specified in the LAMC as well as educational uses with a Conditional Use permit. The subject site is not located within any Specific Plan, but is located in the Pico Union 2 Redevelopment Project.
2. **General Plan Text.** The Westlake Community Plan text includes the following relevant land use discussion:

To secure appropriate locations and adequate facilities for schools to serve the needs of the existing and future population.

To site schools in locations complementary to existing land uses and in locations which will enhance community identity.

Encourage compatibility in school locations, site layout, and architectural design with adjacent land uses and community character, and as appropriate, use schools to create a logical transition and buffer between different uses.

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

While the Framework Element references the City's participation in working with the Los Angeles Unified School District in the planning and coordination of public schools, it does not specifically address efforts with charter schools. To that end, however, enabling the continued use of the school would be consistent with a several important goals, objectives, and policies of the Framework Element, including:

Schools - GOAL 2

Appropriate locations and adequate facilities for schools to serve the needs of existing and future population.

Objective 3-1 To site schools in locations complementary to existing land uses and Community character.

Policy 3-1.2 Retain existing school sites within the Community Plan area.

3. The **Transportation Element** of the General Plan is not likely to be affected by the recommended action herein. No new construction or increase in floor area is proposed as part of this request. Pico Boulevard is a Secondary Highway dedicated to an 82.5-foot width and Constance Street is a Local Street dedicated to a 60-foot width. The site is accessible from a driveway on Constance Street for staff parking and drop-off/pick-up of students on Pico Boulevard. The Department of Transportation is agreeable to the location of the drop-off/pick-up. DOT does not recommend that traffic cones be installed to restrict turns on Constance. Restrictive measures such as street closures, physical barriers or turn restrictions should be avoided since these types of measures can potentially lead to the diversion of traffic from one street to another, or from one neighborhood to another. A turn restriction from Pico onto Constance may cause other unexpected consequences like limited access to their homes for Constance residents, more use of the alley connecting Union to Constance, unsafe U-turns at Burlington or Union, etc. If the neighborhood wants to pursue speed humps along Constance, then please refer to LAUSD's program to fund speed humps on residential streets impacted by school traffic. The Bureau of Engineering has preliminarily determined that a 3.75-foot dedication and improvements may be required to complete a 45-foot half street right-of-way. However, the building is existing and located on the property line. To provide compliance with such required dedication and improvement, the existing building would need to be set back approximately 3.75 feet, which is not feasible for an existing structure where no building setback is required.
4. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action.
5. **Conditional Use Findings.** A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit are located within Section 12.24 of the Los Angeles Municipal Code. In order for a Conditional Use Permit to be authorized, certain designated findings have to be made. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:
 - a. **The proposed location is desirable to the public convenience or welfare.**

The applicant is requesting a Conditional Use to permit the conversion, use, and maintenance of an existing one-story, 25,000 square-foot commercial and warehouse building for the establishment of a charter elementary school serving grades K through 5, with a maximum enrollment of 450 students with approximately 75 students in each grade. The project involves converting the existing vacant building into 18 classrooms, a multi-purpose/lunch area, a teacher's lounge, and administrative offices. The existing surface parking lot located at the rear of the property will be converted into a landscaped outdoor play area and 15 parking spaces. No additional floor area is proposed.

The Equitas Academy Charter Elementary has been in operation since 2009 at a campus facility located at 631 South Commonwealth Avenue, approximately 1.4 miles from the subject site. The proposed new school campus on the subject site would allow Equitas to grow beyond its current K-2 grades serving 175 students, to a school serving K-5. The proposed project would provide a new and continued opportunity for children in the Pico Union neighborhood to attend a local tuition-free public elementary school in a small school environment in an urban area that emphasizes small class and high academic standards. Other LAUSD public

elementary schools in the area within 0.4-0.6 miles have much higher enrollments that what the subject proposes.

The CM-1 and RD1.5-1-HPOZ Zones permits public elementary schools with the approval of a conditional use. Additionally, a public school is a complementary use with residential neighborhoods and is properly located within such areas. The residents would benefit from having a school in their neighborhood within an easy commute, walking or biking distance for the children. The school's activities would occur primarily during the daytime with only periodic evening functions usually held within allocated times.

Therefore, the proposed location of the school establishment will be desirable in providing more educational opportunities to the student population and the surrounding community.

b. The proposed project is proper in relation to adjacent uses or the development of the community.

The subject property is an approximately 0.78-acre, (34,310 square-foot) rectangular-shaped lot located at the southeast corner of Pico Boulevard and Constance Street. The site has a frontage of 146 feet along Pico Boulevard and a uniform depth of 235 feet. The front portion of the project site is zoned CM-1 with a Commercial Manufacturing land use designation and the rear portion of the project site is zoned RD1.5-1-HPOZ with a Low Medium Residential land use designation in the Westlake Community Plan Area. The CM-1 portion of the site is currently developed with a vacant 25,000 square-foot one-story commercial and warehouse building and the RD1.5-1-HPOZ portion of the site is developed with a surface parking lot. The existing building has been vacant since September 2010.

Surrounding properties to the north include commercial uses, light industrial, and a church to the north across Pico Boulevard in the CM-1 Zone; two-story multi-family uses to the south in the RD1.5-1-HPOZ Zone; a furniture store and three-story multi-family uses to the west in the RD1.5-1-HPOZ Zone; and an armored car company and multi-family uses in the CM-1 and RD1.5-1-HPOZ Zones to the east across Constance Street. The subject site is located in an urban area characterized by a mix of land uses ranging from multi-family residences, vacant lots and commercial uses.

The site is located along a major thoroughfare, Pico Boulevard, which has public transit available, but is also near low-medium density residential uses. The nearest public elementary school is 10th Street Elementary School located 0.4 miles to the northeast. The project has been designed so that all classrooms are internalized, with drop-off/pick-up occurring on Pico Boulevard. A 6-foot high masonry block wall and landscaping will be constructed along the westerly and southerly property lines, adjacent to the multi-family residential uses. Although the schools location across from an armored car business is not the most ideal, changes to the drop-off/pick-up location from Constance Street to Pico Boulevard has drastically improved the situation. Additional conditions of approval have been included in the recommendation to minimize the impacts and safety of the students and the armored car company.

The existing charter elementary school would continue and expand at this new location and will continue to provide new educational opportunities to the community. The Citywide General Plan Framework "promotes the siting and construction of adequate school facilities phased with growth" (Objective 9.32). Therefore, the

proposed project is proper in relation to adjacent uses or the development of the community.

c. The proposed project will not be materially detrimental to the character of development in the immediate neighborhood.

As part of the conditional use application, the applicant is requesting that the area requirements for the project site shall be set forth in the approved site plan and such requirements shall supersede the area regulations of the Zoning Code, pursuant to LAMC Section 12.24.F. The proposed project will convert the existing vacant building, replace and restore the building's windows, articulate the building's front façade on Pico, open the entrance onto Pico Boulevard, restore the building's existing brick, and plant vines to create "greenwalls" along the southern and eastern facades of the building which will control graffiti and acoustics. The existing low wall and chain link fence with barbed wire will be removed and replaced by a 6-foot high concrete masonry wall and the existing parking lot would be reconfigured to an outdoor landscaped play area and a 15-space parking lot. The project's proposed design will not be materially detrimental to the character of development in the immediate neighborhood because the building is existing with no setbacks.

Also, the applicant is requesting a reduction in parking spaces, providing 15 spaces in lieu of the required 18 spaces. The site is located along Pico Boulevard that is served by bus lines, located near a low-medium dense residential neighborhood where parents and students can walk, and the school has an ongoing carpooling and public transit program. The school has two sites close where they have received verbal agreements to use for the school's event parking needs: Kobling House located at Union Avenue and 12th Street, and Angelica Lutheran Church located at 1345 Burlington Avenue. The pick-up/drop-off location has been relocated from Constance Street to Pico Boulevard to alleviate the scarce street parking needed by the neighboring residents.

The project does not require any major demolition and involves a modest amount of construction. Furthermore, support of the Neighborhood Council, the Council Office, and support from the public outreach meetings in particular demonstrates that the neighbors conclude that the project, with conditions, will not be detrimental to the character of development in the immediate neighborhood. Therefore, as conditioned, the proposed project is proper in relation to adjacent uses and will not result in detrimental impacts to the character of development in the neighborhood.

d. The proposed project in harmony with the various elements and objectives of the General Plan.

The General Plan does not specifically address provisions or standards for charter schools, although it encourages "public schools [to] provide a quality education for all of the City's children, including those with special needs, and adequate school facilities to serve every neighborhood in the City so that students have an opportunity to attend school in their neighborhoods". The Westlake Community Plan encourages "secure appropriate locations and adequate facilities for schools to serve the needs of the existing and future population." The proposed construction and improvement of the school's facilities will not alter the existing improvements on the site or alter the scale of development in the immediate area. As such, the charter elementary school will be in harmony with the neighborhood and the community plan area.

6. **Environmental.** On August 10, 2011, a Mitigated Negative Declaration, ENV-2011-1110-MND, was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.
7. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Flood Zone C, an area of minimal flooding.

**DEPARTMENT OF
CITY PLANNING**

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

AND

6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

RENEE DAKE WILSON

PRESIDENT

DANA M. PERLMAN

VICE-PRESIDENT

ROBERT L. AHN

DAVID H. J. AMBROZ

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INFORMATION

www.planning.lacity.org

**PLAN APPROVAL AND
DETERMINATION OF CONDITION COMPLIANCE**

Mailing Date: August 18, 2014

Appeal Period Ends: September 2, 2014

Property Owner

Jules Cyril Revocable Trust and
Bette Bain Living Trust
10430 Wilshire Boulevard, Unit#1402
Los Angeles, CA 90024

Applicants

Malka Borrego
Equitas Academy Charter School
1700 W. Pico Boulevard
Los Angeles, CA 90015

Anup Patel

Pacific Charter Development Inc.
811 W. 7th Street, Suite 310
Los Angeles, CA 90017

Representative

Michael S. Woodward
4600 Mirador Place
Tarzana, CA 91356

Case No.:

CEQA No.:

Related Cases:

Location

Council No.:

Plan Area:

Specific Plan:

Overlay:

Certified NC:

GPLU:

Zone:

Legal Description:

CPC-2011-1109-CU-PA1

ENV-2011-1110-MND

CPC-2011-1109-CU

**1700 W. Pico Boulevard and
1301, 1303, 1305, 1307, 1309,
1311, 1313, 1315, 1317, 1319,
1321 S. Constance Street**

1 – Cedillo

Westlake

None

Pico-Union HPOZ

Pico Union

**Commercial Manufacturing and
Low Medium Residential**

CM-1 and RD1.5-1-HPOZ

**Lots: 3 (Arb 3), 4, 5, 14 and
Alley Vac Ord 8074; Block: I;
Tract: Lots 13 to 24 Block G,
Lots 1 to 21 Block I Lots 13 to
23 Block H and Lot 12 Block J
of the Resubdivision of the
Jones Tract**

Pursuant to Condition No. 17 of the Conditional Use Permit issued under Case No. CPC-2011-1109-CU, and Los Angeles Municipal Code Section 12.24.M on behalf of the City Planning Commission, I hereby:

Approve a Plan Approval application for the Determination of Condition Compliance in accordance with Condition No. 17 of Case No. CPC-2011-1109-CU, and find that the use and operating requirements of the Conditional Use

Permit with regard to the above-mentioned charter school have been fully complied with;

Conditionally Approve a Plan Approval application to permit an approximately 596-square-foot shade structure in the existing playground area of the subject charter elementary school campus;

Conditionally Approve a Plan Approval application to permit four additional parking spaces along Pico Boulevard to be used on school days for drop-off and pick-up queuing during the hours of 6:30 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday subject to the approval of the Department of Transportation; and

Find that the previously adopted Mitigated Negative Declaration, ENV-2011-1110-MND, adequately serves as environmental clearance for the project pursuant to the California Environmental Quality Act and Section 21082.19(c)(3) of the California Public Resources Code.

BACKGROUND

Project Detail

The Applicants, Equitas Academy Charter School and Pacific Charter School Development Inc., are seeking Department of City Planning review to verify the school's compliance with the Conditions of Approval imposed in the Conditional Use Permit, Case No. CPC-2011-1109-CU, which was approved by the Los Angeles City Planning Commission on October 13, 2011. Furthermore, Condition No. 17 requires a Plan Approval application be filed one year from the issuance of the Certificate of Occupancy for the school to review the effectiveness of and the level of compliance with the terms and conditions of the Conditional Use grant.

In addition, the school requests a modification to the Conditions of Approval to: 1) permit an approximately 596-square-foot shade structure in the existing playground area to shade the existing play equipment and area; and 2) to permit four additional parking spaces along Pico Boulevard to be used on school days for drop-off and pick-up queuing during the hours of 6:30 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday subject to the approval of the Department of Transportation.

The school is requesting to modify Condition No. 3 to revise the site plan to include the proposed shade structure. The proposed new shade structure is a mesh fabric that will screen up to 99 percent of the sun's ultraviolet rays, in a roughly quadrilateral shape that will be stretched between four supporting posts, with its tallest portion being approximately 12 feet in height. A portion of the project site, Lot 14 (1317, 1319, 1321 S. Constance Street) and Alley Vac Ord 8074, is located within the Pico-Union Historic Preservation Overlay Zone (HPOZ) and includes a historic designation as a Non-Contributing Feature. This portion of the site is improved with a 15-space surface parking lot and a 4,234-square-foot outdoor play area and is the area where the proposed shade structure is to be located.

The school is also requesting to modify Condition No. 28 regarding the current passenger loading zone for the student drop-off and pick-up on the south side of Pico Boulevard, along the school's frontage, by including up to four additional parking spaces located to the west of the school's frontage, on the block between Burlington Avenue and Constance Street, to add four parking spaces to the existing six parking spaces that are currently used for loading. The adjacent property to the west includes addresses at 1716, 1726 and 1740 W. Pico Boulevard and is operating as a furniture store whose business hours are currently 9:00 a.m. to 5:00 p.m. weekdays. This property currently has four parking spaces demarcated along Pico Boulevard along the property's frontage. Inclusion of these spaces in the passenger loading zone would restrict parking on weekday mornings from 6:30 a.m. to 9:00 a.m., Monday through Friday, and on weekday afternoons from 1:30 p.m. to 4:00 p.m., Monday through Friday. The additional spaces are desired to aid in queuing that builds up during morning drop-off and afternoon pick-up.

On April 21, 2014, the neighboring property owner at 1716, 1726 and 1740 W. Pico Boulevard, Nick Ostroff, signed the Petition Requesting Change of Existing Time Limit Parking Restriction (Department of Transportation Form) consenting to modify the parking meters in front of his property from a 1-hour Parking, 9:00 a.m. to 6:00 p.m., Monday through Saturday to:

- Passenger Loading 6:30 a.m. to 9:00 a.m., and 1:30 p.m. to 4:00 p.m., Monday through Friday; and

- 1-Hour Parking 9:00 a.m. to 1:30 p.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday; and
- 1-Hour Parking 9:00 a.m. to 6:00 p.m. on Saturday.

On May 22, 2014, Ray Lau of the Department of Transportation (DOT) responded via email that the DOT Form, Petition Requesting Change of Existing Time Limit Parking Restriction, was received and validated by DOT Staff and that after the issuance of the Plan Approval determination a work order will be prepared for the loading zone extension.

No increase in enrollment is requested as part of this approval.

Public Hearing and Correspondence

The Public Hearing on this matter was held at Los Angeles City Hall, 200 North Spring Street, 10th Floor Hearing Room 1020, Los Angeles, CA 90012 on Monday, June 2, 2014 at 10:00 a.m.

1. Present: 11 people attended.
2. Speakers: 9 people provided testimony.
3. Sergio Infanzon, representative of Councilmember Gilbert Cedillo, Council District 1, was present and provided testimony requesting more information about additional parking on Pico Boulevard, compliance with Condition No. 8, compliance with the concerns raised by a speaker with the American Disabilities Act (ADA) and additional information about the Plan Approval process. Subsequent to the public hearing a letter of support was received from Councilmember Gilbert Cedillo dated July 7, 2014.

Public Hearing Testimony Notes

SPEAKERS COMMENTS SUPPORTING THE PROJECT:

- The heat prevents the students from playing outside on hot days, but the shade structure will allow students to play outside and not be confined to the school building all day.
- The inclusion of the four parking spaces on Pico Boulevard will contribute to the safety of the students because when cars are parked along Pico Boulevard in front of the adjacent property students cannot be seen behind parked cars.
- Equitas Academy is conscious about student safety and is good about the implementation of the conditions of approval.
- The need for the shade structure is important because students are released in groups and some groups are exposed to the sun more than others.
- The shade structure will benefit all the children and the community.
- Parents have worked hard during fundraisers for the shade structure as part is funded by a grant and part is funded by parent fundraising.
- Parents are conscious of parking on Constance Street and in the area, which makes the four additional parking spaces on Pico Boulevard important.
- In Pico-Union there are limited safe outdoor spaces to play and parents worked diligently to get the apparatus and want to ensure they have access to it.

SPEAKER COMMENTS NOT SUPPORTING THE PROJECT:

- Upset about the request for a shade zone.
- Concerned about ADA compliance.

- Fundraising should be returned to the parents because government should fund the shade structure.

SPEAKERS COMMENTS CONCERNING THE PROJECT:

Communication Received

Letters – Support:

The Department received one (1) letter via email of support from the Zoning and Land Use Committee of the Pico Union Neighborhood Council, which approved the project in April 2014 and referred it to the general board for a scheduled meeting on July 7, 2014.

Letters – Opposition:

The Department received one (1) letter via email of opposition from a nearby resident, Victor Ibarra, who opposes the proposed changes to the parking along Pico Boulevard.

Conclusion

A review of the submitted documentation and site visit to Equitas Academy Charter School confirm that the conversion and operation of the school has generally adhered to the Conditions of Approval imposed in the Conditional Use Permit, Case No. CPC-2011-1109-CU, which was approved by the Los Angeles City Planning Commission on October 13, 2011. In addition, the construction of a new shade structure in the existing playground area would be compatible with the existing development both on-site and in the surrounding neighborhood, and consistent with General Plan policies.

CONDITIONS OF APPROVAL

The project continues to be subject to all conditions of approval as required by CPC-2011-1109-CU, except as modified below:

Modify Condition A.3. to read as follows:

A. School Conditions

3. Except as modified herein, the project shall be in substantial conformance with the modified site plan submitted by the applicant, stamped "Exhibit F" and attached to the subject case file. This shall be in conjunction with Exhibit "E" approved by the City Planning Commission on November 2, 2011. The shade structure's mesh fabric material shall be in an olive color (#456887).

Modify Condition A.17. to read as follows:

17. Within five years from the issuance of this approval, and once every five years thereafter, the applicant/property owner shall file a Plan Approval application to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the carpool program, the management of circulation impacts of parking associated with special events and any documented noise impacts from parking operations on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the Director of Planning shall issue a determination. Such determination may modify the existing terms and conditions, add new terms and conditions or delete one or more of them, all as deemed appropriate. The application shall include the following minimum information:

Modify Condition B.28. to read as follows:

B. Other Conditions

28. **Loading Zone.** The drop-off/pick-up zone along the south side of Pico Boulevard should be limited to the school's frontage and the neighboring property to the west with addresses that include 1716, 1726 and 1740 W. Pico Boulevard subject to the approval of the Department of Transportation. Our estimate is that six parking spaces along the school frontage and four parking spaces along the neighboring property frontage to the west could be converted to a part-time passenger loading zone during school drop-off/pick-up hours, Monday through Friday 7:00 a.m.-8:30 a.m., Monday through Thursday 3:00-4:00 p.m., and Friday 1:30-4:30 p.m. The school should call DOT's Central District Office at 213-972-4990 to determine the appropriate hours of operation for this new passenger loading zone.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented, or occupied by a person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 M of the Los Angeles Municipal Code states that in part: "It shall be unlawful to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction."

APPEAL PERIOD - EFFECTIVE DATE

This Determination is not a permit or license, and any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this Determination is violated or is not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions, as stipulated in the Los Angeles Municipal Code.

The Determination in this matter will become effective fifteen (15) days after the mailing date of this Determination, unless an appeal is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/ incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.planning.lacity.org**. The Department of City Planning public offices are located at:

Downtown Office: Figueroa Plaza
201 North Figueroa Street, 4th Flr.
Los Angeles, CA 90012
Phone: (213) 482-7077

Valley Office: Marvin Braude Building
6262 Van Nuys Boulevard, Rm. 251
Van Nuys, CA 91401
Phone: (818) 374-5050

Verification of condition compliance with building plans and/or building permit applications is conducted at the Development Services Center of the Department of City Planning, at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the San Fernando Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling the number above or through the Department of City Planning website at <http://planning.lacity.org>. The applicant is further advised to notify any project representatives or consultants of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedures Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located in the Westlake Community Plan, which was adopted by the City Council on September 16, 1997. The Plan Map designates the subject property for Commercial Manufacturing and Low Medium Residential land uses with corresponding zones of RD1.5, RD2, RD3, RD4, RD5, RU, RZ2, RZ3, RZ4, and RD5 and Height District No. 1. The subject property contains approximately 34,310 square feet (0.78 acres) and is currently zoned CM-1 and RD1.5-1-HPOZ. The zones permit uses consistent with one-family dwellings two-family dwellings, multiple dwellings or group dwellings, apartment houses, parks, playgrounds or community center that are owned and operated by a government agency, and some manufacturing and industrial establishments as specified in the LAMC as well as educational uses with a Conditional Use permit. The subject site is not located within any Specific Plan, but is located in the Pico Union 2 Redevelopment Project.
2. **General Plan Text.** The Westlake Community Plan text includes the following relevant land use discussion:

To secure appropriate locations and adequate facilities for schools to serve the needs of the existing and future population.

To site schools in locations complementary to existing land uses and in locations which will enhance community identity.

Encourage compatibility in school locations, site layout, and architectural design with adjacent land uses and community character, and as appropriate, use schools to create a logical transition and buffer between different uses.

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

While the Framework Element references the City's participation in working with the Los Angeles Unified School District in the planning and coordination of public schools, it does not specifically address efforts with charter schools. To that end, however, enabling the continued use of the school would be consistent with a several important goals, objectives, and policies of the Framework Element, including:

Schools - GOAL 2

Appropriate locations and adequate facilities for schools to serve the needs of existing and future population.

Objective 3-1 To site schools in locations complementary to existing land uses and Community character.

Policy 3-1.2 Retain existing school sites within the Community Plan area.

3. **Charter Findings:** Pursuant to Section 556 of the city Charter, the subject Conditional Use is in substantial conformance with the purposes, intent and provisions of the General Plan. The Los Angeles Municipal Code permits the filing, review, and determination of conditional use applications as outlined in Section 12.24.

B. Condition Compliance Findings

The following table documents the Conditions of Approval imposed in the Conditional Use grant, Case No. CPC-2011-1109-CU, and the Director's findings regarding each condition's compliance status:

Conditions of Approval	Compliance Status
<u>A. School Conditions</u>	
1. The public charter elementary school shall be limited to the 25,000-square-foot building and a 4,234 square-foot outdoor play area.	In Compliance. The applicant's condition compliance report submitted as part of the Plan Approval application, states that the school currently occupies a space of 24,057 square feet, which is also reflected in the Certificate of Occupancy (Certificate No. 101305) issued by the Department of Building and Safety on October 29, 2012. The site plan stamped by City Planning Staff and dated March 8, 2012 shows a playground area of 2,500 square feet, which does not exceed the outdoor play area permitted by the Conditional Use grant. The project therefore complies with this condition.
2. The use of the subject property shall be limited to a public charter elementary school, grades K-5, with a school enrollment of 450 students and 27 staff members, including 18 classroom teachers, 4 resource/enrichment teachers, and 5 administrative employees.	In Compliance. The applicant's condition compliance report submitted as part of the Plan Approval application, states that the school's enrollment for the 2013-2014 school year consists of: 449 students, 22 teachers and 5 administrative staff. Student enrollment listed by grade includes Kindergarten: 85, First: 128, Second: 104, Third: 67 and Fourth: 65. The school's student enrollment and school staff comply with the Conditional Use grant.
3. The use and development of the site shall be in substantial conformance with the revised site plan labeled Exhibit "E". Minor adjustments shall be allowed in order to comply with this approval. Any modifications shall be reviewed and approved by the City Planning Department, prior to the issuance of a building permit.	In Compliance. Verification of substantial conformance with the revised site plan labeled Exhibit "E" was conducted by City Planning Staff that approved the final plans on March 8, 2012. Additionally, a site visit on May 30, 2014 confirmed that the use and development of the site was in substantial conformance with the approved site plan.
4. Use Restrictions: a. Rental or lease of the facilities is not permitted. (The term "rental of the facilities" is not dependent	In Compliance. The Declaration of Malka Borrego dated July 30,

Conditions of Approval	Compliance Status
<p>upon the payment of a fee. The use by homeowner and civic groups, for example, is not permitted.)</p> <p>b. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application, pursuant to Section 12.27-1.15 of the Municipal Code, and is granted such request.</p> <p>c. Filming for commercial purposes shall be prohibited on the property. Student filming and filming for school promotional purposes shall be permitted, provided that such filming is not done outdoors after dark where the use of artificial light is employed.</p> <p>d. No incidental gaming activities as defined in Section 12.21-A.13 shall be permitted on the site.</p>	<p>2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school premises including its parking lot have not been used, rented or leased to any outside person or entity, commercial filming or gaming activities. This Declaration is included in the case file. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school premises including its parking lot have not been used, rented or leased to any outside person or entity, commercial filming or gaming activities. This Declaration is included in the case file. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school premises including its parking lot have not been used, rented or leased to any outside person or entity, commercial filming or gaming activities. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school premises, including its parking lot, have not been used, rented or leased to any outside person or entity, commercial filming or gaming activities. The project therefore complies with this condition.</p>
<p>5. Hours of operation shall observe the following limitations:</p> <p>a. For classroom instruction: 7:30 a.m. to 3:30 p.m., Monday through Friday. Tutoring may occur two Saturdays per month for a maximum of 50 students.</p> <p>b. For after school child care program for a maximum of 50% of the student body between 3:30 p.m. to 6:00 p.m. Monday through Friday.</p>	<p>In Compliance. The applicant's condition compliance report submitted as part of the Plan Approval application, states that Equitas Academy's hours of classroom instruction are from 7:30 a.m. to 3:30 pm, Monday through Friday. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that tutoring on Saturdays only occurred for three months. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the after school program at the school involves between 200 and 225</p>

Conditions of Approval	Compliance Status
<p>c. Not more than 2 "Special Events" per month are authorized. School administrative board meetings and parent/teacher meets are excluded from the definition of "Special Events." Special events such as parent-student conferences, committee meetings, and fundraisers would not exceed 2 events per month, and no more than one event on a single day. Special events shall conclude at 6:00 p.m. Any special event expected to attract more than 150 people shall be held off-site.</p> <p>d. Motorized sweeping of the parking lots and driveways and motorized landscape maintenance shall occur only between the hours of 8 a.m. and 6 p.m., Monday through Saturday.</p> <p>e. Unless otherwise provided in these conditions, the above hours shall be permitted during a regular school year running approximately September through June.</p>	<p>students during weekdays, Monday through Friday, during the school year, which does not exceed 50 percent of the student body. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states the school holds two special events a school year, the Spring and Winter Dances, at rented space in the Los Angeles Convention Center. People attending these special events park their vehicles at the Convention Center. As shown in the List of Special Events submitted as Attachment J to the Plan Approval application, shows two monthly meetings are held at the school site. The aforementioned Declaration further explains that one monthly meeting with the School Director and parents is held off-site at the Kopling House at 8:00 a.m. on the third Wednesday of the month. Most parents walk to this meeting and park off-site at the Kopling House. The second monthly meeting is a School Site Council meeting that is held on-site at 4:00 p.m. on the fourth Wednesday of the month. The attendees of these meetings are the members of the School Site Council composed of six parents, six teachers and two administrative staff. The parents on the School Site Council utilize the 18 parking spaces that are made available by the Kopling House. The school makes a donation to the Kopling House for the use of parking spaces. A payment log and copies of checks were submitted to the plan approval application on June 9, 2014. These documents are included in the case file. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school does not use any motorized sweeping of its parking lot or driveway. The project therefore complies with this condition.</p> <p>In Compliance. An Equitas Academy 2013-2014 school calendar submitted as Attachment B to the Plan Approval application, shows that the first day of classroom instruction began on September 3, 2013 and the last day of classroom instruction ended on June 20, 2014. The project therefore complies with this condition.</p>
<p>6. The school shall submit a detailed Physical Education schedule and plan including three staggered times from 11:00 a.m. - 11:30 a.m., 11:30 a.m. - 12:00 p.m.,</p>	<p>In Compliance. A physical education schedule submitted as Attachment D to the Plan Approval application, shows</p>

Conditions of Approval	Compliance Status
and 12:00 p.m. -12:30 p.m.	<p>staggered times from 11:00 a.m. to 11:20 a.m., 11:20 a.m. to 11:40 a.m. and 11:40 a.m. to 12:00 p.m. for 2nd to 4th grades. There are additional staggered times for K and 1st grades and combo K/1st and K/2nd that include: 12:00 p.m. to 12:30 p.m., 12:30 p.m. to 1:00 p.m., 1:00 p.m. to 1:30 p.m., 1:30 p.m. to 2:00 p.m. and 2:00 p.m. to 2:30 p.m. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, further explains that classes are not staggered but the lunch times are 11:00 a.m. - 11:30 a.m., 11:30 a.m. - 12:00 p.m., and 12:00 p.m. -12:30 p.m. The school does not have recess period, but instead has physical education periods which are led by school staff. During lunch times, approximately one-third of the students would eat lunch in the multi-purpose room, one-third would have physical education in the outdoor playground and one-third would remain in their classrooms. Condition No.6 does not limit physical education to the three time periods. Attachment D includes the three staggered times referenced in the Condition and other staggered times scheduled for physical education. The school expanded the staggered schedule to limit the number of students participating at any one time to one or two classes for safety and manageability purposes. The project therefore complies with this condition.</p>
<p>7. At least 15 permanent, striped parking spaces shall be provided.</p>	<p>In Compliance. The school complies with this condition by maintaining 15 parking spaces as shown on the site plan approved by City Planning on March 8, 2012. Additionally, a site visit on May 30, 2014 confirmed that there are 15 permanent striped parking spaces. The project therefore complies with this condition.</p>
<p>8. The school shall implement a Traffic Management Program with a Trip Reduction Plan to the satisfaction of the Department of Transportation and the City Planning Department prior to the issuance of a certificate of occupancy. The Traffic Management Plan shall include:</p> <p>a. The school shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the City Planning Department at the same time. The school shall maintain a progressive disciplinary system of enforcement in which the third violation shall result in suspension of the involved student(s) from school. The school administration</p>	<p>In Compliance. The Department of City Planning verified condition compliance on February 23, 2012 as shown in Permit Application No. 11016-20000-23159. As a result of complying with the Conditions of Approval, including this condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p> <p>In Compliance. A letter to parents for a pick-up and drop-off plan submitted as Attachment E to the Plan Approval application shows the requirements of this Conditional Use grant and outlines the school's policy for picking up and dropping off students. Also, a part of Attachment E is a Violation Letter to parents. Any student who violates the pick-up and drop-up policy is</p>

Conditions of Approval	Compliance Status
<p>shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the property.</p> <p>b. Five or more parking monitors in orange vests or other distinctive attire shall be located at the drop off and pick up hours to maintain smooth ingress to and egress from the areas. An additional monitor shall also be located at the south side of Pico Boulevard to assist student/parents while walking crossing Constance Street. Monitors shall report any violations to the school administration, including any off-campus drop offs or pick-ups which are observed, and applicable license plate numbers. Monitors shall ensure pedestrian safety by prohibiting and reporting violations including: drop-off/pick-up along Constance Street, double parking along Pico Boulevard and Constance Street, and block of driveways along Constance Street.</p> <p>c. School staff will be directed to arrive at the site prior to commencement of student drop-off operations.</p> <p>d. Parents/guardians will be directed to drop-off or pick-up students on Pico Boulevard and not on surrounding neighborhood streets, including Constance Street.</p>	<p>subject to disciplinary action which is progressive discipline up to suspension and/or expulsion. A Student Transportation Declaration form submitted as Attachment E, provides transportation information for each student which includes student name, grade, mode of transportation, vehicle make/model and vehicle license plate number. On June 9, 2014, the applicant submitted additional parking information including the teacher parking schedule for the 2013-2014 school year which shows 11 assigned parking spaces at the site and 11 assigned parking spaces at the Kopling House. The school is required to mail a copy of all the rules regulating school traffic and parking; however, the case file for Case No. CPC-2011-1109-CU does not include a copy of the traffic and parking requirements for the 2012-2013 school year. As part of the Conditional Use grant, the applicant shall submit a copy of the traffic and parking requirements for each school year.</p> <p>In Compliance. Photographs of traffic monitors in orange and yellow vests submitted as Attachment E to the Plan Approval application, shows more than five parking monitors assisting students during either pick-up or drop-off. On June 9, 2014, the applicant submitted additional parking information including a valet violation log for October 2013 to May 2014, first and second valet violation letters and a letter to a parent for revocation of valet. The project therefore complies with this condition.</p> <p>In Compliance. On June 9, 2014, the applicant submitted a document with the header "Common Picture – Breakfast/Arrival," dated June 3, 2013, which shows that prior to the school start time at 7:30 a.m. parents set up cones at the drop-off area at 7:00 a.m. There is a morning huddle with teachers at 7:15 a.m. and teachers arrive at their classroom no later than 7:20 a.m. The project therefore complies with this condition.</p> <p>In Compliance. The drop-off and pick-up plan submitted as Attachment E to the Plan Approval application specifies where students can be dropped-off and picked-up and clearly states that surrounding streets including Constance Street shall not be used as a drop-off or pick-up location. Using surrounding streets is considered a valet violation and subject to</p>

Conditions of Approval	Compliance Status
<p>e. Students will be directed to not cross Pico Boulevard or Constance Street in the middle of the block at any time. The students will be directed to cross to the campus at signalized or stop sign controlled intersections.</p> <p>f. The parking and student drop-off/pick-up operations shall be included in the school policy. These school policies should be communicated to faculty, staff, students and parents at the beginning of the school year and be reinforced throughout the school year and should include information on parking operations, campus access and circulation, and student drop-off/pick-up operations. Additionally, contact information including phone number and contact person will be posted on signs at the project site building with notice that an appropriate person to contact regarding school-related traffic and parking issues.</p> <p>g. Appointing an overall school traffic coordinator for the program, appointment of parent coordinators for each class, distribution of literature explaining the program, distribution of family names and phone numbers so that parents can identify potential carpool opportunities, and requiring parents to sign a contract for carpool plan participation.</p> <p>h. Investigating or implementing distribution of public transit passes or subsidies for faculty and administrators.</p>	<p>disciplinary action as evidenced in Attachment E. The project therefore complies with this condition.</p> <p>In Compliance. The drop-off and pick-up plan submitted as Attachment E to the Plan Approval application specifies that students are required to use a signalized crosswalk to the east at Union Avenue or to the west at Bonnie Brae to legally cross Pico Boulevard. The project therefore complies with this condition.</p> <p>In Compliance. The drop-off and pick-up plan submitted as Attachment E to the Plan Approval application shows the requirements of this Conditional Use grant and outlines the school's policy for picking up and dropping off students. Adequate contact information is provided on the drop-off and pick-up plan, visible at the front office and available on the school website. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that Malka Borrego is the appointed School Traffic Coordinator. The Declaration further states that parent coordinators encourage carpooling and make available other parent's names and phone numbers to facilitate carpooling. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school provides a subsidy of \$60 for employees who carpool, which appears in their paycheck or provides a monthly reimbursement to employees for the cost of using public transit. The project therefore complies with this condition.</p>
<p>9. Special Event Parking.</p> <p>a. For Special Events at the property that are expected to attract more than 15 vehicles, parking for vehicles in excess of the 15th vehicle shall be provided by attendant parking or at an off-site location which the school shall secure, to the satisfaction of the City Planning Department. Those persons attending</p>	<p>In Compliance. A List of Special Events submitted as Attachment J to the Plan Approval application, shows the date, the type of special event, number of attendees and the location of parking. The list of special events indicates that parking is located mostly off-site. On</p>

Conditions of Approval	Compliance Status
<p>the event shall be instructed not to park on public residential streets. Attendees shall also be instructed in writing to park in such off-site parking locations and/or the school shall make available parking attendant(s).</p> <p>b. The school administration shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject property or other designated off-site parking locations and being turned away due to insufficient parking capacity.</p> <p>c. The school has submitted the following events that may trigger vehicle trips to the location including school staff parking needs that include:</p> <ul style="list-style-type: none"> • Annual August parent orientations (50 attendees) • Annual Winter and spring performances that are held off-site • Annual Parent conferences (average 10 parents every 30 minutes) • Monthly, 3rd Wednesday meeting at 8:00 a.m. (60 attendees) • Monthly, 4th Wednesday meeting at 4:00 p.m. (60 attendees) • Monthly, one Saturday parent meeting from 10 a.m. to 12:00 p.m. (50 attendees) <p>The school shall secure additional off-site parking agreements to ensure no overflow parking and traffic congestion along Constance Street and other local residential streets in close proximity to the school. The school shall submit copies of signed agreements for the secured off-site (Kopling House at 12th Street &</p>	<p>June 9, 2014, the applicant submitted to the file flyers to parents for various special events which indicates off-site parking at The Pico Union Project (formerly known as Welsh Presbyterian Church) at 1133 Valencia Street and the Kopling House at 1225 S. Union Avenue. A letter from the Catholic Kolping Society of America submitted as Attachment G to the Plan Approval application, confirms that the Kopling House allows the school to use their parking lot. At the public hearing, the applicant confirmed that the school obtains a verbal confirmation to use the parking lot at Angelica Lutheran Church and Welsh Presbyterian Church for each event and then makes a donation to the church for the use of the parking lot. Proof of payment to these organizations and correspondence confirms that off-site parking is organized for special events. The project therefore complies with this condition.</p> <p>In Compliance. On June 9, 2014, the applicant submitted additional parking information including the teacher parking schedule for the 2013-2014 school year which shows 11 assigned parking spaces at the site and 11 assigned parking spaces at the Kopling House. Special event flyers to parents were also submitted to the file which shows the location of off-site parking at either the Welsh Presbyterian Church at 1133 Valencia Street or the Kopling House at 1225 S. Union Avenue. The project therefore complies with this condition.</p> <p>In Compliance. A letter from the Catholic Kolping Society of America dated July 7, 2012 submitted as Attachment G to the Plan Approval application, confirms that the Kopling House will allow the school to use their parking lot. At the public hearing, the applicant confirmed that the school obtains a verbal confirmation to use the parking lot at Angelica Lutheran Church and Welsh Presbyterian Church for each event and then makes a donation to the church for the use of the parking lot. Proof of payment to these organizations and correspondence confirms that off-site parking is organized for special events. The school currently does not currently have signed agreements with these organizations that specify off-site parking locations have been secured including the number of parking spaces. The project therefore complies with this condition.</p>

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<p>Union Avenue and Angelica Lutheran Church at 1345 South Burlington Avenue) locations to the Department of City Planning file to demonstrate compliance that off-site parking locations have been secured including the number of parking spaces.</p>	
<p>10. All exterior signs shall be of an identification or directional type and shall be limited the size and locations submitted to and approved by the City Planning Department prior to the issuance of building permits.</p>	<p>In Compliance. A site visit on May 30, 2014 confirmed that the school has one wall sign on the Pico Boulevard frontage, which identifies the school name. The Department of City Planning reviewed and approved elevations which included the wall sign on February 21, 2012. The project therefore complies with this condition.</p>
<p>11. The property owner shall instruct companies who deliver to do so between 8:30 a.m. and 1:00 p.m., but outside the stated hours of student drop-off/pick-up.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that companies who deliver to the school are instructed to do so between the hours of 8:30 a.m. and 1:00 p.m. by Malka Borrego and school staff. These specified delivery hours are outside of the hours of student drop-off and pick-up. The project therefore complies with this condition.</p>
<p>12. An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the City Planning Department upon its approval.</p>	<p>In Compliance. An Emergency Procedures Plan submitted as Attachment H to the Plan Approval application includes letters from the Los Angeles Fire Department and Los Angeles Police Department that agrees with and approves the Emergency Procedures Plan. The project therefore complies with this condition.</p>
<p>13. A security plan shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the Commanding Officer of the Central Area Division a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the City Planning Department.</p>	<p>In Compliance. A Security Plan submitted as Attachment I to the Plan Approval application includes a letter from the Los Angeles Police Department that agrees with and approves the Security Plan. The project therefore complies with this condition.</p>
<p>14. The property shall be internally secured when not in use.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school premises have a security system which includes an alarm system, camera at every door, and an electronic entry system that communicates with the</p>

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	school office. The project therefore complies with this condition.
<p>15. All lighting shall be directed onto the site. Floodlighting shall be designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school has outdoor lights on the exterior of the building along Pico Boulevard that shine down on the building. Additionally, there are three pole lights in the parking and playground area on the southern perimeter of the open area that are directed downward onto the school premises as demonstrated in a photograph attached to the Declaration. The project therefore complies with this condition.</p>
<p>16. Noise Mitigation.</p> <p>a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.</p> <p>b. Solid masonry walls, at the property lines adjoining residential uses shall be maintained.</p> <p>c. No amplified music or loud non-amplified music is permitted outside.</p> <p>d. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school does not have or use the following outside: amplified music, a compressor, exterior bells and/or other noisy equipment. The project therefore complies with this condition.</p> <p>In Compliance. A site visit on May 30, 2014 confirmed that there are solid masonry walls along the west and south property lines adjoining residential uses. Additionally, photographs submitted as Attachment O to the Plan Approval application show the proper maintenance of the masonry walls along the west and south property lines. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school does not have or use the following outside: amplified music, a compressor, exterior bells and/or other noisy equipment. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school does not have or use the following outside: amplified music, a compressor, exterior bells and/or other noisy equipment. The project therefore complies with this condition.</p>

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<p>e. No exterior bells are permitted.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school does not have or use the following outside: amplified music, a compressor, exterior bells and/or other noisy equipment. The project therefore complies with this condition.</p>
<p>17. One year from the issuance of a Certificate of Occupancy for the school, the property owner shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property. The matter shall be set for public hearing with appropriate notice. The purpose of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the carpool program, the management of circulation impacts of parking associated with special events and any documented noise impacts from parking operations on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the City Planning Commission shall issue a determination. Such determination may modify the existing terms and conditions, add new terms and conditions or delete one or more of them, all as deemed appropriate. The application shall include the following minimum information:</p> <p>a. The number of students enrolled by Grade level.</p>	<p>In Compliance. A Certificate of Occupancy submitted as Attachment L to the Plan Approval application has an issuance date of October 29, 2012, thus requiring a Plan Approval application to be filed on or before October 29, 2013. A Plan Approval application was filed on March 24, 2014. The applicant elected to delay the Plan Approval application, while awaiting a response about a grant for a new shade structure. A new shade structure would require a modification to the approved site plan via a Plan Approval. By delaying the Plan Approval application the applicant could address the requirement for condition compliance, but also include modifications to the approved site plan for the new shade structure in the playground area and modifications to the conditions related to the passenger loading zone for drop-off and pick-up. A public hearing notice was sent 24 days in advance of the hearing to property owners and occupants within 500 feet of the subject property. On June 2, 2014, a public hearing was held by a Hearing Officer. There were 11 people present at the public hearing of which nine people provided public testimony. The speakers were mostly in support of the project except one speaker who opposed the project because the request for a shade structure, that the shade structure is partially funded by parent fundraising and concerns about compliance with the American Disabilities Act. The conditions of approval have been modified to allow the proposed shade structure in the playground and to extend the passenger loading zone further west along Pico Boulevard terminating at Burlington Avenue subject to the approval of the Department of Transportation. This condition has also been modified to require the applicant to file a Plan Approval application to review the effectiveness of, and the level of compliance with, the terms and conditions of the Conditional Use grant. As modified, the project complies with this condition.</p> <p>In Compliance. The applicant's condition compliance report submitted as part of the Plan Approval application, states that the school's enrollment for the 2013-2014 school year consists of 449 students. Student enrollment listed by</p>

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<p>b. Operational changes to the school such as hours of operation and parking policy. The school shall annually monitor their loading zone and related traffic patterns during the drop-off and pick-up hours; if there are neighborhood cut-through problems that could be resolved through neighborhood traffic calming measures (like speed bumps, temporary turn restrictions, or changes to the loading zone) then the school shall work with the affected residents, Council Office, and the DOT to determine the appropriate course of action. Prior to considering traffic calming measures through the City, the school shall exhaust all efforts on their part to correct the problem while working with the affected residents.</p> <p>c. The implementation status of the traffic monitoring report set forth in Condition No. 8. Copies shall be simultaneously sent to the Council Office and to all interested parties who have requested such notification.</p>	<p>grade includes Kindergarten: 85, First: 128, Second: 104, Third: 67 and Fourth: 65. The school's student enrollment and school staff comply with the Conditional Use grant.</p> <p>In Compliance. Photographs submitted as Attachment K to the Plan Approval application show heavy traffic congestion on Pico Boulevard during peak drop-off and pick-up hours. The applicant is requesting four additional parking spaces along Pico Boulevard to be used on school days for drop-off and pick-up queuing during the hours of 6:30 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday. These four parking spaces are located on the south side of Pico Boulevard, and include frontage of its western neighbor, the Sofa Company. This would enable Equitas Academy to significantly reduce the amount of congestion during school drop-off/pick-up hours. On April 21, 2014, the neighboring property owner at 1716, 1726 and 1740 W. Pico Boulevard, Nick Ostroff, signed a Petition Requesting Change of Existing Time Limit Parking Restriction (Department of Transportation form) consenting to modify the parking meters in front of his property from a 1-hour Parking, 9:00 a.m. to 6:00 p.m., Monday through Saturday to Passenger Loading 6:30 a.m. to 9:00 a.m., and 1:30 p.m. to 4:00 p.m., Monday through Friday; and 1-Hour Parking 9:00 a.m. to 1:30 p.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. On May 22, 2014, Ray Lau of the Department of Transportation (DOT) responded in an email that the Petition was received and validated by DOT Staff and that after the issuance of the Plan Approval determination a work order will be prepared for the loading zone extension. On July 7, 2014, Councilmember Gilbert Cedillo who represents Council District 1 in which the school is located submitted a letter of support for the requested modifications to the conditions of approval for the shade structure and four additional parking spaces along Pico Boulevard. Conditions Nos. 17.b. and 28 are modified to allow a passenger loading zone during school drop-off and pick-up hours subject to the approval of the Department of Transportation. As modified, the project complies with this condition.</p> <p>In Compliance. This Determination Letter will be sent to Councilman Gilbert Cedillo of Council District 1 in which the site is located and to attendees who signed-in at the public hearing held on June 2, 2014. The project therefore complies with this condition.</p>

Conditions of Approval	Compliance Status
<p>d. A summary listing of attendance at each special event and identification of the events which utilized on-site parking only and which utilized off-site parking.</p> <p>e. The status of participation in efforts to develop a comprehensive and effective schedule for staggering drop off and pick up times as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated, and possibly duplicative traffic patterns.</p>	<p>In Compliance. A List of Special Events submitted as Attachment J to the Plan Approval application, shows the date, the type of special event, number of attendees and the location of parking. The project therefore complies with this condition.</p> <p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the time frame for drop-off and pick-up of students is established in Condition No. 28 and is adhered to. The school believes that the current drop-off and pick-up operation works well to accommodate numerous parents who have multiple children attending the school that are in different grades, and consequently has not implemented any staggering of the drop-off and pick-up time. A Traffic Management Plan and photographs submitted as Attachment E to the Plan Approval application, include a pick-up and drop-off plan for parents which shows the requirements of this Conditional Use grant. Also included in Attachment E is a Student Transportation Declaration and Valet Violation Letters. During the public hearing Malka Borrego, Founder and Executive Director of the Equitas Academy Charter School, stated that initially complaints from neighbors were received regarding the use of surrounding streets during drop-off and pick-up hours. These complaints were received via phone calls and emails. Malka Borrego stated at the public hearing that a response was provided within 24 hours of receiving concerns. The entire drop-off and pick-up operation occurs within a 45 minute time frame within the stated hours, and is therefore sensitive to surrounding property owners. There was no specific opposition from the public regarding the drop-off and pick-up times at the public hearing on June 2, 2014 or received thereafter. The project therefore complies with this condition.</p>
<p>18. All school administrators, faculty, and school board members shall be provided a copy of the instant determination.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that The Conditional Use determination letter has been distributed to all school staff and Equitas Board Members. Additionally, Equitas has included in the school website details and information about the Conditional Use and its operational conditions of approval. The project therefore complies with this condition.</p>

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<p>19. Subject to LADWP approval of the transformer location, a revised site plan shall be submitted relocating the trash enclosure from the southeast corner of the school parking lot to the northerly portion of the parking lot adjacent to the school building, directly across from the original proposed location.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the transformer's location in the southeast corner of the parking lot was required by the Department of Water and Power. This is evidenced by the finals plans stamped by City Planning on March 8, 2012 and the issuance of the Certificate of Occupancy (Certificate No. 101305) by the Department of Building and Safety on October 29, 2012. The project therefore complies with this condition.</p>
<p>20. The school shall implement a program with their school parents and students to discourage students and parents from purchasing from street vendors to decrease the demand for such vendors and discourage their siting in close proximity to the school on the public right-of-way.</p>	<p>In Compliance. The Declaration of Malka Borrego dated July 30, 2014, Founder and Executive Director of the Equitas Academy Charter School, states that the school has established a compliant phone number, (213) 201-0440, to address complaints and or concerns including issues with street vendors. Such calls are referred directly to Malka Borrego. This phone number also appears on the Equitas website and on all correspondence. The project therefore complies with this condition.</p>
<p>21. A revised Landscape Plan shall be submitted. The parking area shall be planted with trees at a ratio of one tree for every four surface parking spaces. The trees shall be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the parking stall area in summer after 10 years growth when the sun is at its zenith at local solar time at the summer solstice.</p>	<p>In Compliance. Verification of a revised landscape plan which contains one tree for every four parking spaces with an overhead canopy that will shade at least 50 percent of the parking stall area was conducted by City Planning Staff that approved the final landscape plan on March 8, 2012. The project therefore complies with this condition.</p>
<p>22. A revised Site Plan shall be submitted showing an increased width between the Kindergarten classrooms along Pico Boulevard. The width shall match the proposed "Skylit Concourse."</p>	<p>In Compliance. Verification of a revised site plan which contains increased width between the Kindergarten classrooms along Pico Boulevard that matches the proposed "Skylit Concourse" was conducted by City Planning Staff that approved the final site plan on March 8, 2012. The project therefore complies with this condition.</p>
<p>23. Revised Site, Roof, and Elevation plans shall be submitted showing the addition of skylights and/or windows. Windows/skylights shall be added to every classroom with no existing windows/skylights and shall provide at least one 4 feet by 8 feet or two 4 feet by 4 feet windows/skylights.</p>	<p>In Compliance. Verification of a revised site plan, roof plan and elevations which contain the addition of at least one 4 feet by 8 feet or two 4 feet by 4 feet windows/skylights to every classroom with no existing windows/skylights was conducted by City Planning Staff that approved the final plans on February 21, 2012 and March 8, 2012. The project therefore complies with this condition.</p>

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<p>24. The students shall not be allowed to congregate on Pico Boulevard, including during the drop-off/pick-up hours.</p>	<p>In Compliance. A letter to parents for pick-up and drop-off submitted as Attachment E to the Plan Approval application outlines the school policies for picking up and dropping off students. All students are personally escorted to their parents' vehicles by Equitas Academy staff during pick-up and are quickly escorted to the facility during drop-off. Students are not allowed to congregate on Pico Boulevard. The project therefore complies with this condition.</p>
<p><u>B. Other Conditions</u></p>	
<p>25. Street Dedications/Improvements. No street dedication and/or street improvements (i.e., roadways, curbs, gutters, sidewalks, street lights and street trees) are required in association with the granting of this Conditional Use Permit.</p>	<p>In Compliance. As specified in the condition, no dedications and/or improvements are required thus none are provided. The project therefore complies with this condition.</p>
<p>26. Driveway Access. No new driveways shall be permitted on the site.</p>	<p>In Compliance. Verification of the number of driveways was conducted by City Planning Staff that approved the final plans on March 8, 2012. Additionally, a site visit on May 30, 2014 confirmed that the subject site maintains the existing driveway on Constance Street, which provides access to the surface parking area and does not include new driveways. The project therefore complies with this condition.</p>
<p>27. Loading. Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location and path of travel of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.</p>	<p>In Compliance. Verification of the location and path of travel of loading areas was conducted by City Planning Staff that approved the final plans on March 8, 2012. Additionally, a letter to parents for pick-up and drop-off submitted as Attachment E to the Plan Approval application outlines the school policies for picking up and dropping off students. All students are personally escorted to their parents' vehicles by Equitas Academy staff during pick-up and are quickly escorted to the facility during drop-off. Students are not allowed to congregate on Pico Boulevard. Also, a part of Attachment E is a Violation Letter to parents. Any student who violates this policy is subject to disciplinary actions. The project therefore complies with this condition.</p>
<p>28. Loading Zone. The drop-off/pick-up zone along the south side of Pico should be limited to the school's frontage. Extending it for the entire block would reduce parking for other properties on Pico. Our estimate is that six parking spaces along the proposed school frontage could be converted to a part-time passenger loading zone during school drop-off/pick-up</p>	<p>In Compliance. A site visit on May 30, 2014 confirmed that the school worked with the Department of Transportation as the six parking spaces along the school frontage as passenger loading signs were posted. The applicant is requesting four additional parking spaces along Pico Boulevard to be used on school days for drop-off</p>

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<p>hours, Monday through Friday 7:00 a.m.-8:30 a.m., Monday through Thursday 3:00-4:00 p.m., and Friday 1:30-4:30 p.m. The school should call DOT's Central District Office at 213-972-4990 to determine the appropriate hours of operation for this new passenger loading zone.</p>	<p>and pick-up queuing during the hours of 6:30 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday. These four parking spaces are located on the south side of Pico Boulevard, and include frontage of its western neighbor, the Sofa Company. This would enable Equitas Academy to significantly reduce the amount of congestion during school drop-off/pick-up hours. On April 21, 2014, the neighboring property owner at 1716, 1726 and 1740 W. Pico Boulevard, Nick Ostroff, signed a Petition Requesting Change of Existing Time Limit Parking Restriction consenting to modify the parking meters in front of his property from a 1-hour Parking, 9:00 a.m. to 6:00 p.m., Monday through Saturday to Passenger Loading 6:30 a.m. to 9:00 a.m., and 1:30 p.m. to 4:00 p.m., Monday through Friday; and 1-Hour Parking 9:00 a.m. to 1:30 p.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. On May 22, 2014, Ray Lau of the Department of Transportation responded in an email that the Petition was received and validated by DOT Staff and that after the issuance of the Plan Approval determination a work order will be prepared for the loading zone extension. The condition will be modified to include the additional parking spaces adjacent to the school. Subject to the approval of DOT, the project complies with the modified condition.</p>
<p>29. Parking Meters. Installation of a passenger loading zone along Pico would require modifications to the posted signs along Pico and to the parking meters. For any changes to the parking meters, Ray Lau from DOT's Meter Operations should be consulted - Ray's number is 21 3-473-8270.</p>	<p>In Compliance. The current drop-off and pick-up zone located along the school's frontage on the south side of Pico Boulevard contains the appropriate passenger loading signage issued by the Department of Transportation (DOT). On May 22, 2014, Ray Lau of the DOT confirmed via email that the passenger loading zone will be extended further west of the project site along the south side of Pico Boulevard adjacent to the property at 1716, 1726 and 1740 W. Pico Boulevard after the issuance of this determination letter. Subject to the approval of DOT, the project complies with this condition.</p>
<p>30. Parking Restrictions. Along the south side of Pico, parking is restricted during the morning peak hours of 7 AM to 9 AM. This parking restriction would need to be eliminated to accommodate the passenger loading zone. The school should also consult with DOT's Central District Operations to determine if any street striping changes (associated with the new loading zone and revisions to the parking restrictions) are needed.</p>	<p>In Compliance. The school coordinated with DOT to establish the current drop-off and pick-up zone located along the school's frontage on the south side of Pico Boulevard. The school has also coordinated with DOT and the adjacent property owner to the west to address extending the drop-off/pick-up zone further west in front of the property located at the property at 1716, 1726 and 1740 W. Pico Boulevard after the issuance of this determination letter. Subject to the approval of DOT, the project complies with this condition.</p>

Conditions of Approval	Compliance Status
<p>31. Maintenance. The subject property including any associated parking facilities, sidewalks, parkways, and landscaped setbacks adjacent to the exterior walls along the all property lines shall be maintained in an attractive condition and shall be kept free of trash and debris.</p>	<p>In Compliance. On May 30, 2014 a site visit was conducted and it appeared that there is regular maintenance. The subject site was free of trash and debris within the school site including any associated parking facilities, sidewalks, parkways, and landscaped setbacks adjacent to the exterior walls along the property lines. During the site visit, the landscaping within the "greenwall" along the east property line appeared as though it was not thriving as well as the project's other landscaped areas. The applicant addressed this at the public hearing held on June 2, 2014 and stated that this was the second planting for the "greenwall" on the east elevation because the first planting attracted too many bees. The project does include an irrigation system. The second planting may need additional time to establish its growth. The project complies with this condition.</p>
<p>32. Revocable Permit. A revocable permit shall be obtained from the Department of Bureau of Engineering to allow a 1-foot encroachment along Constance Street to provide landscape for a "greenwall."</p>	<p>In Compliance. The Department of Public Works issued Revocable Permit No. R-1250-0043 on July 20, 2012 for the purpose of a new wall mounted trellis flush at the face of the existing building with 12-inch by 12-inch vine pockets encroaching 12 inches into the public right-of-way of Pico Boulevard and Constance Street (per A-Permit, A2012-001043). The project therefore complies with this condition.</p>
<p><u>C. Environmental Conditions</u></p>	
<p>33. Graffiti. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.1 5.</p>	<p>In Compliance. On May 30, 2014 a site visit was conducted and there was no graffiti visible from a street or alley. The project complies with this condition.</p>
<p>34. Light. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.</p>	<p>In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>

Conditions of Approval	Compliance Status
<p>35. Glare. The exterior of the proposed building(s) shall be constructed of materials such as high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.</p>	<p>In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>36. Demolition, Grading, and Construction Activities.</p> <p>a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.</p> <p>b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.</p> <p>c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.</p> <p>d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.</p> <p>e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.</p> <p>f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.</p> <p>g. Trucks having no current hauling activity shall not idle but be turned off.</p>	<p>In Compliance (Condition Nos. 36 a through g). A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>37. Air Pollution. An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of</p>	<p>In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case</p>

Conditions of Approval	Compliance Status
the Department of Building and Safety.	No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.
38. Green House Gas Emissions. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.	In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.
39. Asbestos. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.	In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.
40. Lead Paint. Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices	In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits

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shall be implemented pursuant to OSHA regulations.	including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.
<p>41. Polychlorinated Biphenyl - Commercial and Industrial Buildings. Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.</p>	<p>In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>42. Demolition, Grading, and Construction Activities.</p> <p>a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.</p> <p>b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.</p> <p>c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.</p> <p>d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.</p> <p>e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.</p>	<p>In Compliance (Condition Nos. 42 a through e). A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>43. Noise Levels (Demolition, Grading, and Construction Activities).</p> <p>a. The project shall comply with the City of Los</p>	<p>In Compliance (Condition Nos. 43 a through d). A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County</p>

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<p>Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.</p> <p>b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.</p> <p>c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.</p> <p>d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.</p>	<p>Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>44. Parking Wall. A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.</p>	<p>In Compliance. A site visit on May 30, 2014 confirmed that there are six-foot high solid masonry walls along the west and south property lines adjoining residential uses. Additionally, photographs submitted as Attachment O to the Plan Approval application show the proper maintenance of the masonry walls along the west and south property lines.</p>
<p>45. Fire. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.</p>	<p>In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>46. Vehicle Trips/Congestion. a. Construction Impacts. DOT recommends that construction work site traffic control plan be submitted by DOT'S Central District Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends</p>	<p>In Compliance (Condition Nos. 46 a through d). A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check</p>

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<p>that all construction related traffic be restricted to off-peak hours.</p> <p>b. School Signs/Passenger and School Bus Loading Zones. Four months prior to opening the new school, the applicant should contact DOT's Central District Office at (21 3) 928-9725, to coordinate the installation of any necessary traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones. DOT's Central district Office, in consultation with the charter school, shall determine what signs, pavement markings, parking restrictions and loading zones, if any, should be installed.</p> <p>c. Driveway Access and Circulation. The project proposes to utilize the existing site driveway on Constance Street. Any changes to this driveway, to the project's access and circulation scheme, or to loading/unloading and drop-off/pick-up areas for the project require separate review and approval and should be coordinated as soon as possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, at 213-482-7024) to avoid delays in the building permit approval process. In order to minimize and prevent last minute building design changes, it is imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early in the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. All new driveways should be Case 2 driveways and 30 feet wide.</p> <p>d. Development Review Fees. An ordinance adding Section 19.1 5 to the Los Angeles Municipal Code relative to application fees paid to the Department of Transportation for permit issuance activities was adopted by the Los Angeles City Council. Ordinance No. 180,542, effective March 28, 2009, identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this new ordinance</p>	<p>process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>47. Utilities (Local Water Supplies – Landscaping).</p> <p>a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to</p>	<p>In Compliance (Condition Nos. 47 a and b).</p> <p>A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits</p>

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<p>lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).</p> <p>b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following: Weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; drip/microspray/subsurface irrigation where appropriate; minimum irrigation system distribution uniformity of 75 percent; proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; use of landscape contouring to minimize precipitation runoff; and a separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. And greater.</p>	<p>including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>48. Utilities (Local Water Supplies - All New Construction).</p> <p>a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.</p> <p>b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.</p> <p>c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.</p> <p>d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.</p> <p>e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)</p>	<p>In Compliance (Condition Nos. 48 a through e).</p> <p>A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>49. Utilities (Solid Waste Recycling - Operational).</p> <p>Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.</p>	<p>In Compliance.</p> <p>A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits</p>

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	including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.
<p>50. Utilities (Solid Waste Recycling – Construction/Demolition). Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.</p>	<p>In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>
<p>51. Utilities (Solid Waste Recycling – Construction/Demolition). To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.</p>	<p>In Compliance. A Master Covenant and Agreement was recorded for the subject property at the Los Angeles County Recorder's Office on March 1, 2012 involving Case No. CPC-2011-1109-CU, Condition Nos. 1 through 59. Furthermore, prior to obtaining building permits including a Certificate of Occupancy, the Department of Building and Safety ensures environmental conditions are complied with during the plan check process and also requires a recorded covenant and agreement. As a result of complying with the Conditions of Approval, including this environmental condition, the Department of Building and Safety issued a Certificate of Occupancy (Certificate No. 101305) on October 29, 2012 for the subject property. The project therefore complies with this condition.</p>

C. Plan Approval Findings

Pursuant to Los Angeles Municipal Code Sections 12.24.M, I hereby accept and incorporate the original findings of the City Planning Commission's action for this conditional use case, find that the continued use and proposed school additions conform to the purpose and intent of the findings required for a conditional use, and adopt the following additional findings:

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The project approved by the Conditional Use Permit, Case No. CPC-2011-1109-CU, for the conversion of an existing vacant one-story industrial warehouse building and its surface parking lot into a new public charter elementary school campus with a total floor area of 25,000 square feet serving 450 students in grades Kindergarten to 5th and 27 full-time staff. The campus contains 18 classrooms, a multi-purpose/lunch area, an approximately 4,234-square-foot outdoor open play area, administrative offices, a teacher's lounge, a surface parking area with 15 parking spaces and an on-street drop-off and pick-up on Pico Boulevard.

The conversion of the former warehouse building to charter elementary school campus enhanced the built environment in the neighborhood by the replacement and restoration of the building's windows, articulation of the building's front façade on Pico Boulevard, restoration of the building's entrance on Pico Boulevard and existing brick and the planting of vines to create "greenwalls" along the southern and eastern facades of the building to control graffiti and acoustics. The former warehouse's existing low wall and chain link fence with barbed wire were removed and replaced by a six-foot high concrete masonry wall and the existing parking lot was reconfigured to accommodate an outdoor landscaped play area and surface parking area with 15 spaces.

A portion of the project site, Lot 14 (1317, 1319, 1321 S. Constance Street) and Alley Vac Ord 8074, is located within the Pico-Union Historic Preservation Overlay Zone (HPOZ) and includes a historic designation as a "Non-Contributing" feature. This portion of the site was improved with a surface parking lot that served the vacant warehouse building, but currently functions as 4,234-square-foot outdoor play area and a 15-space surface parking lot for the school campus. The same "Non-Contributing" designation applies to the residential parcels on Constance Street adjoining the site to the south and directly opposite the site to the east. The three-story apartment building at 1320 S. Burlington Avenue, whose rear lot line adjoins the project site, has been designated as a "Contributing" feature under the HPOZ Historic Resources Survey. The playground is screened from public view by a 15-space surface parking lot on the eastern edge of the playground area and a concrete masonry wall and fence along the Constance Street frontage.

The school is requesting to modify Condition No. 3 to revise the site plan to include the proposed shade structure in the existing 4,234-square-foot outdoor play area. The proposed new shade structure is a mesh fabric that will screen up to 99 percent of the sun's ultraviolet rays, in a roughly quadrilateral shape that will be stretched between four supporting posts, with its tallest portion being approximately 12 feet in height. A portion of the project site, Lot 14 (1317, 1319, 1321 S. Constance Street) and Alley Vac Ord 8074, is located within the Pico-Union Historic Preservation Overlay Zone (HPOZ) and includes a historic designation as a Non-Contributing Feature. This portion of the site is improved with a 15-space surface parking lot and a 4,234-square-foot outdoor play area and is the area where the proposed shade structure is to be located. The addition of the proposed shade structure, as another piece of playground equipment, will not change the existing character of the school or the way it affects the built environment.

On June 26, 2014, Nora Dresser, the Planner assigned to the Pico-Union HPOZ, responded via email that the proposed project was taken to the Pico-Union HPOZ Board as a delegated item and the Board concurs with the HPOZ Planner's recommendation for the proposed shade structure to include the Olive color (#456887) for the mesh fabric material of the proposed shade structure to be compatible with the rear façade of the adjacent three-story apartment building to the west of the playground. The recommended Olive color (#456887) for proposed shade structure's mesh fabric is included in the Conditions of Approval.

The school is also requesting to modify Condition No. 28 regarding the current drop-off/pick-up loading zone on the south side of Pico Boulevard, along the school's frontage, by including up to four additional parking spaces located to the west of the school's frontage, on the block between Burlington Avenue and Constance Street, to add four parking spaces to the existing six parking spaces that are currently used for loading. The adjacent property to the west includes addresses at 1716, 1726 and 1740 W. Pico Boulevard and is operating as a furniture store whose business hours are currently 9:00 a.m. to 5:00 p.m. weekdays. This property currently has four parking spaces demarcated along Pico Boulevard along the property's frontage. Inclusion of these spaces in the passenger loading zone would restrict parking on weekday mornings from 6:30 a.m. to 9:00 a.m., Monday through Friday, and on weekday afternoons from 1:30 p.m. to 4:00 p.m., Monday through Friday. The additional spaces are desired to aid in queuing that builds up during morning drop-off and afternoon pick-up.

On April 21, 2014, the neighboring property owner at 1716, 1726 and 1740 W. Pico Boulevard, Nick Ostroff, signed the Petition Requesting Change of Existing Time Limit Parking Restriction (Department of Transportation Form) consenting to modify the parking meters in front of his property from a 1-hour Parking, 9:00 a.m. to 6:00 p.m., Monday through Saturday to:

- Passenger Loading 6:30 a.m. to 9:00 a.m., and 1:30 p.m. to 4:00 p.m., Monday through Friday; and
- 1-Hour Parking 9:00 a.m. to 1:30 p.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday; and
- 1-Hour Parking 9:00 a.m. to 6:00 p.m. on Saturday.

On May 22, 2014, Ray Lau of the Department of Transportation (DOT) responded via email that the DOT Form, Petition Requesting Change of Existing Time Limit Parking Restriction, was received and validated by DOT Staff and that after the issuance of the Plan Approval determination a work order will be prepared for the loading zone extension. Extending the passenger loading zone for the pick-up and drop-off of students for four additional parking spaces in front of the adjacent property to the west, which includes addresses at 1716, 1726 and 1740 W. Pico Boulevard is subject to the approval by the Department of Transportation and is included in the Conditions of Approval.

The new elementary school also provides an essential function and service that benefits the local community. The Equitas Academy Charter K through 5 Elementary School has been in operation since September 2012 at this site, and allows children in the Pico Union neighborhood to attend a local tuition-free public elementary school in a small school environment that emphasizes small classes and high academic standards. With a 2013 API score of 894, Equitas Academy is one of the highest performing schools in the Los Angeles

Unified School District. Other LAUSD public elementary schools in the area, located 0.4 to 0.6 miles away, have higher enrollments than what Equitas Academy enrolls. An increase in the area of the pick-up and drop-off area, beyond the current six parking spaces, and the addition of the shade structure in the playground area, will contribute to the smooth functioning of the school's operations and provide a better environment for the outdoor play area.

Therefore, the continued use and proposed expansion of the existing school will provide a service that is both essential and beneficial to the community.

2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject property is an approximately 0.78-acre, (34,310-square-foot) rectangular-shaped lot located at the southwest corner of Pico Boulevard and Constance Street. The site has frontage of 146 feet along Pico Boulevard and a uniform depth of 235 feet. The front portion of the project site is zoned CM-1 with a Commercial Manufacturing land use designation and the rear portion of the project site is zoned RD1.5-1-HPOZ with a Low Medium residential land use designation in the Westlake Community Plan Area. The CM-1 zoned portion of the site was developed with an industrial warehouse building prior to the establishment and conversion to the charter elementary school. The RD1.5-1-HPOZ zoned portion of the site was developed with a surface parking lot prior to the establishment and development of the outdoor playground area and 15-space surface parking lot.

Surrounding properties to the north include commercial uses, light industrial and a church to the north across Pico Boulevard in the CM-1 Zone; two-story multi-family uses to the south in the RD1.5-1-HPOZ Zone; a furniture store and three-story multi-family uses to the west in the CM-1 and RD1.5-1-HPOZ Zones; and an armored car company and multi-family uses in the CM-1 and RD1.5-1-HPOZ Zones to the east across Constance Street. The subject site is located in an urban area characterized by a mix of land uses ranging from multifamily residences, vacant lots and commercial uses.

In granting the conditional use permit in 2011, the City Planning Commission approved the applicants request that the area requirements for the project site shall be set forth in the approved site plan and such requirements shall supersede the area regulations of the Zoning Code, pursuant to LAMC Section 12.24 F. The City Planning Commission also found that the location of the school on the site was desirable to the public convenience and welfare, that the proposed school project was proper in relation to adjacent uses or the development of the community, and that the proposed use would not be materially detrimental to the character of development in the immediate neighborhood. The school's activities occur primarily during the daytime with only periodic evening functions. The school adaptively reused the former vacant warehouse building, without increasing its size, to create an 18-classroom school building and modified the surface parking lot to create a playground area on approximately the rear 40 percent of the RD1.5 zoned property, set well back (83 feet) from Constance Street. The Conditions of Approval imposed by the City Planning Commission were designed to ensure the compatibility of the school's operations with the surrounding neighborhood.

As the condition compliance report demonstrates, the school has substantially complied with the conditions of approval in terms of its development and operations, and has not adversely affected or degraded adjacent properties, the surrounding neighborhood, or the public

health, welfare and safety. The requested addition of the proposed shade structure in the playground area will have minimal effect on the school's operations, as its basic function will be to shade the existing playground equipment and filter out harmful ultraviolet rays. The the Pico Union HPOZ Planner, Nora Dresser, recommends that the shade structure mesh fabric be Olive color (#456887) in order to be compatible with the rear façade of the adjacent three-story apartment building to the west of the playground. Similarly, the addition of an additional four parking spaces to the Pico Boulevard drop-off and pick-up loading zone will have no detrimental effect since the hours of restricted parking will occur before the general business hours of the adjacent furniture store at 1726 W. Pico Boulevard, with only a small interruption in the afternoon.

Therefore, as conditioned, the project's operations and significant features will continue to be compatible with and will not adversely affect the surrounding neighborhood.

3. The project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Westlake Community Plan Map designates the CM-1 zoned lots (the lots along the Pico Boulevard frontage) for Commercial Manufacturing land uses, corresponding to the CM Zone, and designates the balance of the property, the RD1.5-1-HPOZ lot fronting on Constance Street, for Low Medium Residential, corresponding to Rd1.5, 2, 3, 4, 5, RU, RZ2.5, 3, 4, 5 Zones. The provisions of the CM Zone permit public schools through the conditional use process of LAMC Section 12.24. Public schools are also allowed in the RD1.5 Zone through the conditional use process.

The General Plan does not specifically address provisions or standards for charter schools, although it encourages "public schools [to] provide a quality education for all of the City's children, including those with special needs, and adequate school facilities to serve every neighborhood in the City so that students have an opportunity to attend school in their neighborhoods." The Westlake Community Plan encourages "secure appropriate locations and adequate facilities for schools to serve the needs of the existing and future population." The finding was previously made that the proposed construction and improvement of the school's facilities will not alter the scale of the development in the immediate area. As such, the charter elementary school will be in harmony with the neighborhood and the community plan area. The General Plan consistency findings adopted previously continue to apply.

In light of the consistency of the proposed project with the aforementioned references to the Westlake Community Plan, the proposed project substantially conforms to the purpose, intent and provisions of the General Plan and the Westlake Community Plan.

D. Environmental Findings (CEQA).

The previously issued Mitigated Negative Declaration (MND), ENV-2011-1110-MND, adopted by the Los Angeles City Planning Commission on October 13, 2011, analyzed a project consisting of the conversion, use and maintenance of an existing one-story, 25,000-square-foot commercial and warehouse building for the establishment of a charter elementary school serving grades K through 5, with a maximum enrollment of 450 students with approximately 75 students in each grade.

A Plan Approval application is requested for the determination of project's compliance with the Conditions of Approval imposed in the Conditional Use Permit, Case No. CPC-2011-1109-CU,

which was approved by the Los Angeles City Planning Commission on October 13, 2011. The Plan Approval application also includes a request to modify the Conditions of Approval and site plan to permit a 596-square-foot shade structure in the existing playground area and to permit four additional parking space along Pico Boulevard to be used on school days for drop-off and pick-up queuing during the hours of 6:30 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday subject to the approval of the Department of Transportation. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the changes do not trigger the need for additional environmental analysis. The previously adopted MND (ENV-2011-1110-MND) adequately serves as environmental clearance for the project.

MICHAEL J. LOGRANDE
Director of Planning

Approved by:




Daniel Scott, Principal City Planner

Reviewed by:



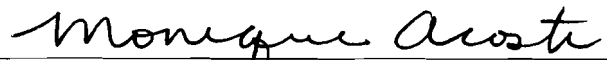
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cc: Council District Office No. 1 c/o Sergio Infanzon
Pico Union Neighborhood Council
Interested Parties of Record c/o Luis Rodriguez, Kelli Kilty, Josefina Galan, Maria E. Lara, Loyda E. Flores,
Monica Gonzalez