

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2020-4095-ZV-CU-SPR-1A	ENV-2020-4096-CE	1 - Cedillo
PROJECT ADDRESS:		
1608-1636 West Pico Boulevard and 1321-1331 South Union Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Margaret Ford, Equitas Academy Charter Schools 1700 West Pico Boulevard Los Angeles, CA 90015 <input type="checkbox"/> New/Changed	213-201-0440	
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jack Rubens, Esq., Sheppard, Mullin, Richter, and Hampton LLP 333 South Hope Street 43 <sup>rd</sup> Floor Los Angeles, CA 90071	213-620-1780	jrubens@sheppardmullin.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
1. Andrew and Yasmin Corona 2. Aurora Corona 3. Denise Heesy, Heesy Corp. 4. Gloria Farias, Pico Union Housing Corp. 5. Michael Rivera 6. Nicholas Heller, Heesy Corp. 7. Yolanda Gutierrez 8. Nery O Larios Vasquez	1. 213-380-1940 2. 213-793-1502 3. 818-881-2347 4. 213-747-2790 5. 213-281-9912 6. 818-881-2347 7. 323-447-3369 8. 323-301-6051	1. ajcym@sbcglobal.net 2. pinkiedee007@yahoo.com 3. dlch1@aol.com 4. ada@loacs.com 5. mikesonetime@hotmail.com 6. heller.nicholas@gmail.com 7. yolandacgutierrez319@gmail.com 8. lariosnery@yahoo.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
4. Ada R. Cordero-Sacks, Esq., The Law Offices of Ada R. Cordero- Sacks	818-343-0100	ada@loacs.com; jlpena@loacs.com; cbalcazar@loacs.com; oarceo@loacs.com; cflores@loacs.com; cgodinez@loacs.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Alex Truong	213-978-3308	alexander.truong@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Zone Variance, Conditional Use, Site Plan Review		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

Zone Variance, Conditional Use, Site Plan Review

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☒ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☒ Other

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- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other

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- ☐
- ☐

**NOTES / INSTRUCTION(S):**

N/A

**FISCAL IMPACT STATEMENT:**☒ Yes☐ No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
November 19, 2020	6-1
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
December 23, 2020	December 15, 2020 – December 23, 2020
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Alex Troung	January 5, 2021



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: DEC 08 2020

Case No. CPC-2020-4095-ZV-CU-SPR  
CEQA: ENV-2020-4096-CE  
Plan Area: Westlake

Council District: 1 – Cedillo

**Project Site:** 1608 – 1636 West Pico Boulevard; 1321 – 1331 South Union Avenue

**Applicant:** Margaret Ford, Equitas Academy Charter Schools  
Representative: Jack Rubens, Esq., Sheppard, Mullin, Richter and Hampton LLP

At its meeting of **November 19, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Conversion of an existing commercial building for the operation of two charter elementary schools (Grades K-4) totaling 53,262 square feet of floor area with a combined maximum enrollment of 1,000 students. The building will include 38 classrooms, a multi-purpose room, administrative office, and an open play area on the second level. Required parking will be provided in an adjacent surface parking lot located at 1321 – 1331 South Union Avenue.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Sections 15301(Class 1) and 15332 (Class 32), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.27 B of the Los Angeles Municipal Code (LAMC), a Zone Variance to allow off-site parking to be located across the alley at 1321 – 1331 South Union Avenue in lieu of on-site parking as required by LAMC Section 12.21 A.4(f);
3. **Approved**, pursuant to LAMC Section 12.24 U.24, a Conditional Use Permit for the construction, use, and maintenance of two charter elementary schools (grades K-4);
4. **Approved**, pursuant to LAMC Section 12.24 F, a Conditional Use Permit for the construction, use, and maintenance of two charter elementary schools (grades K-4) with deviations in height and area requirements, as follows:
  - a. A one-foot, 1.5-inch front yard setback; and
  - b. To maintain the existing side and rear yard setbacks;
5. **Approved**, pursuant to LAMC Section 12.24 W.37 a Conditional Use Permit to maintain the existing public parking areas in the R Zone;
6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a change of use which results in a net increase of 1,000 or more average daily vehicle trips;
7. **Adopted** the attached Modified Conditions of Approval; and
8. **Adopted** the attached Findings.



The vote proceeded as follows:

Moved: Millman  
Second: Perlman  
Ayes: Ambroz, Choe, Khorsand, Leung  
Nay: Lopez-Ledesma  
Absent: Mack

**Vote: 6 – 1**

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** DEC 23 2020

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure,  
Appeal Facts Sheet

c: Heather Bleemers, Senior City Planner  
Oliver Netburn, City Planner  
Alexander Truong, City Planning Associate

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 22, 2020)

Pursuant to Sections 12.27-B,24, 12.24-U,24, 12.24-F, 12.24-W,37 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A", and attached to the subject case file.
2. **Use.** The use of the property shall be limited to a school, for Grades TK (Transitional Kindergarten) through 4, with a maximum combined enrollment of 1,000 students. Any increase beyond the maximum enrollment, up to a maximum increase of 20 percent, shall require an application for a Conditional Use Plan Approval which may be delegated to the Director of Planning for initial decision. Any such application to increase enrollment beyond 1,000 students shall provide evidence of compliance with the conditions of this grant, that increased enrollment will not adversely impact traffic and parking in the surrounding neighborhood, and include appropriate environmental clearance.
3. **Floor Area.** The total size of all buildings on the subject property shall be limited to approximately 53,262 square feet.
4. **Building Height.** The project shall be permitted a maximum building height of 33 feet.
5. **Setbacks:**
  - a. The project shall be permitted to maintain the existing rear and side yard setbacks.
  - b. The project shall be permitted a 1-foot and 1.5 inch front yard setback.
6. **Design.**
  - a. All mechanical equipment on the roof the subject building shall be screened from view of abutting properties.
  - b. The main building entry along Pico Boulevard and closest to Union Avenue shall include hardscape elements that can function as a seating amenity. This can be achieved with the planter acting as seating.
  - c. Interior classrooms in the middle and central portion of the building shall each have a window oriented towards the adjacent hallway space. In addition, per Exhibit A, the classrooms shall incorporate either Lighting Option I or Lighting Option II.
7. **Parking:**
  - a. **Vehicle Parking.** The project shall provide at least the minimum required amount of vehicle parking consistent with the provisions of Section 12.21-A,4 of the LAMC.

- b. Parking provided at 1321-1331 South Union Avenue shall not be utilized for events or uses occurring at offsite locations unless the property owner files a shared parking application pursuant to Section 12.27-I, 15 of the LAMC and such request is granted.
- c. Prior to issuance of a building permit, the applicant shall execute a covenant to the satisfaction of the Department of City Planning to provide 54 parking spaces located at 1321-1331 South Union Avenue for the exclusive use and benefit of the Equitas School, located at 1608-1636 West Pico Boulevard.

8. **Landscaping:**

- a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
- b. The project shall provide a minimum of three landscaped "finger island" planters within the surface parking lot, as depicted on the plans in Exhibit "A".
- c. Prior to the issuance of a certificate of occupancy, a minimum eight-foot high wall made of slumpstone, decorative masonry, or other similar screening material shall be constructed along the southern and western property lines of the parking lot located at 1321-1331 South Union Avenue, if and to the extent no such wall exists, and a wrought-iron fence shall be constructed along the eastern property line of such parking lot, as depicted in the plans in Exhibit A.
- d. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted on-site for every four surface parking spaces.
- e. 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 easternmost most row of vehicle parking stalls (consisting of 13 spaces) after 10 years of growth.
- f. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining approval from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.

9. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.

10. **Signage.** All exterior signs shall be of identification or directional type and shall be limited in size and locations shown on the plans in "Exhibit A" or otherwise submitted to and approved by the Department of City Planning prior to the issuance of building permits.

11. **Sustainability:**

- a. A minimum of 15 percent of the total roof area shall be reserved for the installation of solar panels. The lowest point of any solar panel may not be more than five feet above the roof line.

- b. All electric vehicle (EV) charging spaces and EV charging stations shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

### **Operational Conditions**

#### **12. Use Restrictions:**

- a. 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.
- b. No incidental gaming activity as described in Section 12.21-A, 13 of the LAMC shall be permitted on the site.

#### **13. Hours of operation:**

- a. Hours of operation for both schools shall be limited to 7:00 a.m. to 6:45 p.m., Monday through Friday, for the regular academic school year, except as otherwise permitted below.
- b. Hours for classroom instruction for both schools shall be limited to 7:30 a.m. to 4:00 p.m., Monday through Friday. Tutoring may occur two Saturdays per month for each school for a maximum of 50 students per school.
- c. Hours for after-school programs shall be limited to a maximum of 50% of the student body of each school and between 3:30 p.m. and 6:30 p.m., Monday through Friday.
- d. Hours for before-school programs shall be limited to a maximum of 25% of the student body of each school and between 6:30 a.m. and 7:30 a.m., Monday through Friday.
- e. Summer school programming shall be limited to a maximum period of four weeks outside of the regular academic school year. Hours for any summer school programming is limited to 8:30 a.m. to 12:30 p.m., Monday through Friday.
- f. Not more than two "Special Events" per month for each school are authorized onsite. School board meetings and parent/teacher conferences are excluded from the definition of "special events." No more than one special event for one school shall occur on a single day. Special events shall conclude at 8:00 p.m. Any special event expected to attract more than 150 people per school shall be held offsite. A copy of the list of special events for each school year shall be posted online on the schools' website.
- g. 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.
- h. With the exception of teacher preparations, normal school maintenance, parent conferences with teachers, school board meetings and similar customary school



activities, there shall be no use of the subject property beyond the hours specified above.

**14. Loading and Unloading:**

- a. Student drop-off/pick-up activities shall be located as indicated on the plans in the Traffic Circulation Plan, Sheet 6, in Exhibit "A". The drop-off/pick-up plan may be modified to the satisfaction of the Los Angeles Department of Transportation (LADOT). Modifications required by the LADOT shall be submitted to the Department of City Planning for the record. Parents/guardians will be directed to drop off or pick up students in compliance with the circulation system shown on the plans in Exhibit "A", as the same may be modified, and not on surrounding neighborhood streets, including Constance Street.
- b. The schools 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 Department of City Planning at the same time for inclusion in the case file. The schools 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 subject property.
- c. The drop-off and pick-up periods for the two schools shall be staggered as follows:
  - i. The drop-off period for the first school shall be approximately 7:30 a.m. to 8:00 a.m. and the drop-off period for the second school shall be approximately 8:00 a.m. to 8:30 a.m.
  - ii. The pick-up period for the first school shall be approximately 2:45 p.m. to 3:15 p.m. and the drop-off period for the second school shall be approximately 3:15 p.m. to 3:45 p.m.
- d. Ten (10) or more monitors, consisting of school staff and parent volunteers wearing orange vests or other distinctive attire, shall supervise the pick-up/drop-off of students during the prescribed hours and maintain smooth ingress to and egress from the subject property. At least one monitor shall be positioned at the eastern end of the alley at Union Avenue and at least one monitor shall be positioned at the western end of the alley at Constance Street to ensure efficient movement of cars entering and exiting the alley to pick up and stop off students. One of the monitors shall be a "traffic ambassador" who is specially employed and trained by the applicant to prevent parents from (i) parking or double-parking on Constance Street and blocking driveways on Constance Street, (ii) queueing their cars on Union Avenue for pick-up or drop-off, (iii) picking up and dropping off students on Constance Street or Union Avenue, (iv) blocking access to the residential parking lot near Constance Street that can be accessed from the alley, and (v) to direct pedestrian traffic along Union Avenue towards the north building entry along Pico Boulevard. The other monitors shall assist and support the traffic ambassador to prevent such violations. The traffic ambassador shall have the authority to take reasonable actions to enforce these requirements and require corrective action. The traffic ambassador shall report any such violations to the school administration and provide applicable license plate numbers.

- e. The traffic ambassador shall be the first point of contact with the community to address any traffic and parking concerns and to work directly and cooperatively with the community to resolve them.
  - f. 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.
  - g. School staff who work at the school at the beginning of the day will be directed to arrive at the site prior to commencement of student drop-off operations.
  - h. 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.
  - i. Activities outside normal instructional hours, including parent teacher conferences, school meetings, and other customary school activities, shall be scheduled so as to adequately provide parking onsite for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity onsite.
  - j. 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. In addition, 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.
  - k. The traffic ambassador shall oversee this program, which shall include 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 pledge for carpool plan participation.
  - l. The applicant shall contact LADOT for an assessment of the school's proposed drop-off/pick-up process and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed. The site plan indicating the driveway access and circulation shall be submitted, reviewed, and approved by LADOT and should be coordinated with LADOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, (213) 482-7024).
15. **24-Hour Hotline.** The school shall provide the public with a 24-hour "hot line" telephone number that shall be attended by a live person during regular hours of operation and all school special events outside of regular hours. If a live person is not available to answer the telephone call, a voicemail system shall be established for members of the public to report any problems associated with the operation of the school. A live person shall respond to all voicemail messages within 24 hours of the call being placed. An email address to submit concerns shall also be established and made available to the public. A

complaint log shall be kept aggregating all live person calls, voicemails, and emails, and shall include the complainant's name, date and time of complaint, phone number and/or email address, the nature of the complaint, the date and time of response to the complaint, and a description of how the issue was responded to or resolved. To the extent feasible, the school shall also keep a record of all voicemails and emails concerning issues with the school's operations. Record of all complaints must be maintained on the premises. Information on how the public can report concerns or complaints shall be posted online on the school's website, and prominently at the school visible from the public right-of-way, for public reference at least 10 days prior to the beginning of each school year. Such records shall be maintained for the period between Planning actions, including between the approval of the case herein and the next subsequent Plan Approval application and between each Plan Approval application. Notwithstanding anything to the contrary in this Condition, with respect to any complaint relating to traffic or parking issues, such complaint shall be promptly referred to the traffic ambassador, who shall respond within 24 hours after the applicable telephone call or voicemail message.

16. **Deliveries.** The applicant shall instruct companies who make deliveries to the subject property to do so between 6:00 a.m. and 1:00 p.m., but not during the stated periods of student drop-off/pick-up.
17. **Trash.** Trash receptacles shall be stored within a fully enclosed structure at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
18. **Maintenance:**
  - a. The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, as well as the sidewalk in front of the subject property, shall be maintained in an attractive condition and shall be kept free of trash and debris.
  - b. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence (or within one business day after such graffiti is discovered if such graffiti occurs on a Friday, Saturday, Sunday or holiday).
19. **Security:**
  - a. 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 Department of City Planning Department upon its approval.
  - b. 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 applicant 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 Department of City Planning.
  - c. The school building shall be internally secured when not in use.

- d. The campus shall be closed after the start of the school until student dismissal times. Students may not leave the campus unescorted at any time during the school day, including at lunch time.

20. **Noise Reduction:**

- 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. The conversion of the building shall include the construction of an acoustical wall, approximately 16 feet in height, at the eastern boundary of the outdoor play area, as shown on the plans in Exhibit "A".
- 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 comply with the applicable provisions in the LAMC.
- e. No exterior bells are permitted.

21. **Plan Approval.** Within three (3) years from the issuance of a certificate of occupancy or temporary 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 subject 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 traffic and circulation impacts associated with school pick-up and drop-off operations and any documented noise impacts from parking operations and activities on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the Department of City Planning shall issue a determination. Such determination may delete, modify the terms and conditions and/or add new terms and conditions, as deemed appropriate. The Department of City Planning may also require one or more subsequent Plan Approval applications, if deemed necessary. The application shall include the following minimum information:

- a. The number of students enrolled. Provide a copy of the ledger to verify enrollment numbers for each school year, including any summer sessions
- b. Operational changes to the school such as hours of operation and pick-up/drop-off policy. The schools shall annually monitor their student loading/unloading area and related traffic patterns during the drop-off and pick-up hours. If there are neighborhood cut-through issues 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 LADOT to determine the appropriate course of action. Prior to considering traffic calming measures through the City, the schools shall exhaust all efforts on their part to correct the issue while working with the affected residents. Prior to filing a Plan Approval application within the required three (3)-year period, within ninety (90) days after the end of each of the first two (2) years of operation, the applicant shall submit to the Department of City Planning and the Council Office a report prepared by a traffic consultant or with the assistance of a traffic consultant that (i) summarizes the effectiveness of the pick-



up/drop-off system during the prior school year, (ii) describes any refinements of that system implemented during the prior school year and that will be implemented during the next school year and (iii) summarizes any substantial concerns, if any, raised by the community during the prior school year and how the applicant responded to those concerns.

- c. Physical modifications involving expansion or change of use or location. Provide a copy of the building permit for any physical modifications and certificate of occupancy for any expansions along with a copy of the Building and Safety-approved plans.
  - d. 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.
22. **Uncured Violation.** Notwithstanding Condition No. 22, if documented evidence should be submitted at any time during the period of the grant that demonstrates continued violation(s) of any condition of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director of Planning shall have the right to require the applicant, school administration or property owner to file for a plan approval application together with the associated fees, to hold a public hearing and review the school's compliance with, and the effectiveness of, the conditions of the grant. The Applicant shall submit a report and supporting documentation pursuant to Condition No. 22, demonstrating compliance with each condition of the grant.
23. **Copies of Determination.** All school administrators, faculty and school board members shall be provided a copy of the subject determination.

### **Administrative Conditions**

25. **Grant.** The Conditional Use grant is non-transferable and shall have no expiration date except as provided under Sections 12.24-M, 12.24-P and 12.24-Q of the Los Angeles Municipal Code.
26. **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 Department of City Planning for placement in the subject file.
27. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
28. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
29. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are

awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of city Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

30. **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.
31. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
32. **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.
33. **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.
34. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
35. **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.
36. **Indemnification and Reimbursement of Litigation Costs**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any

judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

## FINDINGS

### Variance Findings

1. **The strict application of the provision of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The strict application of the Zoning Ordinance would result in practical difficulties for the school. The subject parking lot has provided the parking for the existing commercial building since 1980 under a parking affidavit dated October 7, 1980. Pursuant to Los Angeles Municipal Code 12.21-A,4(f), parking is required to be provided on the same lot with each classroom contained in any elementary school.

The existing commercial building is situated at the intersection of Constance Street and Pico Boulevard. Abutting the southerly side of the building is a 20-foot wide alley that separates the parking lot from the building.

In order to provide the required parking on-site, portions of the building would have to be reduced and demolished. The project proposes no change in the building footprint or operation of the parking lot that services the existing building. Furthermore, the parking lot provides a capacity to queue vehicular traffic during school drop-off/pick-up times thus reducing the potential for queued vehicles within the roadway. This current site configuration provides the functional equivalent of providing on-site parking while minimizing potential for traffic during drop-off/pick-up times as operations are contained within the school and parking lots.

The intent of the regulation prohibiting off-site parking is to limit the distance pedestrians walking from a parking site to the school site. The current site configuration in conjunction with the proposed circulation plan will meet this objective in that the drop-off/pick-up area is immediately at the south entry and will be clearly striped with pedestrian paths. Ultimately, although the parking is provided off-site, the impacts of such will be minimized with the project's site planning and operations. As such, the requirement to provide parking on-site presents an unnecessary hardship that is inconsistent with the intent of the zoning regulations.

2. **That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The existing commercial building is almost entirely built out to the property lines for the school site making the provision of on-site parking infeasible. The existing parking site which has serviced the school site since 1980 is separated by a 20-foot wide alley. Typical properties within the same zone and vicinity have parking provided on-site that are associated with existing buildings such as the property to the north or to the west and are not separated by an alley or other improvements.

Along the south side of Pico Boulevard between the I-110 Freeway and Westlake Avenue is a 0.5 mile stretch of CM zoned properties. Only 15 percent of such properties are abutting an alley to the rear. On the north side of Pico Boulevard along this stretch, no properties are abutting an alley. As such, the only way to improve these properties without a variance would be through vacation of the alley. The project site could not have been merged through a subdivision action because of the alley that bisects the project site. As a consequence, unlike other properties in the same zone and vicinity, the property is not unified with public improvements within its boundaries.



Because the change of use is into an elementary school, parking is required to be provided on-site. In contrast, changes of uses of other types can secure off-site parking without a variance through a covenant with off-site parking being provided within 750 feet, consistent with LAMC Sections 12.21-A,4(g) and 12.26-E,5.

3. **That the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The variance is necessary for the applicant to preserve its property right to convert an existing building into a school use. This substantial property right is possessed by other properties in the same zone and vicinity. CM zoned properties in the vicinity could accommodate the redevelopment of the property because there is already on-site parking associated with such existing buildings within a property unencumbered with public improvements or an alley. Due to special circumstances with the subject property not observed among similar properties within the vicinity and with the requirement to provide on-site parking, the property is denied substantial property right.

The variance would allow for the applicant to provide a public-serving school use associated parking located off-site. While the parking site is located 20 feet from the school site, it is provided in an accessible location for both employees and students that will enter and exit the school site.

Because the building is almost entirely built out to the property lines, there is no additional area within the property to provide the required on-site parking. With the variance, off-site parking will be able to continue to be provided to the school site just as it has functioned with the existing commercial building since 1980.

For these reasons, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

4. **That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The granting of the variance to allow off-site parking will not be materially detrimental to the public welfare. The project is consistent with the intent of the zoning regulations for on-site parking regulations. Implications associated with off-site parking will be minimal due to the distance between the school site and parking lot, being separated by a 20-foot alley that primarily serves as access to the parking lot, and the school's proposed circulation plan with the location of the drop-off/pick-up area. This area mimics the intent of providing on-site parking in that it provides direct access to the school site or entry without any obstruction. Furthermore, between the location of the parking lot and school site, no pedestrian will traverse a public street or any other private property in either direction. There will be no change in the operational relationship between the parking lot and the school site from what currently exists.

Therefore, the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the same zone or vicinity in which the property is located.

**5. That the granting of the variance will not adversely affect any element of the General Plan.**

The project site is located within the Westlake Community Plan, which is one of 35 Community Plans that the Land Use Element of the General Plan is comprised of. The Community Plan designates the site for Low Medium Residential land uses corresponding to the RD1.5, RD2, RD3, RD4, and RD5, RU, and RZ2.5, RZ3, RZ4, RZ5 zones and Commercial Manufacturing land uses corresponding to the CM and P zones. The project site is zoned CM-1, and RD1.5-1-HPOZ and is thus consistent with the existing land use designation. The Westlake Community Plan discusses the demand for new and improved public facilities. In order to acquire a new site or expand an existing site, residential properties must be acquired. An alternative to this that wouldn't decrease the housing stock in the community is to improve existing facilities as a prime consideration. The project is consistent with the following Community Plan goal and objective:

Schools

Objective 1: To secure appropriate locations and adequate facilities for schools to serve the needs of the existing and future population.

Objective 2: To site schools in locations complementary to existing land uses and in locations which will enhance community identity.

The granting of the variance will allow for the conversion of an existing commercial building into a new public charter elementary school with off-site parking. The location of the school is appropriate given that it is a partially occupied site that would benefit from the change of use without acquiring any residential property. The school will further goals, objectives, and policies by meeting the growing demand for school facilities within the community. As such, the granting of the variance will not adversely affect any element of the General Plan.

**Conditional Use Findings**

**6. That 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 applicant is seeking a Conditional Use for the conversion of an existing commercial building for a new public charter elementary school, Equitas Academy 5 and 6, along with deviations in certain development standards. As a tenant improvement project, the new schools will serve a maximum of 1,000 students in Grades K through 4. The project will convert an existing commercial building for the two schools totaling 53,262 square feet. The building will include 38 classrooms, a multi-purpose room, administrative office, and an open play area on the second level. Parking will be provided in an adjacent surface parking lot at 1321-1331 South Union Avenue with 54 parking spaces. As the subject property is currently only partially occupied by Equitas Academy's corporate offices on the second floor, the project will improve an underutilized site with a modern school building and landscaping and hardscape enhancements. Therefore, the project will enhance the built environment.

The project will benefit the public convenience and welfare by providing additional educational opportunities to serve the local community. The Pico Union neighborhood is densely

populated, and local families will benefit from having additional elementary schools in their neighborhood within easy walking or biking distance. The schools will relieve demand on other schools in the area and give neighborhood children an opportunity to attend a public elementary school with rigorous academic standards.

The schools' design and layout will ensure the public welfare and neighboring community will not be negatively affected. The schools will be developed within the footprint of the existing building to preserve the scale and visual character of the neighborhood. The design of the existing building will be updated with new windows, signage, and landscaping improvements to improve the pedestrian experience on the surrounding streets.

For these reasons, the project will enhance the built environment in the surrounding neighborhood and perform a function and provide a service that is essential and beneficial to the community.

**7. That 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 applicant is seeking a Conditional Use for the construction, use, and maintenance of two (2) new public charter elementary schools, Equitas Academy 5 and 6, along with deviations in certain development standards. At completion, the new schools will serve a maximum of 1,000 students in Grades K through 4. The project will convert an existing commercial building for the two schools totaling 53,262 square feet. The building will include 38 classrooms, a multi-purpose room, administrative office, and an open play area on the second level. Parking will be provided in an adjacent surface parking lot at 1321-1331 South Union Avenue with 54 parking spaces.

As the project is converting an existing commercial building and proposes to continue to use the existing parking lot across the alley, a conditional use permit is required for the school use, maintaining the existing side and rear setbacks, a 1-foot and 1.5 inch front yard setback to accommodate exterior retrofitted shotcrete concrete walls that are approximately 1-foot thick, and to maintain the existing parking area in the R zone.

The subject property is located in the Pico Union area within the Westlake Community Plan. The project is a desirable use in the proposed location and will be compatible with surrounding properties and the surrounding area. Because the project will convert an existing two-story building, the project will be compatible with other existing low-rise institutional, commercial and residential buildings in the vicinity.

The façade of the existing building will be updated with new paint, plaster finishing, new windows, metal siding, and clay roof tiles to enhance the visual appeal of the project area. New landscaping will also be provided surrounding and within the project site to improve the pedestrian experience in the immediate area and act as a buffer between the adjacent residential uses. The parking for the schools will be provided in the existing parking lot on the Parking Site, which has provided parking for the School Site for more than 40 years. The parking spaces provided exceed the required number of spaces, and the Parking Site will also accommodate queuing of up to 17 vehicles for student drop-off and pick-up. With the help of parent volunteers during drop-off/pick-up times to assist in guiding vehicular and pedestrian traffic, the operation of the schools will not interfere with traffic in the public right-of-way.

Although the proposed outdoor play area on the second floor is located in proximity to the adjacent mixed-use building to the east, a 16-foot high acoustical wall will be constructed

along the eastern building perimeter to buffer this area from the apartments. The interior side of the wall will include a vertical garden to further increase the sound barrier effect.

A school is a desirable use in the proposed location. The project's physical features and operation will be compatible with the neighborhood and will not adversely affect the community. The proposed school use, the requested deviations in building setbacks, and maintaining parking in the R zone are permitted by Conditional Use in the underlying zone; the project has been designed and conditioned to minimize any potential impacts associated with these features and use. Therefore, 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.

**8. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The project site is located within the Westlake Community Plan area, in the city of Los Angeles. The Community Plan designates the site for Low Medium Residential land uses corresponding to the RD1.5, RD2, RD3, RD4, and RD5, RU, and RZ2.5, RZ3, RZ4, and RZ5 zones and Commercial Manufacturing land uses corresponding to the CM and P zones. The project site is zoned CM-1, and RD1.5-1-HPOZ and is thus consistent with the existing land use designation. The subject property is also within the Pico-Union Historic Preservation Overlay Zone. The subject property is not located within the boundaries of and is not subject to any other specific plan or overlay.

The LAMC permits the use of a school within any zone with the approval of a Conditional Use Permit, to maintain public parking in the R zone, and also allows deviations in certain development standards, including those requested herein. Therefore, the requested Conditional Use Permit for the proposed project is permissible per the underlying zoning and land use designation. The project is also consistent with the following specific goal, objective, and policy of the Community Plan:

Residential

Objective 3: To sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.

Industrial

Objective 4: To improve the quality of industrial developments and to protect the amenities of adjacent areas.

The proposed school use would provide for a compatible neighborhood serving use being located along Pico Boulevard where other commercial, institutional uses are observed. Residential uses are in close proximity further outside of this area and would benefit from the project. Furthermore, the Community Plan discusses the need for public improvements within this area of Pico Union where the project is located. By improving an underutilized site, the project will provide an additional amenity located within an area outside of where existing industrial uses are concentrated. Industrial uses are concentrated within the southern section of the community plan area near the Harbor Freeway and Venice Boulevard

The project is further consistent with other elements of the General Plan, including the Framework Element. The Framework Element was adopted by the City of Los Angeles in

December 1996 and re-adopted in August 2001 and 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. The project supports the following goal and objectives of the Framework Element which relates specifically to schools:

GOAL 9N: “PUBLIC SCHOOLS THAT 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.”

Objective 9.32: “Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.”

Policy 9.32.1: “Work with the Los Angeles Unified School District to ensure that school facilities and programs are expanded commensurate with the City’s population growth and development.”

Policy 9.32.2: “Explore creative alternatives for providing new school sites in the City, where appropriate.”

The project will enable Equitas Academy to continue to provide and expand a valuable public service for the region. Due to high demand in this area, the project will provide a consolidated and permanent campus exclusively for students at Equitas 5 and 6 and will provide additional amenities, all of which will enhance the quality of education that is available to the community. The entire region has experienced increased population growth, and the project will provide a new and enhanced educational facility to better serve the growing community. The proposed school use is desirable for a currently underutilized property in such a neighborhood, and the requested deviations are relatively minor and appropriate to facilitate the provision of a new school site, in keeping with the goals of the General Plan.

The proposed project is entirely consistent with the applicable provisions of the LAMC and the General Plan. The requests herein, including the operation of a new public charter elementary school, maintaining parking in the R zone and to maintain the existing rear and side setbacks along with a reduced front yard setback, are all permissible with the approval of a Conditional Use Permit; such approval will not change the land use designation or zone of the project site and will not restrict or prohibit the use of the site for other permitted uses. The proposed project is a compatible and desirable use in the subject location, and is consistent with the goals of the General Plan. In addition, the operation has been carefully conditioned to ensure compliance with all applicable regulations and to ensure that there will be no negative impacts on the surrounding community.

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. The project will be required to provide dedications along Pico Boulevard and Union Avenue and improvements along Pico Boulevard, Union Avenue, Constance street and the alley. The Department of Transportation submitted a Traffic Impact Assessment of the proposed project, dated October 13, 2020, and that determined that the project would not result in any significant VMT impact. The Mobility Element includes the following objectives and policies relevant to the instant request:

Policy 1.1: Design, plan, and operate streets to prioritize the safety of the most vulnerable roadway user.

Policy 1.3: Prioritize the safety of school children on all streets regardless of highway classifications.

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

The proposed project has been conditioned to provide two student access points on the north side of the building along Pico Boulevard and on the south side along the alley. Recognizing that students will come to the site from every direction, providing for a secondary access will reduce the potential for vehicle and pedestrian conflict. During drop-off/pick-up times, those walking north along Union Avenue towards the school site will be directed away from the alley and south entry to enter along Pico Boulevard. The south entrance along the alley has been designed with safety in mind. Those entering the site from Constance Street will have exclusive access within a pedestrian path along the alley that leads directly to the south entrance. The drop-off/pick-up area has been designed with adequate crosswalk striping to delineate pedestrian paths and as part of the school's circulation plan, the alley will function for one way traffic in the east to west direction. Taken altogether, these measures increase and prioritize pedestrian/school children safety.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The is located within walking distance of surrounding multi-family residential neighborhoods which could reduce the need for students to drive to work and instead walk or bike. The project will be located along Pico Boulevard, a commercial corridor that provides a variety of neighborhood-serving uses. Therefore, the project is in substantial conformance with the goal, objective and policies of the General Plan and does not conflict with any applicable regulations or standards.

Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan.

### **Site Plan Review Findings**

**9. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The project site is located within the Westlake Community Plan area, in the city of Los Angeles. The Community Plan designates the site for Low Medium Residential land uses corresponding to the RD1.5, RD2, RD3, RD4, and RD5, RU, and RZ2.5, RZ3, RZ4, and RZ5 Zones and Commercial Manufacturing land uses corresponding to the CM and P zones. The project site is zoned CM-1, and RD1.5-1-HPOZ and is thus consistent with the existing land use designation. The subject property is also within the Pico-Union Historic Preservation Overlay Zone. The subject property is not located within the boundaries of and is not subject to any other specific plan or overlay.

The LAMC permits the use of a school within any zone with the approval of a Conditional Use Permit, to maintain public parking in the R zone, and also allows deviations in certain development standards, including those requested herein. Therefore, the requested Conditional Use Permit for the proposed project is permissible per the underlying zoning and

land use designation. The project is also consistent with the following specific goal, objective, and policy of the Community Plan:

GOAL 4: “PUBLIC SCHOOLS THAT 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.”

Objective 4-1: “Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.”

Policy 4-1.1: “Explore creative alternatives for providing new school sites in the City, where appropriate.”

The project is further consistent with other elements of the General Plan, including the Framework Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001 and 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. The project supports the following goal and objectives of the Framework Element which relates specifically to schools:

GOAL 9N: “PUBLIC SCHOOLS THAT 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.”

Objective 9.32: “Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.”

Policy 9.32.1: “Work with the Los Angeles Unified School District to ensure that school facilities and programs are expanded commensurate with the City’s population growth and development.”

Policy 9.32.2: “Explore creative alternatives for providing new school sites in the City, where appropriate.”

The project will enable Equitas Academy to continue to provide and expand a valuable public service for the region. Due to high demand in this area, the project will provide a consolidated and permanent campus exclusively for students at Equitas 5 and 6 and will provide additional amenities, all of which will enhance the quality of education that is available to the community. The entire region has experienced increased population growth, and the project will provide a new and enhanced educational facility to better serve the growing community. The proposed school use is desirable for a currently underutilized property in such a neighborhood, and the requested deviations are relatively minor and appropriate to facilitate the provision of a new school site, in keeping with the goals of the General Plan.

The proposed project is entirely consistent with the applicable provisions of the LAMC and the General Plan. The requests herein, including the operation of a new public charter elementary school, maintaining parking in the R Zone and to maintain the existing rear and side setbacks along with a reduced front yard setback, are all permissible with the approval of a Conditional Use Permit; such approval will not change the land use designation or zone of the project site

and will not restrict or prohibit the use of the site for other permitted uses. The proposed project is a compatible and desirable use in the subject location, and is consistent with the goals of the General Plan. In addition, the operation has been carefully conditioned to ensure compliance with all applicable regulations and to ensure that there will be no negative impacts on the surrounding community.

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. The project will be required to provide dedications along Pico Boulevard and Union Avenue and improvements along Pico Boulevard, Union Avenue, Constance street and the alley. The Department of Transportation submitted a Traffic Impact Assessment of the proposed project, dated October 13, 2017, and that determined that the project would not result in any significant VMT impact. The Mobility Element includes the following objectives and policies relevant to the instant request:

Policy 1.1: Design, plan, and operate streets to prioritize the safety of the most vulnerable roadway user.

Policy 1.3: Prioritize the safety of school children on all streets regardless of highway classifications.

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

The proposed project has been conditioned to provide two student access points on the north side of the building along Pico Boulevard and on the south side along the alley. Recognizing that students will come to the site from every direction, providing for a secondary access will reduce the potential for vehicle and pedestrian conflict. During drop-off/pick-up times, those walking north along Union Avenue towards the school site will be directed away from the alley and south entry to enter along Pico Boulevard. The south entrance along the alley has been designed with safety in mind. Those entering the site from Constance Street will have exclusive access within a pedestrian path along the alley that leads directly to the south entrance. The drop-off/pick-up area has been designed with adequate crosswalk striping to delineate pedestrian paths and as part of the school's circulation plan, the alley will function for one way traffic in the east to west direction. Taken altogether, these measures increase and prioritize pedestrian/school children safety.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The is located within walking distance of surrounding multi-family residential neighborhoods which could reduce the need for students to drive to work and instead walk or bike. The project will be located along Pico Boulevard, a commercial corridor that provides a variety of neighborhood-serving uses. Therefore, the project is in substantial conformance with the goal, objective and policies of the General Plan and does not conflict with any applicable regulations or standards.

Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan.

10. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be



**compatible with existing and future development on adjacent properties and neighboring properties.**

The project site consists of four contiguous lots as a corner site currently improved with an existing commercial building at the intersection of Constance Street to the west and Pico Boulevard to the north. The project site includes three contiguous parcels currently improved with an existing surface parking lot fronting Union Avenue to the east. In total, the project site is approximately 56,376 square feet in size. The two areas are separated by a 20-foot alleyway south of the commercial building and north of the parking lot.

Surrounding properties consist of a mixture of commercial and multi-family development. The property to the north across Pico Boulevard is zoned CM-1 and [Q]C2-1 and improved with a one-story commercial buildings and surface parking lot. The property to the east, abutting the commercial building is zoned CM-1 and improved with a three-story mixed-use building. Furthermore, properties to the east of the parking lot across Union Avenue are zoned RD1.5-1-HPOZ and improved with multi-family buildings. The properties to the south of the existing commercial building and parking lot are zoned RD1.5-1-HPOZ and improved with multi-family buildings. The property to the west of the commercial building is zoned CM-1 and improved with a one-story school building for Equitas Academy 1. The properties to the west of the parking lot are zoned RD1.5-1-HPOZ and improved with multi-family buildings.

The project involves the conversion of an existing commercial building for two (2) charter elementary schools (Equitas 5-6 Elementary Schools) for grades K-4 totaling 53,262 square feet with a combined maximum enrollment of 1,000 students. The building will include 38 classrooms, a multi-purpose room, administrative office, and an open play area on the second level.

Each elementary school will have a maximum enrollment of 500 students. The first level will include 24 classrooms for grades K-2 between the two schools as well as a shared multi-purpose room. The second level will include the remaining 14 classrooms for Grades 3 and 4 between the two schools, Equitas' corporate offices, and the outdoor play area. This outdoor play area will be improved with an exterior side acoustical wall 16 feet in height with a vertical garden on the interior side of the wall to be located on the eastern side of the building. Parking will be provided in an adjacent surface parking lot at 1321-1331 South Union Avenue with 54 parking spaces.

Height, Bulk, and Setbacks

The conversion of an existing building will have minimal impacts with regard to height, bulk, and setbacks. There is no change in the building footprint. With the addition of an outdoor play area, a 16-foot acoustical wall will be constructed to buffer the play area from the adjacent neighboring building while still allowing for access to natural daylight. Additionally, two structural walls are proposed on the exterior walls along the façade facing Pico Boulevard and will decrease the existing front yard setback by approximately 1 foot to 1-foot and 1.5 inches. Therefore, the height, bulk, and setbacks of project are consistent with existing development in the immediate surrounding area and will be compatible with the existing and future developments in the neighborhood.

Parking

Vehicular access to the parking site is provided via the two-way alley intersecting with Constance Street to the west or Union Avenue to the east. Vehicular access to the site during drop-off/pick-up times as part of the circulation plan is for ingress to occur along Union Avenue

into alley, directly into the parking lot and within the drive aisles, back into the alley for egress to ultimately occur along Constance Street.

Parking provided for the school site has functioned as a parking site for the existing commercial building since 1980. With the circulation plan directing vehicular traffic into a drop-off/pick-up area that is directly at the south building entry, project operations will minimize conflicts with the adjacent residential uses. Therefore, the parking facilities will be compatible with the existing and future development in the neighborhood.

#### Lighting

Lighting is required to be provided per LAMC requirements. The project proposes lighting at parking lot entrances and exits. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. The Project would also comply with LAMC lighting regulations that include the following: approval of street lighting plans by the Bureau of Street Lighting; limited light intensity from signage to no more than three foot-candles above ambient lighting; and limited exterior lighting to no more than two foot-candles of lighting intensity or direct glare onto specified sensitive uses, under the terms of the LAMC Section 93.0117(b). Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

#### On-Site Landscaping

The project includes new landscaping, including 15 new trees, shrubs and groundcover plantings around the perimeter of the parking site that's adjacent to the neighboring residential property, and four landscaped finger islands in the parking lot. The outdoor play area features a vertical garden on the eastern wall, which will double as an educational amenity for students. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

#### Loading/Trash Area

Pursuant to LAMC Section 12.21-C,6(f), the project is not required to include a designated loading area because the site abuts an alley. Thus, no loading area is proposed.

The Project includes a trash enclosure within the parking lot located along the alley between the parking lot's drive aisles. This location allows for the trash enclosure to be located away from adjacent neighboring uses. Access to the trash area will be provided from the alley between Union Avenue and Constance Street. Therefore, as proposed, the project is compatible with existing and future development on neighboring properties.

### **11. That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

This finding does not apply because it is not a residential project.

#### Environmental Findings

### **12. 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 Zone C, areas outside of a flood zone.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

### OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

#### STEP 1:

Email [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org) with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

#### STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

#### Mail the appeal application to:

Department City Planning - Metro DSC  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

### OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment

# FACT SHEET

## Planning Entitlement Appeals

### Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

### Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org).

## Frequently Asked Questions

### Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—[Downtown, Van Nuys, and West Los Angeles](#)—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this [link](#) to access the online forms and submit the relevant information electronically.

### How long do applicants have to submit a project-related appeal?

An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the [Los Angeles Municipal Code](#) (LAMC) and typically also identified within the LOD.


### Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found [here](#). Both an applicant and “aggrieved party” (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and [Transit Oriented Communities Incentive](#) Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

### Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission





(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

### **How long does the City have to consider the appeal of a land use decision?**

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

### **How (and when) are notifications sent notifying the appellant of their hearing date?**

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

### **Who from City Planning can provide assistance, should there be any questions?**

Planning staff at the DSCs serve as a main point of contact for [general inquiries](#). Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's [Planning Case Tracking System \(PCTS\)](#).

## When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

### *REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS*

*Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.*

*Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.*

*Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.*

*Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.*

### **Commission email addresses:**

City Planning Commission: [cpc@lacity.org](mailto:cpc@lacity.org)

Central Los Angeles Area Planning Commission: [apccentral@lacity.org](mailto:apccentral@lacity.org)

East Los Angeles Area Planning Commission: [apceastla@lacity.org](mailto:apceastla@lacity.org)

Harbor Area Planning Commission: [apcharbor@lacity.org](mailto:apcharbor@lacity.org)

North Valley Area Planning Commission: [apcnorthvalley@lacity.org](mailto:apcnorthvalley@lacity.org)

South Valley Area Planning Commission: [apcsouthvalley@lacity.org](mailto:apcsouthvalley@lacity.org)

South Los Angeles Area Planning Commission: [apcsouthla@lacity.org](mailto:apcsouthla@lacity.org)

West Los Angeles Area Planning Commission: [apcwestla@lacity.org](mailto:apcwestla@lacity.org)


### **Are appellants required to sit through the entire meeting when there are multiple items on the agenda?**

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the “[Events Calendar](#)” on City Planning’s website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for [City Council](#) and [Committees](#).

### **Will the appellant have an opportunity to speak during the hearing?**

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant’s presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant’s presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to





questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

### **What is the format and structure of a typical hearing for a project appeal?**

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.


To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's [website](#) with detailed instructions.

### **How much time does the appellant have to present their argument?**

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

### **Is there a need for the appellant to submit a PowerPoint presentation?**

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should



submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

### **What role does the planner assigned to this project play during the appeal process?**

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

### **What happens after the Appellate Body issues a formal decision, one way or another?**

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

### **When can a CEQA appeal be filed?**

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.



## **When should appellants fill out the CEQA Appeal Form?**

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."