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(213) 978-1300

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

March 11, 2021

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**APPEAL RESPONSE, 2515 WEST BEVERLY BOULEVARD (110 NORTH CORONADO STREET ,114-128 NORTH CORONADO STREET) ; CF # 20-1509**

**Project Background**

The proposed project consists of the redevelopment of the existing surface parking area to accommodate a 2,500 square-foot two-classroom building and approximately 5,700 square-foot outdoor play space serving an existing public charter elementary school (Citizens of the World Charter School). The project will be developed in two phases with the first phase consisting of primarily landscape and hardscape renovations and the second phase to incorporate a new classroom building and bicycle parking.

On October 22, 2020, the City Planning Commission issued a Determination that approved the following actions: 1) Determined based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15314 (Class 14), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and 2) Approved a Conditional Use to permit the operation of a public charter elementary school in the RD5-1 and C2-1 Zones.

On November 1, 2020, an appeal was filed by Claudia Ruano, an adjoining neighbor for the entire decision of the City Planning Commission including the approved entitlements and Categorical Exemption (ENV-2019-6139-CE) as the environmental clearance for the project. The appeal in its entirety is located within Council File No. 20-1509. The following are the appeal point raised by the appellant and the Department of City Planning's response:

**APPEAL POINT:**

The appellant contends that Condition of Approval No. 8 is too general and needs further clarification and expansion. She states that the point of the condition can be missed given

how the condition is currently worded and take no action to “prevent noise beyond certain levels at adjacent uses. She states that clarity is needed to define what type of noises the condition is referring to referring to construction noise or school noise. She requested specificity on what type of emission or noise being created that is prohibited. Furthermore, she states that Condition of Approval No. 19 does not include playground, recreational or even noise from assemblies, and appropriate times for these activities should be established that takes into consideration an open line for communication with affected residents on the RD5-1 zone. The best times for recess and loud recreational play should be decided with the most affected homeowners. Homeowners need to have a say in what are appropriate times for outdoor loud recreational play and assembly type noise. Recreational play should not start at 7 a.m. She states that Condition of Approval No. 8 should be expanded to include a Construction Noise Management Plan and dust control measures shall be followed throughout any construction activities, and include the following practices:

- a) Provide notification to the surrounding single-unit family homes, disclosing the schedule, including the various types of activities that will be occurring throughout the duration of each phase of construction
- b) Applicant shall install and maintain noise curtains/mitigating barriers that are high enough along the residentially zoned concrete wall in the RD 5-1 zone (unless homeowners say it is not necessary).
- c) Post construction site notices at all entrances with the appropriate contact person’s name, and phone number in case of complaints.
- d) The staging area for construction equipment in the parking lot in the RD5-1 zone, will be enclosed and located away from the adjacent property’s sensitive uses on the north (bedroom windows).
- e) Any noise-generating equipment (operating tools, the act of loading and unloading per LAMC 41.40 (A), dealing with quality of life issues) prior to the allowed hours of construction, is prohibited in the RD 5-1 zone.

#### **STAFF RESPONSE:**

The City Planning Commission approved the construction, use, and maintenance of a new 2,500 square-foot classroom building and approximately 5,700 square-foot outdoor play space serving an existing public charter school. The project will not result in the increase in enrollment. The appellant specifically contends that the noise- oriented conditions of approval (Conditions of Approval No. 8, 19 and No. 20) are not specific enough, no restrict enough to prevent noise during the construction phase and the operational phase of the project. The appellant also contends that the construction company that was utilized by the school for a previous phase, did not abide the City rules and regulations during construction. The approved conditions of approval included restrictions on noise (No.8 and No 19), as well as a condition regarding review and compliance (No. 20). Specially Condition of Approval No. 8 requires compliance with the City’s Noise Ordinance, while Condition of Approval No. 19 restricts the use of amplified music or loud non-amplified music, requires that compressors and other equipment limits the use of compressors and other equipment, and restricts the use of a public address system. Many of the concerns of the appellant are addressed in the approved conditions of approval or covered under existing City regulations. Additionally, although, not enumerated as Conditions of Approval, the project is required to abide by all City laws and regulations (Regulatory Compliance Measures) regarding construction and operations. As such, is it not practical to include Regulatory Compliance measures as conditions of approval.

#### **Construction Noise**

The approved project consists of the construction, use, and maintenance of a new 2,500 square-foot classroom building and approximately 5,700 square-foot outdoor play space. As previously mentioned, although not explicitly included as a condition of approval, the project is required by

abide by all existing City laws and regulations related to construction. This includes Los Angeles Municipal Code Section 41.40 which regulates noise from construction activities. Exterior construction activities that generate noise are prohibited between the hours of 9:00 PM and 7:00 AM Monday through Friday, and between 6:00 PM and 8:00 AM on Saturday. Demolition and construction activities are prohibited on Sundays and all federal holidays. The project would comply with LAMC Section 41.40 with respect to regulations applicable to construction. Ordinance No. 178,048, requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.

LAMC Sections 111.0 through 116.01 regulate noise other than from construction. Noise greater than 75 dBA at 50 feet is prohibited between the hours of 7 a.m. and 10 p.m. within 500 feet of a residential zone unless compliance is technically infeasible. It is unlawful for any person to make loud, unnecessary and unusual noise that disturbs the quiet of any neighborhood. The operation of onsite stationary sources of noise would be required to comply with the LAMC Section 112.02, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels.

During construction, appropriate dust control measures would be implemented as part of the proposed project, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meet SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

### **Operational Noise**

Elementary schools are frequently located in residential and commercial areas and are compatible with those uses. New stationary sources of noise, such as mechanical HVAC equipment, would be installed for the new school use of the existing building. The design of this equipment would be required to comply with LAMC Section 112.02, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels. Additionally, Condition of Approval No. 19 restricts the use of amplified music or loud non-amplified music, requires that compressors and other equipment limit the use of compressors and other equipment, and restricts the use of a public address system. Furthermore, the location of the classroom provides a buffer between the playground area and the adjoining property.

**Enforcement/Compliance**

In regards to the Appellant's point regarding lack of enforcement during a previous construction project, if issues with construction are encountered, the project will be held accountable by compliance with existing regulations, including LAMC Sections 41.40 and 111.0-116.01. The project is required to provide a construction site notice that includes job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice is to be posted and maintained at the site prior to the start of construction and will be visibly located at the site.

Additionally, conditions of approval for educational uses are enforced primarily by the Department of Building and Safety (LADBS) and the Department of Transportation (LADOT). The draft conditions of approval contain numerous instances where the performance and review of the project and the Applicant's compliance with the conditions of approval can occur. During the operational stage, Condition No. 20 (Review and Compliance) states that school shall maintain a "...complaint log and include the complainant's name, date and time of complaint, phone number, email address, the nature of the complaint, the date and time of the response of the complaint, and a description of how the issue was responded to or resolved." Additionally, all records of complaints must be maintained on the premise. 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, 10 days prior to the beginning of each school year for public reference.

Furthermore, Condition No. 20c requires the Applicant to file for a Plan Approval within 24 months from the issuance of this letter of determination. As the school has been in operation for only one year, a two-year plan approval allows the school adequate time to educate their incoming parents/students and create proper training materials. Additionally, the time allows for dialogue with the adjoining neighbor and any other concerned stakeholder.

**RECOMMENDATION**

Department of City Planning staff recommends that the PLUM Committee and City Council deny the appeal and sustain the Determination of the City Planning Commission to approve the requested actions for the proposed project. Upon in-depth review and analysis of the issues raised by the appellant, no substantial evidence exists of errors or abuse of discretion committed by the City Planning Commission in regards to the appeal points raised. The appeal cannot be substantiated and therefore should be denied.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

JORDANN TURNER  
City Planner

VPB:JT