

**APPLICATIONS:****APPEAL APPLICATION****Instructions and Checklist**

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION**1. APPELLATE BODY**

- ☐ Area Planning Commission
 ☐ City Planning Commission
 ☒ City Council
 ☐ Director of Planning
 ☐ Zoning Administrator

Regarding Case Number: CPC-2022-5865-CU-SPR, ENV-2022-5866

Project Address: 15526 and 15544 West Plummer Street

Final Date to Appeal: ~~03/15/2023~~ 3/17/2023 *[Signature]*

2. APPELLANT

Appellant Identity:
(check all that apply)

- ☐ Representative
 ☐ Property Owner
 ☐ Operator of the Use/Site

☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative
 ☐ Owner
 ☐ Aggrieved Party
 ☐ Applicant
 ☐ Operator

ORIGINAL**3. APPELLANT INFORMATION**

Appellant's Name: Charles Johnson

Company/Organization: _____

Mailing Address: 9424 Orion Avenue

City: North Hills State: CA Zip: 91343

Telephone: (818) 893-7082 E-mail: charliej6@msn.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self
 ☒ Other: Surrounding Neighbors of the Site

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☐ Yes ☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☒ The reason for the appeal ☒ How you are aggrieved by the decision
☒ Specifically the points at issue ☒ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 3-16-2023

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☒ Appeal Application (form CP-7769)
☒ Justification/Reason for Appeal
☒ Copies of Original Determination Letter

b. Electronic Copy

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- ☐ **1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.**

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.**

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee: \$ 158.00	Reviewed & Accepted by (DSC Planner): Ashley Rodarte	Date: March 16, 2023
Receipt No: CE2023075004-63	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

5. JUSTIFICATION/REASON FOR APPEAL -ATTACHMENT

RE: CPC-2022-5865-CU-SPR, ENV-2022-5866

The following required reasons will be addressed below:

- THE REASON FOR THE APPEAL
- HOW ARE YOU AGGRIEVED BY THE DECISION
- SPECIFICALLY THE POINTS AT ISSUE
- WHY DO YOU BELIEVE THE DECISION MAKER ERRED OR ABUSED THE DISCRETION

THE REASON FOR THE APPEAL

The elementary school project has been expedited to the detriment of a thorough evaluation of the site and acceptable mitigation efforts for the health and safety of students, staff, and residents. Yes, the Applicant paid for Expedited Processing, but that should not allow potential health and safety hazards to be addressed in a sub standard way or to move so quickly that others are not addressed at all. Data from 20 years ago for an unrelated site is used to come to a conclusion without considering current data on the project site, the Mission Mile Sepulveda project is completely left out of the traffic impact study, its close proximity to the busiest highway in the United States(405 freeway), the longest street in Los Angeles (Sepulveda Boulevard) as well as being almost directly underneath a flight path for the busiest general aviation airport in the country (Van Nuys Airport). The decision made at the February 23, 2023 meeting City Planning hearing for the above referenced project. needs to be reversed until a **full EIR** can be completed and only then should the entire project be reviewed and vetted by the City and the public and a determination be made.

HOW ARE YOU AGGRIEVED BYTHE DECISION

This decision to allow the project without a full EIR and accept the submitted MND without careful scrutiny puts the students, staff of the school and residents in this area at risk of additional health and safety hazards that this project may bring. If this decision is allowed to stand and the project moves forward. Who will be liable if the MND and conditions of approval are not sufficient to mitigate the effects of pollution (asthma, carcinogens, heart disease, lung disease) that this project will add to this area and or the safety of young children walking to school? What if the Applicant/Consultants are wrong and the additional traffic only compounds the gridlock in the area, children are not safe walking to school and existing lung/health problems get worse and new cases increase?

SPECIFICALLY THE POINTS AT ISSUE.

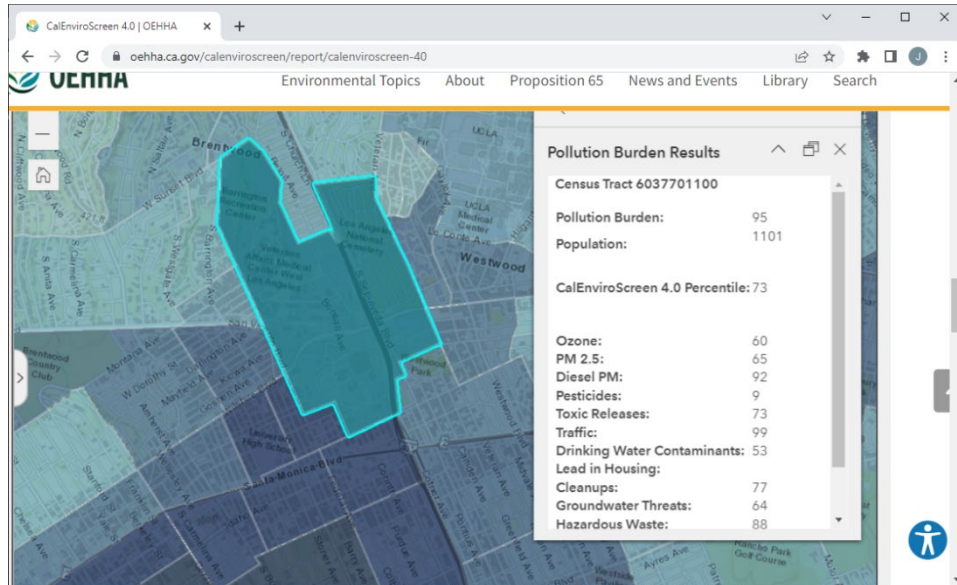
The anticipation of a new school facility is certainly exciting for Valor Academy Elementary, so we understand the eagerness to fast forward this project. However, building a facility where hundreds of children will spend a large portion of their formative years is serious business and every step needs to be carefully considered. Sure, expediting such a project can be cost effective in the immediate future, but it can end up costing more in the long run, not just in dollars, but in safety and health as well.

Due to time constraints, documents related to this project were not able to be reviewed fully, but we feel strongly that the decision by City Planning should be reversed and a full EIR be conducted and reviewed by the public and City Planning before a final determination is made.

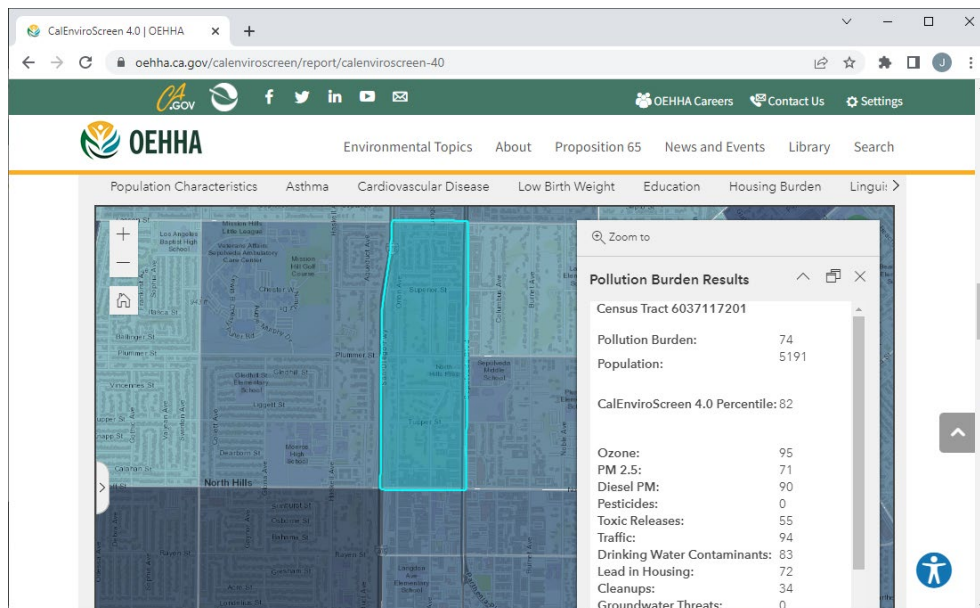
The elementary school project has been expedited to the detriment of a thorough evaluation of the site and acceptable mitigation efforts for the health and safety of students, staff, and residents. Data from 20 years ago for an unrelated site is used to come to a conclusion without considering current data on the project site, the Mission Mile Sepulveda project is completely left out of the traffic impact study, its close proximity to the busiest highway in the United States and the longest street in Los Angeles.

1. The **project is 440 feet from the 405 freeway** (Valor Elementary School Project City of Los Angeles Initial Study/Mitigated Negative Declaration November 2022, **No. ENV-2022-5866** page 14)
 - a. City, State and Federal advises against locating schools near freeways, if for whatever reason a school operator still wants to do so, evaluations should be made carefully and to ensure that every aspect is considered. Who will be liable if the MND ends up not being sufficient to counter health, safety and traffic concerns?
 - i. **Los Angeles City Planning ZI 2427 Advisory Notice**, which **advises against locating schools** (daycare facilities, senior care facilities also) **within 1000 feet of a freeway**.
 - ii. **The State of California Education Code 17213** ("The governing board of a school district **shall not approve a project involving the acquisition of a school site** by a school district, unless all of the following occur:...") (C)2(c) (For a school site with a boundary that is **within 500 feet of the edge of the closest traffic lane of a freeway** or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.
 - iii. **EPA School Siting Guidelines**, 8.2. Nearby Highways and Other Transportation Facilities (Including Goods Movement) Page 118 "). A few studies have reported health effects associated with smaller traffic volumes, with one study showing effects at volumes as low as 10,000 annual average daily traffic in an area"
2. Valor Elementary School Project City of Los Angeles Initial Study/Mitigated Negative Declaration November 2022, **No. ENV-2022-5866** , page 45/146, using data from **SCAQMD's AQMD 2003** for the intersection of **Wilshire Boulevard and Veteran Avenue**, Applicant/Consultant came to the conclusion that CO emissions would be less than significant at Sepulveda Boulevard and Plummer Street because operation of the Project would cause the ADT at this intersection to increase by 1,232 for a total of 21,432 daily trips are below the 100,000-vehicle count on the Wilshire Boulevard/Veteran Avenue intersection, which was already below the CO standards. **However, what is not addressed in the MND is WHY according to the California Office of Environmental Health Hazard Assessment (OEHHA) shows Pollution Burden Results in the census tract for the Project site for Ozone, PM.2.5, and Diesel PM comparable or above what is shown for the census tract that Wilshire and Veteran.**

The **ADT of the Project would be increased by over 6% at Sepulveda and Plummer Street**, yet the air appears to as bad or worse than at an intersection with five times the ADT.

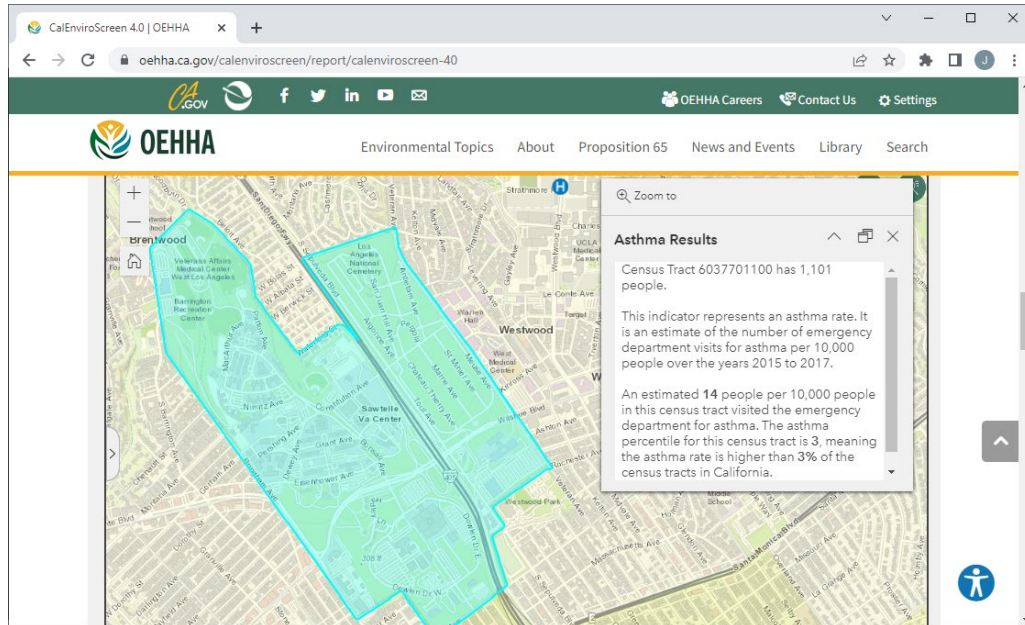


Pollution Burden Results: Wilshire & Veteran ADT 100,000, Ozone 60, PM 2.5 65, Diesel PM 92



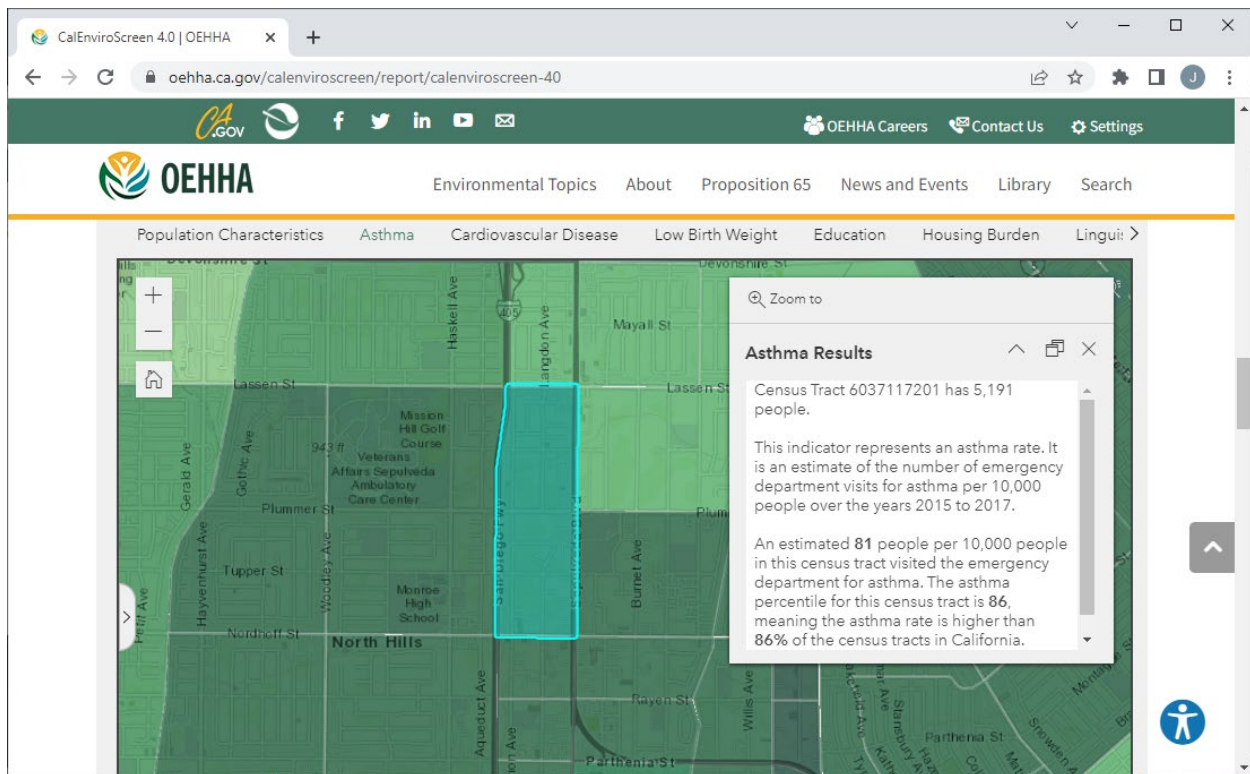
Pollution Burden Results: Project site (Orion and Plummer), Sepulveda and Plummer ADT 20,000, Ozone 95, PM 2.5 71, Diesel PM 90

The **asthma rate in the Project site's census tract is higher than 86% of census tracts in California**, **Wilshire and Veteran's asthma rate is 3% higher than census tracts in California**. See attached screenshots.



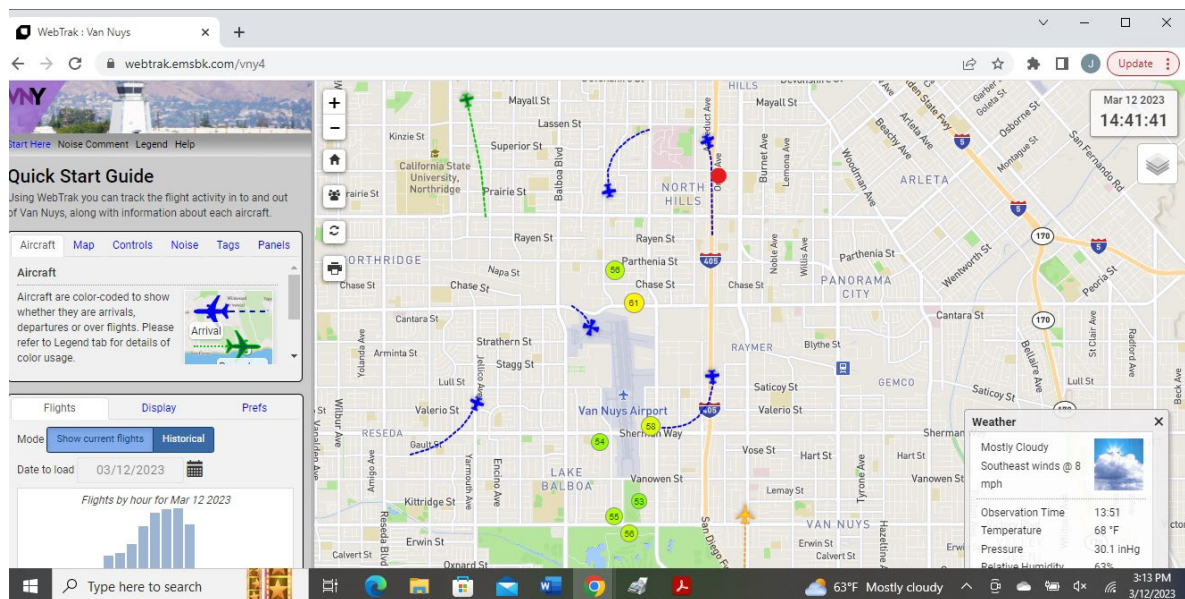
Asthma Results: Wilshire & Veteran ADT 100,000

The Wilshire and Veteran intersection has the benefit of ocean marine air and being surrounded by open green spaces, the population of that particular tract is one fifth of the Project site. The tract that the Project site sits in the San Fernando Valley, where the pollution appears to have no where else to go, even with the winds. **What needs to be considered is that the pollution is as bad or in some ways worse than other areas with more ADT and how an increase of 6% of ADT will proportionately affect the area, the formulas used to determine “no significant impact” cannot be solely relied upon because of what OEHH results show.** The students will be in classrooms with filtered air, but they need to go outside to play, possibly to walk to and from and residents will be living in whatever impact will actually occur, **what are the guarantees that this will not impact anyone’s health or safety?**



Asthma Rate Results: Project site (Orion and Plummer), Sepulveda and Plummer ADT 20,000

3. Flight path for jets flying north out of Van Nuys airport appear to go directly over the portion of the 405 that the project is less than 500 feet from.



<https://webtrak.emsbk.com/vny4> Red dot approximates Project location (added to screenshot)

- a. In 2020, General Aviation News lists Van Nuys Airport as the busiest general aviation airport in the country. <https://generalaviationnews.com/2020/02/03/top-10-busiest-general-aviation-airports/>

- b. October 23, 2022 Insider referencing complaints about Van Nuys Airport, “The amount of ultrafine particles emitted from the jets is growing, and they have been linked to different cardiovascular and respiratory conditions, the Los Angeles Times reported.”
<https://www.businessinsider.com/people-living-los-angeles-airport-private-jets-complaining-about-fumes-2022-10>
 - c.
 - 4. **Mission Mile Sepulveda Project** to help mitigate the dangerous speeding that takes place along Sepulveda Boulevard will widen the median to allow for a possible bicycle lane, in order to do this one or two traffic lanes will likely be removed to accommodate for the widening of the median. The loss of one or two traffic lanes along the street where the ADT is currently 20,000 needs to be factored in to the traffic study as traffic on this street is sure to slow down and drive vehicles onto the 405 or Langdon and Orion (which many already do to avoid Sepulveda).
- 5. **DANGERS FOR STUDENTS WALKING TO AND FROM THE PROPOSED SCHOOL SITE**
 - a. Charter Schools do not offer bus service for their students. The options for transporting children to school are automobile, walking and public transportation.
 - b. Orion from Nordhoff through Lassen
 - i. Orion is used by many as a shortcut to get to the 405 on ramp at Nordhoff and speeding is a problem.
 - ii. Orion at Vincennes is the site of numerous accidents as the road suddenly narrows, surprising speeders (no sidewalk endangering pedestrians further)
 - iii. Much of Orion does not have sidewalks on both sides of the street, there are portions that have no sidewalks at all.
 - 1. Langdon from Nordhoff through Lassen
 - c. Langdon is used by many as an alternative to Sepulveda Boulevard between Lassen and Plummer, speeding is a major problem despite speed humps and stop signs that residents petitioned for, nonresidents regularly race over speed humps and blow through stop signs.
 - i. Langdon from Nordhoff does not directly connect to Plummer, students will either need to walk up Tupper to Orion and then to Plummer or go up Vincennes to Orion then to Plummer.
 - 1. Tupper from Sepulveda to Orion
 - a. Much of Tupper does not have sidewalks on both sides of the street.
 - 2. Vincennes from Langdon to Orion
 - a. No sidewalks on Vincennes
 - b. Vincennes curves, drivers may not see children walking in the street as they round the curve.
 - d. Aqueduct from Nordhoff to Plummer
 - i. From Nordhoff to Chase, Aqueduct does not have sidewalks on both sides of the street.
 - e. **There is no one side where the sidewalks are placed on the streets above, children will have to cross the street to use the sidewalk on one side of the street and then cross again to get to the sidewalk on the other side on the way to the proposed site using one of these routes. Let’s face it, particularly when it’s raining or hot, most people**

will opt to take the shortest route to walk to their destination, especially on a day to day basis.

- f. **The only route that allows children to safely walk on continuous sidewalk is to walk on Sepulveda (from the north or south) and on Plummer (from the east or west).**
 - i. Within the distance of less than a mile, there are **six motels between Nordhoff and Plummer** along the west side of Sepulveda Boulevard (the side adjacent to the proposed school site) One of these sites has had so much crime that it was called **"Vortex of Violent Crime"** by then City Attorney Mike Feurer.
 1. <https://ktla.com/news/local-news/20-year-old-man-found-shot-to-death-inside-motel-room-in-north-hills/>
 2. <https://patch.com/california/los-angeles/man-shot-death-dispute-outside-motel-north-hills>
 3. <https://www.dailynews.com/2021/11/19/north-hills-motel-where-4-have-died-should-be-declared-a-public-nuisance-says-city-attorney/>
 4. <https://mynews1a.com/crime/2015/03/04/man-suspected-killing-teenage-girl-north-hills-motel-arrested/>
6. **The parking lot is not large enough to allow for enough cars to queue on site to keep traffic from neighboring streets.** Despite the formulas used by applicant/consultant to come to the conclusion that there will be no queuing on the street, we have all seen the lines of cars waiting for pick up and drop offs outside of parking lots. There is not enough room for a parked car to be able to get out of a parking space. **What happens if there is an emergency during pick up or drop off? How will LAFD or LAPD be able to drive on to the site?**
7. **A hook and ladder will not be able to turn around in such a tight parking lot.**
8. As of February 2023,, 44 Staff listed on website, 49 parking spaces accommodates the current staff not including any staff or volunteers not listed, or for parents, current enrollment is under 400 students. Once at the 552 maximum students, and additional staff hired to accommodate them, there will not be enough parking for even a few parents or visitors.
9. **Applicant says that they will plant trees along the walls but they will take 10 years to grow in, so what happens in the meantime?** All but 11 fully grown trees will be preserved (out of 56 trees/shrubs), at Valor Academy Middle School, they have installed artificial turf on their play area, will they be installing artificial turf for their playground (which will increase the heat and also release chemicals in the heat) or will they install living (grass of some sort) turf? This also was not addressed. How long will this site be bare of living greenery
10. **The project site removes an opportunity for sorely needed open green space for this underserved community. Open green space will help to off set some of the extreme pollution in this area which is what is most needed for the health and safety of children and adults.**

WHY YOU BELIEVE THE DECISION MAKER ERRED OR ABUSED THIER DISCRETION

Because this was an expedited application, the full scope of possible environmental issues and possible impacts were not explored or investigated. The MND did not fully address or consider

important factors which could make the impact of the project far worse than the MND and determination letter implies. One of the decision makers when discussing the length of time the school will be allowed to have summer school session, said that if LAUSD is allowed to have summer school all summer, then Valor should be able to also, whatever LAUSD is allowed, Valor should be allowed also. I believe that the other side of that should be that whatever LAUSD is required to do to build a new school facility and operate, so should every other school. LAUSD would have had to go through a more thorough environmental process and is held to much more accountability.

Los Angeles' Green New Deal targets 0% greenhouse gas emissions by 2050, however that is decades away and we hope that is achieved much sooner but in the meantime we also hope that you will decide to slow this process down to take a good look at this site with relevant data so that the decision on whether this is an truly appropriate site to put a school and will not affect the health and safety of students, staff and residents of the area.

Thank you for your consideration,

Charles Johnson and Neighbors



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MARCH 2, 2023

Case No. CPC-2022-5865-CU-SPR

CEQA: ENV-2022-5866-MND

Plan Area: Mission Hills - Panorama City - North Hills

Council District: 7 – Rodriguez

Project Site: 15526 and 15544 West Plummer Street

Applicant: Elijah Sugay, Bright Star Schools
Representative: Silvia Saucedo, Saucedo Group

At its meeting of **February 23, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

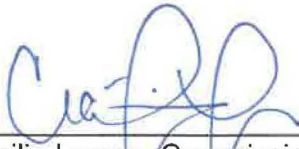
A public charter elementary school for grades TK to Fourth with 28 classrooms within a new one- and two-story building, a multi-purpose room, and an existing house which will be incorporated as administrative and support space. The Project proposes a maximum enrollment of 552 students and will provide 49 parking spaces.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2022-5866-MND, circulated on November 23, 2022 (“Mitigated Negative Declaration”), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **Found** that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found** that the mitigation measures have been made enforceable conditions on the project and all mitigation measures required for the Project are described in the Mitigation Monitoring Program (“MMP”) prepared for the Mitigated Negative Declaration; and **Adopted** the Mitigated Negative Declaration and the MMP;
2. **Approved**, pursuant to Section 12.24 U.24 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow the construction, use, and maintenance of a new public charter elementary school in the RA-1 Zone;
3. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which results in a net increase of 1,000 or more average daily trips as determined by and using the trip generation factors promulgated by the Department of Transportation;
4. **Adopted** the attached Modified Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman
Second: Zamora
Ayes: Cabildo, Leung, Perlman
Absent: Mack, Choe

Vote: 5 – 0



Cecilia Lamas, Commission Executive Assistant II
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 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: MARCH 17, 2023

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

c: Heather Bleemers, Senior City Planner
Christina Toy Lee, Associate Zoning Administrator
Esther Ahn, City Planner

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on February 23, 2023)

Pursuant to Sections 12.24 U.24 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 enrollment of 552 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 552 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 maximum floor area of all development proposed on the subject property shall be limited to 36,157 square feet.
4. **Building Height.** The project shall be permitted a maximum building height of 26 feet and six (6) inches.
5. **Setbacks.** Yards shall comply with all applicable provisions of the LAMC.
6. **Design:**
 - a. All building facades shall utilize a minimum of two different materials. Windows, doors, balcony railings, and decorative features (such as light fixtures, planters, etc.) are excluded from meeting this requirement.
 - b. All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping on all exposed sides (those not adjacent to a building wall).
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. **Bicycle Parking.** The project shall provide a minimum amount of bicycle parking consistent with the provisions of Section 12.21-A,16 of the LAMC. A greater number may be provided at the applicant's discretion.
 - c. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application pursuant to Section 12.27-1,15 of the LAMC and such request is granted.
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. Prior to the issuance of a certificate of occupancy, a minimum 8-foot high wall made of slumpstone, decorative masonry, or other similar screening material shall be constructed along the eastern, and western property lines, as depicted in the plans in Exhibit "A", if no such wall already exists.
 - c. The project shall provide a minimum of six (6) landscaped "finger island" planters within the surface parking lot, as depicted on 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 westernmost row of vehicle parking stalls (consisting of 25 stalls) 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 clearance 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.** On-site signs shall comply with the Municipal Code. Signage rights are not part of this approval.
11. **Sustainability:**
- a. **Solar.** A minimum of 15 percent of the total roof area shall be reserved for the installation of solar panels. The solar panels shall be installed prior to the issuance of a certificate of occupancy. The lowest point of any solar panel may not be more than five feet above the roof line.
 - b. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.

Operational Conditions

12. All school administrators, faculty, and school board members shall be provided a copy of the subject determination.
13. 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.

14. No incidental gaming activity as described in Section 12.21-A,13 of the LAMC shall be permitted on the site.
15. **Hours of Operation:**
 - a. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, for the academic school year.
 - b. Hours for classroom instruction shall be limited to 8:00 a.m. to 3:15 p.m., Monday through Friday, for the academic school year.
 - c. Hours for after-school programs shall be limited between 3:00 p.m. and 6:00 p.m., Monday through Friday, to accommodate a maximum of 50 percent of the student body.
 - d. School "special events" shall be limited to no more than ten (10) events annually. School board meetings and parent/teacher conferences are excluded from the definition of "special events." No more than one special event shall occur on a single day. Special events shall conclude at 8:00 p.m. For any special event where more than 50 vehicles are anticipated, the applicant shall provide off-site parking. A copy of the list of special events for each school year shall be posted online on the schools' website.
 - e. Summer school programming shall be permitted during the entirety of summer. Hours for any summer school programming is limited to 8:00 a.m. to 4:30 p.m., Monday through Friday.
 - f. 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.
16. **Loading and Unloading.** Student drop-off/pick-up activities shall be located as indicated on the plans 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.
 - a. The school shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the City Planning Department at the same time for inclusion in the case file. The school administration shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the property.
 - b. 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 on-site for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity on-site.
 - c. The on-site drop-off and pick-up periods for the school shall occur as follows:
 - i. The on-site drop-off period for the school shall be limited to 7:00 a.m. to 8:00 a.m.

- ii. The primary on-site pick-up period for the school shall be limited to 2:45 p.m. to 3:45 p.m., except on Tuesdays which is limited to 1:00 p.m. to 2:00 p.m., and the on-site pick-up period for students involved in after-school programs shall be approximately 4:15 p.m. to 7:00 p.m., where pick-up is naturally staggered in order to accommodate the end times of various after school programs.
- d. Carpool Program
 - i. The applicant shall distribute information to parents explaining the carpool program, which information shall include family names and phone numbers so that parents can identify potential carpool opportunities.
 - ii. The applicant shall require parents to sign a pledge for carpool plan participation and shall implement a formal policy requiring that students who are driven to and from the subject property each day arrive or depart in vehicles with at least one other student in the following manner: a minimum of 15 percent of students carpooling by the end of the first year of operation; a minimum of 20 percent of students carpooling by the end of the second year of operation; and a minimum of 30 percent of students carpooling by the end of the third year of operation and for each year thereafter.
- e. A minimum of five (5) monitors, consisting of school staff and parent volunteers wearing orange vests or other distinctive attire, shall supervise the pick-up/drop-off of students on the subject property during the prescribed hours and maintain smooth ingress to and egress from the subject property. At least one monitor shall be positioned at the vehicular entrance/exit at Plummer Street to ensure efficient movement of cars entering and exiting the school campus. One of the monitors shall be a "traffic ambassador" who is specially employed and trained by the applicant to prevent parents from the following (i) parking or double-parking on Plummer Street, (ii) queueing their cars on Plummer Street for drop-off or pickup and (iii) picking up and dropping off students on Plummer Street. 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.
- f. 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. Contact information for the traffic ambassador shall be distributed to immediate neighbors and be posted on the school's website.
- g. 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 on-site for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity on-site.
- h. The parking and student drop-off/pick-up operational requirements shall be included in the school policies. 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 on-site and off-site student drop-off/pick-up operations. In

addition, contact information including phone number and contact person will be posted on signs on the school building with notice of the appropriate person to contact regarding school related traffic and parking issues.

- i. The traffic ambassador shall oversee this program, which shall include appointment of parent coordinators, distribution of literature explaining the program, and the coordination and distribution of family names and phone numbers so that parents can identify potential carpool opportunities.
- j. **Department of Transportation.** All new school projects must 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).

17. **School Calendar/Special Events, Parking, and Neighborhood Outreach and Notice.** The number of special events shall be limited to no more than ten (10) events annually. School administrative board meetings and parent/teacher meetings are excluded from the definition of "Special Events".

- a. **School Calendar/Special Events.** A copy of the Calendar and List of Special Events 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.
- b. **Parking.** For all events, the use of local streets for parking shall be discouraged. The school shall coordinate and provide information for off-site parking area(s) as needed.
- c. A Community Relations representative shall be designated, and contact information of that person shall be posted online on the school's website, and prominently at the school, at least 10 days prior to the beginning of each school year.
- d. 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.

18. **Noise.**

- a. No outdoor public address system or bell 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. No exterior bells are permitted. Musical instruments used by members of the school band or orchestra shall be confined to within school buildings.
- c. No amplified music or loud non-amplified music is permitted outside.
- d. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated such that potential noise sources are oriented away from neighboring properties. All equipment shall be in compliance with the requirements of the LAMC.
- e. Motorized cleaning and landscaping (taking place outside) shall not be permitted before 8:00 a.m. or after 6:00 p.m.

19. **Deliveries.** The applicant shall instruct companies who make substantial deliveries to the subject property to do so between 6:00 a.m. and 5:00 p.m., but not during the stated hours of student drop-off/pick-up.

20. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.

- a. Trash/recycling containers shall be locked when not in use.
- b. Trash storage bins shall be located within a gated, covered enclosure.
- c. Trash/recycling containers shall not be placed in or block access to required parking.

21. **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.

22. **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 City Planning Department upon its approval.

- b. The property shall be internally secured when not in use.
 - c. A security plan shall be developed in consultation with the Los Angeles Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the Mission Community Police Station Commanding Officer a diagram of the site indicating access routes and any additional information to facilitate police response. A copy of such document shall be submitted to the City Planning Department upon its approval.
 - 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.
23. **Plan Approval.** Within five (5) 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 drop-off and pick-up 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 drop-off/pick-up policy. The schools shall annually monitor their student loading/unloading area and related traffic patterns during the drop-off and pickup hours. If there are neighborhood cut-through issues that could be resolved through neighborhood traffic calming measures (like the installation of speed humps, 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 filing a Plan Approval application within the required five (5)-year period, within ninety (90) days after the end of the fourth (4th) year 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 two school years, (ii) describes any refinements of that system implemented during the prior two school years 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 two school years 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.
24. **AQ-1. Construction Emissions Reduction.** Prior to issuance of grading permits, the City Engineer and the Chief Building Official shall confirm that the grading plan, building plans, and specifications stipulate that the following measures shall be implemented:
- a. All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the USEPA Tier 4 final standards Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards.
 - b. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site.
 - c. All unpaved demolition and construction areas shall be wetted at least twice times per day during excavation and construction.
 - d. Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.
 - e. The project shall comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these would minimize emissions of TACs during construction.
25. **BIO-1. Nesting Bird Avoidance.** Project activities (including disturbances to native and non-native vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture of kill (Fish and Wildlife Code Section 86). If Project activities cannot feasibly avoid the breeding bird season, beginning 30 days prior to the disturbance of suitable nesting habitat, the Applicant shall:
- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the Project Site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work.
 - b. If a protected native bird is found, the Applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
 - c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt

at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

- d. The Applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

26. **BIO-2a. Avoidance and Minimization Measures for Protected and Non-Protected Significant Trees.** The following avoidance and minimization measures shall be implemented to reduce impacts to non-protected significant trees from Project activities.

- a. **Monitoring.** No person shall impact the roots or canopy of trees without oversight of a certified arborist. The arborist shall be contacted no less than 72 hours prior to anticipated work within or immediately adjacent to the dripline of a tree to ensure availability and shall be present during initial ground disturbance activities that will occur within or immediately adjacent to the tree.
- b. **Fencing.** Minimum 6-foot-tall chain-link fencing shall be placed between the construction area and the dripline. Fencing shall be maintained and in place through the duration of construction activities and until all equipment has been removed from the Site.
- c. **Root Impacts.** Cutting or disturbing a large percentage of a tree's roots increases the likelihood of the tree's failure or death. Tree roots that are more than four inches in diameter shall never be cut, as roots that large are usually structural. Cutting them can destroy the stability of the tree, causing it to fall over. Where grading, cut-and-fill, trenching, or any other ground disturbing activity occurs or is specifically shown on the project plans within the dripline, the activity shall be done slowly to avoid ripping or tearing roots. Ripping or tearing roots can lead to rotting and decay and reduce stability and health in the tree. Hand tools or small hand-held power equipment shall be used instead within the dripline of a tree. Cutting roots two inches in diameter or greater shall be avoided wherever possible.
 - i. The amount of allowable root disturbance shall be determined by the monitoring arborist. If the arborist determines that construction may compromise the tree's health or the structural integrity of the tree, work around that tree shall be suspended until measures to minimize the impact can be determined or until a permit is received by the city if the arborist determines that the tree may not survive the impact.
 - ii. Roots that are two inches or more in diameter that are encountered shall be avoided until the arborist determines treatment measures. Cuts shall be prescribed by the arborist and should generally be done at right angles to the roots with a clean, sharp blade. New cuts shall be wetted and covered with absorbent tarp or heavy cloth fabric and remain in place until the trench/excavation is backfilled with soil and immediately watered.
- d. **Equipment Staging.** Temporary equipment staging and storage shall be limited to designated areas away from the trees. No washing of equipment or vehicles shall occur within 50 feet of a preserved tree.
- e. **Soil Compaction.** Soil compaction imposes a complex set of physical, chemical, and biological constraints on tree growth. Principal components leading to limited growth

are the loss of aeration and pore space, poor gas exchange with the atmosphere, lack of available water, and mechanical impedance of root growth. Soil compaction is the largest single factor responsible for the decline of trees on construction sites. The following guidelines shall be implemented to protect trees from soil compaction that may occur due to project activities:

- i. No equipment or materials shall be stored under canopies, or within the dripline of trees. On-site staging, storage and washing of construction materials and equipment shall be limited to designated and approved areas. In areas where vehicles or equipment may impact tree roots, steel plates or plywood shall be installed to protect the root zone as needed.
- f. **Mechanical Damage.** Inadvertent damage to limbs and branches (i.e., mechanical damage) from project equipment may occur if work, including staging and access, are within the dripline. If damage occurs to limbs and branches, immediate trimming with clean and sharp pruners shall occur in accordance with the American National Standards Institute (ANSI) standards discussed above. If damage to the bark or trunk occurs, wound dressings are not recommended. Treatment of said damages shall be applied in accordance with the ANSI A300 Management of Trees and Shrubs during Site Planning, Site Development, and Construction (ANSI 2012).
- g. **Pruning.** All pruning/trimming shall be performed consistent with the ANSI A300 Pruning Standard (ANSI 2017) and shall adhere to the most recent edition of ANSI Z133.1. Pruning/trimming of protected trees shall be limited to only what is necessary for construction and conducted under the direct supervision of a certified arborist. Climbing spurs and spikes shall not be used.
 - i. A thorough inspection of the canopy shall be conducted to determine pruning specifications.
 - ii. Within no more than one week prior to excavation, trenching, or other subsurface work that would occur within the root zone, the soil within the dripline of the tree shall be deep irrigated. This can be accomplished using a soaker hose for approximately 2 to 6 hours, depending on the volume of water and soil texture. This will allow water to be absorbed by the roots. This can be performed a few days before the root pruning is to be performed.
 - iii. In areas where grading, cut-and-fill, or trenching will take place, digging shall be by hand shovel for the first 2 to 3 feet where most roots are expected to occur.
 - iv. Any root pruning shall be performed carefully. The roots shall be exposed through hand digging. The roots shall be cut at a 90-degree angle and cut cleanly. No roots shall be torn or jagged, as this can lead to rotting and decay in the root zone and reduce stability and health in the tree. Excessive root pruning is not recommended. If a tree is in any stress or is lacking in health and vigor, the root pruning can contribute to the quick decline of a tree.
 - v. If any root zone is left open for an extended period, the contractor shall lightly apply moisture to keep the roots from drying out. Also, roots shall not sit in a pool of water during construction. This situation can also cause rotting and decay.

vi. After root pruning is complete, backfill with native soil. Do not overly compact. Water every 1 to 2 feet to reduce air pockets.

vii. A Certified Arborist shall be on site to observe the root-pruning.

27. **BIO-2b. Measures for Replacement of Protected and Non-Protected Significant Trees.** In accordance with the City's Protected Tree Ordinance, the Board of Public Works may require the following for the removal of a protected tree. The following is assumed to apply to protected and non-protected significant trees:

- a. Replacement with at least four specimens of a protected variety (i.e., 1:4 ratio). Each replacement tree shall be at least a 15-gallon, or larger specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.
- b. Replacement with trees of a lesser size or of a different protected species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to the City's Protected Tree Ordinance are not available. In such event, a greater number of replacement trees may be required.
- c. Relocation of a protected or non-protected significant tree to another location on the property, provided that the environmental conditions of said new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive. In addition, the City Planning Department policy requires mitigation at a 1:1 ratio for removal of the non-protected significant trees. The Board of Public Works may charge an in-lieu fee for removal of street trees, per LAMC Section 62.171 and 62.177.

28. **CUL-1. Historical Resource Design Review.** Project Applicant shall engage a qualified historical architect or architectural historian that meets the Secretary of the Interior's Professional Qualifications Standards (as codified in 36 CFR Part 61) to be part of the Project design team. The qualified consultant shall have demonstrated experience providing design guidance for projects of a similar scope involving the adaptive reuse of historical resources. The qualified consultant shall perform periodic reviews of the Project as its design progresses and provide input to the design team during the design process to ensure that the Project remains in compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties (SOI Standards). Reviews shall be performed minimally when Project Plans are 50 percent and 80 percent complete. The reviews shall include a review of the Project's compliance with the SOI Standards and provide recommendations aimed at achieving compliance as necessary. Prior to the issuance of grading permits, the qualified consultant shall prepare a SOI Standards project review memorandum to document the Project's compliance with the SOI Standards. The memorandum shall be submitted to the City of Los Angeles for review, comment, and approval. In the event that the City does not concur with the findings of the memorandum, designs shall be modified until compliance with the SOI Standards and concurrence is obtained.

29. **CUL-2. Unanticipated Discovery of Cultural Resources.** In the unlikely event that archaeological resources, including trash pits associated with the existing 1914 single-family residence, are unexpectedly encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (as codified in 36 CFR Part 61) shall be contacted immediately to evaluate the find. If the find is prehistoric, then a

Native American representative shall also be contacted to participate in the evaluation of the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.

30. **GEO-1. Geotechnical Engineering Measures.** Final design and construction plans for the Project shall incorporate geotechnical engineering recommendations based on site specific soil investigations, and shall consider collapsible soils, protection from corrosive soils, and other applicable soil conditions. More specifically, final design and plans shall incorporate geotechnical engineering recommendations from the Geotechnical Investigation Report prepared by LK Geotechnical Engineering in February 2022.
31. **GEO-2. Unanticipated Discovery of Paleontological Resources.**
 - a. **Paleontological Worker Environmental Awareness Program.** Prior to the start of construction, a Qualified Professional Paleontologist (as defined by SVP [2010]) or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.
 - b. **Unanticipated Discovery of Paleontological Resources.** In the event a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a Qualified Professional Paleontologist. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant, the applicant shall retain a Qualified Professional Paleontologist to direct all mitigation measures related to paleontological resources. The Qualified Professional Paleontologist shall design and carry out a data recovery plan consistent with the SVP (2010) standards.
32. **HAZ-1. Septic Tank Removal.** If encountered, the septic tank shall be properly removed in accordance with all applicable City of LA regulatory requirements. If evidence of a release of a petroleum product or hazardous materials from the septic tank is observed at the time of removal, the Project Applicant shall stop all removal work and retain a qualified environmental consultant (Professional Geologist [PG] or Professional Engineer [PE]) to prepare a Soil Management Plan and conduct a Subsurface Investigation.
33. **HAZ-2. Asbestos-Containing Materials.** The Project Applicant shall have the asbestos containing materials (ACMs) at the existing on-site structure identified in the Limited Asbestos Survey prepared by NV5 Alta Environmental in February 2022 removed according to proper abatement procedures recommended by an asbestos consultant. All abatement activities shall be in compliance with California and Federal Occupational Safety and Health Administration, and with the South Coast Air Quality Management District (SCAQMD) requirements. Only asbestos trained and certified abatement personnel shall be allowed to perform asbestos abatement activities onsite. All ACMs removed from onsite structure shall be hauled and disposed of by a transportation company certified to handle asbestos and hazardous materials. If additional ACMs are found to be present, a qualified asbestos abatement consultant shall abate ACMs in compliance with the SCAQMD Rule 1403 as well as all other State and federal rules and regulations.

34. **NOI-1. Construction Vibration.** Grading and earthwork activities within 12 feet of adjacent residential structures or within 10 feet of the on-site existing building shall be conducted with off-road equipment that is limited to 100 horsepower or less.
35. **TRAF-1. Alternative Transportation Options.** The Project shall utilize promotional and marketing tools to educate and inform employees about alternative transportation options and the effects of their travel choices. Rather than two-way communication tools or tools that would encourage an individual to consider a different mode of travel at the time the trip is taken (i.e., smartphone application, daily email, etc.), this TDM strategy includes passive educational and promotional materials, such as posters, information boards, or a website with information that employees can choose to read at their own leisure.
36. **TRAF-2. Ride-Share Program.** The Project shall proactively aim to increase employee vehicle occupancy by providing ride-share matching services, designating preferred parking for rideshare participants, designing adequate passenger loading/unloading and waiting areas for rideshare vehicles, and providing a website or message board to connect riders and coordinate rides.
37. **TCR-1. Unanticipated Discovery of Tribal Cultural Resources.** In the event that tribal cultural resources of Native American origin are found during Project-related ground disturbance, excavation and other construction activity in that area shall cease. If the City of Los Angeles, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. The mitigation plan may include but would not be limited to avoidance, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon means.

Administrative Conditions

38. **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.
39. **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.
40. **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.
41. **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.
42. **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.

43. **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.
44. **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.
45. **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.
46. **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.
47. **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.
48. **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.
49. **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

Conditional Use Findings

- 1. 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 project involves the construction, use, and maintenance of a new public charter elementary school campus for Valor Academy Elementary School ("VAES") with a maximum enrollment of 552 students for grades Transitional Kindergarten (TK) to Fourth grade. Proposed improvements include 28 classrooms within a new one- and two-story building, a multi-purpose room, and an existing house which will be preserved and incorporated as administrative and support space.

Valor Academy Elementary School is an existing public charter elementary school which has been operating in the San Fernando Valley since 2016. Currently, the elementary school is located approximately three (3) miles away from the subject property at a temporary location leased by the Applicant, Bright Star. Since 2016, the school has already moved once in order to accommodate its needs. The school's current location is limited in space with 16 classrooms and an enrollment of 380 students with a wait list. The proposed project would allow for VAES to have a larger capacity, with 28 classrooms and a maximum enrollment of 552 students. The proposed project would also allow VAES to have a permanent location which is close to the middle school and high school operated by Bright Star, thus completing its North Hills cluster. The middle school and high school are already permanent locations, so the location of the proposed elementary school is ideal to facilitate drop-offs and pick-ups of families with children in different schools and help ease the transition as students matriculate from one school to the next.

VAES is a public charter elementary school that has been serving the North Hills community for the past six years, providing free high-quality education to local families. The project site is currently developed with a historic single-family residence and otherwise vacant and unimproved land. The proposed project would be improving the land to align with the most recent Mobility Plan policies and Municipal Code requirements. Additionally, the project would be preserving and renovating the existing historic house. Previous renovations done to the house to date have not followed any preservation guidelines, but the project would follow the Secretary of Interior Standards to preserve any character defining features as advised by a qualified historic consultant and architect. The proposed project will be constructed with high quality materials and has been designed with respect to the Plummer Street frontage and existing character of the neighborhood.

Therefore, the project will enhance the built environment in the surrounding neighborhood and will perform a function that is beneficial to the community, city and region.

- 2. 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 project site is a relatively flat parcel of land consisting of two (2) adjoining lots, totaling approximately 89,629 square feet (approximately 2.06 acres) in size. The subject property fronts Plummer Street to the north and is further bound by Orion Avenue to the west, Sepulveda Boulevard to the east, and Vincennes Street to the south. The western lot (approximately 1.30-acres in size) is currently undeveloped and covered with grasses, shrubs,

and various mature trees. The eastern lot (approximately 0.76-acre in size) is currently developed with a one-story single-family residence with similar vegetation as the other lot. The on-site single-family residence located at 15526 West Plummer Street was built in 1914 and is listed in SurveyLA. Therefore, the residence is recognized by the City as having historic significance. The residence would remain on the site as part of the project but would be converted into additional administrative space for the proposed school.

The subject property is located in the North Hills area, an established suburban neighborhood in the San Fernando Valley developed mostly in the early- to mid-20th century. The site fronts the southerly side of Plummer Street where the property's front yard is located. The surrounding neighborhood primarily consists of low-density residential uses and single-family residences. The subject property is surrounded by single-family residences within the RA-1 Zone on the eastern, southern, and western sides. Properties to the north, across Plummer Street, are also zoned RA-1 and developed with single-family residences. Further out, a three-story multi-family apartment complex is located three parcels east which is adjacent to various commercial uses. Several parcels west of the project site is the 405 Freeway.

The project involves the construction, use, and maintenance of a new public charter elementary school campus for Valor Academy Elementary School ("VAES") with a maximum enrollment of 552 students for grades Transitional Kindergarten (TK) to Fourth grade. Project improvements include 28 classrooms within a new one- and two-story building, a multi-purpose room, and an existing house which will be preserved and incorporated as administrative and support space, as described above. Proposed buildings will total 36,157 square feet of gross floor area and rise to a maximum height of 26 feet and six (6) inches.

The project complies with all objective zoning standards and involves a use that is allowable in the RA-1 Zone with a Conditional Use Permit. The project's maximum building height is 26 feet and six (6) inches which is well within the 30-foot height limit of the site. The two-story portion of the school would be located at the center/interior of the site, at times up to 75 feet away from abutting properties, to provide privacy and not tower over adjacent residences. The project's proposed Floor Area Ratio (FAR) is 0.40 to 1 which is significantly less than the 3:1 FAR allowed on the site. The project's low building coverage and massing allows the project to fit harmoniously into the scale of the existing residential neighborhood and also provide abundant landscaping and open areas. The project meets required setbacks for the rear and side yards while exceeding the minimum setback in the front yard. The project is required to provide at least a 25-foot front yard setback but provides a minimum 31-foot setback to remain compatible with the existing single-family house and maintain the same feel as the prevailing Plummer Street frontage. The project is required to provide 28 parking spaces but exceeds this amount by 21 spaces for a total of 49 parking spaces. The project proposes a single long driveway that leads to a designated drop-off/pick-up area and surface parking lot located towards the rear of the site. The provision of parking and the proposed circulation plan are intended to ensure that traffic activities are streamlined within the site rather than on the adjacent public streets. In addition to the site planning of the project, an eight-foot block wall and tall hedges are proposed along the sides and rear property lines to buffer the school uses. Play areas with equipment are proposed towards the center of the campus where potential noise impacts will be buffered by buildings, fences, large setbacks, and landscaping.

Operation of the school will not result in a significant impact to the community. The project has been conditioned, including the imposition of mitigation measures, to minimize impacts onto the surrounding properties. The proposed school will not have bells, loudspeakers, PA systems, or any other type of intercom system which may cause potential noise impacts. All facilities will only be used during operating hours by students and staff of the school. Any potential environmental impacts have been analyzed thoroughly and mitigated to a less than significant extent.

As such, 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.

3. 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 subject property is located within the Mission Hills – Panorama City – North Hills Community Plan Area which is one of the 35 Community Plans that make up the Land Use Element of the General Plan. The Community Plan Area Map designates the subject property for Low Residential land uses corresponding to the RE9, RS, R1, and Zones. The project site was previously zoned (T)(Q) RE9-1, in accordance with the designated land use, but because the Zone Change was never effectuated, the subject property reverted back to its underlying RA-1 zoning. The property is not located within the boundaries of or subject to any Specific Plan, Community Design Overlay, or Interim Control Ordinance.

The Los Angeles Municipal Code (LAMC) permits the use of public charter schools within the RA Zone with the approval of a Conditional Use Permit subject to certain findings. Therefore, the requested Conditional Use Permit for the proposed school use is permissible per the underlying zone and land use designation of the project site. The project is consistent with the following specific goal, objective, and policy of the Mission Hills – Panorama City – North Hills Community Plan:

GOAL 6: Appropriate locations and adequate facilities for schools to serve the needs of the existing and future population.

Objective 6-1: To site schools in locations complimentary to existing land uses, recreational opportunities and community identity.

Policy 6-1.1: Encourage compatibility in school locations, site layout, and architectural design with adjacent land uses and community character, and, as appropriate, use schools to create a logical transition and buffer between differing uses.

Policy 6-1.2: Site schools in a manner which compliments and preserves the existing stable single family and multiple-family residential neighborhoods.

GOAL 16: Preservation and restoration of cultural resources, neighborhoods, and landmarks which have historical and/or cultural significance.

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 goals, objectives, and policies of the Framework Element:

GOAL 9N: “Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.”

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 Valor Academy Elementary School to continue to provide and expand a valuable public service for the region. The existing public charter elementary school currently operates out of a temporary leased location with a church. The current school is a much smaller facility with only 16 classrooms for an enrollment of 380 students with a waitlist. The proposed project will enable VAES to vacate its current location and establish an independent and permanent campus. The new campus will provide additional amenities, all of which will enhance the quality of education that is available to the community. The project will also enable the school to accept new students while growing into a larger facility and keeping the student to teacher ratio low. The location of the project is ideal for current students and families of those who attend the Bright Star middle and high school which are in close proximity. Thus, the project would serve the existing and future families in the neighborhood.

The project will be developed in a manner that meets all applicable zoning parameters, including setbacks, height, FAR, and parking. In many cases, the project will be developed far below the allowable development limits in order to keep the school in character and scale with the surrounding residential neighborhood. In addition, the existing single-family residence which is listed in SurveyLA as an eligible resource and designated as a Historical-Cultural Monument will be preserved and rehabilitated. The project will be repurposing the house as administrative space in accordance with the Secretary of Interior Standards to ensure that any contributing characteristics are not degraded. The proposed project will be a free public charter school that will both serve the community and maintain harmony with the existing built environment. The project has been conditioned to ensure compliance with all applicable regulations and to ensure that there will be no negative impacts on the surrounding community. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan.

Site Plan Review Findings

4. 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 subject property is located within the Mission Hills – Panorama City – North Hills Community Plan Area which is one of the 35 Community Plans that make up the Land Use Element of the General Plan. The Community Plan Area Map designates the subject property for Low Residential land uses corresponding to the RE9, RS, R1, and Zones. The project site was previously zoned (T)(Q) RE9-1, in accordance with the designated land use, but because the Zone Change was never effectuated, the subject property reverted back to its underlying RA-1 zoning. The property is not located within the boundaries of or subject to any Specific Plan, Community Design Overlay, or Interim Control Ordinance.

The Los Angeles Municipal Code (LAMC) permits the use of public charter schools within the RA Zone with the approval of a Conditional Use Permit subject to certain findings. Therefore, the requested Conditional Use Permit for the proposed school use is permissible per the underlying zone and land use designation of the project site. The project is consistent with the following specific goal, objective, and policy of the Mission Hills – Panorama City – North Hills Community Plan:

GOAL 6: Appropriate locations and adequate facilities for schools to serve the needs of the existing and future population.

Objective 6-1: To site schools in locations complimentary to existing land uses, recreational opportunities and community identity.

Policy 6-1.1: Encourage compatibility in school locations, site layout, and architectural design with adjacent land uses and community character, and, as appropriate, use schools to create a logical transition and buffer between differing uses.

Policy 6-1.2: Site schools in a manner which compliments and preserves the existing stable single family and multiple-family residential neighborhoods.

GOAL 16: Preservation and restoration of cultural resources, neighborhoods, and landmarks which have historical and/or cultural significance.

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 goals, objectives, and policies of the Framework Element:

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

The project will enable Valor Academy Elementary School to continue to provide and expand a valuable public service for the region. The existing public charter elementary school currently operates out of a temporary leased location with a church. This current school is a much smaller facility with only 16 classrooms for an enrollment of 380 students with a waitlist. The

proposed project will enable VAES to vacate its current location and establish an independent and permanent campus. The new campus will provide additional amenities, all of which will enhance the quality of education that is available to the community. The project will also enable the school to accept new students while growing into a larger facility and keeping the student to teacher ratio low. The location of the project is ideal for current students and families of those who attend the Bright Star middle and high school which are in close proximity. Thus, the project would serve the existing and future families in the neighborhood.

The project will be developed in a manner that meets all applicable zoning parameters, including setbacks, height, FAR, and parking. In many cases, the project will be developed far below the allowable development limits in order to keep the school in character and scale with the surrounding residential neighborhood. In addition, the existing single-family residence which is listed in SurveyLA as an eligible resource and designated as a Historical-Cultural Monument will be preserved and rehabilitated. The project will be repurposing the house as administrative space in accordance with the Secretary of Interior Standards to ensure that any contributing characteristics are not degraded. The proposed project will be a free public charter school that will both serve the community and maintain harmony with the existing built environment. The project 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. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan.

5. 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 involves the construction, use, and maintenance of a new public charter elementary school campus for Valor Academy Elementary School ("VAES") with a maximum enrollment of 552 students for grades Transitional Kindergarten (TK) to Fourth grade. Project improvements include 28 classrooms within a new one- and two-story building, a multi-purpose room, and an existing house which will be preserved and incorporated as administrative and support space. Proposed buildings will total 36,157 square feet of gross floor area and rise to a maximum height of 26 feet and six (6) inches.

The subject property is located in the North Hills area, an established suburban neighborhood in the San Fernando Valley developed mostly in the early- to mid-20th century. The project site is located midblock between Orion Avenue to the west and Sepulveda Boulevard to the east. The site fronts the southerly side of Plummer Street where the property's front yard is located. The surrounding neighborhood primarily consists of low-density residential uses and single-family residences. The subject property is surrounded by single-family residences within the RA-1 Zone on the eastern, southern, and western sides. Properties to the north, across Plummer Street, are also zoned RA-1 and developed with single-family residences. Further out, a three-story multi-family apartment complex is located three parcels east which is adjacent to various commercial uses. Several parcels west of the project site is the 405 Freeway.

Vehicular ingress and egress will occur off Plummer Street on the western portion of the site. The project will provide 49 on-site vehicular parking spaces within a surface parking lot and designated drop-off/pick-up area. The project will provide 16,366 square feet of landscaping and 50,228 square feet of paved area or hardscape which includes green spaces and recreation areas for students. A single pedestrian entrance will be located off Plummer Street through the main office near the preserved historic home. The project proposes an eight-foot-

high block wall along the side yards and rear yard. A fence and gates will be provided along the front yard (Plummer Street). The subject school will also have secondary fencing around the perimeter of the buildings to limit access to students, staff, and other authorized visitors onto the campus.

Height, Bulk, and Setbacks

The proposed project meets all objective height, FAR, and setback requirements per the underlying RA Zone and Los Angeles Municipal Code zoning. The project's maximum building height is 26 feet and six (6) inches which is well within the 30-foot height limit of the site. The two-story portion of the school would be located at the center/interior of the site, at times up to 75 feet away from abutting properties, to provide privacy and not tower over adjacent residences. The project's proposed Floor Area Ratio (FAR) is 0.40 to 1 which is significantly less than the 3:1 FAR allowed on the site. The project's low building coverage and massing allows the project to fit harmoniously into the scale of the existing residential neighborhood and also provide abundant landscaping and open areas. The project meets required setbacks for the rear and side yards while exceeding the minimum setback in the front yard. The project is required to provide at least a 25-foot front yard setback but provides a minimum 31-foot setback to remain compatible with the existing single-family house and maintain the same feel as the prevailing Plummer Street frontage. In addition to the arrangement of buildings, an eight-foot block wall and tall hedges are proposed along the sides and rear property lines to buffer the school uses. Play areas with equipment are proposed towards the center of the campus where potential noise impacts will be buffered by buildings, fences, large setbacks, and landscaping. Therefore, the height, bulk, and setbacks of the 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

The project is required to provide 28 parking spaces but exceeds this amount by 21 spaces for a total of 49 parking spaces. Vehicular ingress and egress will occur off a single curb-cut and driveway off of Plummer Street on the western portion of the site. The project is designed with a single long driveway that leads to a designated drop-off/pick-up area and surface parking lot located towards the rear of the site. Once vehicles enter the property, cars will continue to loop around until reaching a right-turn only exit. The long drive aisle is designed to accommodate queuing on the property and locate drop-off and pick-up activities directly in front of the entrance to the school to keep students close to their play areas and classrooms, away from wandering onto the street. Conditions have also been imposed to require designated staff to monitor and manage traffic during morning and afternoon hours. The provision of parking and the proposed circulation plan are intended to ensure that traffic activities are streamlined within the site rather than on the adjacent public streets. As such, 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 features landscaped areas and open recreation areas throughout the site. The project would include 16,366 square feet of landscaped area, in addition to two play areas (13,060 square feet) and a kindergarten play area (1,300 square feet) resulting in a total of 30,726 square feet of open space and landscaping. The project includes approximately 50,228 square feet of hardscape and paved areas. The existing conditions of the project site include 56 on-site trees/shrubs, of which four (4) are dead and will be removed. In addition, 41 trees/shrubs will require removal, which consist of nine protected native trees/shrubs and 32 non-protected significant trees. The project would retain 12 existing non-protected significant trees (two of which are street trees) and one protected native tree. Development of the project would result in the planting of 68 new trees on-site for a total of 79 trees including the existing trees. Existing mature trees were retained along the perimeter of the site where feasible. The project will feature extensive landscaping to both provide open green areas for the students as well as beautify views of the project from the public rights-of-way. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

The project will provide a 400 square-foot loading area in accordance with the Municipal Code requirements. The loading area will be located along the primary driveway and designated pick-up/drop-off area for convenient access and queuing. The project provides a trash enclosure towards the rear of the site, adjacent to the multi-purpose room and contained within a five-foot-tall wrought iron fence. The provision of loading and trash areas will allow vehicles to have plenty of space to turn on-site and keep any truck traffic off of Plummer Street.

As such, as proposed, the project is compatible with existing and future development on neighboring properties.

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

The proposed project does not contain any residential uses and thus this finding does not apply.

Environmental Findings

- 7. Environmental Finding.** Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2022-5866-MND, circulated on November 23, 2022 ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment.
- 8. 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 of minimal flooding.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

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.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

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