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May 11, 2023

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

Attention: PLUM Committee

Dear Honorable Members:

**CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") APPEAL SUMMARY AND STAFF
RESPONSE. 15526 & 15544 West Plummer Street; CF 23-0340**

Project Background

The proposed project involves the construction, use, and maintenance of a new public charter elementary school campus 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 project will provide 49 on-site vehicular parking spaces within a surface parking lot and designated drop-off/pick-up area.

On March 2, 2023, the City Planning Commission issued a Determination for Case No. CPC-2022-5865-CU-SPR, which granted a Conditional Use Permit for the proposed school use in the RA-1 Zone and 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 the Department of Transportation. As part of the approval, environmental document No. ENV-2022-5866-MND was published and circulated on November 23, 2022. Pursuant to CEQA Guidelines Section 15074(b), the City Planning Commission found that, with the imposition of enforceable mitigation measures and all comments received, there is no substantial evidence that the project will have a significant effect on the environment.

On March 16, 2023, within the required 15-day appeal period, two (2) appeals were filed by the following parties: Charles Johnson and the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA). The appellants are challenging the Project's Conditional Use and Site Plan Review entitlements as well as its Mitigated Negative Declaration and CEQA clearance to the City Council, as filed under Council File No. 23-0340.

Staff Recommendation

Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted appeal and sustain the City Planning Commission's determination, based on the whole of the administrative record, including Mitigated Negative Declaration No. ENV-2022-5866-MND, that the project is compliant with CEQA pursuant to State CEQA Guidelines Section 15074(b), and that there is no substantial evidence demonstrating that the project will have a significant effect on the environment.

Appeal Summary

The following appeal statements have been compiled and summarized from the submitted appeal and responded to below.

1. Appeal Point:

The proposed project will result in significant air quality and health risks, particularly due to the proximity to the 405 Freeway and Van Nuys, and thus an Environmental Impact Report is required.

Staff Response:

The project incorporates enforceable measures to mitigate air quality and hazardous materials related impacts to a less than significant degree. As part of the project's Mitigated Negative Declaration (MND), an air quality study was conducted where the technical data was evaluated by the South Coast Air Quality Management District (SCAQMD) in their letter dated December 21, 2022. Additionally, a Health Risk Assessment was conducted in response to prior comments submitted by CREED which clarifies that the only toxic air contaminants (TAC) source within 1,000 feet of the site is the 405 freeway which is 1.97 in one million, well below the SCAQMD's project threshold of 10 in one million. The appellant references a 413 in one million risk which is a background risk level that is applied to the entire 91343 zip code in the cited "MATES V" study and is not site specific. The Van Nuys Airport is located approximately 2.3 miles from the project site and departing airplanes would be well within high altitudes by the time they reached the project site. In accordance with the City's Advisory Notice for sensitive uses within 1,000 feet of a freeway, the project will be utilizing high quality air filtration including the installment of MERV 13 filters which remove approximately 90 percent of diesel particulate matter (DPM) from the intake air. Therefore, the risk to future students and staff at the site would not exceed thresholds using the appropriate methodology for evaluating potential risk and mitigation is not necessary. Furthermore, Section IX, Hazards and Hazardous Materials, of the MND documents the findings of the Phase I Environmental Site Assessment (ESA), Phase II ESA, and Asbestos Survey, and includes mitigation measures based on the findings of these analyses. With the implementation of Mitigation Measure AQ-1, HAZ-1, and HAZ-2, the project was found to not result in any significant unmitigable impact associated with air quality or hazardous materials which would necessitate an Environmental Impact Report

2. Appeal Point:

The proposed project does not properly analyze and disclose noise-related impacts.

Staff Response:

The project incorporates various project design features and utilizes adequate technical studies to address potential noise-related impacts. While the appellant alleges that CREED LA experts determined that the project would generate significant, unmitigated construction and operational noise impacts, the project MND properly conducted a noise analysis utilizing an appropriate baseline that was within the context of Los Angeles Municipal Code (LAMC) Section 112.05. As discussed in Section XIII, Noise, of the MND, compliance with the City's Regulatory Compliance Measures (RCMs) would reduce impacts related to construction noise and operational noise. The project would generate noise associated with student recreational activity from kindergarten through grade four children in the proposed outdoor play areas; however, outdoor noise would be an intermittent and periodic noise source, which would be limited to the daytime during school hours and when staff and students are outdoors. Moreover, the project does not include PA systems or bells as incorporated in the Conditions of Approval. The project has been designed such that the primary on-site noise impacts would be buffered by the taller, two-story buildings and an eight-foot CMU wall along the perimeter of the site. Therefore, as conditioned, the project will not generate any significant and unmitigable noise-related impacts.

3. Appeal Point:

The proposed project does not comply with policies set forth in the Community Plan and does not meet the required findings for the requested entitlements.

Staff Response:

The proposed project demonstrates compliance with all applicable land use policies as well as the Los Angeles Municipal Code (LAMC). The appellant contends that the City erred in its failure to hold a consultation with the Los Angeles Police Department (LAPD) during case processing. There are no specific requirements per the Mission Hills – Panorama City – North Hills Community Plan nor the requested Conditional Use and Site Plan Review entitlements to directly involve the LAPD for the proposed project. The project meets various aspects of the Mission Hills – Panorama City – North Hills Community Plan, as documented in the determination issued by the City Planning Commission, and charter schools are required to comply with the California Building Standards Code Part 2 (California Building Code) as adopted and enforced by the Los Angeles Department of Building and Safety (LADBS). Nevertheless, the project includes a Condition of Approval stating the following: "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... 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." The project is a conditionally permitted land use within the RA-1 Zone per the LAMC and has been designed in a manner consistent with good planning practice. Therefore, the project complies with all applicable land use policies and required findings associated with the requested entitlements.

4. Appeal Point:

The project has a deficient circulation plan, and the project site is unsafe for children and pedestrians.

Staff Response:

The project proposes to incorporate a new driveway which would provide access to the on-site parking lot and drop-off/pick-up area. The driveway would be designed to meet City standards to ensure adequate maneuvering by vehicles entering and exiting the site, including those related to Fire access, and to prevent spillover traffic onto neighboring streets. Per LAMC Section 12.21.A.4.f, the project would be required to provide one parking space per classroom, for a total of 28 parking spaces. The project's proposed parking lot consists of 49 surface-level parking spaces including 17 standard, 21 compact, nine clean air spaces, and two American Disabilities Act (ADA) spaces that would be located along the southern and western portions of the site. As discussed in Section XVII, Transportation, of the MND, the project would include a pathway connecting the project site to the existing sidewalk provided along the project site's Plummer Street frontage, and signalized crossings are provided within convenient walking distance to the project site along Plummer Street. The project would also make improvements to the sidewalk along the site's Plummer Street frontage, including at the site's access point, to enhance the pedestrian experience, and reduce the potential for vehicle/pedestrian conflicts at the proposed driveway. Additionally, the Conditions of Approval require the use of off-site parking facilities for large school events and a detailed drop-off/pick-up plan involving at least five (5) traffic monitors and a traffic ambassador to escort and protect students from vehicular hazards. The Conditions of Approval also require that the campus remain closed during school hours, including lunchtime, so that students will always be supervised when entering or leaving the school. Prior to issuance of any building permits, the project's parking plan and circulation plan will be subject to the review of other City agencies, including the Los Angeles Fire Department (LAFD) and LADOT. Therefore, there is no evidence provided into the record which demonstrates that the project is deficient in its circulation plan or transportation assessment.

5. Appeal Point:

The project removes existing mature trees as well as opportunities for open green space.

Staff Response:

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. In comparison, 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. The play areas would include artificial turf while the rest of the project site would include various trees and drought-tolerant landscaping. As discussed in the Arborist Report prepared for the project and in Section IV, Biological Resources, of the MND, the project would replace all removed protected native trees or shrubs on a 1:4 ratio

and all removed non-protected significant trees on a 1:1 ratio. The MND includes Mitigation Measures BIO-2a and BIO-2b, which detail avoidance and minimization measures for protected and non-protected significant trees and additional measures for replacement of protected and non-protected significant trees (e.g., proper tree size, planting, root care, and pruning). In the context of replacement of trees, Mitigation Measure BIO-2b identifies the appropriate size for new trees the on-site parking lot and drop-off/pick-up area. As such, replacement trees would be at least a 15-gallon, or larger tree, measuring one inch or more in diameter one foot above the base, and would not be less than seven feet in height measured from the base. Replacement trees, therefore, would already have been growing for some time prior to being planted on-site and would provide immediate greenery to the site. With the imposition of these Mitigation Measures and the City's Protected Tree Ordinance, the project will be required to comply with its submitted Landscape Plan which provides extensive landscaping and abundant open areas.

Conclusion

Based on the information in the record and after consideration of the appellant's arguments for appeal, Staff concurs the decision by the City Planning Commission which found that the Project complied with all requirements under the LAMC and CEQA and that there is no substantial evidence that the project would result in a significant effect on the environment. Therefore, it is recommended that the PLUM Committee deny the appeal and reaffirm that the Project is compliant with CEQA.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in blue ink, appearing to read 'Heather Bleemers', with a stylized flourish extending to the right.

HEATHER BLEEMERS
Senior City Planner

HB:EA:nm