



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



Los Angeles City Planning Commission

Date: November 20, 2008
Time: After 8:30 a.m.
Place: Van Nuys City Hall
14410 Sylvan Street, Second Floor, Council
Chambers
Van Nuys, CA. 91401

Public Hearing: October 20, 2008

Appeal Status: To City Council

Expiration Date:

Approval: Conditional Use is appealable by the applicant to City Council if disapproved in whole or in part. Per LAMC Sec. 12.36

Case No.: CPC-2008-1668-CU
CEQA No.: ENV-2008-1669-MND

Related Cases:

Council No.: 15
Plan Area: Harbor Gateway
Specific Plan: NA
Certified NC: Harbor Gateway North
GPLU: Highway Oriented
Commercial
Zone: C1-1-O

Applicant: Magnolia Science Academy,
Irfan Polat
Representative: Levitt Group Architects,
Arnie Levitt

PROJECT LOCATION: 555 W. Redondo Beach Boulevard

PROPOSED PROJECT: Change of use of a 2-story, approximately 51,000 square foot medical/office/ adult education building to a math and science charter school with building modifications to be built out in two phases but adding no new square footage or height. The school proposes a maximum enrollment of 575 students, serving grades 6th through 12th, with enrollment to be phased over five years. The school would be operated by 35 teachers and 15 administrative staff with hours of operation Monday through Friday from 7:30 a.m. to 4:00 p.m. and with special events occurring approximately 12 times a year. The proposed project is located on a 93,282 square foot site classified in the C1-1-O zone.

REQUESTED ACTIONS: 1. Pursuant to Section 12.24 U 24 (b) of the Municipal Code, a **Conditional Use** for the establishment of a private Charter High School in the C1-1 Zone.

RECOMMENDED ACTIONS:

1. **Approve** the requested **Conditional Use** for a charter school use serving grades 6 through 12 in the C1-1-O (Commercial) zone as requested.
2. **Adopt** Mitigated Negative Declaration No. 2008-1669-MND.
3. **Adopt** the attached Findings.
4. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that the mitigation conditions, identified as "(MM)" on the condition pages, are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

5. **Advise** the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG, AICP
Director of Planning

Betsy Weisman; Principal City Planner

Kevin D. Jones, Hearing Officer
(213) 978-1172

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Exhibits:

- A – Maps
 - A1 – Vicinity Map (required)
 - A2 – Radius Map (required)
 - A3 – Plan Map (optional)

- B - Plans
 - Site Plan
 - Elevation Plan
 - Landscape Plan

- C — Others, photos

- D - Environmental Clearance – EAF-2008-1669-MND

PROJECT ANALYSIS

Project Summary

The proposed project involves the change of use of a 2-story, approximately 51,000 square foot (sq. ft.) medical/office/ adult education building to a math and science charter school with interior building modifications to be built out in two phases but adding no new square footage or height. The school proposes a maximum enrollment of 575 students, grades 6th through 12th, with enrollment to be phased over five years. The school would be operated by 35 teachers and 15 administrative staff with hours of operation Monday through Friday from 7:30 a.m. to 4:00 p.m. and with special events occurring approximately twelve times a year. The existing parking lot of approximately 150 spaces will be reconfigured to reduce the number of parking spaces to 84 spaces to allow for a combination recreation and passenger drop-off area in the northern (rear) and eastern portions of the site with revised driveways.

The proposed remodel projects will not add floor area or height to the existing building. The existing building will be remodeled in two phases over a period of five years as follows:

- PHASE 1 - The first floor will be completely remodeled. The Magnolia Charter School will have an enrollment of 350 students.
- PHASE 2 – Remodeling of the second floor for use by the charter school. The Magnolia Charter School enrollment will be 575 students with appropriate staffing levels.

Parking will be provided at the southern and western portions of the lot. The northern and a portion of the eastern areas will be used for recreation purposes and a passenger pick-up and drop-off area. Following the Department of Transportation mitigation measures, the driveway will also be reconfigured to allow four lanes of access. The proposed hours of operation will be 7:30 a.m. to 4 p.m. Monday through Friday and the school will be closed on weekends however, small group instruction for enrichment, remedial or tutoring purposes will be available on Saturdays, twice a month.

The plans for the subject school include a library, student center, student lounge, and resource center. The curriculum does not include music department or an extensive physical education program that requires operation beyond the regular school operating hours. Outdoor physical education classes will be conducted at two off-site parks that are more than 900 feet way from the Harbor Freeway (I-110).

The school is a tuition-free public charter school currently located at 1444 W. Rosecrans Avenue, Gardena, California and currently has an enrollment of 220 students in the 6th and 7th grades. The subject site will allow an expansion of the school to an enrollment of 575 students in the 6th through 12th grades.

PROJECT SITE DISCUSSION

The subject site has an area of approximately 93,282 sq. ft. and is developed with a two story office building of approximately 51,000 sq. ft. that was constructed in 1982 with a surface parking lot providing 150 parking spaces. The two story structure has a height of approximately 30 feet. The topography is level. The building features fixed windows that do not open to the exterior reducing the amount of unfiltered air that enters the building. Two driveways and one pedestrian walkway on Redondo Beach Boulevard provide access to the site.

The subject property is located within the Harbor Gateway Community Plan that was adopted on December 6, 1995 (pursuant to Council File 95-1394, CPC-94-0213-CPU). The Harbor

Gateway Community Plan designates the site as Highway Oriented Commercial with corresponding zones of CR, C1, C2, and P. The plan footnotes limit the Height District of commercially designated land to Height District 1. The site is located within the South Los Angeles Alcohol Sales Specific Plan Area. A Zoning Information (ZI-1192) notation that applies to the subject site states that the area is near a Hazardous Waste Area/Border Zone Property that is located at 15220 S. Broadway, approximately 640 feet northeast of the subject site in Rosewood, an unincorporated section of the County of Los Angeles.

The educational needs for the Harbor Gateway, Wilmington-Harbor City, and San Pedro Communities, and the Cities of Carson, Gardena and Lomita are served by Local District 8 of the Los Angeles Unified School District (LAUSD). While the subject site is in the Highway Oriented Commercial designation with a corresponding zone of C1-1, it is surrounded by properties with Industrial designations and zones. Testimony from the Hearing stated that there are very few alternative sites in Commercial or Residential land use areas within a five mile radius of the subject site that were considered. These alternative sites were found to be less appropriate as compared to the subject site for the school's expansion plans. The applicant concluded after their search that the subject site was the preferred site. Although it is located next to the freeway, the impacts could be mitigated.

Conditional Use

The proposed project involves a request for a Conditional Use Permit to allow a change of use of a 2-story, approximately 51,000 square foot medical/office/ adult education building to a math and science charter school on a property zoned C1-1-O.

Background

Existing Uses

The existing 51,000 sq. ft. building was built in 1982 and is currently used for medical offices, general office and adult education proposes. The proposed Magnolia Charter School is a certified, charter elementary school currently supporting 220 students at another location. The proposed expansion and new facility at the subject site would enable the school to accommodate an enrollment of 575 students and appropriate staff including teachers, teaching aides, and administration. The school is located within the South Los Angeles Alcohol Sales Specific Plan but the provisions of that plan do not apply to schools. The site is located within the C1 zone with a Highway Oriented Commercial land use designation.

A Mitigated Negative Declaration (ENV-2008-1669-MND) issued on October 13, 2008 found that the proposed project conforms to the General and Community Plans and that Aesthetics, Air Quality, Seismic, Biological Resources, Geology and Soils, Hazardous Materials, Noise, Public Services, Transportation/Circulation, and Utilities are environmental factors potentially affected by this proposal. The Department of Transportation (DOT) completed a Traffic Impact Assessment dated July 18, 2008 based on the traffic study prepared by Arthur Kassan that is part of the case records. Additional information and documentation are included in the records regarding; Air Quality, State of California Phase I Environmental Site Assessments for Schools Approval, Hazardous Waste Areas/Border Zone Properties, Methane Soil Gas Assessment, and letters from the City of Los Angeles Department of Recreation and Parks.

Surrounding Zones and Uses

The proposed project is located on a 93,282 sq. ft. lot in the C1-1-O zones and is developed with a 51,000 sq. ft. office building. The project site is a primarily flat rectangular shaped, lot located on the north side of Redondo Beach Boulevard between Figueroa Street, 160 feet east,

and the Harbor Freeway (I-110), adjacent to the west. The surrounding properties are developed with one- and two-story commercial and industrial buildings.

Properties to the north of the subject site are designated for Limited Industrial uses and Public Facilities that are zoned [Q]CM-1VL, MR1-1VL-O and PF-1. This area is developed with industrial use buildings with associated parking and a Power Utilities facility. The property to the east has a Highway Oriented Commercial designation, is zoned C1-1-O and is developed with a McDonald Fast Food Restaurant. Further east of Figueroa Street is the Rosewood Community of unincorporated County of Los Angeles and is developed with a variety of industrial uses including vehicle repair and desk manufacturing. Properties to the south are designated for Limited Industrial uses and is zoned M1-1VL. Uses in this area include vehicle (automobile and truck) repair, vehicle parts, restaurants, furniture manufacturing, and an adult novelties store. West of the site is the Harbor Freeway (I-110). A 100 foot wide strip along the east side of the freeway property is rented to a landscape nursery and this strip also has high power transmission lines that are in this area. Further west on the north side of Redondo Beach Boulevard the properties are designated for Light Industrial uses with a corresponding zone of M2-1VL-O that was use for industrial/manufacturing uses. The south side of Redondo Beach Boulevard is designated for Medium Density Residential, zoned R3-1 and developed with residential uses.

Streets and Circulation

Redondo Beach Boulevard, adjoining the site to the south, is a Major Highway Class II, dedicated to a width of approximately 100 feet and improved with sidewalks, curbs, and gutters. Freeway on and off ramps provide access to the Harbor Freeway (I-110) are on the south side of Redondo Beach Boulevard across from the subject site.

Figueroa Street approximately 160 east of the site is a Major Highway Class II dedicated to a width of approximately 100 feet and improved with sidewalks, curbs, gutters.

Issues

Uses

The proposed project changes an office building to a charter school, the Magnolia Science and Math Academy, to have an enrollment of 575 students in the 6th through 12th grades. The school is a tuition free public charter school currently located at 1444 W. Rosecrans Avenue, Gardena, California. The move to the subject site will permit the expansion of the school. The charter school and expansion will be an important asset to the community of Harbor Gateway. Many of the students at Magnolia Math and Science Academy live in the surrounding neighborhood and therefore, allowing the school to accommodate more students will grant access to a larger portion of the local community.

The expansion of the Magnolia Academy has the potential to enhance the cultural and educational character of the community, and provides an opportunity to achieve one of the goals of the Harbor Gateway Community Plan: to encourage infill developments which provide opportunities for improving the economic condition of the community as they improve the physical condition of the neighborhoods. The school would only be used on weekdays during normal business hours, except for special events which are conditioned. The environmental impacts on neighboring properties would be limited.

The subject site has a Land Use Designation of Highway Oriented Commercial with a corresponding zone of C1-1-O. Schools are allowed to operate in this zone with an approved Conditional Use Permit. The site is surrounded by an area that is designated for Limited Industrial uses. To the west is the adjacent Harbor Freeway (I-110) that also has

power transmission lines and a landscape nursery. The design of the building and the proposed mitigation measures would mitigate the identified impacts to a less than significant level. The building has fixed windows that are closed reducing the exposures to noise levels from surrounding industrial uses and contributes to reducing the intake of unfiltered air. The applicant has made arrangements to conduct outdoor physical activities off the site at least 900 feet away from the Harbor Freeway. Mitigation measures require the installation of effective air filtration systems. The applicant has demonstrated security and safety protocols for student transportation, minimizing unsupervised off campus activities, and providing for an environment that contributes to the education of the students.

Air Quality

The subject site is adjacent to the Harbor Freeway (I-110) and this location would expose sensitive receptors, the students, to potentially significant Air Quality Impacts as identified in the Mitigated Negative Declaration (MND), ENV-2008-1669-MND. The Air Quality General Plan Element was adopted by the City Council on November 24, 1992 (Pursuant to Council File No. 91-2003) and it states "It is the objective of the City of Los Angeles to ensure that the land use plans separate major sources of air pollution from sensitive receptors such as schools, hospitals and parks." Policy 4.3-1 reads "Revise the City's General Plan/Community Plans to ensure that new or relocated sensitive receptors are located to minimize significant health risks posed by air pollution sources."

The above Air Quality Element objectives address air quality concerns by locating sensitive receptors away from air pollution sources. The development of these policies was done when the application of more advanced air filtration technologies was limited. In the intervening 16 years, these technologies have become more common, economical and have broader applications in a variety of uses.

At the August 14, 2008 City Planning Commission meeting presentations were made on current research about the health impacts on both children and adults of living in proximity to freeways, rail lines and rail yards. These impacts are statistically significant related to asthma incidence for children and cardiovascular problems in adults. Highest impacts occur within 500 feet of the transportation facilities. The Commissioners asked about potential mitigation measures. These might include additional setbacks for sensitive land uses such as schools and hospitals, and disclosures of health concerns in real estate transactions. Commissioners also heard a presentation on the cumulative environmental and social justice impacts of concentrating major transportation and public facility uses in parts of the Los Angeles region. They also asked staff to make a report to them in November on how these issues might best be addressed in our work program, ordinances and plans. An Air Quality Policy has not been formulated to be considered in this staff report but mitigation measures have been included as required in the Mitigated Negative Declaration.

The air quality research discussed above was prepared using information from a variety of responsible agencies including: the Federal Environmental Protection Agency (EPA); State of California Environmental Protection Agency (Cal/EPA); the California Air Resources Board (CARB); the South Coast Air Quality Management District (SCAQMD); and the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). The study shows that particulate matter concentrations from freeways decrease as the distance from the freeway increases. At a distance of 500 feet, particulate matter concentrations approximate the regional ambient air quality concentrations.

The Mitigated Negative Declaration, ENV-2008-1669-MND, requires "An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the

Department of Building and Safety.” The applicants have supplied an Air Quality Impact Analysis that concurs with the MND condition and demonstrates the efficacy of the air filtration system. MERV 13 filtration systems capture 80 to 95% of particles having a 0.30 to 1.0 micron diameter. The applicants propose using parks that are more than 900 feet away from Harbor Freeway (I-110) for outdoor physical education classes. Filtration systems that have a MERV rating of 13 are appropriate for smoke removal and meet the standards for general surgery hospitals and other health care applications. The air filtration system combined with windows that do not open and off-site outdoor activities mitigate the air quality impact to a less than significant level.

Site

Notwithstanding the benefits that the expansion of the school would bring for the community, its location between a major highway and a freeway poses very real and significant health risks such as asthma and impaired lung development of young children at the school due to increased levels of vehicle emissions and pollutants surrounding the site. Effective mitigation measures such as fixed windows with an improved air filtration system, trees, and other landscaping throughout the site to mitigate outdoor noise and air quality could result in reduced health hazards. Moreover, as children are particularly sensitive to indoor air quality, the remodeled area should be designed to use paint and other building materials low in Volatile Organic Compounds (VOCs), which are known to harbor irritants and contaminants. The project is on a lot that has been used as offices, medical offices and an adult school. This will allow the school to become fully functional in a short period of time.

The proposed construction is interior only and will not increase height, floor area or the building foot print. No soil will be disturbed during the construction and this will minimize dust generation from that source.

Traffic

Traffic Report - A traffic report has been prepared by Arthur L. Kssen and the Department of Transportation completed a Traffic Impact Assessment including mitigation measures on July 18, 2008. The Assessment is part of the MND. The mitigation measures require the reconstruction of the western driveway and the preparation and approval of the project's driveway, internal circulation, and parking scheme. All queuing for carpool drop off and pick up will be on site at the rear of the existing building. Parking for staff, visitors and a few students will be on the south and west sides of the site.

Hazardous waste property

A Zoning Information (ZI-1192) notation that applies to the subject site states that the area is near a Hazardous Waste Area/Border Zone Property that is located at 15220 S. Broadway, approximately 640 feet northeast of the subject site in Rosewood, an unincorporated section of the County of Los Angeles. The applicant has submitted documentation from the State of California Department of Toxic Substances Control stating that a Phase I Environmental Site Assessment was performed and approved for the Magnolia Science Academy at the subject site. The information in the case records show that a search for hazardous waste sites was performed covering the records of the State of California Environment Protection Agency. Those records did not disclose any current hazardous sites within the zip codes for the subject site and the site identified in ZI-1192. The documentation suggests that a clean up of the hazardous material at that site was completed. The owners of the property and the Charter School have been made aware of the Border Zone disclosure. The completed disclosure form, as required by the City of Los Angeles, is part of the case records. This is an existing building and is not new construction. Only interior tenant improvement

construction will occur. A methane test has been conducted and no detectable methane was found to be on this site.

Adult Novelty Business

The proposed Charter school will restrict students to the campus during the school day, no students are allowed off site without supervision. The supervision and security measures implemented by Magnolia Charter School should prevent the chance of students from entering that store. The proposed school will have a closed campus policy that prohibits student from leaving the campus without supervision or administrative approval. All loading and unloading of students will be to the secured rear of the existing building and will be monitored by administrative and teaching staff.

Walkability Analysis: The site is located on Redondo Beach Boulevard 160 feet west of Figueroa Street and a transit stop for the Torrance Municipal Transit Line is at the intersection of those two streets. The streets in the area are characterized by a grid pattern. The school has demonstrated that a number of students walk to and from the school each day at its current location in Gardena. The proposed charter school is an expansion of an existing school. The project will provide pedestrian enhancements including: The primary entrances to the school are at-grade and ADA compliant; Parking for the school is located in the south and west portions of the lot with a well defined pedestrian crosswalk across the southern parking lot.

CONCLUSION

The relocation of the Magnolia Charter School to the subject site would provide additional education and cultural resources needed in the Harbor Gateway Community Plan area and surrounding communities including the City of Gardena and the Rosewood community of the County of Los Angeles. The existing school site will be suitable location for the expansion in that the site is currently underutilized, a majority of the students at the Magnolia Charter School would come from the surrounding neighborhood and potentially adverse conditions can be mitigated.

The structures will be adaptively reused and will add all appropriate mitigation measures to address the identified environmental impacts. Air Quality is a significant issue as the subject site is adjacent to the Harbor Freeway. The MND and supplemental Air Quality Impact Analysis Report demonstrate that the air quality impacts will be mitigated to a less than significant level with the implementation of a combined use of an air filtration system having an MERV rating of 13 with fixed windows that are closed. In addition, the applicant will locate the physical education activities at two off-site parks that are more than 900 feet away from the freeway.

The project site has a number of factors and impacts as a result of its location. After consideration of the project's proposal and conditions, these factors and impacts could be mitigated to acceptable levels. The mitigation measures combined with the community's expressed high regard and desire has provided the need to fully consider the request for a CUP. Staff's recommendation is for approval of the requested conditional use permit. With the recommended conditions of approval, the proposed project will coexist harmoniously with the surrounding industrial uses. These conditions include an annual review of the school and additional Air Quality related conditions. As conditioned, the project will meet the goals of the Harbor Gateway Community Plan

**CONDITIONS OF APPROVAL
FOR CONDITIONAL USE**

A. Entitlement Conditions

1. **Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development site and elevation plans including complete landscape and irrigation plan by a licensed landscape architect or architect, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans shall be in substantial conformance with the site plans labeled as Exhibit "A" stamped and dated November 20, 2008, or as modified by the City Planning Commission attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Floor Area and Parking.**
 - a. **Floor Area.** The total floor area on the subject site shall not exceed 51,000 sq. ft. with a Floor Area Ratio (FAR) of 0.55:1. .
 - b. **Parking.** A minimum of 84 parking spaces shall be provided as specified and accessible at all times of school operation and Special Events.
3. This grant of the **Conditional Use** to permit the operation of a Charter School for grades 6 through 12 in the C1 zone shall be reviewed for compliance with the conditions of approval two (2) years and five (5) years, from either the effective date, the granting of a Certificate of Occupancy, or any appellate action in the applicant's favor, which ever gives the greatest length of time, after which the applicant shall need to file for and win a Plan Approval from the City of Los Angeles pursuant to Section 12.24 M of the L.A.M.C. Each plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. In reviewing the plan approvals of the school and parking, the Director of Planning may consider conditions volunteered by the applicant or suggested by the Department of Transportation, the Council District Office and /or Neighborhood Council, but not limited to establishing conditions, as applicable, on the following: the operation; hours of operation; security plans; maximum seating capacity; noise; mode, character and nature of the operation; and parking arrangements.

B. School Conditions

4. The use of the subject property shall be limited to a public charter school serving grades 6 through 12, with a maximum enrollment of 575 students.
5. **Use Restrictions**
 - a. Rental or lease of the facilities is not permitted.
 - b. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application pursuant to Section 12.27-I,15 of the Municipal Code, and is granted such request.

- c. No incidental gaming activities as defined in Section 12.21A13 shall be permitted on the site.
- 6. Hours of Operation** shall observe the following limitations.
- a. For classroom instruction: 7:30 a.m. to 4:00 p.m., Monday through Friday. No regular classroom instruction is permitted on Saturday or Sunday, however, small group instruction for enrichment, remedial or tutoring purposes shall be permitted on Saturdays, between the hours of 8:00 a.m. and 1:00 p.m. twice a month.
 - b. Teacher preparations, normal school maintenance, parent conferences with teachers, and similar customary school activities on the property may extend beyond the hours set forth above.
 - c. **Special Events.** Not more than twelve (12) "Special Events" are authorized. Special Events are activities involving parents and/or other visitors where more than 50 vehicles are anticipated at one time. Parent/teacher meetings are excluded from the definition of "Special Events". Permitted hours of special events shall be confined to between the hours of 9 a.m. and 9:30 p.m., Monday through Saturday. By 10 p.m., all persons shall have vacated the property, other than administrative, janitorial, or security personnel. An instructor or school staff member shall be present at all events to monitor student activities, arrivals and departures to insure that noise impacts on adjacent neighbors are minimized. Unless subsequently modified by the City Planning Commission, the special events authorized on the property are as follows:
 - Back to School Nights
 - School Performances
 - Graduation
 - School Dances
 - Admissions Open Houses
 - d. **Calendar.** A copy of the Calendar and List of Major events shall be submitted to the appropriate Council District, Certified Neighborhood Council, and business owners within 500 feet of the School property at least 30 days prior to the beginning of each school year for their reference.
 - e. **Calendar modification.** No variation to allow a Special Event that is not included on the Calendar shall be scheduled without a minimum 30 day advance notification to the appropriate Council District, Certified Neighborhood Council, and business owners within 500 feet of the school property.
- 7.** The school shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the City Planning Department at the same time. The school 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 and student who parks on the property.
- 8. Student Drop-off and Pick-Up.** The Drop-off and Pick-up of Students shall be on the site at the north (rear) portion of the property only. No Student Pick-Up or Drop-off is permitted on Redondo Beach Boulevard or Figueroa Street.

9. **Outdoor Physical Education** – All scheduled outdoor physical education activities and instruction shall be conducted at sites that are more than 900 feet away from any freeway.
10. Any school-operated van and bus which transport students shall not park on any surrounding public street or alley.
11. Except during special events, all faculty, administrators, other employees students and visitors shall be instructed by persons acting on behalf of the school to park on-site at designated locations.
12. The school shall implement a **Traffic Management Program** to the satisfaction of the Department of Transportation and the City Planning Department prior to the issuance of a certificate of occupancy or temporary certificate of occupancy. Components of the program shall include:
 - a. As required by the Department of Transportation (DOT), the school shall submit an annual report to DOT verifying that at least 50% of the students are carpooling with 3 or more people. Students who walk to school shall be considered as carpool riders.
 - b. Appointing an overall school traffic coordinator, appointment of parent coordinators, distribution of literature explaining the program, distribution of family names and phone numbers so that parents can identify potential carpool opportunities, and informing parents of the need and desirability for carpool plan participation.
 - c. **STUDENT PARKING** - The applicant shall require that all students that drive vehicles shall park on the site. Students must have prior school permission to participate in this parking program. No student shall be permitted to park on any street within 500 feet of the school site or any residential street within 1,000 feet of the school site.
 - d. Submitting annual Traffic Management Program Reports to the City Planning Department, Department of Transportation, Council Office, and Certified Neighborhood Council indicating average vehicle ridership and compliance with implementation mechanisms above, or others as approved by Department of Transportation and the City Planning Commission.
13. **Special Event Parking.** If a special event at the property is expected to attract more than 84 vehicles, then off-site parking for vehicles in excess of the 84th vehicle shall be provided. Those persons attending the event shall be instructed to park in such off-site parking locations to the satisfaction of the City Planning Department.
14. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code. All exterior signs shall be of an identification or directional type and shall be limited the size and locations submitted to and approved by the City Planning Department prior to the issuance of building permits. No illuminated flashing or animated signs shall be permitted. No off-site commercial signs shall be permitted.
15. Delivery vehicles shall enter and exit the property from Redondo Beach Boulevard only. The property owner shall instruct companies who deliver to do so between 7:30 a.m. and 4:00 p.m. but outside the stated hours of student drop off and pick up.

16. 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.
17. A **Security Plan** shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the Southeast Commanding Officer a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the City Planning Department.
18. The school shall have a closed campus policy during operating hours that prohibits students from leaving the campus without supervision or administrative approval.
19. The property shall be internally secured when not in use.
20. All lighting shall be directed onto the site. Floodlighting shall be designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties.
21. **Noise mitigation:**
 - a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
 - b. No amplified music or loud non-amplified music is permitted outside.
22. **Log.** The property owner shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for a minimum of one year and shall be made available on request to the Planning Department for review.
23. A copy of the complaint log shall be made available to the Director of Planning in conjunction with the review of conditions set forth under Condition No. 48. The school administration shall be responsible for disseminating the name and phone number of the school representative that will be responsible for addressing complaints to the Council Office, all adjoining property owners, and the City Planning Department. The log will be used by the Planning Department to review the operation of the school under the terms of the Conditional Use for compliance with all conditions of approval.
24. All school administrators, faculty and school board members shall be provided a copy of the instant determination.
25. A **Traffic Monitoring Report** shall be submitted to the Department of Transportation, City Planning Department and Council Office for review annually for the first seven years following the issuance of a certificate of occupancy.

C. Mitigated Negative Declaration Conditions (MM)

26. Aesthetics Landscaping - All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker. (MM)

27. Air Pollution (Stationary) - COMMERCIAL/INSTITUTIONAL - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety. (MM)

28. Seismic - The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

29. Erosion/Grading/ Short Term Construction Impacts

a. AIR QUALITY: (MM)

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

b. NOISE: (MM)

- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

c. GENERAL CONSTRUCTION: (MM)

- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

30. Explosion/Release (Methane Gas) All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations.

The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas. (MM)

All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.

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

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

32. Public Services (Fire) - The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the

submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane. (MM)

33. Public Services (Police General) - The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits. (MM)

34. Increased Vehicle Trips/Congestion The applicant shall comply with measure(s) detailed in the Department of Transportation's Inter-Agency Correspondence, dated July 18, 2008 and attached to this MND. Such report and mitigation measure(s) are incorporated herein by reference. (MM)

35. Utilities (Local or Regional Water Supplies) The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season). If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate. (MM)

LANDSCAPING - In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a. Weather-based irrigation controller with rain shutoff;
- b. Matched precipitation (flow) rates for sprinkler heads;
- c. Drip/microspray/subsurface irrigation where appropriate;
- d. Minimum irrigation system distribution uniformity of 75 percent;
- e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials;
- f. Use of landscape contouring to minimize precipitation runoff. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety; and
- g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

36. Utilities (Solid Waste) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins

shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program. (MM)

C. Other Conditions

37. Construction

- a. Construction-related Parking. Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractor shall be allowed to park on the surrounding local residential streets for the duration of all construction activities except, construction related parking is permitted on the west side of Grand Avenue. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any street or alley in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.
- b. Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 8:00 AM and ending at 4:00 PM, Monday through Friday. No construction truck deliveries shall occur outside of that time period. No truck queuing related to construction deliveries to the project site shall occur on any local or collector street or alley within the project vicinity outside of that time period.
- c. During construction activities, the Project developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, that are adjacent to existing public roadways, be secured to prevent trespass.
- d. Construction workers shall be encouraged to carpool or vanpool to the Project Site during construction of the Proposed Project to reduce vehicle trips.
- e. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

38. Solid Waste

- a. In compliance with AB 939, the construction contractor shall only contract for waste disposal services with a company that recycles construction-related wastes.
- b. In compliance with AB 939, to facilitate the onsite separation and recycling of construction related wastes, the construction contractor shall provide temporary waste separation bins onsite during construction.

39. Rooftop Screening. Any structure on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any existing adjacent residential uses as seen from grade.

40. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

D. Administrative Conditions

- 41. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review 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.
- 42. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
- 43. 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 assigns. The agreement shall 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.
- 44. 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.
- 45. 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.
- 46. Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
- 47. Project Plan Modifications.** Any correction and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yard or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission or Board.
- 48. 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 of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

49. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

FINDINGS

General Plan Findings

1. **General Plan Land Use Designation.** The subject property is located within the Harbor Gateway Community Plan area, which was adopted by the City Council on December 6, 1995 (pursuant to Council File 95-1394). The Plan Map designates the subject property for Highway Oriented Commercial land use with corresponding zones of CR, C1, C2, P and RAS3. The existing zoning IS CONSISTENT with the land use designation of the General Plan as reflected in the adopted community plan.
2. **General Plan Text.** The following Harbor Gateway Community Plan's land use objectives are consistent with the proposed development:

The development of other public facilities such as libraries, and schools should be sequenced and timed to provide a balance between land use and public services at all times.

The City should provide opportunities for the development of school sites as needed.

The Plan proposes shared use on existing school and park facilities for recreational and educational uses.

The project will meet the above policies of the Harbor Gateway Community Plan by providing an opportunity for developing school sites as needed. The Los Angeles Unified School District (LAUSD) has indicated that the proposed charter school expansion will help relieve overcrowding at several area schools. The proposed expansion of the Public Charter School by relocating to the subject site will increase the school's ties with the surrounding area by expanding the educational services in the neighborhood.

The Air Quality General Plan Element was adopted by the City Council on November 24, 1992 (Pursuant to Council File No. 91-2003) and it states "It is the objective of the City of Los Angeles to ensure that the land use plans separate major sources of air pollution from sensitive receptors such as schools, hospitals and parks." Policy 4.3-1 reads "Revise the City's General Plan/Community Plans to ensure that new or relocated sensitive receptors are located to minimize significant health risks posed by air pollution sources."

The above objectives address air quality concerns by locating sensitive receptors away from air pollution sources. While this is a preferred policy, with the proper technologies and restrictions it is possible to locate this school near the freeway and not adversely affect the students. The Mitigated Negative Declaration, ENV-2008-1669-MND requires "An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety." The applicants have supplied an Air Quality Impact Analysis that concurs with the MND condition and demonstrates the efficacy of the air filtration system. The applicant is required by the conditions of approval to use parks that are more than 900 feet away from Harbor Freeway (I-110) for outdoor activities including physical education classes. The air filtration system combined with windows that do not open and off-site outdoor activities mitigate the air quality impact to a less than significant level.

3. The **Transportation Element** of the General Plan will not be affected by the recommended action herein. Redondo Beach Boulevard and Figueroa Street are designated Major

Highway Class II that have widths of 100 feet. This is less than the Major Highway Class II street standard of 104 feet but the Bureau of Engineering and DOT did not require any additional dedication or street improvements to mitigate the project related traffic impacts. The Traffic Impact Assessment by DOT requires the reconstruction of the project driveway and that the driveway will be completed prior to the issuance of a building permit. These improvements have been required in the conditions of approval to ensure that adequate space is provided for pedestrian circulation and walkability.

4. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
5. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.
6. **Conditional Use, L.A.M.C. Sec. 12.24.**

A. *The location of the project will be desirable to the public convenience or welfare.*

The proposed project is the conversion of an existing 51,000 square foot office building to a math/science charter school for students in grades 6 through 12). The new facility will consist of 30 classrooms, a library / computer room, science lab classrooms, student lounge/ lunchroom, faculty room and administrative offices. The proposed hours of operation will be Monday through Friday 7:30 am to 4:00 pm, with small special events occurring 12 times a year. The school will have 35 teachers and 15 administrative staff.

The subject conversion will upgrade an existing office facility that is currently 70% vacant. The school is a tuition-free public charter school currently located at 1444 W. Rosecrans Avenue, Gardena, California and currently has an enrollment of 220 students in the 6th and 7th grades. The school is expected to open at the subject site for the new school year of 2009, and will provide relief to the existing overcrowded neighborhood schools. The Magnolia Math and Science Charter School is open to the public and therefore available for neighborhood children to attend. The school enrollment will be 575 students, enabling the school to provide a better educational alternative through smaller class sizes and a focus on Math and Science for college preparation. The proposed site is desirable to the public convenience and welfare of these families wishing to send their sons and daughters to this new Science and math Charter School students. Redondo Beach Boulevard is developed to the Major Highway Class II Standards and is controlled by existing traffic signals. The location of the existing building has direct street access and the re-configured driveway will be in alignment with the signalized intersection for the North / South freeway on and off ramp. The existing driveways are located for easy and safe delivery of children at the rear of the school. Vehicle queuing for student drop off and pick up will be on site with a stacking capacity of 44 cars.

The location of the proposed school will provide this community with an educational facility that is operated by the Magnolia Charter Schools and the Dialog Foundation. They are experienced educators and proven in Charter Schools and are ranked in the top 10 in the State of California for academic accomplishment, and has an established relationship in the Los Angeles community with schools in Reseda, San Fernando Valley, Venice, Hollywood, and in San Carlos. The proposed conversion of office to Charter School will allow for a continued choice of a tuition free school opportunity which

ultimately serves the best interest of the community at large. Documents in the case records show that the applicant has improved Academic Performance Index (API) ratings by 75 to 100 points as compared to surrounding schools in areas of similar demographic backgrounds.

B. The proposed project will be proper in relation to adjacent uses or the development of the community.

The proposed project is located on a 51,000 square foot lot in the C1-1-O zones. The project site is a primarily flat rectangular shaped, lot located on the north side of Redondo Beach Boulevard between Figueroa Street, 160 feet east, and the Harbor Freeway (I-110) adjacent to the west, in the Harbor Gateway Community Plan Area. The proposed school project is proper in relation to the adjacent uses in that the school will be located within an existing structure and will serve the communities of Harbor Gateway, Rosewood, and in the City of Gardena. Over 65% of the students are currently enrollment from the zip codes to the west of the site..

The conversion of the site from an under-utilized office building, that previously was the home to two Church organizations with a 250 seat Sanctuary, classrooms for pre-school and for religious instruction (see ZA 93-0711 CUZ) , an adult medical school, and general offices, to an institutional educational facility is consistent with existing commercial uses and will not constitute the introduction of an adverse use into the community. Schools are permitted in the C1-1 zone by obtaining an approved conditional use permit. The intent and purpose of a conditional use permit is to apply a discretionary process for a particular use which is not allowed as a matter of right within a zone. There are similar sites throughout Los Angeles used as schools, operating under a conditional use permit with environmental mitigation measures and conditions of approval to ensure compatibility with the surrounding area. The proposed Charter school will restrict students to the campus during the school day, no students are allowed off site without supervision. This is part of the standard operating procedures for all Magnolia schools. The supervision procedure will prevent students from involving themselves with the adult retail store and therefore will not an issue. The proposed school will be on security lock down after the students arrive in the morning. All loading and unloading of students will be to the secured rear of the existing building and will be monitored by administrative and teaching staff. The proposed project is proper to the development of the community in that the project is the conversion of an under utilized C1-1 use to one that suits the educational needs of the community. Additionally, the proposed Charter school supports the Community Plan Policy to explore creative alternatives for providing for new school sites in the city. Conditions of approval related to traffic and circulation, environmental mitigation and compliance review have been approved as part of this grant. Parking for faculty, staff and students will be provided on the subject property. Transportation mitigation measures and phasing conditions assure that the proposal will comply with the conditions of the grant, as monitoring is required as well. The site is adjacent to the Harbor Freeway which is elevated at this location and there will be impacts if outdoor recreation activities are conducted on the site. However, the permit is conditioned to prohibit outdoor activities at this site. The school has developed a physical education program that will conduct outdoor activities at parks that are more than 900 feet away from the freeway.

C. The proposed project will not be materially detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

The development of this Charter School is within a built up, urbanized area and will not change the character of this neighborhood and will be in harmony with the General plan and the previous approved community based uses for this parcel. The proposed Charter School will be recycling an existing office building. This existing building has the adequate square footage and floor plan layouts that can be modified into a Charter School for the proposed Math and Science curriculum. Furthermore, the proposed project will meet all applicable provisions of the Los Angeles Municipal Code, and is consistent with the general purpose and intent of the zoning regulations.

No additional square footage will be required. No exterior elevation changes are anticipated. This building has the proper fire ratings for a proposed Charter School use with the addition of fire sprinklers. This proposal has been reviewed by the Case Management section of Building and Safety and is building code compliant for the proposed Charter School use. The hours of operation are limited to the Charter school day time use with no evening activities.

Further ensuring that the proposed project will not be materially detrimental to the character of the development in the immediate neighborhood, entitlement conditions regulating the use and development have been imposed. The applicant has located the student pick-up/drop-off point on the site and to the rear of the property to provide ample vehicle access to and from the subject property without hindering traffic flow on Redondo Beach Boulevard. Moreover, landscaped buffers consisting of trees and a variety of vegetation will be provided at selected locations on the perimeter of the site and interior courtyards.

8. **Environmental Findings (CEQA)** A Mitigated Negative Declaration (ENV-2008-1669-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The mitigation measure concerning the Wildlife Corridor was not included in this recommendation for the following reasons: The proposed construction is for interior improvements and will not result in the disturbance of any wildlife habitat or native plant materials; The urbanized area that was developed more than 50 years ago; and the proposed construction will not impact any native nesting birds. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. For the reasons set forth in the Proposed Mitigated Negative Declaration number ENV-2008-1669-MND, the project will not have a significant effect on the environment.

PUBLIC HEARING AND COMMUNICATIONS

Summary of Public Hearing Testimony and Communications Received

The Public Hearing on this matter was held at the City Hall in San Pedro, 638 S. Beacon Street Room 452, Los Angeles, CA 90012 on Monday, October 20, 2008, at 10:30 AM.

1. Present: Approximately 70 people attended.
2. Speakers: 14 speakers provided testimony.

Public Hearing Testimony Notes

SUPPORT:

12 speakers provided supporting testimony. They indicated strong support for the relocation of the school to the subject site. The following comments were made:

- Air quality is an issue that the applicants can solve with proper air filters. While air quality important there are several other issues of much greater importance in this community
- The quality of education at the Magnolia Charter Academy is substantially better than the surrounding public schools. The API test scores demonstrate their academic performance.
- The overall environment at the existing campus supports education and the learning process. There are no problems with class disruptions or student behavior. Campus security is very high creating a calmer campus.
- School safety and the prevention of violence is the major concern in this community. The new site is safer than most schools because of its size and access is limited to Redondo Beach Boulevard.
- The teachers and staff have developed a strong partnership with parents and the community using clear communication skills.
- The Harbor Gateway Community has one or two schools that are adjacent to the Harbor Freeway and the narrow shape that follows the Freeway should be considered and schools allowed.
- The single most important factor about quality of health is not just air quality. In fact, according to the Center for Disease Control (CDC), the most important factor in determining the quality of health and life is access to good health care. Unfortunately, in the United States access to good health care is directly related to having health insurance. To have that insurance requires that families have employment to afford the premium costs. This leads back to having a quality education to qualify for the employment opportunities. The Magnolia Charter School provides the quality education necessary for competitive employment opportunities.

A representative from Council District 15 provided strong supporting testimony of project as proposed. The Council District appreciates the concern for a healthy environment including Air Quality but the MDN recommends and the applicant will be installing appropriate mitigation measures. The Magnolia Science Academy addresses several other issues that are of concern including high standards for education, safety, and security. A letter from the Council office is in the case files.

OPPOSITION:

Two speakers provided opposition testimony. They identified themselves as being members of the Harbor Gateway North Neighborhood Council. A copy of a letter dated June 30, 2008 was submitted. The original of the letter is part of the case records.

- The speakers and the Neighborhood Council are in favor of charter schools in the community.
- The Neighborhood Council opposes the subject site for any school for several reasons: The Site is immediately adjacent to the freeway exposing students to poor air quality.
- This is contrary to LAUSD policy regarding the location of new schools.
- The commercial building is surrounded by at least ten industrial uses that could expose students to unknown hazards.
- Some of the environmental documents were prepared by experts hired by the applicant.
- An environmental impact report should be required for this project.
- The Neighborhood Council has not had the opportunity to review the Air Quality Impact Analysis that is part of the case records.

Communications Received

SUPPORT LETTERS AND E-MAILS: Council District 15 provided a letter of support for the project. The Planning Department has received 18 letters and/or e-mails supporting the school. The letters provided similar reasons for supporting the project as those from the Public Hearing testimony. The letters added the following comments:

- The Magnolia Academy is committed to accommodating children's health needs as recommended in the case documents and will monitor the interior air quality. The recommended air filtration system will address the pollution concern. They will also provide Physical Education class in parks away from the freeway. Considering this information the students at the new location will have better air quality than the surrounding schools.
- The Magnolia Science Academy adheres to a strict code of academic performance not provided in the public schools of the surrounding area.
- The Magnolia Science Academy provides a safer environment that is free from guns, drugs and class disruptions compared to the public schools of the surrounding area. These are much more significant problems in this community.
- The public schools in the area have low academic performance records; high drop-out rates; have poorly maintained facilities; fail to provide enough books and computers; the curriculum does not provide enough exposure to sciences, technology or the arts; and the safety of the students is not fully addressed.
- The advantages of the new site overwhelmingly exceed the disadvantages.

OPPOSITION LETTERS AND E-MAILS: Two letters of opposition have been received. The letter from the Harbor Gateway North Neighborhood Council is dated June 30, 2008 and a letter from a constituent discussed the following concerns:

- The area is congested with traffic. The school will add to the traffic levels and hamper access to the freeway on and off ramps. The congestion will impact the access to the residential uses on the south side of Redondo Beach Boulevard west of the freeway.
- Pollution is a very significant issue in this area. Sources are the Harbor Freeway, the high traffic counts with many heavy trucks on Redondo Beach Boulevard and many industrial uses that surround the proposed school site. There are many complaints about noxious fumes from the industrial uses in the area that are not fully addressed.

- The Harbor Freeway is immediately west of the proposed site and major on and off ramps are on the south side of Redondo Beach Boulevard across from the School.
- The proposed site is surrounded by a minimum of 10 industrial uses. Some generate fumes, (the paint and body shops).
- Prevailing winds blow over the school site.
- The environmental documents are prepared by companies hired by the applicant.
- During the first phase, adults will be attending classes in the same building as 6th and 7th grade students.
- The proposed WesPac Jet Fuel Pipeline will pass in front of the proposed school on Redondo Beach Boulevard. This underground pipe will carry jet fuel from the ports in San Pedro to Los Angeles International Airport. This pipeline is being considered by the City of Los Angeles, Board of Transportation with a recommendation from the DOT. (Note: The review of this project has been continued until sometime in 2009.)

Hearing Officer Comments The Magnolia Math and Science Academy, a public certified chartered school is strongly supported by the Council Office and the general public. The opposition from the Harbor Gateway North Neighborhood Council was considered, however the speakers stated that the Council provided a recommendation without having the information listed in the MND or supplemental Air Quality Impact Analysis. The letter from the Neighborhood Council is dated June 30, 2008, the Air Quality Impact Analysis is dated July 14, 2008 and the MND is dated October 13, 2008. The Charter School will not introduce negative impacts to the surrounding area. The Charter School will relieve overcrowded LAUSD schools and foster an enriched learning environment for those students enrolled. The applicant indicated that they have performed extensive outreach to neighbors. This was apparent with the show of support of neighbors who praised the Charter School's intended program.