

Agenda Item:	IV C: Action Item
Date:	March 14, 2024
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“ <b>MPS</b> ”) Board of Directors (the “ <b>Board</b> ”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead(s):	Patrick Ontiveros, General Counsel & Director of Facilities Mustafa Sahin, Facilities Project Manager Katrina Tomas, Assistant Project Manager
RE:	Adoption of Resolution #20240314-01 & Initial Study and Negative Declaration

**1. Action Proposed:**

MPS Staff moves that the Board, as the Lead Agency and in compliance with the California Environmental Quality Act (“**CEQA**”), approve and adopt Resolution #20240314-01, which approve the Magnolia Science Academy—5 new construction project located at 7111 Winnetka Avenue (the “**Project**”) and approve the Initial Study and Negative Declaration (“**IS/ND**”) prepared for the Project.

**2. Purpose:**

The purpose of this recommended action is to adopt the CEQA documents prepared for the Project in accordance with CEQA requirements and MPS Board procedures. At its February 8, 2024 meeting the Board adopted “Procedures Implementing California Environmental Quality Act (Effective February 8, 2024)”.

**3. Overview of CEQA Procedures:**

The IS/ND was prepared by a consultant at the direction of MPS Staff and in consultation with its land use advisors and legal counsel. Upon completion of the IS/ND, Magnolia Staff filed a notice regarding its intent to adopt the IS/ND with the California Office of Planning and Research’s CEQAnet database on February 12, 2024, which included a copy of the IS/ND, a Notice of Intent to Approve the IS/ND, and other required forms. Magnolia also filed a notice regarding its intent to adopt the IS/ND with the Los Angeles County Clerk and in a newspaper of general circulation serving the site of the MSA-5 Project for a thirty-day public notice and comment period running from February 12 to March 13, 2024, during which time the IS/ND was available for review on the Magnolia website. A copy of the notice is attached as Exhibit B.

As set forth in the IS/ND, “[the] document includes an Initial Study (IS) and Proposed Negative Declaration (ND), prepared pursuant to the California Environmental Quality Act (CEQA) for the Magnolia Science Academy Project (Project). In accordance with Section 15070(a) of the CEQA Guidelines, a proposed ND may be prepared for a project when an IS shows that there is no substantial evidence, in light of the whole record before the agency conducting the environmental review, that the project may have a significant effect on the environment. [The] ND has been prepared in accordance with CEQA, (Public Resources Code [PRC] §21000 et seq.), and the CEQA Guidelines (Title 14, California Code of Regulations, §15000 et seq.). Magnolia Educational & Research Foundation dba Magnolia Public Schools (MPS) uses the Environmental Checklist Form in Appendix G of the CEQA Guidelines.”

#### **4. Analysis:**

The Project does not require discretionary land use approvals from the City of Los Angeles as its zoning allows schools, like MSA-5, by right. Moreover, the particulars of the Project, including square footage, number of students and other features, do not trigger any City of Los Angeles land use approvals such as a site plan review. CEQA analyses are typically undertaken as part of a discretionary land use approval.

Since the Project will be funded by an award from the Office of Public School Construction (the “**OPSC Award**”) under its Charter School Facility Program, the California Department of Education (“**CDE**”) must provide approval for the site. CDE requires a CEQA analysis for project approvals. Since there is no other public agency to oversee the analysis, MPS Staff prepared the requisite analysis and determined that a Negative Declaration is appropriate for the Project. A Negative Declaration indicates no significant environmental impact. As provided in the IS/ND, “[b]ased on the information and analysis provided in the Initial Study, MPS has determined the Project will not have a significant effect on the environment.”

The IS/ND summarizes the extensive due diligence that was performed for the Project which include the following:

- Air Quality and Greenhouse Gas Study
- California Natural Diversity Database Search
- Energy Calculations
- Phase I Environmental Site Assessment (with review and approval by the Department of Toxic Substances Control)
- Noise Study
- Transportation Assessment

#### **5. Significance for MPS:**

Adopting the IS/ND will allow MPS to apply for and receive final site approval from the California Department of Education.

#### **6. Budget Impact:**

All costs and expenses relating to CEQA procedures for the Project, including the costs of conducting environmental analyses and preparing reports, to the extent possible will be

paid for with the proceeds of the OPSC Award. To date, MPS Staff estimates that it has spent approximately \$75,000.00 on expenses related to the IS/ND.

7. **Exhibits:**

- a. Resolution #20240314-01
- b. Initial Study and Negative Declaration (“IS/ND”) prepared for the Project.

## Exhibit A

Resolution #20240314-01

### MAGNOLIA PUBLIC SCHOOLS

#### RESOLUTION ADOPTING AN INITIAL STUDY/NEGATIVE DECLARATION FOR THE MAGNOLIA SCIENCE ACADEMY 5 PROJECT, AND APPROVING THE PROJECT

**WHEREAS**, Magnolia Educational & Research Foundation dba Magnolia Public Schools (“**Magnolia**”) is a non-profit organization operating public charter schools in Southern California;

**WHEREAS**, Magnolia has acquired or will acquire real property and proposes to demolish an existing building and construct a new two-story school facility at 7111 Winnetka Avenue, Winnetka, CA 91306, which is intended to serve a total of approximately 460 middle school and high school students (the “**MSA-5 Project**”);

**WHEREAS**, prior to proceeding with and commencing the construction of the MSA-5 Project, Magnolia has complied with the procedures set forth in the California Environmental Quality Act (“**CEQA**”) and its own related procedures as lead agency by carrying out an initial study to determine whether the MSA-5 Project will have any significant adverse environmental effect;

**WHEREAS**, a draft Initial Study and Negative Declaration was prepared by Meridian Consultants on behalf of Magnolia in January 2024, which concludes that the MSA-5 Project will not have a significant adverse effect on the environment (the “**IS/ND**”);

**WHEREAS**, the Board of Directors of Magnolia (the “**Board**”) has thoroughly reviewed and agrees with all facts and conclusions set forth in the IS/ND and intends to adopt the IS/ND and approve the MSA-5 Project;

**WHEREAS**, Magnolia filed a notice regarding its intent to adopt the IS/ND with the California Office of Planning and Research’s CEQAnet database on February 12, 2024, which filing included a copy of the IS/ND, a Notice of Intent to Approve the IS/ND, and other required forms;

**WHEREAS**, Magnolia filed a notice regarding its intent to adopt the IS/ND with the Los Angeles County Clerk and in a newspaper of general circulation serving the site of the MSA-5 Project for a thirty-day public notice and comment period running from February 12 to March 13, 2024, during which time the IS/ND was available for review on the Magnolia website;

**WHEREAS**, during the public comment period, Magnolia did not receive any public comment or other significant information that would alter its consideration of the IS/ND or approval of the MSA-5 Project;

**WHEREAS**, Magnolia has considered adoption of the IS/ND in the light of all the testimony and evidence presented at or prior to the close of the public meeting, including any letters, reports, comments, analyses, etc. which Magnolia has critically reviewed and provide appropriate response, if any;

**WHEREAS**, on March 14, 2024, the Board held a duly noticed public hearing to consider any and all testimony, written or oral, related to the final IS/ND; and

**WHEREAS**, Magnolia, after reviewing and considering the IS/ND for the MSA-5 Project, takes the following actions.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The Board reviewed the draft IS/ND and all information contained therein prior to deciding whether to approve the MSA-5 Project, which reflects the Board's own independent judgment as to the matters described therein and adequately addresses the expected environmental effects of the MSA-5 Project.
2. The Board finds that there is no substantial evidence from which it can be fairly argued that the MSA-5 Project will have any significant impact on the environment.
3. Based on the findings set forth above and on the record of the public hearing held on this date, the Board hereby approves and adopts the IS/ND for the MSA-5 Project and certifies that the IS/ND is an adequate and complete document prepared in compliance with CEQA.
4. The Board hereby approves the MSA-5 Project based on the entire record before it, and authorizes and directs the CEO & Superintendent, or his designee, to take all necessary and desirable steps to carry out and complete the MSA-5 Project.

###

PASSED AND ADOPTED by the Board this 14th day of March 2024, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

RECUSE: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The undersigned Board Chair does hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board at its meeting on the above date and by the vote above stated, which resolution is on file in the office of Magnolia.

Board Chair

\_\_\_\_\_

Exhibit B

NOTICE OF AVAILABILITY AND INTENT TO ADOPT  
AN INITIAL STUDY AND NEGATIVE DECLARATION

(See Following Page)



## **NOTICE OF AVAILABILITY AND INTENT TO ADOPT AN INITIAL STUDY AND NEGATIVE DECLARATION**

Pursuant to the California Public Resources Code and the “Guidelines for Implementation of the California Environmental Quality Act of 1970” as amended to date, this notice is to advise you that Magnolia Educational & Research Foundation, dba Magnolia Public Schools, has prepared an Initial Study and Negative Declaration for the following project:

**Project Title:** Magnolia Science Academy 5 Project

**Lead Agency:** Magnolia Educational & Research Foundation, dba Magnolia Public Schools

**Project Location:** 7111 Winnetka Avenue, Winnetka, CA 91306

**Project Description:** The proposed project includes removal of the existing single story office building to construct a two-story charter school facility to accommodate a total of 453 middle school and high school students.

**Summary of Proposed Project Findings:** The analysis provided in the Initial Study and Negative Declaration concludes that this project will not have a significant impact on the environment.

**PUBLIC REVIEW PERIOD:** The Initial Study and Negative Declaration will be subject to a thirty (30) day public review and comment period, after which the Board of Directors of Magnolia Public Schools will hold a vote to approve it at the next regularly scheduled or special meeting of its Board of Directors.

**DOCUMENT AVAILABILITY:** Copies of the Initial Study and Negative Declaration are available for public review from 9:00 AM to 5:00 PM at the Magnolia Public Schools Home Office at 250 E. 1st St., Ste. 1500, Los Angeles, CA 90012. These documents are also posted on Magnolia Public Schools Website for review at <https://www.magnoliapublicschools.org>.

**COMMENT DEADLINE:** Comments on the Initial Study and Negative Declaration should be addressed to Julio Colomba at 655 University Ave., Ste. 150, Sacramento, CA or sent by facsimile to (916) 646-1300 or by email to [jcolomba@ymclegal.com](mailto:jcolomba@ymclegal.com). The comment period will commence on February 12, 2024, and all comments must be received by March 13, 2024.

**PUBLIC MEETING:** Following the public comment period, the Magnolia Public Schools Board of Directors will hold a public meeting to vote on approval of the Initial Study and Negative Declaration. This meeting is presently scheduled to occur on March 14, 2024, at 7:00 PM and will be held at the Magnolia Public Schools Home Office at 250 E. 1st St., Ste. 1500, Los Angeles, CA 90012. Please check the Magnolia Public Schools website <https://www.magnoliapublicschools.org/> for updates and further information on attending the meeting. For any questions regarding this meeting, please email [board@magnoliapublicschools.org](mailto:board@magnoliapublicschools.org) or call (213) 628-3634 Ext. 21101.

Date: February 12, 2024

By : Patrick Ontiveros, General Counsel & Director of Facilities